



CANADA

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, November 5, 1996**

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

Tuesday, November 5, 1996

The House met at 10 a.m.

Prayers

## ROUTINE PROCEEDINGS

[English]

### GOVERNMENT RESPONSE TO PETITIONS

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

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### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if the House gives its consent, I move that the 28th report of the Standing Committee on Procedure and House Affairs, presented to the House on September 25, concerning the associate membership of various committees, be concurred in.

(Motion agreed to.)

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### PETITIONS

#### IMPAIRED DRIVING

**Mr. Dan McTeague (Ontario, Lib.):** Mr. Speaker, I am pleased to present today a petition which was signed by 1,825 individuals living in the Durham region of Canada, the fastest growing region of the country.

The petitioners call on Parliament to proceed immediately with amendments to the Criminal Code which will ensure that the sentence given to anyone convicted of impaired driving causing injury or death reflects both the severity of the crime and zero tolerance by Canada toward this crime.

• (1010)

[Translation]

### QUESTIONS ON THE ORDER PAPER

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I suggest that all questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

\* \* \*

### REQUEST FOR EMERGENCY DEBATE

#### LIEUTENANT-GOVERNOR OF QUEBEC

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, under Standing Order 52 of the House of Commons, I wish to request that an emergency debate be held regarding the reprehensible actions of Quebec's lieutenant-governor, Jean-Louis Roux.

Given the role conferred on him by section 65 of the Constitution Act, 1867, and in light of his unacceptable, unjustifiable, and unspeakable behaviour during the second world war, we in the Bloc Québécois are of the firm opinion that Mr. Roux is not able to carry out his duties as lieutenant-governor of Quebec in a dignified manner.

We believe that, having worn the swastika and taken part in a demonstration whose stated purpose was to wreck the offices of *The Gazette*, during which endeavour damage was done to businesses belonging to members of the Jewish community, Quebec's lieutenant-governor, Jean-Louis Roux, cannot carry out his duties as representative of Her Majesty the Queen without prejudice to the people of Quebec.

In particular, the lieutenant-governor has expressed no regret for over 50 years, having made no public apology to Quebecers, Canadians and the Jewish community.

I would therefore ask that you consider favourably my request for an emergency debate.

#### SPEAKER'S RULING

**The Speaker:** My dear colleagues, I received a letter this morning from the hon. member for Laurier—Sainte-Marie asking that an emergency debate be held.

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For now, it seems to me that the question raised by the member for Laurier—Sainte-Marie is part of an ongoing debate. The Chair therefore feels that additional consideration is not urgently required.

I must therefore deny the request of the Leader of the Official Opposition for the time being.

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## GOVERNMENT ORDERS

[English]

### CANADA-ISRAEL FREE TRADE AGREEMENT IMPLEMENTATION ACT

The House proceeded to the consideration of Bill C-61, an act to implement the Canada-Israel free trade agreement, as reported (with amendment) from the committee.

**Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, it is a pleasure today to debate Bill C-61, which is in keeping with our government's commitment to work with Canadian industry to ensure that we work on behalf of Canadian industry in removing tariff and non-tariff barriers to trade in markets that are of concern to Canada. Quite clearly this free trade deal with Israel is an area that Canada has worked on over the last number of years. It was with great anticipation in some industry sectors that Canada actually started the negotiations to remove the tariff barriers to trade. The Prime Minister initiated these discussions with the former prime minister of Israel in 1994. Some people have asked why Canada would want to conclude a free trade deal with Israel. Why is Israel an important state? At committee we were told that the trade figures are not so high as to make this an obvious priority.

• (1015)

The Canadian government proceeded in 1994 with the initial discussions with the Israeli government. A number of Canadian companies, many resident in the province of Quebec, were having great difficulty competing in the Israeli market. This was happening because the United States and the European Union had entered into free trade arrangements with the state of Israel.

In many cases Canadian businesses found their products were in a less competitive position than they would have been. They were not getting the preferential tariff treatment that goods provided from the United States and the European Union were getting because of the free trade deals that had been negotiated between those partners.

The Canadian government felt that this market, although small, was where Canadian companies could grow. It was a market in the

Middle East where we are extremely interested in expanding trading and investment activity.

The House knows the importance of trade to Canada. Anyone who has been here or has worked in industry recognizes that the health of the Canadian economy, the jobs that must grow in this economy, are going to come by encouraging our incredibly competitive companies in the sectors in which they operate to look abroad for new markets. As most people in this House know, maybe some outside do not know, Canada is the leader in the G-7 countries with respect to our percentage of GDP that comes from trade.

The job creation record of this government since it came into power a few years ago shows that over 600,000 jobs have been created in the economy. Most jobs are related to trading activities, not just with the United States and Mexico but abroad. It is the fundamental belief of the government that if we want to see the economy grow, want to create jobs for Canadians from coast to coast to coast, then we must be outward looking, we must work with companies and other governments to ensure that those companies have an even footing when it comes to competing in foreign markets.

This was clearly the case with Israel. The agreement was signed in July 1996 after an almost unprecedented level of consultation with Canadian industry. I will refer to that very briefly.

We have in Canada what are called sectoral advisory groups and international trade. We also have groups with the provinces. Starting November 23, 1994 when the news release first came out literally dozens of meetings—I have pages of meetings—that took place with various sectoral advisory groups leading up to July 31, 1996 when it was announced that Canada and Israel had signed the free trade agreement.

Quite clearly this was not done on the back of a matchbook. It was a very complex set of negotiations. There were some areas which the Israeli government was very slow to move on but our negotiators were firm in their resolve. We were flexible in our approach but at the end of the day we knew that in order for Canadian companies to be competitive in the Israeli market Canadian companies had to be dealing on a level playing field.

With the special treatment afforded the United States and the European Union it meant that Canadian companies could not be as competitive as they had to be in order to get those contracts, service that market and create jobs in Canada.

I remember hearing a member from Quebec tell us a real story. A lot of times the bureaucrats will tell us that this has to be done for this or that reason but this was a real story. It was about a company in Montreal that was exporting into the Israeli market. Its problem was that it could not compete with American produced goods because of the preferential tariff afforded under the U.S.-Israel free trade agreement. The company did as much processing of the product in Canada as it could and then shipped a semi-finished

product to the United States. In that way the value add could be done in the United States and those goods would then qualify under the rules of origin in the U.S.-Israel free trade deal. Those goods then could be shipped into the Israeli market as U.S. goods. That meant real jobs for Canadians.

• (1020)

We understand on our side of the House that the Montreal economy for a whole variety of reasons is not performing at the level at which we would like. However, for that one company and dozens of others which employ Canadians who live in and around the great city of Montreal, this bill gives them a level playing field. It means that they do not have to semi-finish their product and ship it to the United States where citizens of the United States gain the economic benefit and employment and the U.S. municipalities, states and federal government get the taxes that go with that type of economic activity. Under this deal that particular company and dozens of others like it can make sure that all of the product and all of the value add is done in Canada and that Canadians get 100 per cent of the net economic benefit for the competitiveness of the product and the entrepreneurship of the owners of those companies.

We went ahead and did that. In the free trade deal with Israel we made sure that it also applies to the Palestinian territories. This has been a concern of the Canadian government, of most members of the House and of most people who are observers of what is going on in the Middle East.

When these negotiations began we had great hopes that the peace process, which was going on in fits and starts, would gain some steam. Indeed, Canadians and most people around the world were very happy with what had happened as the peace process gained some steam and that the former administration in Israel had started to make some real progress toward eliminating some of the outstanding issues and solving some of the problems so that at long last the world there would be peace in the Middle East.

One of the things Canada said from the very beginning was that if a free trade deal was negotiated with Israel, it was absolutely fundamental that goods that were produced in the occupied territories should also benefit from the preferential tariff that free trade would bring. Indeed, it has been the government's intention from the first meetings that took place with the Israelis that the Palestinian authorities would also be consulted to ensure that any benefit that accrued to Israel would also accrue to goods produced in the Palestinian territories.

All through that peace, and most particularly starting on January 12, 1995, Canada's chief negotiator was speaking with senior Palestinian officials to ensure that they understood that we had negotiated the CITA, the Canada-Israeli trade agreement, in princi-

### *Government Orders*

ple and that the benefits would be extended to goods produced in the West Bank and Gaza as was agreed to in the earlier meetings and teleconferences that senior overseas officials had with the Palestinian authorities.

Again, in July and August the head of the mission in Israel had met with senior ministers in the Palestinian authority to ensure that they knew full well the terms and conditions of the Canada-Israel free trade deal and reaffirmed Canada's commitment to enact the necessary regulations after this legislation was ratified through the House and Senate of Canada so that the Palestinian territory would be included in any benefit that was given.

Again in September a commercial counsellor from our embassy and our second secretariat met with senior Palestinian ministers of the economy and trade and deputy ministers to provide a hard copy of the Canada-Israel free trade agreement.

On October 20 Ambassador Berger, a former member of this place, made sure that if the Palestinian officials had any questions that the questions were properly couched so our officials could respond appropriately to any concerns that they had.

On October 27 meetings took place because the Canadian government was very concerned about some comments that had been made during the legislative process that somehow the Palestinians were excluded from the benefits of this deal.

• (1025)

Nothing could be further from the truth. As we speak meetings are going on in the occupied territories, in Palestine, which have been co-sponsored by the Palestinian ministry of trade and industry and the Canadian government via the Canadian embassy in Israel. The object of the meetings is to try to disseminate information to Palestinian businesses about the benefits of this free trade deal for goods that are produced in the occupied territories by Palestinian entrepreneurs.

All through this peace process the Canadian government has been extremely clear that it has always been its intention that any economic benefit that accrues to goods produced by entrepreneurs operating out of Israel proper would also be extended to entrepreneurs for goods produced in the occupied territories.

To ensure transparency I should tell the House about another thing we have done. At committee the other day, on behalf of the government, I gave the committee a number of undertakings with the assumption that the House passes this legislation, the Senate deals with it in an appropriately hasty fashion, it is proclaimed in law by the end of the year so we can live up to the timetable of the agreement and have it enacted on January 1, 1997.

In order to provide members of the standing committee with the assurance they needed that this deal will apply to the occupied

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Palestinian territories, I have agreed on behalf of the government to do three things. First, I have agreed to put the draft regulations to the House committee, which is unusual because the regulations would normally be gazetted after the bill was passed at the end of December.

The committee has deliberated and added to our understanding and discussion of not only the economic circumstances surrounding this deal but also of the larger geopolitical circumstances within which this deal has been constructed. I would hope that by next week the members of the standing committee on foreign affairs would have at their disposal the draft regulations so they can satisfy themselves that after this bill is passed into law, the regulations will do what the officials said they would do, which is de facto extend the benefits of the Canada-Israeli free trade deal to the Palestinian territories.

Second, on behalf of the government I have undertaken to file the letters we have received to date from the Israeli authorities with the clerk of the committee thus making them public documents. These letters indicate that the Israelis understand and agree that this deal applies to the Palestinian territories and for the purposes of this deal they will treat any goods produced in the occupied territories the same and give them the same passage as if they were produced within the sovereign state of Israel.

We have a letter from the Israelis on file, which we will reconfirm. It indicates quite clearly that they will do what they have to do with respect to rules of origin but they will do what they have to do under this deal to ensure the goods produced in the Palestinian territories flow seamlessly through Israel and into the Canadian market, and vice versa that goods which are covered under this deal from the Canadian market will flow seamlessly through Israel and into the occupied territories.

That is a very strong document which has legal force. It is an undertaking from one government to the other to not impede the goods that are produced in the occupied territories or that are produced in Canada and destined for the occupied territories.

It is also our hope that by that time we will have a letter back from the Palestinian authority with whom we are in almost daily contact. We hope the letter expresses agreement that the benefits and terms of the Canada-Israeli deal do indeed flow into the occupied territories.

All of those letters will be made public when they are deposited with the clerk of the committee. Then the members of the foreign affairs committee who have raised some very good suggestions and legitimate concerns will be able to examine in the light of day how everything we said would be done to extend this deal to the territories indeed will have been done.

• (1030)

We must not lose sight of the fact that this deal first and foremost has been done not to benefit the Israelis, not to benefit the Palestinians, but to benefit Canadian companies that are active in that region.

We must recognize that there are very major and disturbing issues which are yet to be settled in the Middle East with respect to the peace process in Israel, the status of the West Bank and Gaza. However, to date nobody on the Palestinian side has told us this is not a good deal, that it should not go forward and that they do not want the benefits of the Canada-Israel free trade deal to be equally applied to goods produced in the Palestinian territories.

We on the government side continue at the diplomatic level and government to government to encourage the Israeli government to put the peace process back on track. To date we have done everything we can in meetings and discussions between our foreign affairs minister and heads of state to indicate quite clearly it is Canada's desire that the peace process which was started and seems to have faltered of late be put back on track. It is the logic of the Canadian government that it is only through peace in the Middle East, no matter if they are Palestinians or Israelis, no matter who they are, that they will be able to live to their full potential. The region will be able to grow and stability will be long lasting when the outstanding issues with respect to the peace process are determined.

Canada continues to support a very strong effort by the international community. We are part of that community. We are part of the effort to see the peace process concluded properly.

At the same time we know that for the Palestinians, those individuals who seek to have their political situation defined properly in the international context, who seek peace and for the Israelis who seek peace and security, that once this is all done, peace and security will only be long lasting if the economic potential of the region is realized. Then the individuals, Palestinians, Israelis, or whoever they are will be able to live and to prosper in the region with the type of jobs and wealth that are required for internal and external stability.

This free trade deal is timely. We believe in spite of the fact that the peace process appears to have slowed, that the benefits which are in this deal are not one sided. The benefits, because they will apply equally to the goods produced in the occupied territories and Israeli goods, will be working on a parallel track to the peace process. As peace comes to the Middle East we will have a greater economic input in building the required economic stability for all the states concerned.

Those who have been critical have said that the timing is bad. The timing may not be the way we wanted it but it still is timely. For those individuals who are living in the occupied territories and find themselves cut off from international trade, even though we do

not do a great deal of trade, this is an opportunity for them to find new markets in Canada. For Canadian companies that are working in the Middle East, this gives them equal access. It gives them a level playing field so that their goods can compete on an equal footing with European goods and with goods from the United States in the Israeli market.

Further, as this free trade deal gets implemented, more and more Canadian companies will become involved in that market. It will open a window of opportunity for further trade in all of the European countries and further investment by Canadian companies in industries in Israel, in the occupied territories, in Egypt, in Jordan, in all the states in the Middle East.

In conclusion, it is my hope that the consensus we seemed to have in this House at second reading will continue at report stage and third reading of this bill. I hope we will be able to dispatch this bill to the other place. I hope when it does get to the other place that they recognize that this bill has been carefully crafted. It has taken over two years of negotiation. It is supported by over 20 different sectoral advisor groups on international trade which the government has put up.

• (1035)

First and foremost, the agreement will give Canadian companies operating in the region a level playing field. It will give them equal access to those markets with their American and European counterparts. In the long term it will assist in some small way in ensuring that once the peace process is concluded, that Canadian companies and Canadian investment will add to the stability of the Middle East.

[*Translation*]

**Mr. Benoît Sauvageau (Terrebonne, BQ):** Mr. Speaker, I thank the parliamentary secretary for his speech. You will, however, see in the next few minutes that the government has not earned an honourable mention for today's speech.

First of all, I must point out that the government added the bill to the order paper at the last minute yesterday evening, very likely on the assumption that, since all of the members of the Standing Committee on Foreign Affairs and International Trade were out of the country on committee business, discussion of the bill this morning would not pose too much of a problem.

I would point out to them, however, that we are here and are well informed on the issue, so we too will be able to contest the stuff and nonsense we have just been treated to.

Let me begin by stating that we are totally in agreement with the Canada-Israel free trade agreement. We in Quebec are part of a free trade Canada. We will not oppose the principle of a free trade agreement between Canada and Israel. However, contrary to what

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the parliamentary secretary has just admitted, we are in a position to ask some questions about its timing. He says this is the right time. We, on the other hand, believe that it could not be a worse time for the ratification or implementation of such an agreement.

On October 9, I rose in this House in support of Bill C-61, the purpose of which was to implement the Canada-Israel free trade agreement the Government of Canada rushed to sign on July 31 last with the government of the State of Israel.

In that speech, however, I regretted the fact that everything surrounding the agreement had been kept secret and that there had been an unacceptable lack of consultation in the matter. I also referred to the dissatisfaction of Quebec's top of the line women's swimwear industry.

While my views are the same concerning the reservations expressed during second reading, I still believe that having a free trade agreement may be beneficial to the Quebec and the Canadian economy, and that this agreement will no doubt increase trade between our two countries.

The Bloc Québécois is in favour of free trade, free trade agreements in general and of course the free trade agreement with Israel, but always at the appropriate time.

Since our first debate on Bill C-61 on October 9, I have now realized that the government is trying to get this agreement through as Parliament quickly and discreetly as possible. This raises many questions. If this agreement is so wonderful, why is the government trying to implement it on the sly, as it were? Because this agreement is becoming increasingly controversial from the political point of view. That is why.

Hon. members will agree that this morning's third reading is foolishly being rushed through, at a time when all members of the Committee on Foreign Affairs and International Trade, who heard a number of witnesses on Bill C-61 and are very well informed on this topic, are outside the country on committee business. Too bad for the minister and the parliamentary secretary: there are still a number of members in this House who know all about this issue and the protests that were heard before the committee.

These witnesses who came before us on October 29 told us, first of all, that the coming into force of the agreement on January 1, as proposed in Bill C-61, was a mistake. First, because it was not the right time to implement the agreement now that the peace process in the Middle East is in worse shape than ever before.

• (1040)

Arab groups also pointed out that this free trade agreement was perceived by many Arabs, in Canada and in the Middle East, as a sign that Canada supported the actions of Israel and the government of Prime Minister Benjamin Netanyahu. If this free trade

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agreement were to come into force at this time, according to them it might even endanger the peace process in the Middle East.

As for the situation of Palestinians in the occupied territories—the agreement will automatically apply to the occupied territories as soon as it comes into effect—its stability is very fragile. Witnesses told us that the Palestinians do not even control their own territory, much less their economy, which means that today, to apply the Canada-Israel Free Trade Agreement to Palestinian territory would be to recognize the albeit illegal control the State of Israel has over the Palestinian people.

The occupied territories are at this very moment practically in a state of war. That is what professors, Arab representatives and entrepreneurs came to tell members of the Standing Committee on Foreign Affairs and International Trade. Interestingly, these witnesses had never been consulted previously by the department. After listening to this testimony, which put a different light on the matter, we tried to move amendments to Bill C-61, but to no avail.

Our goal, which was shared by many, including Liberal members, was to defer the implementation of the agreement until two conditions had been met. First, the peace process had to be well under way. It seems to me this is commendable.

Second, the negotiations between the State of Israel and the Palestinian authorities on the future of the occupied territories had to be completed. This amendment to clause 62 of Bill C-61 reads as follows. This is the text of the amendment presented by the Bloc Québécois to the committee reviewing Bill C-61:

No order may be made by the Governor in Council under subsection (1) unless he has been advised by the committee of the House of Commons to which foreign affairs matters are normally referred that the committee is satisfied that

(a) the Government of the State of Israel has taken satisfactory steps to implement the agreement;

This is already in Bill C-61.

But we added the following:

(b) that the peace process between the State of Israel and the Palestinian authorities is well under way.

I will demonstrate in a moment that this amendment to the bill is completely consistent with the Canadian government's foreign policy. We are therefore justified in wondering why they voted against something that was consistent with their own policy.

And,

(c) that the negotiations between the State of Israel and the Palestinian authorities on the political status and economic development of the West Bank and Gaza Strip indicate that these two territories are about to gain effective control over their economic and internal affairs.

The chairman of the Standing Committee on foreign Affairs and International Trade ruled this amendment out of order for procedural reasons, on the basis that the changes were outside the scope of the bill.

We would also have liked to amend the preamble to the bill. You realize that, with the agreement having already been signed by the government, no changes can be made to the wording of the agreement per se. This in itself is quite frustrating, in a parliamentary system that claims to be democratic, for an elected representative like myself who does not have a say until it is too late to make any changes and the agreement has been signed.

We would have liked to amend the preamble since that is the only part of Bill C-61 that we are entitled to change. But, again for reasons of lack of consistency with the spirit of this agreement entered into quietly by the parties, we were told changes could not be made.

A clause might have been added, as suggested by some witnesses, to deal with human rights and democratic principles. The Bloc Québécois considers it is essential that fundamental rights be respected, and such a principle should be an integral part of any agreement like this Canada-Israel free trade agreement.

• (1045)

The Minister for International Trade felt and still feels that the protection of human rights has no place in a free trade agreement, even though the free trade agreement between Israel and the European Union contains an interesting clause in this regard: "The relations between the parties, as well as all the provisions in this agreement, are based on respect for human rights and the democratic principles that underlie their domestic and international policies and constitute an essential part of this agreement".

If such an amendment to the Canada-Israel free trade agreement had been proposed, we would have supported it right away, but we were prevented from putting it forward by the committee on foreign affairs and international trade.

A provision on the Canadian government's commitment to the Middle East peace process could have been included in the preamble. Our government could have used this provision as a moral benchmark for its future actions in that part of the world.

A clause on Canada's foreign policy regarding the occupied territories would have been quite appropriate. I will get back to this glaring contradiction in the agreement a little later, but for now I will just point out how the Canadian government has violated its own foreign policy by signing the free trade agreement with Israel, since it also applies to the occupied territories.



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The Canadian government has always maintained that these territories are illegally occupied by the State of Israel and that the Palestinians should be the ones in charge.

I will now quote Canada's foreign policy on the situation in that part of the world: "As far as the occupied territories are concerned, Canada does not recognize the permanency of Israeli control over the territories occupied since 1967 (the Golan Heights, the West Bank, East Jerusalem, and the Gaza Strip) and opposes any unilateral measure to determine in advance the results of negotiations, including the establishment of new settlements in the territories and unilateral measures to annex East Jerusalem and the Golan Heights. In Canada's opinion, these measures contravene international law and undermine the peace process".

Further on in this policy, the Canadian government addresses the rights of Palestinians, and I quote: "Canada recognizes that the legitimate rights of Palestinians that must be exercised in the context of peace negotiations, including the right to self-determination, must be respected".

This is not interference. It is simply consistency in foreign policy. We are in agreement with it, but when we asked the Liberal government to observe its foreign policy, we met with a categorical refusal.

We are in favour of establishing trade ties with the State of Israel and the Palestinian people. But we do not feel this is the right time to implement the Canada-Israel Free Trade Agreement, given the present very worrisome situation in the Middle East.

We are aware of the commitment the Canadian government made to the State of Israel by signing the free trade agreement last July 31. But we feel that the political and social context is no longer the same as when the Canadian government began its negotiations with the State of Israel. Nor is it the same as when the agreement was finalized and signed.

Furthermore, even the Israeli government in power has changed. We cannot deny the negative impact on the peace process of the death of former Israeli Prime Minister Yitzhak Rabin, almost exactly one year ago.

For some months now, the Middle East peace process has been taking a turn for the worse. Negotiations have practically come to a standstill. Exchanges of violence have continued since the opening of the Jerusalem tunnel last September. Recently, the Israeli government approved an increase in its budget, apparently in order to bump up the number of troops at the border with Syria in the event of war.

Spending related to Jewish settlement went up by 90 per cent recently, although it is known for a fact that the principal source of disagreement between Israelis and Palestinians has to do with Jewish settlements. The situation is far from ideal and the imple-

mentation of the agreement in this context is far from appropriate. It is true that the government feels that this agreement can help the peace process by increasing trade.

• (1050)

That is what we thought also, but some very well informed witnesses have explained that, on the contrary, the timing of the agreement will be harmful instead, and will convince the Palestinians that Canada is siding with the Israelis, contrary to its foreign policy. Let me repeat, we are not against the Canada-Israel Free Trade Agreement, but we do question its timing. The worrisome situation in that part of the world is obvious to anyone who watches the news.

What are we to do if the peace process is not successful in the medium term? This is a legitimate question, and my answer is that, for once, we must question the type of economic partner Canada wants to have.

What is more, it is our opinion, as it was the opinion of the Canadian government in its foreign policy statement from which I have already quoted, that the government of Israel is occupying the Gaza Strip and the West Bank illegally, in flagrant violation of international law.

How, then, can we approve having the agreement apply automatically to these territories, without the Palestinian authorities' accepting the Agreement, and particularly without the Palestinian people's having total control over its territory and its economy, so as to reap the full benefit of this free trade agreement?

The government tells us, as the parliamentary secretary did in his speech, that it is pursuing negotiations and exchanging letters with Palestinian leaders. It seems to me that instead of ratifying so quickly the Canada-Israel Free Trade Agreement we could wait for the completion of these processes. We will be able to study the letters and regulations and adopt a more enlightened position on the issue.

During the last committee hearing, the parliamentary secretary came in with a new card in hand, saying: "The official opposition members of the foreign affairs committee have brought forward very good arguments in the last few hearings, so there is something we forgot to tell you. It is true that we have now been in negotiation for more than a year. It is also true that we forgot to consult several groups, so some of them came to see me. We forgot to inform you that we had an exchange of correspondence with the Palestinians that we will make public after the vote on Bill C-61".

He also said: "It is also true that we forgot to tell you about some regulations but we intend to make them public after the debate on Bill C-61 in the House. Do not worry, you will see that we did some good work. Have no fear, you will see the documents but we cannot show them to you immediately because we have not had time to

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prepare them. We forgot to tell you about them, but we are informing you now”.

This took place no later than one week ago. Why did the Liberals bring forward new arguments just a few days before the debate on Bill C-61 in this House? They knew very well that the present situation would not help them and that the lack of consistency of their foreign affairs policy would not help them either.

Therefore, they had to use some pretty “bright” subterfuge in order to get us to say: “Listen, support this agreement, support Bill C-61, then we will make public the letters exchanged between the Palestinian authorities and the Canadian government. Then, we will make public the regulations designed to include the Palestinian people, or at least to ensure they fully benefit from this free trade agreement. Do not worry.”

But, given what we have seen for three years, for those who have known the Liberal Party over the years, there is reason to be somewhat concerned, at least a little concerned when we are told after a few months, a few years of negotiation: “Afterwards, you will see all the documents, all the papers.” Why were we told that the first time only last week? This also is a little strange.

As I said, if we are given those letters, we will be able to analyze them and to have a more informed discussion. It is true that, until now, Palestinians have not opposed the application of the Canada-Israel Free Trade Agreement in their territory.

• (1055)

They probably feel that this agreement is an unexpected opening onto a foreign country and therefore can help them. It is exactly for this reason that Palestinian authorities must be part of the negotiations and that their situation should not be dealt in their absence with the Israeli government, as the Canadian government is trying to do now.

This is such a current issue that this very morning, the French and English dailies contained articles dealing with the Canada-Israel Free Trade Agreement. I quote a report from Associated Press entitled “Call to Israel’s Boycott as the Cairo Summit approaches”, from which I will read some brief excerpts. It is a very relevant report that appeared this morning in *La Presse*.

It reads as follows:

The Egyptian Union of Chambers of Commerce has called on its members to boycott Israel and to refrain from all bilateral or multilateral co-operation with it, including with the State of Israel.

Further on, it reads:

We reject any economic co-operation with Israel so long as a global political settlement has not been reached in the Near East.

That was said by the representative of the Egyptian Chambers of Commerce.

Later on, the article stated:

Palestinian manufacturers decided to boycott the economic summit by way of protest against Israel’s sealing off their territories, which is choking their economy.

The same kind of report can be found in English newspapers in Canada today and probably everywhere in the world. This is no secret. Liberals tried to keep the negotiations secret for a lot of things, but this is no secret. The Palestinian situation is now well known.

Moreover, as mentioned in these articles, one must keep in mind the situation in the occupied territories. For the time being, the Israelis are controlling the territories and their economy. Since February 1996, the territories have been sealed off almost permanently, preventing Palestinians from harvesting their crops and even working.

According to an American study, Israel is using this border-closing policy to prevent the influx of competitive Palestinian farm products and manufactured goods on the Israeli market, thus hampering all attempts of the Palestinian economy to take off, and increasing its dependency on Israel’s economy.

We can only presume that the free trade agreement will make the situation worse, increasing Israel’s control over the Palestinian economy. On the other hand, it should be noted that the economic life in the occupied territories is nearly at a standstill. Foreign trade has just about disappeared. The economy is working at only 3 or 4 per cent of its capacity and, this spring, the unemployment rate was between 60 and 70 per cent in the Gaza Strip and between 40 and 50 per cent on the West Bank, not to mention a very tense climate and numerous violent flare-ups.

The same article went on to say, and I quote:

According to a report published last week by the UN, as a result of the repeated sealing off of the territories, the Palestinian GDP has dropped by 23 per cent over the past four years, and the per capita income has declined by 39 per cent over the same period.

To conclude, we are questioning the coming into force in the occupied territories of the free trade agreement signed by Israel, as long as the Palestinians have not agreed to it and the Palestinian people are not in full control of their territory and economy.

We believe that this is not the time to implement such an agreement now that the peace process has been stopped and is in very bad shape indeed. As long as we are not convinced, as we mentioned in our amendments, that the explosive situation in the Middle East has been defused, we believe that the coming into force of Bill C-61—and consequently of the free trade agreement—should be at least delayed. We believe that the coming into force of this agreement on January 1st, 1997, and the passing now

of Bill C-61 send the wrong message to Canadians, the world in general and the Arab world in particular.

• (1100)

Given the evidence we heard on October 29 and the new developments, and since Israel is preparing for war by releasing new funds for this purpose, we would think that, on the contrary, our intervention at this critical point in time could have a negative impact on the peace process.

It would be much better to encourage the Israeli and the Palestinians to seriously negotiate the restoration of peace in the Middle East and, meanwhile, to suspend this agreement, which could favour one of the two parties involved.

We must put pressure on the Israeli government to respect international law and therefore the Palestinian people. The Canadian government must have the political courage to put the agreement on hold. The Bloc Québécois, and probably the Reform Party, would support such an action. The Bloc Québécois totally disagrees with the approach chosen by the Liberal government for the signing of free trade agreements. The secrecy, the lack of consultation are totally unacceptable and contrary to what we are being told.

It is unacceptable that the Canadian government would negotiate and sign free trade agreements by itself and without any transparency. This is what the federal government did in the case of the Canada-Israel agreement and it is doing the same thing for the Canada-Chile agreement, which is now being negotiated.

Once the text of the agreement is published, it will be too late to change it because the agreement will already have been signed. What a remarkable democracy! Then they will ask this House to discuss the Canada-Chile free trade agreement, as they are doing now for Israel, saying: "The only element you have the power to change is the date of coming into force". And even on that point, the Liberal majority in committee will decide if the date should be modified or not.

Even if the Liberal majority decides, according to its convictions and just as it did at the Standing Committee on Foreign Affairs and International Trade, to postpone the date the agreement comes into force, it will be very simple, they will only change the players. The government takes the knowledgeable players and puts them on the bench, puts them aside, then sends in people who have not heard about this free trade agreement because, as hard working as they are, as sharp as they are, they are part of other committees and have other issues to examine. The government sends them to raise their hands in committee and say: "Agreed".

They were not present at previous committee meetings. They did not hear witnesses, they have only influenced the government party's decision, as opposed to the beliefs of men and women who were sitting on the foreign affairs committee and who had to be

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replaced at the last minute so that the international trade minister could have his bill passed clause by clause.

Even the clerk had to be replaced so that another one could come and tell us that our amendments were out of order, even though our amendments were totally compatible with clause 62 of the bill.

It is relatively simple. What we were supposed to put forward dealt with the coming into force of the Canada-Israel free trade agreement, that is: Is the timing appropriate, given the current situation in Israel and the occupied territories? We are sending a signal to that part of the world that Canada is going against its foreign policy as defined by the government, not by us, as this is not the position of the official opposition here but the position of the Canadian government.

Does the Canadian government want to send a signal to the rest of the world that it believes everything is well with the Palestinians, everything is well with the Israelis, everything is well in that part of the world, and that now we can sign a free trade agreement, do business with everybody involved, even though Palestinians have no control over their economy, even though Palestinians have no control over their territory, even though the peace process has been significantly disrupted? No.

According to the Canadian government, this position is a figment of the imagination of the official opposition, this position is unrealistic. News bulletins, newspaper articles must have been made up, they must not be true. And we, the Canadian government, they say, are prepared to send this signal to the entire world, that is, that we can do business, no matter what the situation is, with that part of the world. That is what the Bloc Québécois wonders about.

• (1105)

We will continue to ask questions to the government party before supporting Bill C-61. I want to repeat that we totally agree with a Canada-Israel free trade agreement, but only at the appropriate time.

[English]

**The Deputy Speaker:** It is the turn of the Reform Party, but the hon. member for Esquimalt—Juan de Fuca is not here. Perhaps Reform members might indicate who is intending to speak for their party on this issue.

**An hon. member:** Question.

**The Deputy Speaker:** I hear a call for the question. I think there is normally a courtesy that, speaking on debate, we might give a moment or so to the other party to come. I have a point of order. We will hear it while we wait to see if someone is coming from the Reform Party.

**Mr. Campbell:** Mr. Speaker, I wish to speak on debate. I wanted to speak to the question, with your permission.

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**The Deputy Speaker:** As the parliamentary secretary and others will know, there is a provision for a speaker from each party to speak at length on a matter.

I wonder if somebody from the Reform Party might indicate to the Chair whether somebody is intending to speak.

**Mr. Hermanson:** Mr. Speaker, there is someone intending to speak. He is not here yet. I understand the Bloc has another speaker who is prepared to speak to the bill.

**The Deputy Speaker:** The hon. Parliamentary Secretary to Minister of Finance has the floor.

**Mr. Barry Campbell (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, I am very pleased today to rise to speak in support of the Canada-Israel free trade agreement.

As members know, trade is extremely important to this country. One third of the jobs in this country are dependent on exports. As members may know, every \$1 billion in trade translates into 11,000 jobs.

We should never underestimate the importance of trade to this country. This government, recognizing that, has made several efforts to enhance trade opportunities for Canadian businesses.

First, members will be aware of the several trade missions that the Prime Minister has led to various parts of the world which have resulted in billions of dollars in contracts translating into tens of thousands of jobs in this country.

Those trade missions and the success of those trade missions help to explain why Canada has led the OECD in job growth. This government has also taken other steps in the trade area, notably, promoting trade liberalization through the GATT or the WTO as it is known. Canada has led the multilateral effort for trade liberalization.

This government has taken the initiative in promoting freer trade bilaterally in the NAFTA, adding Mexico to the negotiations that are ongoing with Chile which may well in time lead to a bilateral free trade agreement with that country and South America, and lately the bill we are speaking on to implement the Canada-Israel free trade agreement.

• (1110)

With respect to Israel, Canadian businesses have been at a distinct disadvantage. Israel and the European Community have a free trade agreement, and so does Israel and the United States. That means Canadian businesses wishing to export products to Israel are at a competitive disadvantage.

This trade initiative will level the playing field, leading to enhanced trade and investment opportunities for Canadians doing

business with Israel. This deal will also give Canada a foothold in the Middle East, maintaining us as a player in fostering free trade in that region and enhancing economic relations with an important part of the world. Canada, through negotiating this treaty with Israel, shows its readiness to embrace new and emerging economies in this trade liberalization effort. Members should not lose sight of the fact that the Canada-Israel treaty will be a model for other treaties with other countries in that region.

Members opposite have raised a number of questions and a number of questions are out there that we should respond to. One of those questions is why free trade with Israel, why at this time. Let me remind members that when we are talking about the Middle East we must not lose sight of the fact that the State of Israel is the only democracy in the Middle East, a vigorous democracy at that. We need only reflect on the very hotly contested Israeli elections this past spring to recognize what a vigorous and vibrant democracy is the State of Israel today.

While others may wonder why not free trade right now with other countries in the Middle East, we must remember that Canada would not enter into free trade arrangements with countries which are not members of the WTO, the World Trade Organization, and it is only Israel in that region of the world which qualifies.

I repeat that free trade with Israel will provide a level playing field and respond to the disadvantage that Canadian business has been under in not having free trade access which its American and European competitors have in that area. The free trade agreement with Israel can certainly be a model for free trade agreements with other countries of that region when they join the WTO.

There are members in this House and people in this country who ask whether it is wise to benefit Israel at this time. They are concerned about events there, as we all are, and they ask that question. I want to respond with a couple of points.

First, I want to point out that the initiative, the impetus, the genesis of this agreement is Canadian business. It is not the State of Israel that has come to Canada and asked for the advantage of free trade. It is Canadian businesses that have come to the Canadian government and said that in the efforts to liberalize trade, let us do something in an important area of the world, the Middle East, the gateway to enormous business opportunities for Canadians. Let us end this comparative disadvantage they have vis-à-vis their American and European counterparts by negotiating a free trade agreement. The initiative is from Canadian businesses and the primary benefit is to Canadian businesses.

Second, I would like to focus on the fact that this treaty is remarkably important not only for the trade and investment opportunities it provides but for the fact that the benefits of this treaty will extend to the Gaza and the West Bank. This initiative of extending the free trade agreement to the Gaza and West Bank was a development that the Canadian government undertook and is

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indeed one that caught our American friends by surprise, so much so that they have now very recently extended their free trade agreement also to Gaza and the West Bank. Canada has been a trailblazer in this aspect of the treaty which I think will provide real economic benefit to people not only in the State of Israel but in the West Bank and Gaza.

• (1115)

I point out that the Government of Israel has taken all steps required under the treaty to extend the benefit of the treaty to the West Bank and Gaza. I have seen the letter and members will have undoubtedly heard about it. If not, I draw their attention to a letter from Natan Sharansky, the minister of industry and trade, the Government of Israel, to the Minister for International Trade, our minister responsible for this treaty.

The letter confirms that the Government of Israel supports the principle of the extension of this treaty both inbound and outbound to the Gaza and West Bank territories. That is extremely important. For those who wonder if the benefit of this treaty will ever extend to those regions, they need only look at this document. It illustrates that Israel is doing everything it undertook to do in the treaty as negotiated.

Notwithstanding that, there are members in the House who say this is not good for the Palestinians or it is not good at this time. I find it ironic that Canadian politicians can be so presumptuous in telling the Palestinian authority what is good for it. The Palestinian authority and the Palestinian people in the West Bank, Gaza and elsewhere are in a position to tell us whether or not this agreement is in the interests of the people who live in the West Bank and Gaza. There has been no official comment to the Canadian government that this treaty is not appropriate at this time, that it is not desirable. Quite to the contrary. We should take note of that.

Members should recognize this treaty for free trade between Canada and Israel provides remarkable opportunities not just for Canadian business but also for Canadians to continue to be significant participants in economic and other developments in an important region of the world.

There would be no other way for the people of Gaza and the West Bank to have the benefit of free trade, as there is no Palestinian state and there is no other state in the Middle East that could qualify for free trade with Canada at this time. This additional provision of the agreement, its extension to Gaza and the West Bank, is a remarkable opportunity to enhance economic opportunities for people in those regions.

I urge members on all sides of the House to wholeheartedly support this free trade agreement for the benefits it provides, for

the opportunities it provides to Canadians including Canadian exporters, for the opportunities it provides for Canada to maintain an important role in an extremely important part of the world. I urge hon. members to support this bill.

**Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, my hon. colleague has spoken about the benefits of the free trade deal, both for Israel and for Palestinians in the occupied territories.

I know he was probably listening in the lobby. The spokesperson for the official opposition indicated many times during his speech that somehow the government should stop this process because it was not in the best interests of the Palestinians. The member who just spoke mentioned some documents which clearly indicate that the Canadian government has been in constant dialogue with Palestinian authorities.

I would like the hon. member's comments about what I said in committee the other day. I said that sometimes some of us in public office believe we have to speak for everyone as if no one other than us has a voice. In this case, is it his belief that the Palestinian authorities have had ample opportunity to express their viewpoint particularly if they were opposed to this deal because it was not in their best economic or political interests?

I would like to hear his comments with respect to the seminars, which are apparently being held this week jointly sponsored by the minister of industry for the Palestinian authority and the Canadian embassy officials from Israel.

• (1120)

**Mr. Campbell:** Mr. Speaker, I welcome the opportunity to elaborate on what I said. Numerous contacts have been made, as I understand it, with the Palestinian authority. The Palestinian authority has been briefed and informed by our ambassador as to the free trade agreement and is well aware of the fact that it is now being debated before this House.

I do not think any of us should doubt the capacity of the Palestinian authority to weigh in, as it does from time to time, on issues that are of concern and importance to it. That is why it is so ironic to find some members of this House concerned about the impact of this particular initiative at this time on the Palestinians or the Palestinian authority. We should afford them the respect they deserve in their ability to speak in their own self-interests.

There are ongoing discussions as the parliamentary secretary mentioned. Continuous economic consultations between our embassy and Palestinian representatives are ongoing notwithstanding the fact that we are in the midst of debate and hopefully in very short order will be passing this important trade agreement.

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I thank the parliamentary secretary for his comment and the opportunity to elaborate.

[Translation]

**Mr. Benoît Sauvageau (Terrebonne, BQ):** Mr. Speaker, I would like to ask a few questions to the hon. member who spoke after me. Questions which, I believe, are fairly simple and to which I hope to receive simple and clear answers.

First of all, I would like to make a comment. Through its parliamentary secretary, the government said that seminars would be held this week between the Department of International Trade and Palestinian authorities, when we are expected to deal with Bill C-61 today. Would it not be better to have these seminars or meetings before instead of after?

Now, here is my simple question: Could the hon. member tell us whether, according to him and his government, Palestinians control their economy and their territory?

[English]

**Mr. Campbell:** Mr. Speaker, there have been numerous meetings between the Palestinian minister of economy and trade and various others with respect to this agreement. We are not just starting that process; this has been ongoing. The Canadian ambassador to Israel, who is also responsible for the West Bank and Gaza, has had numerous contacts over the last year with Palestinian authorities on this trade agreement. This is not something we are just starting right now.

The second issue again raises the question of who should speak for the interests of the Palestinians in the West Bank and Gaza. I assert emphatically that it is the Palestinian authority and it can tell us how it feels about this. The Palestinian authority's actions speak volumes about the importance it sees in this treaty for the West Bank and Gaza.

[Translation]

**Mr. Osvaldo Nunez (Bourassa, BQ):** Mr. Speaker, I listened carefully to the hon. member and I agree with him that one third of the jobs in Canada depend on international trade. However, I do deplore the lack of information. Hon. members were not kept abreast of the negotiations leading to this agreement, and unfortunately we now have the same problem with respect to the negotiations between Canada and Chile.

I asked the Minister of International Trade for a progress report, but all we got was one briefing with a public servant, who did not answer all of our questions. As hon. members, we should be better informed about such negotiations.

I also deplore the fact that this Canada-Israel agreement does not include any social provisions to protect workers, as is the case in NAFTA or the Canada-Chile agreement. These two agreements provide for parallel agreements on labour and on the environment,

which are missing from the Canada-Israel agreement. In my opinion, such social provisions are needed to protect Israeli, Palestinian and Canadian workers. I would like to hear your reaction in this regard.

• (1125)

[English]

**Mr. Campbell:** Mr. Speaker, it is the nature of the negotiations that members are briefed as soon as a deal is arrived at. It would be pointless to brief people on a deal that had not been concluded. Once that took place there were several meetings and debriefings for the opposition caucus. There have been hearings before the committee. There have been discussions at length and questions which have been responded to.

With regard to the other social charter type issues, there are ongoing negotiations within the WTO of which Israel is a member. I point out that no other country in the Middle East is a member of the WTO.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, it is a pleasure today to speak to Bill C-61 dealing with the Canada-Israel free trade agreement.

Although we support the agreement, I believe we have let down the people of the Middle East, the Israelis, the Palestinians and the larger Arab nations of the region with this agreement. Its roots held great promise and possibilities for improving the socioeconomic conditions for the Palestinian people which is absolutely integral for peace for that is part of the major problems addressing and affecting the terrible situation in the Middle East.

It is unfortunate that what we have seen in the last couple of months has nearly extinguished the flame of peace. The efforts for peace had been worked on for a long time and culminated in the Oslo accords last year which brought much hope to Palestinians and Israelis. It has almost been extinguished since Mr. Netanyahu and the Likud party came into power last May. Clearly the responsibility for what is taking place there does not rest entirely on their shoulders. It is a responsibility of both the Palestinians and the Israelis.

However, the bulk of what has taken place recently falls squarely on the shoulders of Mr. Netanyahu and his Likud party. He must understand that the health and welfare of the people he professes to help, the Israeli people, is intimately associated with the health and welfare of the Palestinian people. They are two halves of the same whole, whether they like it or not.

The dance of death, destruction and mayhem we have seen for so many years is simply not going to end unless the leaders of the Middle East demonstrate statesmanship, courage, leadership and faith. Without that, there is not going to be an end to the terrible and tragic deaths that have been occurring for ever so long. Indeed, it is

impossible to find any compelling justification for the deaths of Arab and Jewish youths. It is not necessary.

With strong leadership in the Middle East by both Mr. Netanyahu and Mr. Arafat we will find a solution for peace in the Middle East. However, there are a number of things that they must come to terms with.

If Mr. Netanyahu believes that he can foist peace upon the Palestinian people, he is wrong. It will require an extraordinary amount of militarization. He will have to go into the Palestinian autonomous regions and it simply will not work. If he believes that the Palestinian people will somehow capitulate to a stronger Israel and that by foisting their ideals upon them they will back down, he is dead wrong. History has proven that the Palestinian people will not back down until their demands are met. On the other side, it will require a great deal of capitulation by Mr. Arafat and the Palestinian authority to ensure the safety of Israel and Israelis.

Both leaders will have to work together on this issue and both will have to compromise. They are also going to have to look at what happened around the Oslo peace accords as an example of what compromise can effect.

● (1130)

It is also going to require bold moves by Mr. Netanyahu and Mr. Arafat if they are going to arrive at a solution.

There are a few realities that have to be recognized. The first is that the Israeli and the Palestinian people cannot live together. The only way to achieve long term peace is to separate Israel and Palestine. As painful as that realization may be, both sides are going to have to come to terms with it.

There are boundaries and maps which have been drawn by both sides which are not too dissimilar from each other. Essentially, the areas under Palestinian rule are the West Bank, the Gaza strip and the Palestinian autonomous regions. A strong security cord would be drawn around those areas. That is necessary for peace in the region.

Second, Israeli settlements in the Palestinian autonomous regions must be moved to other areas. The Israeli people who are living in these armed encampments must be removed.

A compromise can be achieved if a line is drawn around the West Bank which is contiguous with Israel and the settlers who are in the West Bank and Gaza strip can be moved there. That will be painful for both sides. However, they will probably be able to endure the pain quite easily. It would be a compromise for the Israeli settlers who wish to live in Palestinian autonomous regions and the Palestinian people who do not want to have Israeli armed camps in their midst. It would also defuse tension in these areas.

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The Gaza strip is ready to blow up. We have been hearing that for some time. Now we have an opportunity to defuse the situation in the Gaza strip to avoid further killings. If the Gaza strip blows up we will see bloodshed the likes of which we have not seen for a very long time. That bloodshed will be needless and pointless. It is an avoidable tragedy.

Third, the Israelis have to stop blocking the West Bank and the Gaza strip. That completely blocks the ebb and flow of the Palestinian people. They cannot get to work. It separates husbands from their wives. Sick people cannot get to hospitals. It completely destroys the commerce of the Palestinian autonomous regions.

It is also wise for us to take a look at the roots which have caused such desperation in the Palestinian people, in particular among Palestinian youth in the West Bank and the Gaza strip.

For anyone who has visited that region, one can only be shocked and saddened by the deplorable and wretched conditions under which many of the Palestinian people live. The environment of abject poverty creates desperation. Out of desperation and frustration comes anger. Out of anger comes violence. That is in part why we have seen the Intifada. That is why we have seen Hamas. That is why we have seen, to a lesser extent, Islamic jihad.

These groups have managed to retain their power out of the frustration, the anger and the desperation which these people feel. Therefore economic emancipation for the Palestinian people in these areas is absolutely critical in the peace process. Ensuring that the Palestinian people have their own autonomous state is as important as economic emancipation.

There are two generations of Palestinian youth who are desperate. They are unemployed. The unemployment rate is over 60 per cent in some of these areas.

● (1135)

They have absolutely nothing to lose. When there is a group of people with nothing to lose, then there is a group of people who are desperate and will and have resorted to anything in their means.

Therefore what we need to see—I was hoping that Bill C-61 would enable Canada to take a leadership role in this—is to improve the economic situation in the West Bank. Canada, through Bill C-61, could have put pressure on the Israeli people to enter into bilateral agreements with the Palestinian people to improve the socioeconomic conditions, including health, hospitals, clinics, water and employment in Palestinian areas.

Unfortunately we have not seen that. What we are relying on is the goodwill of Mr. Netanyahu and his Likud Party to actually do this. So far since they have come to power in May we have seen

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very little honest intention to actually work with the Palestinian authority on looking forward to a long term peace.

That was a grave mistake by Canada in not ensuring that this bill address that. Having said that, there are still opportunities. We can work with the IMF, the World Bank, the United Nations to help improve the socioeconomic conditions in the West Bank and the Gaza strip along with, of course, the Palestinian authorities.

However, if we do this, accountability and transparency must take place because there is some disturbing evidence that has come out that elements of the Palestinian authority is misappropriating a great number of funds that are coming through to it. They are not getting down to the people who desperately need this.

If moneys and funds and loans are going to come through and endeavours are going to take place in the Palestinian areas, they must be done with accountability and transparency. If that is not going to take place, then it simply ought not to be done.

The aspect of Jerusalem is a touchy issue but has to also be dealt with. I would propose, as a Roman Catholic, that Jerusalem be made an international sight for the religions of the world. No one single nation, no one single religion is to have control over this sensitive sight. Indeed, it is ironic that the centre, the site, which is so holy to the great religions of the world, would be the cause of so much rancour, so much bloodshed and so much heartache.

It is not the intention of Jerusalem. It is the exact opposite of what it has come to represent. Indeed, perhaps the only solution that we can have to ensure that this site is going to be available to the nations and the peoples of the earth to celebrate their religion is to make that site the United Nations site for the religions of the world, organized and guarded by the United Nations. I cannot see anything short of that taking place.

Another key player in the situation, of course, is Syria and Mr. Hafez al-Assad. No one is actually approaching Mr. Hafez al-Assad directly to bring him into the peace process. It is absolutely essential that this happen, not through intermediaries because in the Middle East the only way there is going to be actual action on this issue is if the leaders of the areas meet face to face.

Working through intermediaries is not going to actually produce any kind of effective, bold moves that are going to move this area into long term peace. Mr. al-Assad indeed as we all know in this House is an absolute key player in the peace process.

For Mr. Arafat's part, he has to be absolutely ruthless with Palestinian terrorists in his midst who are going to try to get rid of Israel, create terrorist activities on Israeli soil or create terrorist activities and terrorize his own Palestinian people.

He must demonstrate to the Israeli government and to the Israeli people that he also is honest in his intention for peace. He cannot work at both sides, as Mr. Netanyahu has done, paying lip service to peace on one hand but on the other hand trying to capitulate to a very hard line element in his midst. He has to demonstrate and go out on a limb and say the dove of peace is more important than the hand of war.

• (1140)

He must be ruthless with his security forces to make sure that he can demonstrate to Israel that he can control them. In September that was not in evidence when the bloodshed erupted in the West Bank and the Palestinian autonomous regions. Mr. Arafat did not demonstrate that he could control his security forces. It is absolutely essential for Israel and the Israeli people to have that comfort that these forces can indeed be controlled.

In the end, the ultimate solution with regard to the Israel-Palestinian situation is that these two peoples, who are very similar in many ways, cannot live under the same roof. They will not live as one country. Therefore both groups, both leaders, both political powers must come to the realization that the only effective, bold, long term solution to peace in the Middle East is going to be Israel and Palestine consisting of a two nation state.

After that I hope that there would be bilateral and economic endeavours, agreements and initiatives between both sides. One of the many existing problems is the massive water problem which few people are taking into consideration. Potable water, particularly in Israel and Palestine, is in critical short supply. This issue affects the people of both Israel and Palestine. Therefore it is important that this issue be addressed co-operatively. This can demonstrate the good will and co-operation that is needed to build bridges between both sides.

Mr. Netanyahu has to take the first step. He has a long way to go to demonstrate that he has the statesmanship of his predecessors, one being Mr. Perez. He must demonstrate to the world, his people and to the Palestinian people that he is committed to the peace process. To do anything less will commit his nation and the region to years of bloody civil strife and conflict with absolutely no movement forward to long term peace.

There is a saying in the Middle East that peace is when a son buries his father, but war is when a father buries his son. For the sake of the children, the sons, the fathers, the daughters and the wives of the Israeli and Palestinian people that the leaders will join hands and demonstrate to their people and the world that they can indeed make the bold moves necessary to finally develop a long lasting peace in the Middle East.

I hope that Canada, a nation that has been a part of every single peacekeeping initiative in the Middle East, a nation of great international respect, can move forward to try to bring these two nations together.



We are fortunate that Mr. Raymond Chrétien has been appointed the UN rapporteur to Central Africa. We have seen the Norwegians display their statesmanship in bringing the Israeli and Palestinians together through the Oslo accords. Canada is capable of doing the same thing. Canada is internationally respected, we have diplomatic power and abilities to try to bring warring groups together under one umbrella to build bridges.

It is not going to cost Canada more money to do this. From a purely self-centred point of view, it is actually going to save Canada and Canadians money through drains on our defence, immigration and international development aid budgets. There is compelling justification for Canada to get involved, to use our existing diplomatic structures to finally bring the Israeli and Palestinian people together but also involve the Syrians, Egyptians and Iranians.

● (1145)

I hope the government will take it upon itself to invest the people we already have in this worthwhile initiative for the sake of peace and the people of the Middle East.

I have a motion to put forward. I move:

That we amend the bill by deleting all the words after the word "that" and substituting the following:

That Bill C-61, an act to implement the Canada-Israeli free trade agreement be not now read a third time but be referred back to the Standing Committee on Foreign Affairs and International Trade for the purpose of reconsidering clause 62 and, in particular, to consider substantially changing the implementation date.

**The Deputy Speaker:** The member was kind enough to show the amendment earlier and it is in order.

**Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, I listened with interest to the hon. member opposite. Obviously he has a great deal of knowledge and an interest to have gained the knowledge of some of the complexities of dealing with the politics of the Middle East.

He quite eloquently described the wish of most Canadians and most people who live in peace around the world that countries such as Canada, which has a tremendous amount of goodwill, uses that goodwill to try to not isolate one side from the other. These countries should try to bring both sides together to make them understand that it is in everybody's interest that peace be pursued vigorously. The plans that have been laid down and the progress that has been made in the past has to be built on. At the end of the day the people who have suffered so long in that region because of wars and hatreds should be allowed to live in peace and to participate in their communities and their economies without fear of retribution, conflict, terrorism and war.

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I agree 100 per cent with what the member said. The disagreement that I may have, however, is in the approach he takes with respect to the bill and how that impacts on it.

The member opposite moved a motion which would put the bill back in committee. This would likely mean that the bill would not be implemented at the beginning of January which is the agreed upon date.

How can the member reconcile what he has just said with respect to Canada using its good name, good offices and its international reputation to try to get both sides together when we would be effectively saying to one side that we have taken sides in this conflict? The Canadian government has made it very clear that it wants this peace process back on track. We have made it very clear that when we deal with the Israeli settlements on the West Bank and Gaza that we do not believe those settlements should be there. It is not helpful to the peace process.

We have implored the Israeli government to get back on track, to get the negotiations going with the Palestinian authorities so that the people, not the politicians, can enjoy peace at long last.

How could he reconcile those statements, which I happen to agree with, with the position that the member's party has taken? The position would be that we would then go in and say to the Israelis: "We are not going to sign the deal that we negotiated in good faith because we do not happen to like the democratically elected government of the day and how it is pursuing a particular peace proposal".

● (1150)

Does the member believe we have such leverage with the legislation that it is somehow going to turn them around or would it be better to continue the dialogue, to ask the Israeli government as strongly as we can, and the Minister of Foreign Affairs was extremely strong on this just a few weeks ago, to get back on track with the peace process?

With the Palestinian authorities, the facts speak for themselves. Members of the government, including myself, have concerns. We want to make sure that we are not advantaging one side to the disadvantage of the other. We have taken pains to ensure that this deal will apply to goods that are produced in the Palestinian territories.

I say this with the greatest respect for the opposition, nobody from the Palestinian side has come back. We have had over a year of discussions with the Palestinians. I understand that they have a larger political agenda and may even agree with the larger political agenda. But they are following a parallel track. They are pursuing the larger political agenda for the Palestinians in the occupied territories. They also recognize that the road to a lasting peace has

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to be built on investment from the outside, markets for Palestinian goods and access to markets.

They have not told us no. If the Palestinian authorities had believed that the best policy Canada could pursue for peace in the Middle East was not to have this deal, not to have the economic benefits accrue to Palestinian enterprises as well, they have had plenty of opportunity to tell us but they have not.

How can the member reconcile his obviously very deeply felt comments with respect to the peace process in the Middle East and the ability that Canada has to leverage its good name with both sides? He is right. We have had peacekeepers in that region forever. Canadians are highly regarded. Is it not a better role for Canada to play, to have these benefits extended to the Palestinian territories, including the West Bank and the Gaza, not just for the benefit of the Palestinians and not just for the benefit of the Israelis. Remember why we have done this. We have done it for Canadian companies.

I have dozens of letters here from Canadian companies that employ people in communities right across the country. They have told us that this is the right thing to do. Some of the companies that have had dealings in the Middle East have indicated to us that the best way that Canada can increase its leverage on the peace process is to have more Canadian companies there, making investments both in the occupied territories and in Israel.

That is how we are going to take the good name that Canada has and that is how we are going to have a better impact by way of influencing both sides to get back to the table and fulfil what seemed to be a promising peace process that was started about a year ago.

**Mr. Martin (Esquimalt—Juan de Fuca):** Mr. Speaker, I thank my hon. friend from the government who always speaks so eloquently in this House.

Basically we are saying very similar things. The intent of the motion is to ensure what the hon. member said, that there are going to be bilateral, co-operative efforts between Israel and the Palestinian people, that the Palestinian people would have free access to markets, that they would have access to the benefits of this agreement and to ensure that there is going to be equity.

The reason why we brought this forward is that the current Likud government in Israel has not demonstrated that it has an interest in developing the peace process in any meaningful way.

Mr. Netanyahu has been giving lip service to the peace process since he came into power in May, saying one thing internationally and doing something very different domestically. That cannot be allowed to happen. We were hoping that Canada would use the bill as a carrot. Canada would say to the Israeli government: "We find your behaviour unacceptable. We have this opportunity here for you, the Israeli people, but also for the Palestinian people, that economic emancipation for both the Israelis and the Palestinians is

absolutely essential for peace. Mr. Netanyahu, sir, you have not demonstrated that since you have come to power and Canada finds it completely unacceptable".

Therefore, here is a carrot to Israel that we can give but we want some demonstration from the Israeli government that indeed they are going to do what the hon. member just suggested.

• (1155)

We want some demonstration that it will ensure bilateral economic agreements with the Palestinian people, that it will ensure free access for the Palestinian people to markets, that it will address the problems associated with the closures of the West Bank and the Gaza strip which have such an enormous detrimental effect on the economy of the Palestinian autonomous regions.

We in the Reform Party put forward this motion to ensure Canada does not take a behind the scenes view but instead demonstrates its intent, interest and eagerness to co-operate. Canada should demonstrate its desire to build bridges between both people through this bill. Again, we want to make sure the bill addresses and helps both the Palestinians and the Israelis, not just the Israelis.

[*Translation*]

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, I am pleased to participate in the debate on Bill C-61, an act to implement the Canada-Israel Free Trade Agreement.

According to the timetable provided for in the bill, this agreement, which was signed in July 1996, will come into effect in January 1997.

What is in this agreement? First of all, this free trade bill is more concerned with goods than services. For example, customs tariffs on industrial products of Canadian or Israeli origin will be eliminated on January 1. Only swimwear—at Canada's request—and certain cotton fabrics—at Israel's request—will still be subject to duty for another two and a half years.

Low duties or no duties will apply to various products, especially in the areas of agriculture and fisheries. These products include grains and their byproducts, beef, maple sugar, alcoholic beverages, and various processed components. Both parties have excluded dairy, poultry and egg products, which will be the subject of future negotiations to further liberalize trade in the agri-food sector.

Like NAFTA, the free trade agreement with Israel provides for a tribunal, a binding dispute settlement mechanism, which has worked rather well so far in the case of free trade with the U.S. and Mexico.

According to the government, the next step is to have the bill passed by Parliament. Should this be done before January, the act

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will come into effect on January 1, 1997. I will get back to the timetable and the process a little later.

I should point out that, according to the Government of Canada, the sectors that will benefit the most from this agreement are the grains and grain products industry, manufacturers of telecommunications equipment, the environmental industry, and other cutting-edge areas. Some sectors are excluded: neither the Auto Pact nor cultural industries are affected.

Other areas of trade such as services and government procurement would continue to be governed by the multilateral rules being established through the World Trade Organization.

This is an overview of the agreement. As we can see, this is a free trade agreement dealing much less with products than with services. This is a first step in increasing trade currently worth anywhere from \$450 million to \$500 million between Canada and Israel.

We in the Bloc Québécois are obviously in favour of free trade in principle. I may remind my hon. colleagues that this has traditionally been the position of sovereignists who, as a matter of fact, strongly supported the implementation of the free trade agreement between Canada and the United States. It was a central issue in the 1988 campaign, with the sovereignists backing a party that advocated implementing the agreement at the time.

Similarly, we supported the free trade agreement later expanded to include all of North America, NAFTA. The purpose of these agreements is to extend free trade zones for the benefit of economies that specialize in areas where they have comparative advantages.

• (1200)

Everyone can benefit from free trade provided that companies adapt and that they can specialize and be productive in areas where the economy gives them these comparative advantages.

That said, the government must not forget that it has responsibilities in terms of wealth redistribution and also regarding the human rights situation, as may be the case in any number of agreements. Trade must be pursued, free trade must be promoted, but not at the expense of our global responsibilities as individuals and as a society.

Speaking of the pro-free trade position held by sovereignists, I cannot help but recall the last campaign fought by the Liberal Party, which now forms the government. At that time, the Liberals were against the free trade agreement with the United States and promised to renegotiate NAFTA.

Today, a few years after they came to power, we see that they have been converted to free trade, obviously inspired by sheer common sense. It makes us very confident in the future to see that

the Canadian people generally seems to understand that there is a future in relations as extensive as possible with different countries, whether it be Israel, as is now the case, or Chile.

Some day we will talk about the expansion or the preservation of the economic zone between Quebec and Canada which is, and I stress it, 135 times more important than trade between Canada and Israel.

What is positive in this agreement? The development of this free trade agreement between Canada and Israel will enhance trade. Trade relations will be increased and there will be increased ties between the two countries. That being said, we should not think this will be enough to influence the State of Israel with regard to the peace process in the Middle East. We must be careful not to jump to such conclusions.

Many people think that the strengthening of economic ties is a good way to influence the internal policy of our trade partners, down the road, because there will be more dialogue. It is desirable, but it is certainly not enough.

We are aware of the position of the Israeli government which is not not facilitating the peace process in the Middle East, far from it. This peace process is very fragile and has not been working very well lately. There might be a perception—and this is important in the political world and in the everyday world—that this free trade agreement between Canada and Israel is some kind of support for Israel. That is the most negative aspect of this agreement.

Speakers from the government side are telling us that we have to understand the difference between the two. This could have been specified through the various amendments moved in committee, by the Bloc members among others. These amendments were aimed at setting out, in the free trade agreement itself, Canada's foreign policy position.

It has to be understood that the agreement applies in the territory of Israel, including the Palestinian territories, and therefore that it will apply also in the territories Israel claims as its own, but that the international community would prefer to have dealt with during negotiations between the State of Israel and the Palestinians. They have not been a party to this process, but they will now be included, and that could be an advantage with this free trade agreement.

It should not be forgotten that, in the Canadian foreign policy, the occupation of these territories is considered illegitimate. The Canadian policy on this issue is that Canada does not recognize permanent Israeli control over the territories that have been occupied since 1967. These territories include the Golan Heights, the West Bank, East Jerusalem and the Gaza strip. Canada condemns any unilateral action to predetermine the outcome of negotiations, including those on Jewish settlements, and to annex East Jerusalem and the Golan Heights. Canada considers these

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actions are contrary to international law and do not in any way foster the peace process.

• (1205)

So, we have two separate policies, one on foreign affairs, and the other one on international trade, that run in different directions. The agreement does not even mention disagreement over Israel's policies. This is a weakness on the part of this government that is to be found in many areas of its foreign policy concerning human rights in general. This is a position of weakness, an acknowledgment of failure and helplessness. It is almost as if human rights are not a concern any more.

In many cases, this government has forsaken the international responsibility it had taken up. It had become a major player in various peace processes. Canada also had acquired an international influence. Today, it seems that we are just giving up. We are hiding behind this effort to make free trade areas wider, and we are claiming this will eventually help us improve situations we would like to change.

We should not be doing this right now, because we are sending mixed signals about Canada's foreign policy concerning the peace process in the Middle East.

Another complaint we have, and it concerns not only this agreement, but all free trade negotiations, is that we are always presented with a done deal, and there is not much we can do except accept or reject the whole thing.

Because of the negotiation process used for these kinds of agreements, Parliament, at least here in Canada, does not have a major influence or impact, and the views of the public are presented by their elected representatives during debate.

This is just a warning because I am sure that we will soon have before us a free trade agreement with Chile and the same negotiation process will have been used. A different approach would probably have given us the opportunity to ask questions or even to amend provisions or add parallel agreements on social issues and the environment, as we did with NAFTA, to ensure that those free trade agreements do not threaten our working conditions or our environment in any way.

There is something wrong with the agreement between Canada and Israel at that level. Maybe we can settle this issue in the future, but for the time being we have to consider what we have before us. I would like to remind the House that we will have to vote on the agreement as a whole and that if Parliament does not pass the bill it will delay the implementation of a very practical and nicely designed agreement which has been negotiated and concluded.

Not giving Parliament the opportunity to have a greater and more direct influence or impact on the negotiation of such interna-

tional agreements is not a very healthy way of doing things in a democracy.

A word of caution. Canada has asked for protection for the swimwear industry under this treaty, which means that duties will remain in effect for another two and a half years. However, the imbalance is due to the fact that Israel can buy supplies from the European Economic Community, pursuant to the free trade agreement it has with the EEC, something Canada cannot do. So, the Canadian swimwear industry will be penalized or be at a disadvantage compared to Israel to the tune of 25 per cent, because Israel has signed a free trade agreement with the European Economic Community.

We should be concerned about the potentially very negative impact this could have on the swimwear industry, in Quebec in particular. My hon. colleague from Terrebonne has raised this issue several times but so far the government does not seem to be very worried. Let us hope that behind this facade the government is at least giving some serious consideration to the impact on the swimwear industry, particularly in Quebec.

The Bloc brought forward a number of amendments and I want to go over them because I believe they make a lot of sense. As a first amendment, we wanted to include, at the very beginning of the agreement, a declaration that Canada and Israel are committed to human rights and the principles of democracy and that their domestic and foreign policies must be based on that commitment.

• (1210)

It was a word for word rendering of clause 1 of the free trade agreement between the European Union and the State of Israel. Canada did not even consider it a good thing to include this clause in the free trade agreement between Canada and Israel. Why? The question is legitimate, since that would have shown somewhere that, while signing international trade agreements, Canada wants to maintain its positive influence on the peace process and send a clear signal to the State of Israel.

There is a second provision, in the suggested amendments, that would have explained that Canada's signing does not sanction in any way the position taken by the new Israeli government towards the peace process. Canada's position is quite clear if one looks at the foreign affairs policy, government papers and government speeches. Thus, why not state it again?

I must remind you that the government does not recognize Israel's control over the Golan Heights, the West Bank, East Jerusalem and the Gaza strip. This could have been mentioned, emphasized and indicated during the negotiations, where both sides wanted to reach an agreement, so that everyone would be reminded of Canada's position on its foreign affairs policy. In this way, trade and human rights would not have been totally disconnected, as the government seems to be doing.

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It is disturbing to see Canada shirk its responsibilities at the world level for the sake of economic interests alone. There are indeed limits to the benefits of economic development if this development is not backed by actions on the part of a government that assumes its primary responsibilities. Economic growth would still exist without the government, that is for sure.

That being said, the government must ensure that growth occurs in an orderly fashion, in accordance with the fundamental principles of society, from redistribution of wealth to equal opportunity, and respect for democracy. We must not abdicate these values, which are the very foundation of the state, simply so that some individual interests can benefit from agreements that could go against collective interests if they are not related to the fundamental workings of the state itself.

This is why the Bloc is worried about the schedule provided for the passing of this bill, although we are deeply in favour of free trade and convinced that there lies the future. Quebec is open to the world and it always has been. In this regard, Quebec has been a pioneer in Canada. Without Quebec, we could very well be only at the ratification stage, or even only at the negotiation stage, of the free trade agreement with the United States. Quebec played a major role in the process that led to the signing of the free trade agreement with the United States. I simply wanted to remind you of that fact in closing.

However, I am reassured by the fact that the present government has finally recognized the merits of free trade. It is reassuring for Quebecers to see that the day they will decide to take over their own political destiny they will have a free trade neighbour that has an interest in its economic development and, for that reason, an interest in negotiating with a partner with which its trade is 135 times greater than its trade with Israel. It is said that the volume of trade between Canada and Israel is about \$500 million, but trade between Canada and Quebec represents more than \$65 billion.

Understandably, under such circumstances, common sense will prevail, but that being said we, as a society, must not forget our responsibilities towards democratic values and human rights. I hope the government does not abdicate those responsibilities.

[*English*]

**Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, I would like to congratulate you, since this is the first opportunity I have had to do so, on your recent appointment. I know that you will add a great deal to the civility of the debate in the House and that you will ensure that members' privileges and rights are properly upheld. Indeed, you will add greatly to the decorum of the House. My congratulations on your appointment. It is long overdue.

My comments to the hon. member opposite again deal with different approaches to the bill.

• (1215)

The first approach obviously has to be that the bill was done not to benefit or to reward the Israelis or the Palestinians for any particular behaviour. It was done because Canadian companies, many of them resident in the province of Quebec had indicated they were having great trouble competing in the Israeli market.

There was mention that the government of late has come to the road of free trade and the member is correct. However, we have always indicated that when trade deals are done, that Canadian interests must be vigorously debated and defended during the negotiations. I think we have done that in this deal.

I am somewhat troubled by the approach by some members of the hon. member's party on this deal that because of the very serious situation in the Middle East we should just forget this, take the two years of negotiations and put the matter on hold until the situation is further resolved.

The member should understand first that the trade deal is meant to give Canadian companies access on an equal footing with their competitors from the United States and the European Union in the Israeli market. He also should know that the deal has been very carefully crafted to ensure that whatever benefits accrue to entrepreneurs and business people and the production of goods in Israel also apply equally to the occupied territories.

The member also knows full well that Canada has been very firm and very strong in its position with respect to the peace process. Indeed, we have used our stature in the international community to try to encourage both sides to get back to the table and deal one on one, face to face and finally put this very tragic issue behind all of us and bring peace to the Middle East.

I have pages of names of companies that deal with Israel. There are companies from Montreal that produce products but if they are destined for the Israeli market, they do not produce all of the product. They send it to the United States for finishing, which means jobs that Quebecers will not have. American workers finish the product so that it can be shipped into the Israeli market under the rules of origin requirement and it is given preferential tariff treatment under the Israel-U.S. arrangement.

Surely the member must know that to further delay this matter means lost jobs in Canadian companies that cannot be competitive. Those companies that have decided they can be competitive have gone south of the border and are literally exporting jobs from Montreal, Quebec, from Dartmouth, Nova Scotia, and from Winnipeg and North Bay. It is literally stopping the job growth there could be if there was a level playing field.

Companies such as Price Waterhouse in Toronto have vigorously supported the deal and indicated that it must go forward. There is Nortel, and the Canada-Israel Industrial Research and Development Foundation which we heard in committee. There is the

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Alliance of Manufacturers and Exporters of Canada. There are Freed and Freed International of Winnipeg; Teleglobe Canada Incorporated from Montreal; Pratt and Whitney in Ontario; and Air Canada. The list goes on and on of Canadian companies that provide jobs in the province of Quebec and throughout the Canadian economy because they are competitive and when they are given a level playing field they can get contracts which mean jobs for Canadians no matter where they live.

In light of all the member has said, does he not see the downside in not proceeding at this point? Does he agree with the position of the Canadian government, that it is by promoting trade, by getting Canadian companies and exporters into the Israeli and Palestinian areas that we will be most able to show the benefits from the normalization of relations in the political spirit as well as economically for the peoples who live in the region?

• (1220)

[*Translation*]

**Mr. Brien:** Mr. Speaker, I would like to come back to certain comments made by the Parliamentary Secretary to the Minister of International Trade.

He said something important in his speech. He said that the trade deal was first meant to give Canadian companies access to the Israeli market. He did say that was its prime objective. I understand that, but what this also means is that the objective of putting the peace process back on track comes in second or worse. Indeed, this is typical of this government for which democratic values and human rights always come in second when the time comes to talk about economic issues in relation to respect for democratic values and human rights.

In a sense, I am happy that he made things clear, but this does not mean that we agree. The parliamentary secretary was clear and frank when he said the agreement's prime objective was to give Canadian companies access to the market in Israel.

He also said that it would benefit Quebec almost exclusively, if we are to go by the list of Quebec companies he read out. I would like to remind him that 80 per cent of our exports to Israel are also food products, such as grain. We know full well that the west will also benefit quite a lot.

Therefore, it should not be said that only Quebec stands to gain. Of course, I am not surprised that companies from Quebec export to Israel because Quebec understood long ago that the economy of the future is turned towards foreign markets and free trade. I do not want to debate this question further, but I am convinced that it is normal that Quebec should export to other countries as well, even countries with which we did not sign a free trade agreement.

The hon. member exaggerated a little when he said jobs would be lost if the coming into force of the agreement was delayed. It is as though people thought that without free trade there can be no trade at all. Wait a minute. There is trade, but it is not as simple. Even if duties are charged, there can be trade.

Let us take the example of Canada and the United States. Three quarters of our trade was already liberalized even before the free trade agreement. So people must not think that there is no trade between countries if there is no free trade agreement. So to say that jobs would be lost if we were to delay the implementation of the agreement is going a bit too far. Perhaps it would delay the job development process, which is a totally different thing. However, as representatives of the people of Quebec and Canada, we must not forget that Canada has a responsibility to protect human rights in other parts of the world.

The adoption of this bill at this moment could be viewed as an expression of support or at least would send a very ambiguous message with regard to the peace process in the Middle East.

If the Liberals want so much to respect or to improve the peace process in the Middle East, then why did they not accept the amendments that were proposed? I remind them that the purpose of these amendments was to include in the agreement, as in the free trade agreement between the European Union and Israel, that Canada and Israel are committed to human rights and the principles of democracy and that their domestic and foreign policies must be based on that commitment.

Such a provision exists in the free trade agreement between the European Union and Israel. The inclusion of this commitment in the deal would have been justifiable, as well as the inclusion of a provision explaining that the signing of this deal does not mean in any way that Canada supports the new Israeli government's position with regard to the peace process where it is not in line with Canada's foreign policy. This could have been mentioned as well.

This way, at least, we would have said that the Canadian government continues to be deeply committed to these values, which are the state's responsibility. But we can see that Canada has reneged on that commitment and that its only objective, as mentioned by the parliamentary secretary, is to secure better access to these markets, whatever the circumstances.

Yes, the role of a government or a state is to promote economic development, but not at any cost.

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, I welcome this opportunity to take part in this important debate today. First of all, I support the amendment proposed by the Reform Party which would postpone the date on which the bill would come into effect and refer the bill back to committee.

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• (1225)

I would also like to say to the secretary of state that I was surprised to hear him refer to the position defended by colleagues on this side of the House as opposing the principle of this agreement. That is not the point.

I know that the Bloc Québécois, speaking for the majority of Quebecers, has supported the free trade principle underlying this agreement. However, this does not mean we cannot say that the fact that these negotiations took place in secret may account for the surprise apparently shown by the secretary of state today.

In the past, Canada has participated in international peacekeeping operations. It has been praised for this. I would say that the Bloc has been proud to participate in developing and, if necessary, maintaining a foreign policy for Canada that is worthy of that past. The government seems to want to sweep this fairly recent past under the rug, as it lists the names of companies that are pressuring the government to adopt this agreement. Is there not something very ironic about all this?

Even in the United States people are starting to disagree with the slogan that what is good for GM is good for the United States. Is Canada now going to say that what is good for a number of large corporations is good for Canada? In an area as delicate and sensitive as the laborious peace process in the Middle East which has now almost ground to a halt, prudence is of the essence.

The government cannot say this agreement is not a signal. It was negotiated in the context of peace building. I may recall this context: men and women put their lives on the line so that both camps, the Israelis and the Palestinians, can visualize peace and reach an agreement. This kind of peace would only be thinkable as part of the development of Israel and Palestine. That in line with this tendency Canada, like the European Union which has renewed its agreement, should initiate and develop a negotiating process to conclude a free trade agreement was entirely normal and in keeping with Canada's history.

However, that Canada, following the latest incidents, regretted by all supporters of the peace process and just a few days before the sad anniversary of the death of Mr. Rabin, after initiating negotiations and seeking to conclude the agreement in this context, should say that this is just a business agreement does not appear to be consistent with what Canadian policy has been so far. Such an agreement cannot be dissociated from foreign policy, even if they would have us believe that it is only a trade matter.

• (1230)

Such a claim is impossible, it is not true. This agreement would not have been negotiated if there had not been a vigorous desire for peace, and if the path toward peace had not been sought and attained, through the Oslo agreements at least.

What does the Bloc want now, then? Not for the agreement to be set aside indefinitely. On the contrary, the Bloc believes that this agreement can be a strong instrument of assistance, without interfering into the internal affairs of either Israel or Palestine, in order to send the message that the peace process is important to us.

This is the reason the Bloc Québécois would have liked to see—and this is a point it raised in committee—the addition to this agreement of a clause that is included in the free trade agreement between Israel and the European Union. Its article I reads as follows: relations between the parties, as well as all of the clauses making up this agreement, are based on a respect of the human rights and democratic principles underlying their domestic and foreign policies and constituting an essential element of this agreement.

With this clause, the European Union can play a role which Canada refuses to play, I repeat, which Canada refuses to play, by signing this agreement, as if there were nothing to it.

Although we agree with the principle of this agreement—even if, as I have said, it was negotiated in secret, as is the agreement with Chile, as well—we have doubts about the timeliness of implementing this bill now. At the very least, we want to see the timing looked into.

We feel this is sending a message which we feel does not coincide with what countries everywhere who are concerned with the Israel—Palestine situation are trying to do in their foreign policies. They are concerned because, this is my feeling, these two peoples, these two nations, have suffered too much for this difficult agreement we have arrived at not to be implemented.

What message would that send? Some claim that the Palestinians had no problem with this agreement. We have asked for proof of this. Until we are given proof to the contrary, however, we have our doubts.

• (1235)

I would also like to mention one surprising point. Earlier, the secretary of state said that businesses want that agreement to be signed as soon as possible and declared that jobs could be lost if we do not facilitate trade with Israel and Palestine.

Well, let me say that such statement seems to conflict slightly, I repeat slightly, with what we have heard in Quebec these past few months concerning the harmful effects of political uncertainty on the economy. I am emphasizing that point because there seems to be two different analyses, two different visions. On the one hand, businesses are in a hurry to see the amount of trade and investments between Canada and Israel increase but, on the other hand, those same businesses are terribly worried about the Quebec situation.

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I would also like to point out that during the NAFTA negotiation process, some parallel agreements were developed on environment and labour. We could call it a social clause process. But there is no such thing in this agreement with Israel, although it would be important.

In conclusion, I will simply say that in this instance they are not striving for such parallel agreements which seemed so crucial to this government. Let me remind you that the Liberals ranted and raved over the free trade agreement, saying it was unacceptable to them; but now, they are promoting the agreement after having reassured Canadians who were concerned about parallel agreements on labour and the environment.

We could question their efficiency but there is a message there. And what message could the agreement with Israel be sending if not that Canada is abdicating its foreign policy, its traditional policy of championing and promoting peace, that it is foregoing the minimum requirements that the European Union demanded concerning human rights and that it is not even asking for parallel agreements like those that accompanied NAFTA. That is why, because the measure would send the wrong message, I will support the Reform Party amendment.

[English]

**Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, I listened with interest and I am a bit surprised that the hon. member has made statements in this House that are patently false. They are not true.

The hon. member would have individuals believe that the government proceeded with this bill somehow through dark corridors in the dead of night and that parliamentarians were not apprised of the process as it was under way. That is simply not true.

It is important when statements are made which are factually incorrect that it is brought to the attention of the House and the people who are watching this debate. Indeed the member opposite asked why with such haste has this bill gone forward. I do not know where she or her party has been of late but this is simply not the case with this bill.

• (1240)

On November 23, 1994, quite a while ago I would say the member, there was a news release. It was not done in the dark of night. It was put on the wire for the English and French press across the country which indicated that the Prime Minister and the late Prime Minister Rabin officially announced the launching of the trade negotiations.

On November 29 and 30, 1994 the chief negotiator for Canada briefed the federal-provincial trade policy committee and invited

input from provincial governments, including the government in Quebec City.

On January 14, the *Canada Gazette* published the official notice requesting submissions from any interested parties.

On January 23, 1995 the Department of Finance wrote 35 companies and industry reps requesting comments and views regarding negotiations, particularly on things like rules of origins. Some of those companies were in the province of Quebec.

There were at least a dozen SAGITs, industry meetings that took place, and those representatives are from the sectoral industries right across Canada.

On June 23, 1995 Agriculture and Agri-Food Canada distributed a working paper on Israel's agriculture and trade to the federal-provincial agricultural trade policy committee and the agricultural food and beverage SAGITs, again representing that particular sector right across the country.

On January 12, 1996 another news release: "Canada and Israel officials reach tentative agreement on the proposed trade deal".

On January 19, 1996 the chief negotiator held a conference call with the provinces. And so on and so on down until June 11, 1996 when the rules of origin negotiated provides update to all of the provinces at the seed trade meetings.

On July 31 a news release was made stating that Canada and Israel signed the free trade deal.

In addition to that, the Bloc Quebecois caucus, the Reform Party caucus, the Liberal Party caucus and anybody who had an interest was offered a briefing by the senior officials who had negotiated this deal.

In addition to that, the Standing Committee on Foreign Affairs, on which we have three members from the Bloc Quebecois, did a vigorous examination of this bill.

The second thing she indicated, which I find misleading, is that the government is hiding something in this bill, otherwise why did it not pass the amendments of the Bloc Quebecois. I will tell the member that if her House leadership, at least those individuals in the research bureau who are supposed to know about proper form and content, would have looked at those amendments that were put at committee they would have found that they were clearly out of order. The reason those amendments were not put and voted upon is they were not in the proper form. They exceeded the scope of the bill. The chairman of the committee, who has as much authority in committee as the Speaker does in this place, indicated quite clearly that these motions were not in order. There was nothing nefarious about that. Nobody changed clerks in the middle of the stream to try to somehow subvert the rights and privileges of members of that committee. It was all above board and done according to the rules.



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The last thing I want to say to the hon. member, which I think is important, is this is about trade for Canadian companies. There are real Canadian companies out there. Some of them may be in Dartmouth, some in Montreal, some in Winnipeg or some in North Bay, as I said before, that are having difficulty accessing this market. To indicate that somehow the Government of Canada has put trade ahead of those other very important issues like peace in the Middle East belies the facts. This government and our Minister of Foreign Affairs have been steadfast in his determination to use the goodwill that Canada has abroad to promote the peace process at every opportunity.

Concurrent with these negotiations and subsequent to these negotiations, the Minister of Foreign Affairs, the Prime Minister and other ministers of this government have made it extremely clear that it is Canada's wish and desire that the peace process continue, that it get back on track and that there is a successful conclusion to those negotiations.

With respect to human rights and other issues that the member has raised, this government has always been concerned about human rights but we fundamentally believe that a policy of exclusion means that if there are human rights violations in any jurisdiction they will only get worse. We do not follow that policy with Cuba nor with a number of other countries. The members opposite agree with the government's policy.

With respect to Israel and human rights, vis-à-vis the Israelis and the Palestinians, the Canadian government has been very clear. We have sent messages to both sides. We have said, in each and every instance, that the solution to the problems in the Middle East and more globally in other nations does not come from a policy of exclusion and containment but from one of inclusion and dialogue. Trade is one of the routes by which we can do that. We have done it successfully in the past and we will continue to do it.

• (1245)

I hope the member recognizes that members of her party have sat on this committee and have contributed a great deal. They understand what this is all about.

I hope that she will correct the record. There has not been an attempt by the government to hide this very public deal.

[*Translation*]

**Mrs. Lalonde:** Mr. Speaker, yes, once the deal was done it was made public. This is not what I meant. What I said, and what the committee members said, is negotiations went on behind closed doors. On the one hand, what the secretary of state has just said does not contradict this.

On the other, what he said about the firm stand the government took with regard to the peace process does not contradict in any

way the fact that endorsing the agreement now will send the message that we support the current policy.

I was happy to hear in what context negotiations started: in the context of a slow and painful peace process which has been very costly for both sides. These negotiations were meaningful then. Even if, as I said before, they went on behind closed doors, everything he said does not contradict this fact. Even if this is the way the deal was done, we agree with it in principle, but we are questioning the timing, and none of his answers are satisfying with regard to the effectiveness of this agreement as far as the current process is concerned.

The European Union will be able to intervene thanks to the wording of the principle. We know that if the situation does not improve, it will do so, whereas Canada will have signed an agreement with no such provisions.

I have too much respect for the peace efforts. I had the pleasure of being in Israel during the implementation of the Oslo agreement, and of witnessing the peace process in action. I was able to see how difficult it was, how deeply rooted in their history the settlers' claims were. And it is because this process is so difficult that countries, such as Canada, who might influence it and help the democratic forces within to respect the Oslo agreement, must keep up the pressure.

[*English*]

**Hon. Sheila Finestone (Mount Royal, Lib.):** Mr. Speaker, first let me say how welcoming it is to see you in the chair. I know you will grace it with honour, with distinction and with a sense of levity as you bring calm, peace and quiet discussion to informed debate. Welcome. I am pleased to see you there.

We are having a very important discussion on the Canada-Israel free trade agreement. I would first ask my own constituency and the people following this debate with so much interest to consider that what I have to say first started with what my colleague, the Parliamentary Secretary to the Minister for International Trade, said so eloquently on this issue before the intervention of the member for the Bloc Québécois.

• (1250)

He outlined in a succinct way the importance and the value of the nature of this agreement in the interests of Canadians. This bill, first of all, was initiated because Canadians wanted a fair and even playing field with the Americans and the Europeans.

We know what it is to have to work to an even and fair playing field with our American colleagues, having been very much a part of the NAFTA agreement. It is good particularly for Canadian businesses in my riding where large companies have to manufacture parts, not be able to complete them and put the value added parts on because we did not have this kind of agreement. We shipped the products to the United States to put a U.S. stamp on

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them even though they had been made here except for the last little value added parts. In that way we could sell them at a reasonable and competitive price.

Second, it is good for Israel because Canada has products that we can sell there. They have products that we can buy here that are of value to us.

Third, it is good for the Palestinians. The Palestinians have, at this point, no exit route for the development of industry that is indigenous to their part of the West Bank and Gaza. There is no World Trade Organization agreement for any of the alliance countries around them. Israel is the only democracy in that area that has accreditation to the World Trade Organization, easily referred to very often by the letters WTO.

The other thing that is so vital for us to keep in mind is that we are Canadians in a Canadian government and we are masters of our own internal relationships. We are not interested in having external input into how we run our business.

Peace, order and good government is fundamental to all countries as they see it and as they determine it. We are not the Israelis, we are not the Palestinians. They, themselves, have to come to some kind of agreement with the help of countries outside their borders which are often there as peacekeepers, as the Canadians have been.

I believe that Canadians have become peace makers. This agreement is a ground breaking agreement with respect to the Middle East, which is a flash point. It could have been a flash point at any point in the history of the world and has so been.

The fact that we put into this agreement an acknowledgement of the place and the role of the Palestinian people, the importance of people working together in business, in trade who will, by just merely getting together talking to each other and knowing each other will in this inclusive environment move that dialogue toward better relationships between people.

We all recognize this in Canada. We are a civil country with civil discourse. There is a country that needs our example. By our very presence in the field of trade and commerce, I believe we bring a very important message. Our peace makers and our peacekeepers, in whom we have great pride, have been in that country for over 26 years. We have the longest history there. We have a degree of credibility, both with the Palestinians and the Israelis. That is an added dimension.

I want to remind the Bloc and the Reform Party that we were the first countries to do business with Cuba, to do business in the Asian-Pacific area, to do business in countries that do not have great relationships among their people, who are not as respectful of human rights as we would like them to be.

I believe fundamentally that when you work with people, when you bring your business culture and your business climate and your business people in and exchange through dialogue and personal relationships, you affect those relationships between the people who are indigenous to that country. You are, by your very presence as a role model, affecting change.

I believe that this agreement, the Canada-Israel free trade agreement, is very necessary for that part of the world, is most important for Canadians and is going to be enabling of the Palestinians.

● (1255)

I was in Israel to monitor the Palestinian elections. I met with many Palestinians. I talked with them in east Jerusalem. I met with them in Ram Allah. They all knew about this trade agreement. Is it not interesting that they knew last year and the other side of the House seems to be just now finding out about it?

My colleague from Dartmouth has outlined all the steps since November 1994 that have been ongoing in the development of this free trade agreement. According to another colleague in the House who is an expert on international trade, it is an extraordinarily well drafted document. I gather the Bloc and the Reform Party acknowledge that, accept that and would like to move forward given the time.

Timing is not up to us. What is up to us is to be present to enable a propitious moment to effect change. Although this free trade agreement is not a reward for Israel it certainly enables Canadians, Israelis and Palestinians.

As an aside, I found it quite rewarding to watch the minister of trade, Natan Sharansky, signing and sending the letter. We realize the world has changed dramatically when we see an immigrant from Russia, an open country, who has been in Israel for barely four or five years and is now a minister. That is a democracy of which we can be proud.

It is the same with many people in this House who have come from very diverse backgrounds. They have come as immigrants to our country and are now here leading our country as ministers. We see the same situation reflected in the values and the democratic principles within Israel. They find themselves in a very different political milieu, political ambience than we are privileged to have right here in this country notwithstanding some of the discomforts and the concerns we presently live with.

It was very exciting to meet with the leadership of the women's movement in Ram Allah. The women talked about the importance of the development of trade links and business, both with Israel and the potential Canadian agreement.

My colleague from Dartmouth pointed out that we have not heard one word from the Palestinians against this accord. We have only heard from members on the opposition benches who seem to be becoming the ministers for international trade for the Palestinian people, which is a most inappropriate role for them to undertake.

I have an addition to my colleague from Dartmouth's chronology. I continue along his outline from November 23, 1994 to July 31, 1996. My addition looks particularly at the role that has been played by the Palestinian people.

In 1995 there were meetings and telephone conversations between Kevin Gore, Canada's chief negotiator and Abu Allah, then Palestinian minister of the economy and still current deputy minister Samir Huelella.

On January 12, 1996 and July 31, 1996 ongoing negotiations were continued. Commercial counsellor Zeisler spoke with deputy minister Huelella and other Palestinian authority trade officials regarding the extension of benefits and requests meetings with Minister Masri to formally present a copy of the free trade agreement.

On September 3, 1996 commercial counsellor Zeisler met again with the new Palestinian minister of economy and trade.

On October 20, 1996 commercial counsellor Zeisler, Ambassador Berger and the First Secretary Barber met with the Palestinians. Again there were technical seminars on November 6 and November 9 on the benefits to the Palestinians under this agreement.

On October 27 there was another meeting. October 28, a letter was sent to Minister Masri elaborating Canada's legislative process. It was faxed on October 29.

The whole outline is one of openness. The ability to be involved in this undertaking is quite exciting and interesting. As a last note, we have given an example to the world. The Americans have decided to follow the route Canada has undertaken with respect to the inclusion of our Palestinian cousins who are found in the area.

• (1300)

I would urge the House to look upon this free trade agreement as positive in the interests of Canada, in the interests of Israel, in the interests of Palestinians and in the interests of forwarding the peace movement.

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

**An hon. member:** Question.

**The Acting Speaker (Mr. Milliken):** The question is on the amendment.

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

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**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Milliken):** All those in favour of the amendment will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Milliken):** In my opinion the nays have it.

*And more than five members having risen:*

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

*And the bells having rung:*

**The Acting Speaker (Mr. Milliken):** The chief government whip has requested that the vote be deferred until 5.30 p.m. this day, at the end of Government Orders. Accordingly the vote stands deferred.

\* \* \*

[*Translation*]

### THE FISHERIES ACT

The House resumed from November 4, 1996, consideration of the motion that Bill C-62, an act respecting fisheries, be now read the second time and referred to a committee.

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, I could say right away that, indeed, I am pleased to rise in this House to speak to the bill of the century, since we are talking here about reviewing legislation that dates back almost to 1868. However, I must say first that the bill of the century is badly structured. I am surprised to see that the fisheries and oceans minister took only 15 minutes in this House, yesterday, to deal with a bill of the century.

You will understand all the fears and all the concern that one may have about such a bill when one sees that the fisheries minister gives so little time to such a bill, the bill of the century.

• (1305)

I could add that, despite the fact that the minister seems to give it so little time, I appreciate the relevancy and the usefulness of reviewing and updating legislation dating back to Confederation. Unfortunately, instead of taking the opportunity to solve the serious organizational problems within the fishing industry, the federal government is presenting us with a bill containing major deficiencies.

I will have the opportunity this afternoon to instruct my other colleagues in the House. The Bloc Québécois hopes that, this time, the Liberal government will be able to show a little more judgment

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and will accept to put partisanship aside to make Bill C-62 acceptable to fishermen. • (1310)

This act being about fisheries, there is a need to get the fishing industry, the fishermen, to see it as good piece of legislation. It is important to do a good job about it, especially if no changes are to be made to the legislation for another century.

I must say that, until such time as major changes have been made to the bill, the Bloc Québécois will oppose the principles set out in this bill for reasons I will explain later.

For the benefit of my hon. colleagues and our audience, I would like to say that Bill C-62 has four parts. Part I deals with fisheries conservation and management; it creates a work system. Part II is about fish habitat conservation and protection, and pollution prevention; it contains a series of measures allowing the legislator to achieve his goal.

Part III is administrative sanctions. Two fisheries tribunals would be established to look after the administration and implementation of the administrative sanctions. Finally, part IV of the bill deals with administration and enforcement. Basically, part IV describes the working of the administration.

I told you how shocked I was when I saw the botched job the government had done with its fisheries legislation. I would like to start my remarks by recalling the three main reasons why Bloc members will vote against Bill C-62 at second reading.

First of all, we disagree with the approach taken by the minister in relation to fisheries management agreements. These agreements are covered by part I of the Fisheries Act. Second, as the bill stands, not enough powers are being delegated to the provinces, which flies in the face of the management agreements provided for in the same act. I will explain a little later.

The third reason why we disagree with and will vote against this bill has to do with Part III concerning the establishment of fisheries tribunals to manage administrative sanctions. These tribunals are a smoke screen that will allow the minister to maintain control over sanctions. Those are the three reasons why the Bloc Québécois will oppose Bill C-62.

I would not want to overlook another reason related to Part II, which deals with habitat conservation and protection, but I will let my colleague from Laurentides tell you about this later. I think that Part II as drafted by the Department of Fisheries and Oceans directly encroaches on environmental matters under the jurisdiction of the provinces, including Quebec. I will let my colleague elaborate on this.

To get back to the heart of my speech, I will try to explain the reasons.

I spoke to you earlier about management agreements. We did not think the minister should propose management agreements. For the benefit of the members present in this House and the people listening to us, I could perhaps quote part of clause 17, whose title is "Fisheries Management Agreements".

Subclause 17(1) provides that:

17. (1) Her Majesty in right of Canada, represented by the minister, may enter into a fisheries management agreement with any organization that, in the opinion of the minister, is representative of a class of persons or holders.

That is to say, licence holders. It is not known whether the clause refers to licence holders or fishermen, but the word "persons" is used.

What I find greatly irritating—and I fear the fisheries sector will feel the same way—is the discretionary nature of subclause 17(1), which specifies right away that fisheries management agreements can only be signed by the organizations or individuals invited to do so by the minister.

In my view, this bill shows a dichotomy. A little further in the documentation on the new fisheries act, a link is made between fisheries management and partnership agreements. Mention is made of a partnership with the fisheries community. Well, partnership should equal transparency. There is an obligation to earn the trust of those they want to work with.

If, at the outset, the minister has the discretion to decide who he will invite to take part in the management agreement, the whole thing seems to be unfair, it is not fair play, as we say in the industry, for the other partners or players sitting at the table. Those people do not know who will be invited and when.

In other words, the minister always knows who will be invited, but at any time he can come out and bring another partner into the management agreement and that is when he could jeopardize the beginning of the partnership set up by the players already involved. This is the first problem.

I want to stress this issue because we are at the very beginning of the revival of the groundfish industry. What I am trying to say about subclause 17(1) will be seen as a precondition to the revival of the cod fishing industry. Let me explain.

The fisheries resource advisory council recommended quotas representing, year after year, close to 10 per cent of the catches registered previously. This means that not everyone will be able to start fishing again at the same time. It means that someone will have to decide who will start fishing and who will go first.

So, the first problem I see with this so-called bill of the century, since the old one was passed 100 years ago and needs to be modernized, is that the minister will have to make a recommendation in mid-December.

How is it that he did not take advantage of the tabling of his bill to at least write a clause somewhere to tell us that the minister or the cabinet, the executive body of government, could establish the rules to determine parameters thereof. There is absolutely nothing on that subject. If we are not able to plan for the short term, it will be at our door tomorrow morning, or almost, how can we expect to live another hundred years with something that is still at the minister's discretion, since the delivery of licenses is still just as discretionary? It was a ministerial privilege.

• (1315)

Fishermen will need to know that and that it is not visible.

I always make a comparison with the reopening of the cod fishery, which many are hoping for next spring, after the moratorium established in 1993 by the department.

When the moratorium was established, the department talked about a rationalization of fisheries. Fishermen said that maybe the way to do so was to make their trade a profession. Fishermen put a lot of work into that issue. There is nothing in the bill about a legislative framework for professional status.

Surely the multitude of officials surrounding the fisheries minister have undoubtedly heard the fishermen's demands; how is it that there is not one iota of this in the bill or a reference to the fact that it will be done soon. No, there is nothing at all.

You will note that I find that, in the first paragraph only, the minister should have mentioned two little things, that is, professional status and a definition of the essence of fishing. He could have told us in this clause how he sees the future, but no, there is nothing about that either.

In the same perspective—and I would like to help people see whether the minister is clear or not and whether he has understood the wishes of the fishing community—when a moratorium was imposed on the cod fishery, fishermen said that, when that fishery would reopen, they would like more versatility. What did it mean? It meant that they would be able to catch different species, which seemed logical to me since there is always a risk of accidentally catching other species.

However, when we are talking about management agreements, we are talking about a group of individuals who will be invited to develop management measures for a particular fishery and to harvest that resource. How will people who are not part of the group be allowed to join in? Will it be by designation or on the minister's discretionary advice? If such is the case, what confi-

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dence will the people who developed the agreement have in this agreement? I am not talking about excluding people. I am just asking how new people will be included in such a group. There are methods for doing that, and I will be happy to give the minister a course on that subject.

I want to raise a second point with regard to these management agreements. Paragraph 17(2)(d) refers to the obligations, responsibilities and funding arrangements with respect to management of the fishery. But just before that, paragraph 17(2)(c) says that Canada or Her Majesty may collect fees for the issuance of licences.

That is exactly what Nova Scotia fishermen are contesting right now with regard to the lobster fishery: the increase in their fishing licence fees. All fishermen in Canada know that fishing licence fees have been raised by 300, 500 or even 1,000 per cent in some cases.

These increases have hurt fishing communities and have had a devastating effect on the economic activity in these communities because that is money taken out directly from their economy.

• (1320)

In clause 17(2)(d) of the new bill, the minister immediately announces that, in order to have access to a particular fishery, you will now have to sign or you will be invited to sign a partnership agreement, but, on top of that, you will have to pay new fees related to management and protection of this resource. As it stands, this does not resolve any of the fisheries' organizational problems, but it does one heck of a job of resolving the department's financial problems.

The minister has come up with this clause, and this bill, to sort out his own problem of organization. He sets up a screen, he appoints a committee, he can add as many players as he likes, and to cap it all he sends them a bill.

What is the benefit to fishermen in all this? How does it help the fishery? I repeat, it is the statute of the century. The last one was written in 1868; it is now 1996 and we are about to be taken to the cleaners.

With respect to financial costs alone, I would like to give the example of the partnership agreements signed last year with respect to the crab fishers in zone 12 of the Gulf of St. Lawrence. Traditional crabbers worked like fiends, I have to say, with Fisheries and Oceans officials over a long period of time. They were working on a partnership agreement.

But last February, the new fisheries minister blunders in and says "That has to go". What happened? He brought in new players. I am not contesting the right of new fishermen to come into this fishery. What I have a problem with is the cavalier manner in which the minister has acted. How can the traditional crabbers in the example

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I have just given trust a minister who scraps a partnership agreement worked out by his own department. He is the boss, after all.

And the crab fishermen. He brought in a new breed of shore fishermen by the back door. I do not have anything against this, but as I said with respect to clause 17(1), there must be a mechanism setting out under what circumstances new players will be allowed to join, something transparent for those around the table.

Imagine, the crab fishermen were preparing, for this year alone I believe, to pay \$500,000 to Fisheries and Oceans in shared management costs. That is a lot of money. These people were going to invest money without knowing how much ministerial honesty and transparency there would be. If history repeats itself, how do you think the fishermen will react? How will they react to the minister's present request for a blank cheque?

I would like to raise another small point. I have spoken of the first item: our position with respect to the way in which the minister proposed the management agreements. I offered you some examples to explain our opposition.

Now, I would like to speak about why we are opposed to the wording of the clause concerning delegation of power to the provinces, delegation I would characterize as insufficient and contradictory.

In this connection, I would just like to point out that, at present, the minister or his department is in the process of working on an agreement in principle with British Columbia, precisely for the purpose of reviewing the division of powers. Yet, with respect to the division of powers referred to in the June press release over the signatures of B.C. minister Glen Clark and the present federal Minister of Fisheries and Oceans, they indicated that everything was on the table and negotiable.

• (1325)

The delegation of power described in the present bill refers only to transferring licensing, with the added bonus of any charges that might be collected.

This is insufficient, if we are going to be coherent with respect to fisheries—and I believe the B.C. Premier was when he said: "Now then, if we want to look at what is happening with respect to fisheries, we must lay everything out on the table: licensing, conservation, administrative rules. Coherence is necessary, for at present, as everybody knows, a live fish is federal, but a dead fish is provincial". We must work to ensure that this industry has all the same tools in its tool chest. When delegating, you cannot delegate just the doorknob; you have to delegate the whole door, with hinges, lock and key.

I gave the example of British Columbia perhaps for fear of being criticized for talking about Quebec all the time. I will remind the

House immediately that, at the Victoria conference in November 1994, Quebec too asked for more power over fisheries.

If time permits, it may be a good idea to remind all the hon. members in this place and the public as well of what Quebec publicly requested and is still requesting, as repeated by Quebec fisheries minister Guy Julien just recently, one or two weeks ago. This public position has been reiterated.

Regarding stocks captured completely and entirely by its residents, which basically means inshore species, Quebec was asking for full administrative responsibility for fish stock assessment, preservation or management policy development and issuing of licences on the basis of allowable harvesting levels, as well as control and monitoring of its fisheries.

To be effective in an area such as this one, you have to take a top-down approach.

Furthermore, it was requested that the related budgets and positions be transferred along with these responsibilities. This is the kind of issue that can easily be settled through the transfer of tax points. The Quebec fisheries minister was reaching out. Looking at the federal minister's bill, I notice that he is trying to resolve some financial problems. But Quebec's proposal would have resolved both these financial problems and structural problems in fisheries.

The other items requested by Quebec were that, regarding underexploited fish stocks and stocks captured by residents of more than one province, the federal government assume responsibility, directly or through special agencies, for resource assessment as well as the control and monitoring of the use made of this resource. As far as these stocks are concerned, the preservation mandate should go to an independent agency with decision making authority set up by the federal government.

The Atlantic provinces and Quebec would designate representatives from their respective industries as well as government representatives to this agency.

Again, regarding the stocks caught by several provinces, point (b) calls on the federal government and the provinces to establish a multilateral process for determining provincial fleets' access to fish resources. In other words, the quotas would be set before the fleets went out to sea. This would be a good way of settling matters, of being proactive. I think this kind of approach is occasionally needed.

Under point (c), Quebec would be responsible for distributing its share of the stocks among its own residents, and receive related budgetary appropriations.

In other words, Quebec's minister of fisheries offered to resolve many of the issues for his federal counterpart as long as he had the powers to do so. In this regard, I am still in a good position to say that the provinces may be better able to resolve fisheries-related problems, since last spring—to get back to the example I used

earlier—the current federal minister of fisheries was unable to even make a dent in the troubles in the crab fishery.

I would suggest that he even poured oil on the fire by refusing to meet with the parties in the fishing industry who could not come to an agreement.

• (1330)

Who restored public peace? Quebec's minister of fisheries, Guy Julien, and New Brunswick's minister of fisheries, Mr. Thériault, who bore the brunt of the fishermen's and factory workers' discontent. The windows of his house were smashed.

It was not his area of jurisdiction but he had to settle the matter himself. If there is any desire to be in the least consistent, when the minister dares—either out of naivete or because people are thought to be foolish enough to swallow such a thing—to draft something like clause 9 on delegation of powers, with its insufficient description of powers, when this spring he needed his provincial counterparts to settle his problems, this is a real shame.

Still relating to the delegation of powers to the provinces, I would also like to draw the attention of the minister, the members of this House and the public, to the contradiction between a desire to delegate powers to the provinces, as stipulated in clause 9, and reference to fisheries management agreements as set out in clause 17.

In clause 9, what is delegated is not the power to issue licences and to collect fees. Clause 17 on fisheries management agreements is not subject in any way to clause 9. Thus, what will those provinces wishing to take advantage of clause 9 have to administer if, in another forum, the federal level, via its present Minister of Fisheries and Oceans, is signing partnership agreements with those he himself designates, and who in his opinion represent the fisheries? What power does he delegate to the provinces? An empty shell.

I am getting carried away, but I see time is flying, and I would not like to leave you without speaking of the third point which is an irritant to myself and the Bloc members, part III of this bill which addresses the creation of a Fisheries Tribunal, which I have just now described as a smokescreen for the minister.

The purpose of part III, as described under the establishment of tribunals, was to prevent Fisheries and Oceans, both the department and the minister, from being judge and jury, in other words, from hearing evidence that a fisherman had committed fraud or violated a fishing regulation and then imposing the sanction right away.

I think that under any civilized system, every accused person is innocent until proven guilty. What is being proposed here is this:

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the fine will no longer be imposed by the regional directors of Fisheries and Oceans, oh no, but by people we are going to appoint. The minister is going to appoint people for a period of three years; he will give them guidelines.

What is the difference between appointing a representative who works under the supervision of the minister according to the minister's guidelines, and the current regional directors of Fisheries and Oceans? I do not see the difference. Perhaps the Liberals do. The difference is that they will be able to appoint their friends to these positions. That is obvious.

In fact, the only two criteria for being appointed judge of these tribunals is—

**Mr. Bellehumeur:** To be a card-carrying Liberal.

**Mr. Bernier (Gaspé):** —to have a good knowledge of Canada's ocean resources or a good knowledge of administrative decision making.

I even heard someone say: perhaps to be a card-carrying Liberal. Well, he might have to be a card-carrying member of some other party when the time comes, but we want is transparency.

• (1335)

I am not saying that people in the fisheries sector are incompetent, but I want the process to be transparent. I want fishermen and the people who make a living in this industry to be judged with a genuine traditional system. These are not second class citizens. They should not be judged by a second class court. And especially not by friends of the party who will have to do exactly what the minister asks them to do.

I may recall that three years is not a long time, so if you do not do the job, my boy, they will put someone else in your place who will do exactly what the minister wants him to do. That is how I interpret this part and that is how it is written.

To conclude on this issue, what the minister is proposing to us is a second-rate, parallel justice system. At the same time, he is sending real judges, who have completed law studies and know the system inside out, the message that they are doing a bad job. I am not convinced the minister is in a position to teach them lessons.

If the Minister of Justice thinks that judges and lawyers should be better informed, he should follow in Quebec's footsteps. When Quebec amended its civil code, it invited all the judges in the province to review the new parts of the civil code.

If the minister of fisheries thinks this is important, he should ask the Minister of Justice to establish a process to familiarize Canadian judges with the new fisheries act. I agree that the last one dates back 100 years.

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The many points we raised show how important this is. Fishermen are not second-class citizens. They have the right to go to court, to benefit from a transparent, equal and equitable justice system across Canada.

What bothers me somewhat is the perception by departmental officials that fishermen are poachers. Fishermen are not poachers; their goal is to catch fish at the lowest possible cost while protecting the environment to ensure that this resource can be sustained.

Again, regarding departmental officials' notion that fishermen are poachers, who drafted the regulations? Who said that any cod measuring less than 16 inches should be thrown back into the water?

Fishermen cannot see the ocean floor, while the fish do not know that fishermen are prohibited from catching fish measuring less than 16 inches. So what should fishermen who inadvertently catch fish measuring less than 16 inches in their nets do? If they bring it back, they will become poachers and be fined by the Department of Fisheries and Oceans. So what do they do? They throw the fish back into the water. But if they throw it back into the water and Fisheries and Oceans finds out, they are still poachers in the department's eyes.

How can we establish a system that will treat fishermen not as poachers but as people trying to catch fish in a cost-effective way while protecting the environment so they can continue fishing year after year?

• (1340)

This may be a different subject, but let me tell you that, as far as I can see, the tribunals certainly do not look like they will be fair and impartial, given that they will be the ones making the regulations, and I am not always sure that the people who work there use their heads to make them.

My point, and perhaps some people will have a hard time following, but what we must realize is that, as I said earlier, the main problem with fishery at present is the need for a constant relationship, the same tool box, so that all the fish caught by the fishermen, and hopefully only the most mature fish will be caught, all this fish can be sold. But we have just changed jurisdiction here. Because dead fish is a matter of provincial jurisdiction. Could we not focus on seeing how fisheries will be commercialized, by providing the fishing industry with the tools it needs to avoid making blunders like forcing fishermen to throw their catch back in the water?

We should work toward giving them the necessary tools. And if the federal government does not have the authority required, it should refer the matter to the provinces, because they are the ones licensing fish processing plants, guaranteeing boat loans and, in some cases, helping fund the construction of processing plants.

What is left for the federal government to be responsible for? Issuing fishing licences.

As for conservation, I think that it is clear to everyone that stocks overlap. We are prepared to share and to live with a central player in the form of Fisheries and Oceans.

But for the province of Quebec or for Newfoundland, working with Fisheries and Oceans Canada to conserve the resource or working with NAFO, the Northwest Atlantic Fisheries Organization, boils down to the same thing. But what is better about NAFO's rules is that they are respected by Canada and by all other countries in the world, as well as in the provinces because Canada is a member country. It would not be a heck of a lot harder, and in fact would be that much easier, to get along in this respect.

I will therefore wrap up before I run out of time. I would like to remind viewers that the Bloc Québécois will be voting against the bill. I am nonetheless pleased to take part in discussions about a bill that I described as the bill of the century, but I am saddened because it is badly put together.

In review, there are three major reasons the Bloc Québécois will be voting against the bill at second reading. The first is that the minister determines who may enter into management agreements. This prevents fishermen from knowing all the players.

The second irritant, still in part I, concerns the delegation of authority. In my view, the delegation of authority set out in clause 9 is inadequate, as well as contradictory.

The third point concerns the Fisheries Tribunal. I would call it a front. It resolves nothing. The minister will sort things out quietly himself behind the scenes.

At the start of my speech, I also criticized what I would call the minister's lack of interest. And yet, at the same time, it is as though he wants to ram the bill through. The best he could manage was a 15 minute speech yesterday in the House to launch the fisheries bill of the century. In my view, this is a lack of respect for the fishery and for the Canadian people. I think it is simply lacking in respect to ram through in 15 minutes a bill that will not come up for review for perhaps another 100 years. I hope to be able to meet with him again to discuss this subject, because I am not certain that Quebecers and Canadians will share his sentiments, in light of the introduction he gave the bill.

• (1345)

[English]

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, I rise to address Bill C-62. The bill gives sweeping powers to the minister to manage the fisheries through ministerial orders, through private fishing agreements, and it transfers authority to the provinces. The



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major question is does the bill address the real problems that are facing the fishing industry.

First I would like to take a look at the west coast, where I come from, and advance some problems that are facing the industry there. I would like members to consider whether this bill will do anything to alleviate those difficulties.

For example, I would like to quote from a document which was prepared for congressional staff in the U.S. It mentions the Canadian salmon fleet restructuring. It states that on August 9, 1996 a report by the B.C. job protection commission was released, revealing that in the past two years the B.C. commercial salmon fleet's decline has cost the provincial economy \$180 million, with 7,800 jobs lost. At the same time, the provincial sport fishing sector's decline has cost the economy \$170 million, with the loss of 2,175 jobs.

By allowing the minister under the new act to give fish to his friends, will that alleviate the difficulties identified in that report?

A document entitled "Status of Anadromous Salmon and Trout in British Columbia and the Yukon", prepared by T.L. Slaney et al for the American Fisheries Society's North Pacific international chapter, attempted to give some idea to the public about the health of fish stocks in B.C. The assessment found that 624 salmon stocks were at high risk, 78 were at moderate risk, 230 were of special concern and 142 were extirpated in this century. One hundred and forty-two salmon species extinguished in this century alone. They were unable to classify 4,172 stocks, or 43 per cent, because of an absence of reliable data.

They go on to note that habitat degradation associated with logging, urbanization and hydro power development contributed to most of the 142 documented stock extinctions.

Furthermore, they say there is little doubt that overutilization by commercial and recreational fisheries has in many cases resulted in severe stock depressions that, when added to other factors, has put many stocks at risk.

The question again is will this act somehow alleviate this problem. I think not.

The preface to the bill notes that this is an act respecting fisheries. The preamble says that the powers, duties and functions of the Minister of Fisheries and Oceans extend to seacoast and inland fisheries. The point I want to raise is just how certain is the minister's authority when it comes to this bill and as well to the oceans act?

I would like to go back to December 1995. At that time the oceans act was up for discussion. A House of Commons standing committee received a notice from the president of Nunavut Tunngavik Inc., the Inuit fishery organization in the territory of Nunavut.

• (1350)

It advised the Standing Committee on Fisheries and Oceans that sections 35 and 107 of the new oceans act, which was Bill C-98 at that time, were ultra vires given the Nunavut Land Claims Agreement. The NTI proposed the following amendments to the oceans act. It proposed in section 30(5) that the governor in council may make regulations (a) establishing marine protected areas with approval of bodies established under land claims agreement where required.

Section (b) would have said that the governor in council could make regulations prescribing measures not inconsistent with Canada's international obligations or the authority of bodies established under land claims agreements for the conservation and protection of fisheries resources and their habitat in marine protected areas.

Clearly the Inuit of Nunavut interpreted their treaty as limiting federal authority over legislation affecting arctic waters within the Nunavut settlement agreement. The response of the committee to this request was to acknowledge that regulations under the new oceans act were to be limited by the terms and conditions of land claims agreements.

The committee sent the following amendments to Parliament for consideration at report stage of what was then Bill C-98. The regulation then read in section 2(1):

For greater certainty nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the Constitution Act, 1982.

Section 36(1) reads:

The Governor in Council, on recommendation of the Minister of Fisheries and Oceans, may make orders exercising any power under section 35 on an emergency basis where the Minister is of the opinion that a marine resource or habitat is likely to be at risk to the extent that such orders are not inconsistent with the land claims agreement that has been given effect and has been ratified or improved by an Act of Parliament.

That is to say, the Standing Committee on Fisheries and Oceans conceded that land claims agreements may constrain the ability of the Government of Canada to protect a resource owned by all the people of Canada. The question again is will this new act somehow improve on that situation. Does it somehow allow that the minister has the ultimate authority? No, it does not.

This will have a devastating effect on management of the fisheries resource in British Columbia. We are looking at approximately 40 treaties which are to be put together in the next few years, each one of which will have the ability to overrule the Minister of Fisheries and Oceans. Obviously that makes the management of fisheries unworkable.

The fisheries act, Bill C-62, which the government has laid before this House, is a bill that will radically change the management of the fishery as we have known it for over 150 years. Bill

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C-62 gives the minister of fisheries unlimited discretion to carve up the public fishery into private fisheries.

There is no requirement for any publication of the private exclusive fishing agreements. There are no guidelines on whom these agreements are to be with. The minister is given unlimited discretion to make his own regulations, to organize the fishery by ministerial decrees or orders. These ministerial orders can even override regulations made by the governor in council. The government can transfer its constitutional responsibilities for fisheries management, enforcement and habitat protection to the provinces without ever coming back to seek the sanction of Parliament.

Before we examine the detail of the bill or the problems it should address, this House would do well to remember some sage advice from a former member of this Chamber, Stanley Knowles. He said: "It is our experience in Parliament time and time again to think we know what we passed when we gave final approval to a piece of legislation only to find months later that things were being done or restrictions were being imposed of a kind we did not believe appeared in the bill at all. We try to find out what happened. We discover that we had given authority to the governor in council to make regulations for the carrying out of the purposes of the act and that under this authority restrictive regulations were passed or restrictive definitions were introduced of such a nature as to produce quite a different result from the result we thought had been intended".

• (1355)

A recent report of this House issued another warning that bears repeating. When delegated authority is broad and use of that authority is not adequately supervised by Parliament, the implied parliamentary control is absent and the supremacy of Parliament is undermined.

I would like to refer to the bill and to some of those sections which give the minister that kind of blanket authority to do what he wishes. Clause 17(1) states:

Her Majesty in right of Canada, represented by the Minister, may enter into a fisheries management agreement with any organization that, in the opinion of the Minister, is representative of a class of persons or holders.

That is any group, whether they be friends of the minister or of the government, whatever, but there is no limitation as to what that group should represent. There is no coming back to Parliament for authority to enter into policy decisions which, as I will point out later, will impact on the fisheries as it has been run since Confederation.

Clause 18(1) states:

Before a fisheries management agreement is entered into, notice of it shall be given to the holders or persons likely to be subject to it.

Again, no notice need be given to anyone other than those who are going to be covered by it. The public at large does not need to be informed.

Clause 19(1) states:

The Minister shall publish a fisheries management agreement in the manner the Minister sees fit.

In other words, no publication or notice need be given of that arrangement.

The adoption of a set of agreements between the crown and any organization gives sweeping power to the minister to create private fisheries out of the public fisheries of Canada. This would be the first time since Confederation since this power has existed. All fisheries law in tidal waters in British Columbia has so far proceeded on the principle that all Canadians are to have equal access to the commercial licences governing the fishery.

Apart from a brief period during the war when Canadians of Japanese ancestry were denied this right, it has prevailed without question.

A second exception is the recent incursion into the public fishery by the AFS, but that was not provided for in the act and is probably ultra vires of the act. It would not be ultra vires of Bill C-62.

**The Speaker:** My colleague, I am loath to interrupt your speech, but I wonder if perhaps you could take your speech up at the end of question period. Of course you will have the floor again. At this time I would like to proceed to Statements by Members.

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## STATEMENTS BY MEMBERS

[English]

### FIREFIGHTERS

**Mrs. Karen Kraft Sloan (York—Simcoe, Lib.):** Mr. Speaker, this past weekend I attended a retirement celebration to honour the 45 years of service by Gord Rolling and 32 years of service by Arnold Smith, more commonly known as Smitty. Both served with distinction and dedication as firefighters on the Mount Albert volunteer fire department.

In celebrating their retirement, it gives us the opportunity to reflect on the contribution of all of our firefighters, particularly the volunteers.

We are all thankful and grateful for the crucial service they provide our communities. However, we may not be fully aware of the hours taken away from families in fighting fires, assisting at accidents, on training courses and other community activities. Nor can any non-firefighter understand what it is like to respond to a call in the middle of the night knowing the potential risk.

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We should all remember the extraordinary service these men and women provide our communities and be mindful of the sacrifices their families have made to support their good work.

\* \* \*

[Translation]

**LISE BROUILLETTE**

**Mr. Benoît Sauvageau (Terrebonne, BQ):** Mr. Speaker, today I wish to pay tribute to a business woman in my riding, Lise Brouillette. Ms. Brouillette, who has been Director General of the Société régionale de développement économique des Moulins since 1991, recently received the 1996 Prix Professionnelle en développement économique du Québec in appreciation of her contribution to the economic development of the des Moulins region.

• (1400)

As a woman very involved in the development of our region, she managed, with her dynamic approach, to create several thousand jobs and attract \$50 million worth of investment since the beginning of her mandate at the SORDEM.

Last year, Ms. Brouillette was awarded the Assiette d'argent de l'Association des professionnels en développement économique du Québec. This woman is an outstanding example of how to succeed and a symbol of excellence for everyone.

Ms. Brouillette, the people of Des Moulins and the House of Commons salute you. Congratulations!

\* \* \*

[English]

**WEST COAST MARINE SAFETY**

**Mr. Jack Frazer (Saanich—Gulf Islands, Ref.):** Mr. Speaker, Liberals' words sound great but their actions differ: \$87 million in questionable corporate welfare to Bombardier; millions of dollars in a questionable flag giveaway program; and more millions of dollars on a questionable information office in Ottawa.

Meanwhile back on the west coast we see cuts; information limited; automated light stations replace reliable manned stations; coast guard vessels and operations are reduced, as are hatcheries needed to rebuild endangered salmon stocks.

An unusually heavy October storm resulted in the failure of several automated light stations leaving mariners and others who rely on vital weather information to fend for themselves.

The decision to postpone closure of the Ganges coast guard station was welcome but apparently has not changed the ultimate Ottawa intention to relocate the station to Victoria. To replace a

fast, proven vessel located at the hub of maritime activity in this very busy region with a slower vessel substantially removed from much of that activity simply does not make sense.

This Liberal decision places west coast public safety and lives at risk.

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**NATIONAL 4-H WEEK**

**Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.):** Mr. Speaker, this week marks National 4-H Week, a time to reflect on the important work that 4-H does in developing one of our greatest resources, our rural young people.

For nearly a century, 4-H has been giving young Canadians the education, skills and support they need so they can grow up to be contributing members of our society. Rural communities are a wellspring of our economy providing the people and the resource base that underlies much of our success as a trading nation.

One of rural Canada's leading industries, agriculture and food, will create jobs and growth for our economy well into the 21st century. The foundation for this growth is people who have a wealth of creativity, ability and self-confidence to build our farms and businesses. 4-H has a proven track record developing those skills in our young citizens.

The Government of Canada will contribute \$300,000 over three years to 4-H activities. It is not only an investment in our young people, it is an investment in the social fabric of our country and the future prosperity of Canada.

I congratulate all 4-H participants.

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**MERCHANT NAVY VETERANS**

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, today I had the honour to speak at a Remembrance Day ceremony for the merchant navy war dead at the war memorial here in Ottawa.

During the second world war the government named the merchant navy the fourth arm of the armed services and for good reason. The merchant ships formed the lifeline to the free world. They carried vital supplies of food, munitions and fuel. The merchant navy became the designated target of the enemy and its losses were the highest of all the war services.

Now in their seventies and eighties, only 2,900 remain of the 12,000 who went to war. They are veterans in name only without equality of entitlement for disability pensions, health care and other benefits.

I was disappointed that the Secretary of State for Veterans Affairs was not able to attend the memorial service today. I call on

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him and the government to finally recognize the merchant navy veterans as equals and to correct this injustice.

\* \* \*

**CANWORKNET**

**Mr. Maurizio Bevilacqua (York North, Lib.):** Mr. Speaker, information is power. Yesterday through an innovative partnership of the federal and provincial governments, the private and not for profit sectors, Canadians were given a powerful tool.

New Brunswick Premier Frank McKenna, Newfoundland and Labrador Premier Brian Tobin and I launched CanWorkNet, a new world wide web site to help Canadians find and secure the jobs they want.

CanWorkNet will connect Canadians in all parts of the country to information about jobs, planning their careers, upgrading skills, accessing financial assistance and locating community services.

Whether I am talking with someone in Whitehorse or in York North the message is the same. Information is a key element in the decision making process. People need to know where the jobs are and what the requirements are to get them.

CanWorkNet celebrates what is right with Canada: strong partnerships, new technology and an ever growing modern economy. Together we are working to ensure that tomorrow is indeed better than today.

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**TRADE**

**Mr. Roger Gallaway (Sarnia—Lambton, Lib.):** Mr. Speaker, talk of increased exports is taking on visible meaning in my riding of Sarnia—Lambton.

• (1405)

Tomorrow morning hundreds of feet above the St. Clair River, the iron workers of local 700 will put in place the final beam joining the two halves of our second Bluewater Bridge in Point Edward.

This new international crossing is clear evidence of the growth of trade between Canada and the United States, and in particular, Ontario and the Great Lakes states. With approximately 5,000 trucks crossing each day on the existing bridge, this second span will be open for the anticipated surge of 10,000 trucks daily by the millennium.

I look forward to joining with Councillor Barbara Horner, the Commissioners of the Bluewater Bridge Authority and the thousands of proud area residents in celebrating this new link.

Increased trade is not just a statistic, it is tangible in Sarnia—Lambton, now the gateway to the NAFTA superhighway.

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[Translation]

**THE QUEBEC SOCIO-ECONOMIC SUMMIT**

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, last week a socio-economic summit was held in Quebec, which has led to an unprecedented mobilizing of resources for job creation and economic renewal in Quebec. The vast majority of the principal actors on the Quebec scene have reached a major consensus on ways to stimulate economic growth and investment in Quebec.

Participants in the summit approached a host of subjects that are important to Quebec society, including job sharing, family policy and social economics. Furthermore, dozens of job creation projects were presented, totalling more than \$2.6 billion in investments, which will create about 40,000 jobs in Quebec.

This summit, which did not forget the most vulnerable among us, is a first step towards employment expansion and economic recovery in Quebec.

\* \* \*

[English]

**SENIORS**

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, Les and Evelyn Browett from Langley, British Columbia, both in their eighties, came to me the other day most distressed. Their total income is from old age security and the Canada pension plan. It is not much to live on these days thanks to the pathetic overspending of Liberals and that other party.

Evelyn must have her teeth fixed because she is in terrible pain. She and Les have been saving for several years to get the work done and they now have some money but not enough. The interest from that savings has just been wiped out retroactively because health care premiums have been charged to them.

Why are Les and Evelyn treated worse than criminals in prison? Why do Liberals and separatists and other MPs gorge on their own lavish pension scheme while Les and Evelyn border on poverty? When will Ontario and Atlantic Canada kick these Liberals out of office so our seniors can live with dignity?

Please, are there any dentists in Langley, British Columbia listening? Who can help Evelyn? This government will not do it so let us do it ourselves.

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**POSTAGE STAMPS**

**Mr. Simon de Jong (Regina—Qu'Appelle, NDP):** Mr. Speaker, the classic children's character, Winnie the Pooh, often de-

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scribes himself as “a bear of very little brain”. Well, Canada Post has entered into a campaign of very little brain.

In promoting its series of Winnie the Pooh postage stamps, Canada Post is also promoting the 25th anniversary of Walt Disney’s Magic Kingdom in Florida. Caps, T-shirts and stamps with Winnie the Pooh in front of Disney World are available at your local post office outlet as well as entry forms for a free trip to Florida.

Countries around the world use postage stamps to promote what they are proud of: national heroes, historic events and natural beauty. So what is Canada Post promoting? Disney World. What is next: McDonald’s or Coca-Cola?

To use the much loved Winnie on Canadian postage stamps to promote a commercial enterprise outside the country is exploitive and demeaning. Is there no national dignity left? Can space be bought on postage stamps to the highest bidder?

It is about time this Liberal government took our national image more seriously.

\* \* \*

**VETERANS WEEK**

**Mr. Ian Murray (Lanark—Carleton, Lib.):** Mr. Speaker, last year and over the previous five years, Canadians marked the 50th anniversaries of the events of the second world war. The anniversaries led to unprecedented media coverage of the commemorative ceremonies for such historic events as the Battle of Britain, the Dieppe landing, the Italian campaign, D-Day and the end of the war. Across the country veterans organizations helped communities stage special ceremonies and celebrations that brought to mind the way of life of a different time, and the spirit of dedication of those who served Canada.

We must not let go of that sense of respect for the generation of the second world war now that the 50th anniversaries have passed. I invite all Canadians to take time this Veterans Week, November 3 to 11, to reflect upon the contributions of those Canadians who brought our nation through some of its most trying times and gave it some of the proudest moments in our history.

\* \* \*

• (1410)

**CANADA LABOUR CODE**

**Mr. George Proud (Hillsborough, Lib.):** Mr. Speaker, Bill C-66 which amends the Canada Labour Code is in my view a fair and balanced piece of legislation. There are several reasons for this.

The first has to do with the process to produce the legislation. Labour and management participated fully in the review process. The second has to do with the contents of the bill. Unquestionably,

the most contentious issue to address was the replacement worker issue and here we came up with a reasonable compromise.

The bill does not abolish the right of employers to use replacement workers, however employers will not be able to use replacement workers to undermine the union. It is the board that will determine if an employer action constitutes an unfair labour practice, not the union.

Collective bargaining is widely accepted in Canada by both labour and management. This bill will improve the efficiency with which the law is administered and enhance the effectiveness of the collective bargaining process. It does nothing to alter the balance of the labour-management relationship. In fact, it ensures a balance will continue in a world of rapid change.

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[*Translation*]

**JEAN-LOUIS ROUX**

**Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ):** Mr. Speaker, from 1940 to 1944, Belgium, where I was living at the time, suffered under the brutality and pillaging of the Germans. When I was 18, I went underground for more than a year to avoid being arrested by the Gestapo, because I had refused to go to work in a company that worked for the enemy.

I then worked as a volunteer in operations conducted in Germany to crush nazism and bring about its fall.

I mention these facts to illustrate my astonishment when I heard yesterday that the lieutenant-governor of Quebec, a man who symbolizes the supreme power in our province, walked around at the time with a swastika on his chest.

I also want to express my indignation when I heard the Deputy Prime Minister give another demonstration of her lack of judgment when she justified this behaviour. Common sense dictated that she should have said she was going to recommend that the Prime Minister relieve him of his duties.

Fortunately, Jean-Louis Roux, who was more aware of the seriousness of his action than the Deputy Prime Minister, has just handed in his resignation.

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[*English*]

**ATLANTIC CANADA ECONOMY**

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, over the past 30 years dozens of Tory and Liberal politicians kept promising Atlantic Canadians prosperity and economic growth.

This goal was to be achieved by politicians spending billions of tax dollars on regional subsidies. Not only have these programs failed to work, but as a new study by the Atlantic Institute for Market Studies has proven, they have actually hurt Atlantic

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Canada. They have slowed growth in the Atlantic economy and increased unemployment.

Furthermore, regional development programs like ACOA have been used as political slush funds by Liberal and Tory governments alike. That is why Reform would end ineffectual regional development programs and instead would offer Atlantic Canadians tax relief, a policy that has been conclusively proven to create jobs and stimulate the economy.

This may mean fewer photo ops for Liberal cabinet ministers but it will mean more real jobs for Atlantic Canadians.

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**MERCHANT NAVY VETERANS**

**Mr. John Richardson (Perth—Wellington—Waterloo, Lib.):** Mr. Speaker, it is my pleasure to rise in the House during Veterans Week to salute the great veterans of our merchant navy, the merchant seamen.

During World War II the merchant navy served under some of the most dangerous conditions and hostile weather. Through their efforts they maintained the supply routes which played a crucial role in ensuring victory for our soldiers abroad.

However, these brave men paid a high price for their heroics. During the course of World War II some 1,500 merchant seamen were killed. In fact, approximately one in ten died on the high seas.

In light of their contribution to the war effort, the merchant seamen will be participating in the remembrance ceremonies as part of the VIP group which includes the army, the air force, the navy and the merchant mariners.

We thank them all for their deeds. I salute these brave Canadians who risked their lives so that we could live in freedom.

\* \* \*

[*Translation*]

**THE QUEBEC SOCIO-ECONOMIC SUMMIT**

**Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.):** Mr. Speaker, on the day after the socio-economic summit from which they came back practically empty handed, the people of the Outaouais are totally justified in questioning the PQ government's attitude toward them.

In fact, PQ minister Sylvain Simard accused the people of the Outaouais of being responsible for their lack of success at the summit. He stated that they could not accuse Quebec of not doing its share in the Outaouais while remaining uninterested in Quebec and not getting involved, that if they did not adapt to Quebec, they would miss the boat because the federal state would no longer be

there to compensate, that they should stop complaining and start acting.

The minister's scorn for our region is unjustifiable. The PQ government must stop its referendum vendetta against the Outaouais and agree to give our region the same benefits as those enjoyed by separatist regions.

\* \* \*

• (1415)

[*English*]

**BOYS AND GIRLS CLUB SCHOLARSHIPS**

**Mr. John O'Reilly (Victoria—Haliburton, Lib.):** Mr. Speaker, today I would like to congratulate the Boys and Girls Club of Ontario for raising over \$90,000 toward scholarship funding for 90 youths across Ontario.

The Boys and Girls Club started a scholarship program in 1992 to cover the rising costs of post-secondary education faced by many of their youth members. From an initial \$4,000 and four awards the program has grown to over \$40,000 and 41 awards in Ontario in 1996.

Within the riding of Victoria—Haliburton two youth members have benefited from this scholarship program. Tracey Medina hopes to one day work with children who have social and emotional disabilities. She will be attending George Brown College. David Stubbs has chosen to study recreational leadership at Humber College and one day hopes to pursue a career with the Boys and Girls Club. Both individuals are invaluable members of the Lindsay club.

I would like to thank the Boys and Girls Clubs across Ontario for raising the funding for these and other accomplished youth.

I wish Tracey and David all the best in their future endeavours.

**ORAL QUESTION PERIOD**

[*Translation*]

**JEAN-LOUIS ROUX**

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, Jean-Louis Roux has just resigned from the position of lieutenant-governor of Quebec, in response to the pressures on him to do so, ever since his anti-semitic activities during the second world war were revealed.

This resignation was certainly the only possible solution under the circumstances. Yet everyone is wondering how the Prime Minister could have got himself into such a situation.

My question is for the Prime Minister. How can he explain having made such a poor choice for the position of lieutenant-governor of Quebec?

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**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I have accepted the resignation of Jean-Louis Roux as lieutenant-governor of Quebec with enormous regret.

Jean-Louis Roux is one of the most honourable men in Quebec. He has enjoyed an exceptional career in our province. He was involved in all manner of causes for the defence of human rights and freedoms in this society.

I would ask the indulgence of the Chair to demonstrate how this man has participated in the advancement of human rights and freedoms in Quebec. As early as 1947, he was involved in opposing censorship in the *Les enfants du Paradis* affair. He was involved in Radio-Canada's strike over the right to unionize. In 1965, he fought class legislation concerning authors. He was even opposed to the War Measures Act in 1970. He fought for freedom of expression during the controversy over the play *Les fées ont soif* in 1978.

Way back in the 1950s he was one of the founders of *Cité Libre*, in opposition to the regime of the day. He was a member of *Artistes pour la paix*, Amnesty International, and the Friends of Simon Wiesenthal, which helped people involved in tracing war criminals.

Such was the career of this man, Jean-Louis Roux, one of the greatest artists Quebec has ever known. Unfortunately, he made one mistake—

**Some hon. members:** Oh, oh!

**Mr. Chrétien (Saint-Maurice):** Mr. Speaker, pardon me, but I rarely take advantage of the House, and I am going to continue.

This is a most honourable man. Are there two standards in our society? He was a federalist as well. I trust that some of those who have written things about him today will have the courage to look up what was written in *Le Devoir* during the 1930s and 1940s.

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the Prime Minister has only himself to be annoyed with. He is the one responsible for the present mess.

• (1420)

He is responsible for the mess and, like it or not, he will still have to find answers to a number of questions to which the public wants answers.

If the Prime Minister is so informed about the career of Jean-Louis Roux, how can it be that his knowledge does not go back further than 1949? It is what happened prior to that which has shocked all the people of Quebec.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, Mr. Roux has always spoken of that time in lectures and radio or television discussions. He has taken part in public discussions on radio and television explaining how Quebec society has evolved from the thirties to the present.

He himself stated on one such program that he had made the mistake of putting a swastika on his lab coat during his student days, at the age of 19, and that he regretted this. He has stated publicly that he regretted this enormously. He has also said it to me personally. This was public, and not a question of a criminal act.

When we investigate people to whom we are offering positions, we do not go looking into the darkest recesses of their personal lives, we look at their record of honour as a citizen, and whether they have a criminal record. In my opinion, Jean-Louis Roux had an impeccable record, except that he had committed one error at the age of 19 years while at the Université de Montréal.

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the Prime Minister ought to have been more careful, since his responsibilities require it, knowing what Jean-Louis Roux is capable of saying. The Prime Minister will recall the odious comparison he made during the last referendum. The Prime Minister ought to have been more careful, more mistrustful.

How can the Prime Minister justify the fact that his sole concern before appointing Jean-Louis Roux as lieutenant-governor of Quebec was the services he had rendered to the Liberal Party of Canada, rather than the irreproachable profile he ought to have provided?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, when I invited Jean-Louis Roux to become a Senator, I did not even know he was a Liberal. Even when I invited him to the Senate, I said to him: "I do not know if you are a member of my party. If you want to sit—"

**Some hon. members:** Oh, oh!

**Mr. Chrétien (Saint-Maurice):** I offered him a seat as an independent. And, if we need to go poking into everyone's lives, could the Leader of the Opposition tell me why people like Camille Laurin and Denis Lazure were in Mr. Lévesque's cabinet, when they had defended Count Jacques de Bernonville, the right hand man to Klaus Barbie in Europe?

**Mr. Gilles Ducespe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, to hear the Prime Minister, one would believe that Mr. Roux should not have handed in his resignation earlier today. I am somewhat surprised. Normally, before important appointments are made, there is always an investigation conducted by the RCMP; that is the routine investigation commonly called a security check.

Could the Prime Minister tell us today if he looked at the RCMP's investigation report on Senator Roux before appointing him as lieutenant governor?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I am always apprised of the findings of security investigations and, like the others, this one turned up nothing. I based my decision to appoint Senator Roux on what I knew at the time and, as

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everyone knows, I just listed a few of the many things he has accomplished in Quebec society over the past 50 years.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the Prime Minister has changed his tune a few times since yesterday. According to his Deputy Prime Minister, he was 100 per cent behind Jean-Louis Roux. According to what his press attache said yesterday, the Prime Minister was not aware of Jean-Louis Roux's remarks and actions. And today, the Prime Minister himself tells us Jean-Louis Roux raised the matter with him.

• (1425)

It is difficult to follow what the Prime Minister is saying. Let me put my question in clear and simple terms: Will the Prime Minister rise in his place and tell us today whether or not the routine RCMP investigation on Senator Roux contained any reference to events that took place in 1942?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, what I am saying is that this was a routine investigation, and no one ever brought anything to my attention that might have prevented Jean-Louis Roux's appointment as a member of the Senate of Canada.

We spoke, yesterday evening. I did not raise this matter since I knew nothing about it. He informed me of the facts now in the public domain, that I shared with the House a moment ago. This morning, he voluntarily tendered his resignation.

Yesterday, the Minister of Canadian Heritage defended Mr. Roux, whom I believe she described as an honourable man. Other ministers did the same during media scrums and I stand by that position. He made a deliberate choice to put an end to the controversy and to resign; we did not ask for his resignation.

[English]

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, Jean-Louis Roux has resigned but Canadians are worried about the government's mishandling of this issue.

They are having a hard time accepting why the government, and yesterday the Deputy Prime Minister, tried to dismiss the wearing of a swastika, which is the most vile symbol in history, as simply a youthful prank.

What Mr. Roux did in 1942 is reprehensible but so is the government's sidestepping of this issue. Instead of trying to deal with it head on, incredibly the Prime Minister still defends him. I ask the Prime Minister now: Will he admit that it was wrong for his government to try to defend the wearing of a swastika? And will he apologize to Canadians for his error in judgment?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, nobody at all defended that. In fact, I said that it was an error, and Mr. Roux himself said that it was an error which he regretted.

Nobody said that it was a defensible thing. What the leader of the—temporary leader, I guess, we do not see the leader very often—

**Some hon. members:** Oh, oh.

**Mr. Chrétien (Saint-Maurice):** We said that it was an error made by a young person 19 years old. We always said that it was an error. The deputy Prime Minister never said that it was not an error.

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, I might remind the Prime Minister that we had a few questions for him yesterday about several things, although he was not here to appreciate them.

**Some hon. members:** Oh, oh.

**Some hon. members:** Hear, hear.

**The Speaker:** We are all even now so we will get on with question period.

**Miss Grey:** Mr. Speaker, we are even but I was the only one who got cut off, you will recall.

The Prime Minister is here today and I am really glad to be able to ask him a question. He is fond of saying that the buck stops with him.

The Prime Minister personally appointed Quebec's lieutenant-governor and if he did not know about Mr. Roux's past he certainly should have. Since the truth has now come out, it seems that he would much rather hide and hope things go away.

The sign of a good, strong leader is that if someone needs to be fired, he gets fired. We never see that here in the House of Commons. The Prime Minister always hopes things will go away. Will the Prime Minister accept full responsibility for the appointment of Jean-Louis Roux and will he admit finally, just once, that he has made a mistake?

• (1430)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I have explained to the House of Commons all the circumstances of the incident. Mr. Roux resigned today and I have accepted his resignation.

I have to repeat that this man has served the population of Canada extremely well. He is a great artist. He made a mistake 54 years ago when he was 19 years old. It is all in the past. I do not believe anybody can take anything away from his great career and his great service to the Canadian population and the people of Quebec in particular.

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, we see it spotted on the front rows here that this Prime Minister simply is incapable of admitting that he has made a mistake. Why is it so difficult to say I am sorry?

We have to move on from here, of course, because there is a vacancy in the lieutenant-governorship of Quebec. Canadians would like to think that the Prime Minister will take more care in



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appointing the next lieutenant-governor. The public and the province should be consulted, and merit alone, not loyalty to the Liberal Party, should be the Prime Minister's guiding principle.

Now that the Prime Minister is ready to make another appointment, will he consult with the public and the province before appointing Quebec's lieutenant-governor, yes or no?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I will follow the rule that was established in 1867. It is the prerogative of the Prime Minister to inform the premier of the province but he has to take full responsibility for the appointment.

I have taken full responsibility for all lieutenant-governor appointments I have made so far. In this case, I will repeat that this man made an error when he was 19 years old but his record shows very clearly to me and any objective person that he resigned because he did not want to be the object of a controversy.

However, no one should take anything away from his great contribution to the advancement of arts and culture in the province of Quebec. He also participated many times at the Stratford Festival in Ontario in a very eloquent way. It was fantastic to see a francophone perform so well in a Shakespearian play.

\* \* \*

[Translation]

**MR. JEAN-LOUIS ROUX**

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the Prime Minister's comments are rather ambiguous.

On the one hand, he tries to justify the former lieutenant-governor's actions. He admires his great career and is sorry he resigned. On the other hand, the Prime Minister tells us: "I did not know. It was not in the security report. I was not aware of these facts". He then tells us: "The lieutenant-governor was courageous enough to decide to resign on his own shedding a tear of regret".

What we want to know is this: If the Prime Minister had known the facts, would he still have appointed him? That is what the people want to know.

**The Speaker:** The hon. member has asked a hypothetical question, so I would ask him to please rephrase it.

**Mr. Gauthier:** Mr. Speaker, I understand you are giving me another chance to rephrase my first question so I can still ask a supplementary. I appreciate your diligence.

Mr. Speaker, what I would like to ask the Prime Minister, what we would like to know, is this: Does he think Jean-Louis Roux's resignation in these circumstances is a good thing? Does he

approve of his resignation, his decision, does he think this is proper? That is what we want to know.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, he resigned and I regretfully accepted his resignation for the reasons I clearly explained to the House earlier.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, does the Prime Minister not agree that the Jean-Louis Roux affair adds to the long track record of this government, whose motto is that people are not guilty until they get caught?

● (1435)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** There was no question, so there will be no answer.

\* \* \*

[English]

**ETHICS**

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, my question is for the Prime Minister and has to do with the use of government credit cards by ministers.

Canadians are telling us that transparency and accountability are fresh ideas they would really like to see in this Parliament. Yesterday the Deputy Prime Minister said we had all the facts, underline all. How strange then that more facts were released yesterday to the press but not to us.

The former minister of defence unintentionally breached some guidelines. He lost his job. The Secretary of State for Training and Youth knowingly breached Treasury Board guidelines and she continues to enjoy the support of the Prime Minister.

How does the Prime Minister decide which guidelines are to be enforced and which are to be ignored?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we replied to these questions last week. The money has all been paid back. There was the use of a credit card and every time that it was used it was checked with the department and the payments were made back to the government in a proper fashion.

No money was lost. It was just as explained last week. The secretary of state made a clerical mistake involuntarily and all the facts were submitted to the ethics counsellor who said that there was no need for me to ask for a resignation.

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, I believe that Canadians still have some unanswered questions. Here are some facts that are still needed.

Of the \$9,700 whited out, \$9,200 is still unaccounted for. There are two and a half years for which we have no records. There is no way of knowing which items were charged to taxpayers. There is no way of knowing when personal expenses were incurred, how

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much they were and when precisely they were paid back. There is no way of knowing how many other ministers are engaging in this same type of abuse of their cards. There is no way of knowing what the actual guidelines are—

**The Speaker:** I ask the hon. member to please put his question.

**Mr. Epp:** Mr. Speaker, with the problems we have with access to information and whiteout, will the Prime Minister commit to tabling in this House full and complete documentation for the entire period without whiteout?

**Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, the personal expenditures of the member are information that is of a personal nature and is covered under the Privacy Act.

It is the role of the comptroller in every department to look at the expenditures and to determine what is official government expenditure and what is personal expenditure. That is what happened in this case. There is no mystery to it. The comptrollers have gone through it. All the money has been repaid.

\* \* \*

[Translation]

**ZAIRE**

**Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ):** Mr. Speaker, my question is for the Minister of Foreign Affairs.

Although the ceasefire declared unilaterally yesterday by the rebel Tutsis seems to be holding, Zaire is still in the throes of a major crisis, because the principal players hold conflicting views. The Nairobi summit does not seem to have produced any concrete results today, with Rwanda still opposed to an international force being sent in.

In a context where Zaire is ruling out any peace talks until Rwandan forces leave its territory, can the minister tell us what efforts his government now intends to take to help resolve the major crisis brewing in central Africa?

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, as I said yesterday, Ambassador Chrétien is now in Africa to discuss with all parties the possibility of a meeting or a ceasefire. The Government of Canada is prepared to take an active part in Ambassador Chrétien's recommendations.

• (1440)

At the same time, as I said yesterday, we are very concerned about Rwanda's role, and I have asked my officials and the ambassador to Rwanda to present Canada's positions to the government of Rwanda in order to co-operate in all the efforts being made to find a solution in the great lakes region of Africa.

**Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ):** Mr. Speaker, all players now agree on two priorities: obtain a lasting ceasefire and open up safe humanitarian corridors.

Is the minister, or is he not, prepared to support the position of the French government, which feels that the best way to ensure the creation of such safe corridors is to send in an international force by order of the Security Council?

[English]

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, it would be prudent that any decision about response into the very troubled situation also involve the African states. There should be full participation of those who are most immediately affected.

It is a point of our own diplomacy and that of Ambassador Chrétien on behalf of the United Nations to come up with recommendations. One of the options or choices could well be some form of safe refuge or safe corridor, but until those direct consultations of the ambassador are concluded it is probably too early for Canada to say exactly what it will do.

We are prepared and ready to respond to all requests that will provide a solution to the situation and we can only wish God speed to Ambassador Chrétien in the work that he is doing.

\* \* \*

**BILL C-216**

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, when a top official at the CRTC opposes a bill that has passed the House we should all be concerned. Civil servants are here to implement policy, not lobby against policy passed by the members of Parliament.

On September 23 this House passed Bill C-216, an act to outlaw negative option billing. I ask the heritage minister again, does she condone a top official at the CRTC's opposing Bill C-216, undertaking actions to see this bill defeated in the parliamentary process?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, as I said yesterday, I do not accept the claim of the hon. member. In fact, over the course of any legislation any member of Parliament in this place or the other place is entitled to seek a briefing and indeed that was the question in this particular case.

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, there seems to be a discrepancy in the minister's understanding and mine. We will leave that as it is.

The reality is this minister is opposed to the passage of Bill C-216. The Canadian Consumers' Association of Canada on October 18, because it is concerned about that, wrote to her and said: "We are writing on behalf of Canadian consumers to ask the

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minister to send a clear public signal that you support Bill C-216, the private member's bill".

Will she undertake that she not only supports the bill, yes or no, but that when it comes back to this House it will be undertaken as an act of Parliament?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, if you follow the logic of the member it should not return back to this House.

\* \* \*

[Translation]

**FAMILY TRUSTS**

**Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ):** Mr. Speaker, my question is directed to the Minister of Finance.

Last week, when we asked the Minister of Finance to table his bill that would amend the Income Tax Act, so as to eliminate the use of family trusts as tax loopholes, he simply maintained that the ways and means motion tabled had already taken effect. Of course the motion takes effect when it is tabled, but subsequently, a bill is required to amend the Income Tax Act.

Contrary to what the minister claimed last week, he must table a bill to amend the Income Tax Act. Consequently, when does he intend to table this bill?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, last week I said that when the ways and means method is used, whatever is required in the Act to plug the loophole referred to by the hon. member takes effect immediately.

• (1445)

That being said, we intend to proceed with the bill at the appropriate time, as usual, as soon as the House leaders on both sides can agree on a time slot.

**Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ):** Mr. Speaker, the Bloc Québécois is prepared to offer its immediate participation and co-operation. We are ready to support the bill.

On the same topic, could the Minister of Finance promise that this bill will provide a statutory and objective method to calculate the guarantees required by Revenue Canada of millionaires who want to transfer their assets outside Canada, instead of leaving the choice of guarantee to the sole discretion of the government?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, we intend to proceed in the usual way. I repeat what I said when the leader of the opposition asked me a similar question. I said, and I quote: "If there is the slightest risk the Canadian government will not be paid its fair share of taxes, we will require a lot more than a

notice of waiver. We will require a bond, a debenture, a valid security for ensuring that the taxes will be paid".

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[English]

**TRADE**

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, my question is for the Minister for International Trade.

In view of the fact that Canada is about to conclude a free trade agreement with Chile, can the minister indicate the state of negotiations for labour and environmental side agreements to the accord?

**Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, I would like to assure the hon. member that the Canadian government has pursued very aggressively the necessity of having side deals both on labour and the environment in talks with the Chileans. I would like to inform the member that to date the talks have been very positive and we are very happy with the negotiations. There are some outstanding issues and until those outstanding issues are completed, the deal is not done.

However, on the issue of labour and side agreements at this point we do not see any problem with those side agreements holding up an overall agreement regarding the Canada—Chile free trade deal at some time in the future. That of course is pending the successful resolution of some of the other outstanding issues.

\* \* \*

**JUSTICE**

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, yesterday an experienced police officer was moved to tears after viewing reams of child pornography, confiscated in Kirkland Lake, showing little children being raped and sodomized.

Is the justice minister comfortable knowing that as a result of legislation enacted by him and his government the perpetrators of these heinous crimes may never see a court room or never do time in prison? Is he comfortable with that?

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I have no idea what that question means. But I do want to take the opportunity to congratulate the police in Ontario who are responsible for the very excellent job of finding the people responsible under very difficult circumstances.

I am not sure what the question means. If the hon. member is referring to the sentencing process in this country, perhaps he could tell us, if he is concerned about sentencing, why he voted against our Bill C-41 which provided for tough sentences for violent crimes. Perhaps he could tell the House why he voted against our bill which strengthened the Young Offenders Act by doubling the maximum penalty for first degree murder. Perhaps he could tell us

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why he voted against Bill C-68 which provided for mandatory penitentiary terms of four years for those who use guns in crimes. Perhaps he could tell us something about that.

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, of course the justice minister knows full well that it is Bill C-41 and the provisions of that bill that I am referring to.

Since the passage of that bill, which I call the ministers go soft on crime law, a man who raped his former common-law wife is walking free, a man who pointed a gun at his wife and fired it at her is walking free, a man who broke into a home, beat three dogs to death and set a truck on fire never even saw the inside of a court room because of that legislation.

• (1450)

I ask the justice minister what he has to say to the victims of these crimes.

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, this is no doubt part of the Reform Party's false start. It is going to get its members about as far as everything else they have done in the area of crime and justice by coming to this House and picking facts out of isolated cases, distorting their message and pretending they mean something they do not.

When we came to this House with Bill C-41, which distinguishes between violent and non-violent crime, which provides for tough sentences for people who harm others, Reformers voted against the bill.

When we came to this House with changes to the Criminal Code to make it clear that those who use guns in crime would go to prison for mandatory minimum time, they voted against them.

When we came here to say that those 16 and 17-year olds who commit crimes of violence under the Young Offenders Act will be tried in adult court unless they satisfied the onus, they voted against it.

If anyone has any explaining to do about their position on violent crime, it is the hon. member and his colleagues in the Reform Party.

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[Translation]

### CANADA-UNITED STATES TAX CONVENTIONS

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, my question is for the Minister of Finance.

The new Canada-United States tax convention came into effect on January 1, 1996. It penalizes low-income earners by depriving

them of 25 per cent of their American pensions. On May 6, the minister assured us he was looking into the matter.

Since the minister recently met with his American counterpart, is he now in a position to give the assurance that a satisfactory solution to this matter will be found before the end of this year?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I appreciate the hon. member's question because this is certainly a matter that concerns us all. The member knows full well, having pointed it out himself, that I met with my American counterpart a month ago. Our officials are currently working on this matter. They intend to meet with their American counterparts before long.

I remain optimistic but, unfortunately, I am not in a position to tell him when a solution will have been found because it will all depend on what the other side does.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** The clock is ticking, Mr. Speaker. It is the daily bread of those concerned we are talking about here.

Just today, there was a report in *Le Soleil* on one of the many individuals facing this problem. This person was quoted as saying: "My monthly cheque for \$400 has been cut by \$110", leaving only \$290 per month to live on. "They have taken away whatever little leeway I had left. I cannot make it under these circumstances".

Thousands of low-income earners have been deprived of an essential basic income for ten months. What concrete steps does the minister intend to take in the short term to find a solution?

[English]

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, simply to repeat what I said, I am appreciative that the hon. member raises this issue.

It is an issue that has been raised by many members on this side of the House, in fact on all sides of the House. There is no doubt that as a result of this action Canadians from coast to coast have been unfairly treated.

We have brought this matter to the attention of the Americans. I have met with the secretary of treasury twice. It is as the result of action taken by the American government that this situation has arisen.

We are negotiating with them. Our officials have met with them on numerous occasions and are going down again within the next couple of weeks.

Unfortunately I am not in a position to say when we will arrive at a solution, but it is uppermost in our minds. It is a priority. It is a priority I am sure for this House. I will draw that to the attention of my counterpart.

**BOMBARDIER**

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, my question is for the Minister of Industry.

The \$87 million awarded to Bombardier through technology partnerships Canada is supposed to represent one third of the contributions required for the RJ-X project. Yet at the time of the announcement the board of directors of Bombardier had still not given approval to the project.

Why did the minister commit \$87 million of taxpayer money before Bombardier was prepared to make a commitment to the project itself?

• (1455)

**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, I am not quite sure what his question is intended to show, but if they do not want the money we will not force it on them, I can assure him of that.

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, there is a serious problem when taxpayers are providing money and interest free loans to a company which is profitable and they are not provided with the details of the repayment or of the money to be gained. In fact, the minister still refuses to provide details on previous moneys given to that particular company.

Will the minister tell Canadians today when they can expect Bombardier to repay the \$87 million and what rate of return can be expected from the money that has been given to Bombardier?

**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, if it were that simple then we would not be involved in this project using technology partnerships Canada.

What this program is intended to do is create opportunity by participating in risky projects for research and development that will create products which will sell on the world market. We expect, based on our own projections of sales of the RJ-X, that we will be fully repaid and, in fact, that we will be more than fully repaid by this project. However, it is a risky project. That is why it is important, if we want to create jobs in high risk, high technology areas, for the government to be there.

If we can sell more than projected we will make more money. If we sell less than projected we may not make as much money. That is the way business works. However, the important thing is that jobs are going to be created. Twenty-seven hundred jobs will be created or sustained by this investment. That is the kind of project we are looking to support.

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[Translation]

**THE CANADIAN RECORDING INDUSTRY**

**Mrs. Eleni Bakopanos (Saint-Denis, Lib.):** Mr. Speaker, Quebec's artists reacted with enthusiasm to a recent announcement by the Minister of Canadian Heritage that she will increase funding for the program to assist development of sound recordings during the next financial year.

Could the minister explain her reasons for thinking that her initiative will encourage the development of the Canadian recording industry?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, the recording industry pours \$1.2 billion into the Canadian economy and employs 16,000 Canadians.

As a result of the announcement we made this week, 2,000 new jobs will be created, and since we are always trying to create jobs, when we realized that exports have increased 175 per cent in the last decade, we intend to work even harder on this.

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**THE ELECTION ACT**

**Mr. François Langlois (Bellechasse, BQ):** Mr. Speaker, my question is directed to the government house leader.

The Quebec Election Act provides under section 40.92 that the chief electoral officer of Quebec may release information contained in the permanent voting list for Quebec to Elections Canada, for the purposes of drawing up a similar list.

Why does the federal government refuse to use Quebec's list, which is already ready to be used at this time, and instead insist on doing its own enumeration?

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, the subject is now being considered in the Committee on Procedure and House Affairs. I am looking into the point that was raised by the hon. member. It is quite possible that an amendment will be tabled in response to his concerns.

\* \* \*

[English]

**TOBACCO LEGISLATION**

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, my question is for the Minister of Health. The minister has been promising to put forward tobacco legislation since March of last year. He has also said that somebody in cabinet is holding up the tobacco legislation.

Who in cabinet is holding up the tobacco legislation and why?

*Government Orders*

**Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, the hon. member is clearly mistaken. There is no hold up.

• (1500)

He already knows that the consideration that is impacting on the legislation is dictated largely by the Supreme Court decision of last year, by the blueprint document, the consultations that have taken place, the 2,300 submissions that have followed and the desire to put forward legislation that will be effective, that will not end up in court and that will do what the minister and this government has promised: to look after the health of Canadians and to ensure the prevention of disease.

Those are the only considerations. We have indicated before and we will repeat it again today, as I did in committee, it will happen soon.

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**CHILD POVERTY**

**Mr. John Nunziata (York South—Weston, Lib.):** Mr. Speaker, my question is for the Prime Minister.

While the stock market is soaring and records are being set on Bay Street, Canadians are setting records for poverty. Canadian children are going to bed hungry. The unemployment rate is unacceptably high and millions of Canadians are looking toward a bleak Christmas.

What specific measures does the Prime Minister intend to introduce in the very near future in order to alleviate child poverty and to help the unemployed? The poor and the hungry children need help now. The unemployed need help now. They cannot wait. Can the Prime Minister indicate what specific measures he will bring in before Christmas to give some hope to impoverished Canadians?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the hon. member knows that as a result of the tremendous and virtually unprecedented decline in interest rates over the course of the last year, huge numbers of Canadians are now facing the possibility, thank Heaven, of going back to work.

The conference board said today that as a result of the decline in interest rates, it expects close to 330,000 new jobs to open up for Canadians over the course of the next year. At the same time, the hon. member knows that last year the working income supplement for families with poor children was doubled. Credits for caregivers were increased. We made it possible for young single mothers to have day care so they can go back to work. We have increased possibilities for disabled Canadians.

I would suggest that if the hon. member would look at the last budget he would see a lot of things we have done.

**PUBLIC WORKS**

**Mr. Nelson Riis (Kamloops, NDP):** Mr. Speaker, my question is for the Minister of Labour who will be aware that a number of working men and women on Parliament Hill have been locked out of their jobs. They have been asked to roll back their pay of \$7.25 an hour. They were forced to train their own scab replacement workers and some say now that they have no money to buy food for their children.

What is the minister doing to stop Bradson from using scabs to work on Parliament Hill and other federal properties and to end this terrible dispute?

**Hon. Diane Marleau (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, Bradson was hired and signed a contract with Publics Works and Government Services Canada to protect Parliament Hill. Part of that contract was that the company would continue to supply protection regardless of what might happen. It is fulfilling that commitment because protecting the House of Commons is considered an essential service.

\* \* \*

**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw to the attention of the House the presence in the gallery of the Committee on Constitutional Matters of the Parliament of Finland led by Mr. Ville Itälä, chairman of the committee.

**Some hon. members:** Hear, hear.

**GOVERNMENT ORDERS**

• (1505)

[English]

**FISHERIES ACT**

The House resumed consideration of the motion that Bill C-62, an act respecting fisheries, be read the second time and referred to a committee.

**The Speaker:** The hon. member for Delta has 31 minutes remaining.

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, Bill C-62 turns Canadian fisheries law on its ear. As I indicated before the break, all fisheries law in tidal waters in British Columbia has so far proceeded on the principle that Canadians are to have equal access to the commercial licences governing the fishery.

Apart from a brief period during the war when Canadians of Japanese origin were denied this right it has prevailed without

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question. The second exception is the recent incursion into public fishery affected by the AFS but that was not provided for in the act and is probably ultra vires the act. It would not be ultra vires Bill C-62.

Clause 17(2) is broadly worded. Fishing industries on both coasts which are based on security of fishing licences would be seriously destabilized by a whole new licensing regime. There is no restriction in clause 17(2) to existing licence holders. Existing licence holders in the fishery such as Pacific salmon or P.E.I. lobster could be completely bypassed by a new licensing regime pursuant to which new commercial harvesting licences are granted to others such as aboriginal organizations.

Clause 17(4) is garbled in its present form. Is it a condition of every commercial salmon licence that measures set out in the fisheries management agreement relating to the salmon fishery be complied with? Surely that is not intended. The wording should make that clear.

Clause 18(1) should provide that notice be given to all persons likely affected by the bill, so that all persons holding licences with respect to the fishery affected by the agreement are given notice.

Clause 19(1), publication in any manner the minister sees fit is not in accordance with the policy regarding publication of statutory instruments. The exception set out in clause 22 is not justified on the basis that those affected by it are to be given notice by some other means.

Clause 20 discloses the true purpose and intent of these agreements. They are in fact regulations but do not have all the safeguards, including prepublication, to which regulations are subject. Here we have a dispensing power which is something that was disallowed without express authority of Parliament by the Bill of Rights of 1689. It was disallowed then for the same reason that it should be disallowed now. It places too much power in the hands of the crown. The criminal law, of which all fisheries law is part, should be applied equally to all citizens. The crown should not be given power to dispense the law.

• (1510)

The right of equal access to the fishery or the public's right to fish is an issue and a guarantee which goes back to the Magna Carta. The Magna Carta prohibited the taking of this public right to fish without the expressed authorization of Parliament.

The Constitution Act of 1867 incorporates the English constitution into Canadian law. The Canadian courts, in a long series of cases, have based the public's right of access on the Magna Carta and the common law and have held that Parliament must expressly remove this right if it is to be a valid taking of the right. It cannot be done by the crown acting through cabinet, as was done with the native only commercial fishing regulations enacted in 1994.

The taking of the public's right to fish must be done through a specific act of Parliament. I quote from the Attorney General of British Columbia *v.* the Attorney General of Canada in 1913. It said:

It has been unquestioned law that since Magna Carta no new exclusive fishery could be created by Royal grant in tidal waters, and that no public right of fishing in such waters, then existing, can be taken away without competent legislation.

That same term "competent legislation" was used by the Supreme Court in three decisions handed down this past August in which the justices noted that the public right to fish has existed since the Magna Carta and it can only be extinguished or taken away by competent legislation, in other words, by an act of Parliament. That has not happened.

If the government intends to proceed with these management agreements, and we think that there is a real danger in doing so because those major policy changes should be made only with the expressed consent of Parliament, I would recommend a caution be put in place with an amendment. I would suggest that what we should have here is a clause 17(5) which would state: "That with the exception of agreements pertaining to fishing for food, social and ceremonial purposes, pursuant to an aboriginal or treaty right, the class of persons or holders encompassed by an agreement shall not be determined on the basis of race, national or ethnic origin, colour, religion or sex".

It is worth noting that such wording conforms to section 15 of the charter. The point is that such agreements are now being made pursuant to the aboriginal fishing strategy and are having damaging consequences on the resource and on the industry. If an arrangement is to be established by law, Parliament should do it expressly so that the impacts are addressed and public input provided through the regulatory processes as required by the Statutory Instruments Act and by Treasury Board's federal regulatory review process.

We must ensure that the broad powers given to the minister in this bill do not amount to undermining the authority of Parliament.

The question must be asked again: Does Bill C-62 address the real problems of the fishery? There is a rule of statutory interpretation that states that any new statute or law is put by Parliament to remedy an outstanding problem, or in legal terms, to cure a mischief.

We know what the bill does, but does it remedy the problems we all know exist in the fishery? This is the most important question that can be asked in today's debate. Rather than rush to a quick answer, let us examine the facts that are on public record very carefully.

In the summer of 1994 the department's management of the Pacific salmon fishery was revealed to be in total chaos. The department's failures were not exposed by its critics in the fishing

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or environment community. The department's failures were exposed in its own reports by DFO employees frustrated by the failures they saw around them. One of those reports came to my attention and I in turn brought the report to the attention of the House.

Let me remind members of some of the chaos identified by this DFO report. As we hear, let us ask if this new legislation will cure any of these problems. Steveston noted that the ability to manage the Fraser River aboriginal fishery has been seriously compromised. The report states that bands have not been able to abide by the terms of the AFS fishing agreement. It notes that the monitors at the landing sites are unable to properly count the fish as stipulated in the fishing agreement. This compromises the mandatory landing program agreement and creates inaccurate data. Does the new legislation cure any of these problems?

• (1515)

In Fraser Valley East and Fraser Valley West noted reduced capabilities to maintain proper control and accountability of the fishery and a breakdown of effective management of the native fishery on the Fraser River.

It notes that it was not possible to enforce the regulations pertaining to this fishery. The following issues were not addressed adequately: closure of the fisheries; mesh size restrictions; limited mandatory landing site enforcement; and early sets. There is very little effort directed toward enforcement of the terms and conditions of the fisheries. Figures gathered to date for catch in these fisheries should be given a very low confidence level.

In Fraser Valley East and Fraser Valley West licences were being abused and in fact there was no catch monitoring enforcement done on this fishery by DFO officers.

Bill C-62 will not address these problems.

Summary comments in that DFO document state that issues that have received reduced coverage and in some cases no coverage at all include: monitoring and enforcement of ceremonial licences; illegal fishing and illegal sales activities; monitoring and enforcement of the mandatory landing program, and providing coverage to ensure the integrity of the program is maintained; licensing, participant and gear restrictions verification checks. It is impossible to effectively control this fishery.

Does the new legislation address these rather fundamental problems identified by the department itself? The answer is a resounding no.

After these and other reports publicly exposed the department's mismanagement, the Minister of Fisheries and Oceans went to Vancouver to meet with his own staff. Here is what they told him:

The only thing conserving and protecting the fisheries is the Fisheries Act. If the act is not enforced, there will not be any more fish put on the spawning grounds than what is being put there now.

It is becoming obvious in this region that information on critical conservation and protection issues are not being received at the highest levels of the department—it seems as though the only issues that are dealt with are those that are politically sensitive and receive much media attention.

Most major undercover investigations being conducted into illegal fishing and illegal sales have come to an abrupt end.

Complete habitat investigations and large scale poaching investigations are not being done.

These revelations led to a major review of the department's management of the fishery in 1994. It was conducted by a former Speaker of this House, a British Columbian of whom we are immensely proud. I would like to quote some of Mr. Fraser's comments.

• (1520)

Mr. Fraser noted:

That message is simple: if something like the 1994 situation happens again, the door to disaster will be wide open. According to what the board found, one more 12-hour opening could have virtually eliminated the late run of sockeye in the Adams River. Such an occurrence would have devastating consequences for the Pacific fishery, delaying stock rebuilding efforts by years and bringing dire economic consequences to the province. The board believes that the solution to this problem lies in fixing the system. Unless all parties work together and manage much more competently, the tragedy that befell the Atlantic cod fishery will repeat itself on the west coast.

What brought us so close to disaster's door? The scenario has its roots in the 1992-93 DFO Pacific region reorganization. Cutbacks and budget reductions were made to the extent that the department was left in charge without the clear lines of accountability or necessary tools to enforce its regulations with any credibility. In the midst of this confusion, the aboriginal fisheries strategy was beginning to take hold and the early evidence suggests that it too was not working as intended. Once again, there was confusion as to who was in charge, obviating effective enforcement.

Mr. Fraser notes that the board makes a number of recommendations for improving the system in the area of management. We urge DFO to exercise its constitutional conservation responsibilities and not abrogate its stewardship of resources under federal jurisdiction, something which this act will allow for.

At page 63 Mr. Fraser notes: "But to allow commercial sales in other areas now would simply add to the opportunity to poach like current pilot sales have done". He confirms as well that these pilot projects proceeded as a matter of policy but without any judicial authority. Mr. Fraser recognized that these fisheries were taking place without proper legislative authority.

On page 64 he says: "There is no question that the introduction of pilot sales under the AFS cause many problems and great consternation among stakeholders".



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On page 65 he notes: "Several persons appearing before us pointed out there were no problems of missing fish before these programs were implemented". He suggested that the solution was to abolish the pilot sales.

On page 66 he states:

Mindful of the Sparrow decision, DFO must negotiate with First Nations on the basis of mutual respect, always considering traditional native rights and customs. Consultation and co-operation among First Nations should be facilitated through the watershed process and in other ways. However, DFO has no right to transfer Canada's constitutional responsibilities to protect the resource to anyone, native or otherwise. This responsibility must be retained always by the Government of Canada.

The government committed to accepting all of Mr. Fraser's recommendations. There were no exceptions; it committed to accepting all of them. Let us look at the government's record in living up to its commitment to abide by Mr. Fraser's recommendations.

I refer now to a DFO document which was a response to the Fraser River Sockeye Public Review Board. It was a critique by the department on whether or not it actually lived up to the requirements of Mr. Fraser.

The first recommendation of Mr. Fraser was: "We recommend that DFO retain and exercise its constitutional responsibilities and not in any abrogate its stewardship of resources under federal jurisdiction. Conservation must be the primary objective of both fisheries managers and all others participating in the fishery. The conservation ethic must prevail throughout and be adhered to by all".

The reported noted: "Retaining and not abrogating: DFO officials do not believe they have in any way abrogated their responsibilities, but recognize there is a perception of this particularly in commercial and recreational fisheries. DFO did not directly respond to this part of the recommendation or the perceptions or concerns that underlie it". Mr. Fraser's first recommendation in my view was probably the most important and DFO just ignored it.

On the notion that conservation be a primary objective: "Again, from DFO's point of view, this is a problem of perception, not substance". I will deal more with that problem later. In fact, I dealt with it earlier when I referred to the number of runs of sockeye salmon which have been extinguished in this century.

The report with comment on Mr. Fraser's recommendation noted that DFO did not achieve its escapement targets for Fraser sockeye in 1995. It notes that there can be no conservation of Fraser River sockeye salmon in the long run without equivalent care and protection for the habitat on which fish stocks rely. In this light, the pending expiration of key programs as the Fraser River action plan and the funding base that has supported it in recent years is of utmost concern.

• (1525)

Again, the government's response to these conservation concerns is not to do something about them but to turn responsibility for conservation over to the very people who are the root of the problem, that being the provincial governments. The provincial governments are responsible for urban development. The provincial governments are responsible for roadways which damage the fisheries habitat. They are responsible for poor forestry practices which again damage fish habitat. The government's response is to turn the responsibility for conservation over to the provincial governments.

The second recommendation of Mr. Fraser was: "We recommend that DFO take immediate steps to initiate a process of planning for the future of the fishery, addressing all critical problems affecting conservation and sustainability through an ongoing consultative forum. Among the problems to be considered would be overcapitalization, user group allocation and ensuring equitable treatment under law".

DFO's own people in reviewing their progress in addressing the recommendations of Mr. Fraser noted: "To date, DFO has not established a broad multi-stakeholder consultative process to plan for the future and address critical problems affecting conservation and sustainability. DFO has not identified the responsibilities and composition it should have nor its relationship to existing processes".

Recommendation number three: "We recommend that DFO and the Pacific Salmon Commission adopt a risk aversion management strategy because of the great uncertainty on stock estimates, in-season catch estimates and environmental problems. Conservation goals must be achieved before any other priorities are addressed".

The government's own people note that a risk aversion strategy has not yet been developed. They say: "We found in our evaluation that DFO's actions were not the result of an explicit, well-defined risk averse management strategy but rather were a response to the unprecedented events of the 1995 fishery". They note that DFO's actions "were not based on a well-defined risk averse management strategy". They state: "The question of how DFO defines risk averse and how risk averse is expected to promote conservation must be addressed. Without this clarity, there is no way to test if DFO's activities are in fact guided by well-conceived and well-defined strategy or whether their activities in themselves define what DFO means by risk averse".

That statement is critical. It clearly demonstrates to the public and to any reader just how clear it is that the department is not operating from a clear set of principles, but rather making it up as it goes along.

Recommendation number four: "We recommend that DFO in conjunction with provincial authorities, First Nations, commercial and recreational fishery groups, implements, both in marine and in-river areas, a revised system to ensure that catch information is

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timely and reliable given that accurate counting and timely reporting of catch are fundamental to conservation. The system must also include a more stringent paper trail wherein there must be stricter control of landing and sales slips and a mandatory retention of sales slips with fish through to retail sale or export”.

The government’s own report notes: “It is not clear to what extent measures taken by DFO provide more reliable and timely information and how much closer it brought DFO to the realization of its data collection goals. The mandatory hail data still suffer from reliability concerns. And while the landings and fish tracking plan will improve the reliability, it will not address timeliness. Overall, a fundamental problem is that DFO has not defined what information it needs or more to the point, how much it is willing to invest or demand others invest to get that information”. Again, this act does not address this concern. It is not addressing the real issues facing the fishery at this time.

Recommendation number five from Mr. Fraser: “We recommend that DFO explore the application of new technology to collect information on stock levels and ocean areas in order to supplement catch statistics”.

• (1530)

It says again:

As with measures taken in response to recommendation 4, it is not clear whether and to what extent these measures have brought DFO closer to the achievement of its data collection goals. The problem is that these goals are not well-defined.

That leads us to the difficulties. The department in this bill has not clearly defined the difficulties which it faces.

In conclusion, Bill C-62 gives sweeping powers to the minister to manage the fishery through ministerial orders, to enter into private fishery agreements and to transfer authority vested in the federal government by the Constitution to the provinces. This bill should be quietly withdrawn, pulled off the parliamentary agenda in the dark of night. Then, in the light of day, in full view of all Canadians, discussion should begin to establish the principles on which our fisheries resource will be managed.

**Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, Bill C-62, the new fisheries law, will substantially modernize and rationalize the legal basis for fisheries conservation and habitat management in Canada. It is the first major rewrite of the fisheries act since the last century, since the original law of 1868 in fact, and it will provide the basis for a sustainable fishery for the 21st century.

This rewrite is long overdue. Fishery as an industry and as a profession for the fisher people is changing. Markets are changing. Technology is changing. The science of fishery is changing. The law, in turn, must respond to these dramatic changes in our society if it is not to become an unnecessary clog in our economic growth and our community well-being.

A few weeks ago the House passed the Canada Oceans Act. This bill is complementary to the Canada Oceans Act which stakes out Canada’s clear legal jurisdiction over its ocean areas.

With the revised fisheries act we are putting in place the legislative machinery and processes needed to ensure that the fishery resources of our oceans’ heritage will be used responsibly. We are moving to ensure that those resources are conserved, not only for the present but also for future generations. We are moving to ensure that people who work in the fishery can earn a decent livelihood.

This legislation is in keeping with the best principles of law reform. Its revisions are easy to read. It consolidates provisions for which consolidation is long overdue. It makes possible a reduction of up to 50 per cent in existing regulations.

Let us now examine the new fisheries bill in overview. Bill C-62 will allow for a direct voice for industry in fisheries management through partnering agreements.

It will allow for a fairer system of administrative sanctions that would replace many of the criminal proceedings now used for infractions.

It will allow for an order power to set fishery close times and catch size and weight limits, all these for use by federal, provincial and territorial managers.

It will allow for the integration of the Coastal Fisheries Protection Act with the Fisheries Act. This will create a single legislative framework for all fishing in coastal and adjacent waters.

It will also allow for a significant and long overdue streamlining of regulations, with a reduction in volume by as much as 50 per cent.

The emphasis in the new fisheries bill is on self-regulation and self-reliance. It sets a climate for long term stability in the industry. For too long Canada’s fishery has been plagued by what we may call a gold rush mentality. Self-regulation, self-reliance and long term stability will help eliminate this capricious and ultimately self-destructing attitude. The revised fisheries act will go a long way to ensuring that the fishery of the future will be environmentally sustainable and economically viable.

There are several other important legislative changes proposed in Bill C-62 as we seek to adjust to the needs of a rapidly evolving industry.

The legislative base of fisheries and oceans will be streamlined by repealing statutes which have outlived their usefulness and by integrating provisions from those into the fisheries act. The Atlantic Fisheries Restructuring Act, the Fisheries Development Act and the North Pacific Fur Seals Convention Act are being repealed. The few industry support and development powers from the Atlantic Fisheries Restructuring Act and the Fisheries Develop-

ment Act that may still be needed are being incorporated into the fisheries act.

• (1535)

Archaic provisions in the fisheries and oceans legislation are being eliminated. Much of that legislation has existed in one form or another since the time of Queen Victoria. It is no longer required. The great queen is long since gone and archaic provisions continued too reverentially from the historical epoch now passed should be replaced where they are no longer serving a useful purpose. For example, many fishing seasons have passed since we have needed the rules governing cutting wood and drying fish on vacant public lots.

Bill C-62 also provides a legal framework for delegating certain habitat management responsibilities to the provinces. To ensure a consistent national standard for habitat protection, provinces will be expected to comply with certain standards of habitat management as set out in negotiated agreements. However, there should be no misunderstanding about this. The Minister of Fisheries and Oceans continues to retain full legal responsibility for the conservation and protection of the resource.

The delegation to provinces of certain freshwater habitat responsibilities is a major change from the version of the bill that was tabled in 1995 and it responds to the government's commitment in the 1996 speech from the throne.

The bill will not in itself transfer habitat responsibilities to provincial governments. It allows the federal government to negotiate on the delegation of responsibilities with interested provincial governments. All parties concerned would be consulted during these negotiations. The bill will enable the Minister of Fisheries and Oceans to delegate responsibility to provinces, to authorize certain types of projects and to exercise day to day management powers on provincial lands.

To recapitulate, this delegation of responsibility would eliminate an existing overlap between federal and provincial processes and also correspond with changes taking place in other areas of governmental activity. The federal government will maintain its full constitutional legal authority for prescribed projects.

Provinces would have a variety of powers, including the ability to require the installation of fish guards, fishways and other apparatus designed to protect fish, to require the removal of obstructions to fish passage, to provide authorization of certain projects of local concern. Regulations will set out a list of projects that are to remain within the realm of the federal government. Consultations with stakeholders will also take place to determine those classes of projects requiring permits. The mandatory permit provisions will replace subsection 35(2) authorizations as a trigger for the federal environmental assessment process under the Canadian Environmental Assessment Act.

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At the present time, the provisions of the fisheries act dealing with physical alteration of fish habitat and pollution prevention are scattered throughout the act. The amendments will group these provisions together for ease of use. Once again we will be making the machinery simpler to operate.

I should also point out what is not changing in the act. First is pollution prevention. An important management tool currently found in section 36 is the prohibition against unauthorized deposits of deleterious substances. It is not being changed. Along with this, the Minister of Fisheries and Oceans may request that ongoing monitoring take place to ensure that where deposits are authorized, they are carried out in accordance with the authorizations. These provisions, administered by the Department of the Environment, will not be changed in any substantive way.

Second is plans and specifications. The ability of the Minister of Fisheries and Oceans to require plans and specifications for physical alteration or deposits of deleterious substances will be retained. Provincial ministers will have the ability to require plans and specifications where there has been delegation. The ability of the minister of fisheries to halt projects with governor in council approval will remain.

Third is flows. Also remaining will be the ability of the Minister of Fisheries and Oceans, or a provincial minister where there has been a delegation, to require flows of water over and through obstructions, such as dams, to provide for the free movement of fish up and down stream, and for the mitigation of effects on fish habitat.

Finally, a word on penalties. Since the penalties for habitat offences were updated and substantially increased, there is no necessity to amend them at this time.

Let us now turn to partnering agreements. New powers in the bill allow the Minister of Fisheries and Oceans to share responsibility, decision making and management costs with groups within the fishery through long term partnering agreements. Shared responsibility creates obligations for both parties, the stakeholder and the minister. We emphasize once again that the minister maintains ultimate legal responsibility for the conservation and protection of the resource.

Here are some of the specific matters on which fisheries and oceans and any representative organization would be able to enter into a management contract: harvest limits and other conservation and management measures; the number of licences; fees payable for licence issuance and administration; obligations and responsibilities of each party; funding arrangements with respect to management of the fishery; conservation and management programs for the fishery.

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• (1540)

To reiterate, under partnering agreements the responsibility and legal authority for conservation protection of the resource remains with the Minister of Fisheries and Oceans. It is both co-operative federalism, federal-provincial as law in action but it is also the new pluralism: government and stakeholders in community decision making. The minister will also continue to establish intersection and interregion allocations.

In future, fisheries and oceans should be better able to concentrate on its core responsibilities relating to setting policy for fishers and conservation protection of the resource.

In this bill we are recognizing that the industry is capable of managing many machinery aspects of the fishery. The Minister of Fisheries and Oceans is committed to developing integrated management plans. Stakeholders will be encouraged to assess whether the partnering arrangements meet their specific needs.

On the new licence and appeal system I stress only that in the new system, the new tribunals are independent, at arm's length from the government. It is a new approach to sanctions.

The Oceans Act established our international law power under international law in the areas we have pioneered over the oceans and elsewhere. The fisheries act, apart from its tremendous work of codification, rationalization and modernization, provides the legal machinery and processes for vindication and enforcement of those international law rights in Canadian internal municipal law.

**The Speaker:** At the beginning you were not asked if you were going to split your time but I have a note here that you are going to share your time.

**Mr. McWhinney:** Yes, Mr. Speaker, and I apologize for neglecting to advise you.

**The Speaker:** I thank you for the direction.

[Translation]

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, I would have liked the parliamentary secretary to speak a bit longer because I have the feeling that we both could use more than five minutes to debate this issue. Anyhow, I will try to get to the point with my question, to limit myself to only one thing.

In his speech, the parliamentary secretary mentioned fisheries management agreements. I spoke before the parliamentary secretary and I said that the minister's arguments were flawed with regard to the wording of subclause 17(1).

I do not know if the parliamentary secretary agrees with the minister, but for my part, I have some experience with management agreements called partnership agreements; partnership means

transparency, you must know who your partners are and let them know what is up your sleeve.

I will give you as an example the crab fishermen in zone 12 of the Gulf of St. Lawrence, who had negotiated such an agreement with Fisheries and Oceans in February. This agreement was broken because the minister used his discretionary power to allow new players in. I have nothing against the arrival of new players per se, but nothing in the act provides for their arrival.

What annoys me is that it says "in the opinion of the Minister"; letting in new players is within his discretionary power, it is not information known to fishermen. The member opposite is also a distinguished lawyer and he must know that to make a partnership work, partners must share information.

In view of what I have said and given the example I described, could the parliamentary secretary tell me whether he agrees with the opposition that there are flaws in the bill as it stands now and whether he will support the opposition to remedy them? If he cannot see them now, he still has the whole second reading and report stage to become aware of them.

• (1545)

**Mr. McWhinney:** Mr. Speaker, I must thank the member for his very interesting and well-researched question. We are now talking about a new phase in the development of our domestic constitutional law, since formal amendments to the Constitution are so difficult.

I just spoke about the aspect of new pluralism of our system of government, that is, the system of partnership involves very close co-operation between different levels of government, between the federal government and the citizens in the present case, but it could also be between the federal government and provincial governments.

During my speech, I said a few times that the constitutional responsibility lies with the federal minister. However, the spirit of co-operation would indicate that the essential element is very close co-operation between the two levels and this is exactly what we are implementing in the negotiations with the British Columbia government.

We will examine specific cases when we get to the detailed study of the bill but, for now, I agree with the minister on this point. We accept this movement, this new pluralism, and we are trying to do our best within this partnership with the industry and the fishermen.

[English]

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, last summer the Supreme Court acknowledged that since the time of the Magna Carta there has existed a public right to fish. To date the commer-

cial sales portion of the aboriginal fishing strategy has operated outside the law.

This Bill C-62 will give the minister the right to discard 800 years of common law and allow for these private fisheries and do it without proper debate.

I would like the parliamentary secretary to address that issue, please.

**Mr. McWhinney:** Mr. Speaker, I am happy to return to the question of the Magna Carta, of which our distinguished colleague opposite has spoken several times.

One of the problems is that people quote documents but do not read them in the original. This is not the hon. member's fault alone. It is sometimes affects judges too. One of the problems of the Magna Carta is that there is no single version of it and no single language. The original Latin has been translated into Norman French and from Norman French into English. However, when the Magna Carta is read it does not really support the principle he is referring to. I would suggest he go back to the direct sources. It is the only source of wisdom.

Let us come back to this issue as far as aboriginal fishing rights are concerned. This is to misunderstand the nature of this measure. As I said at the outset, the oceans act and the fisheries act in combination take Canada into the 21st century because they establish, in addition to the act of codification, rationalization and modernization, the juridical base in Canadian municipal internal law with the international law rights that Canadian diplomats and Canadian foreign ministers over the years have led. That is the triumph of these bills.

The hon. member should not worry about the petit point needle work at the expense of seeing the large design and the large step into the 21st century that this project of the law represents.

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, it is my pleasure to rise today and speak to a timely piece of legislation, Bill C-62, an act respecting fisheries.

I would like to deal particularly with the habitat provisions of these amendments to the Fisheries Act and to highlight their role in the renewal of the Canadian federation.

The federal government currently has constitutional responsibility for both marine and freshwater fisheries. It is also directly involved in the management of freshwater fisheries only in Atlantic Canada, Northwest and Yukon Territories and rivers in British Columbia that are home to spawning salmon.

• (1550)

Day to day management of freshwater fisheries has been delegated to the prairie provinces, Ontario, Quebec and to British

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Columbia for non-salmon waters through regulation and general fisheries agreements. These provinces play a significant role in managing fish habitat usually without formal agreements with the federal government. The exception of course is Ontario with which we have a memorandum of intent on fish habitat.

Federal habitat responsibilities are set out in the Fisheries ACT. In this respect the objective of the act is a net gain in productive fish habitat. To meet this objective three goals are pursued: conservation of existing fish habitat, restoration of previously degraded fish habitat and development of a new habitat.

Under the conservation goal the department tries to ensure that adverse impacts on fish habitat are avoided by assessing projects before they are built. These assessments can require the relocation or redesign of projects to prevent damage. The Department of Fisheries and Oceans strives to ensure that unavoidable loss of fish habitat is balanced by habitat replacement on a project by project basis.

Currently inland provinces manage fish habitat with minimal federal involvement and often without clear direction or accountability. This can result in several problems.

One is a lack of formal agreements with the province over which projects should or should not require review by the department. For example, one province may refer a small project to the department for review, while a neighbouring province may not refer a major project with potentially significant impacts on habitat. This leads to inconsistent levels of fish habitat and an inconsistent protection of fish habitat across the country.

Another problem arises from the discretionary nature of some of the habitat provisions, notably section 35 of the current Fisheries Act which prohibits the harmful alteration, disruption or destruction of fish habitat unless authorized by the Minister of Fisheries and Oceans.

To avoid contravening the Fisheries Act, an authorization is required only where a project will result in harmful effects to the habitat. Therefore an offence can occur only when harmful alteration of habitat occurs without authorization.

This is the way we have been operating up to the present time and it is impossible to supervise. In addressing some of the concerns that have been raised by the opposition, the way we are operating now, it is impossible to supervise every single thing that goes on in these coastal waters that are covered by the Fisheries Act.

For example, when the Department of the Environment is to look at such things as ocean dumping on the west coast we have tens of thousands of miles of coastline on that rugged coast, as well the islands and all the northern region. I am talking about the Arctic Ocean region with the islands.

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Yet the Department of the Environment has only a handful of people to inspect each project and all dumping that takes place in the ocean. Something has to change.

Better habitat protection will result if measures to protect habitat were included in project plans and specifications in advance rather than through enforcement after damage to habitat has occurred.

Some of our opposition is questioning whether that is possible. As an example, I was fortunate enough to be in Nanaimo, British Columbia at a time when there was a very important meeting taking place. Attending that meeting were project supervisors, representatives from the federal and provincial levels and the ministries of environment, outside objective consultants who are experts in environmental affairs, a project engineer from the municipality. Here was a partnership sitting around the table and discussing the environmental impact on a golf course that that community was planning to build. All the concerns of an environmental nature were being addressed in advance.

• (1555)

These people co-operatively, in partnership, came to the conclusion that certain major changes had to take place in the major plans that were being presented by the company that wanted to build a golf course right on the edge of a habitat for a very important fish species. To me, that is a democratic model. That is what we are pushing in this bill.

It is certainly preferable to prevent damage rather than repair it. That is what this bill intends. The provinces manage habitat on a day to day basis while the federal government retains decision making authority. This could create uncertainty over which level of government should be doing what.

Delegation agreements with the provinces under this bill, by clarifying roles and setting out clear responsibility, will reduce this uncertainty by improving habitat management and making it more consistent across the country.

The new fisheries act would enable us to delegate to the provinces the responsibility to make all decisions for certain types of projects under a number of provisions of the fisheries act.

I am aware that some environmental groups are concerned that delegation would weaken habitat protection and lead to a patchwork quilt of habitat management across the country. I want to assure them that the federal government will not delegate to provinces that are not capable or willing to effectively meet national habitat protection standards. The provinces will be required to show that they are meeting these standards through appropriate accountability which could include reports to the federal government and through periodical federal audits of their performance.

Agreements could be for a fixed period of time or before the agreement could be renewed there could be a review to determine if the requirements of the fisheries act had been met.

The question of habitat management standards is not on the table. National standards will be maintained. However, we are flexible about the specific arrangements that would be made with the provinces. We are currently discussing the extent and scope of delegation with the provinces, industry and environmental groups. A major workshop will be held this fall to examine the best approach to take in determining what type of projects or activities should remain under federal authority.

In summary, habitat delegation will contribute to a more effective federation by placing in the hands of each level of government those responsibilities they are best able to carry out. This will end uncertainty over who should be doing what. The results will be more effective decision making that will not delay development project unnecessarily and will simultaneously yield better habitat management.

It is for these reasons that I intend to support the bill.

[*Translation*]

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, I cannot believe my ears. I have run into the previous speaker before in committee, but his comments make me feel like I am on a different planet. I will try to explain why.

He went on and on about his fears regarding habitat protection, how the provinces would not be equal to the task. Unless something got lost in translation, but that is clearly what he meant.

He feared that the federal government might delegate some rights to the provinces, thereby undermining federal control over habitat conservation. I want to reassure him. Clause 9 in part I of the bill—which I find irritating—provides that the delegation of powers only applies to licences and related rights, that is to say, the money that may go with this.

What intrigues me the most—and makes me feel like I am on another planet—is the source of the new rights the minister gives himself in part II on habitat conservation. They are encroaching on the jurisdiction of the provinces, especially Quebec, which owns all the water resources and hydroelectric dams within its borders. People can figure it out for themselves. Is this his way of compromising our entire economic development?

• (1600)

This is not the worst bill of the century, but an attack against the provinces.

Can the hon. member admit that the provinces have done a good job in the past 100 years; that the federal government is interfering in an area of provincial jurisdiction; that the provinces have done a good job of preserving habitats; and that, if it wanted to make the

new fisheries act fully consistent, the federal government should delegate more powers in this area and amend part II as it now stands?

All he has to do is compare the current version of part II with what was in the old law to see there is a huge difference. This is a major case of federal interference in an area of provincial jurisdiction, and they dare tell us that they will seek our agreement, that they will work in partnership with us. This is off to a very bad start, and second reading is on the principle, and I do not hold out much hope for principles.

[English]

**Mr. Dromisky:** Mr. Speaker, I really do not understand where the member is coming from. Nowhere in my presentation did I make any statement to support what he has just finished stating.

My hon. colleague from Quebec realizes just as well as I do that, as far as fresh water controls are concerned and jurisdiction, it is in the hands of the province. His province has been doing an admirable job, as have a great number of other provinces, regarding fish habitat within those fresh water bodies. That is what I was referring to.

Most of my speech addressed fish habitats outside the fresh water boundaries, in other words those in the salt water. That is what I was directing most of my presentation toward.

The partnership will exist. There is no doubt about it. In my presentation I clearly point out that most responsibilities will be handed over to the provinces. There will be a conference this coming fall where more clearly defined responsibilities will emerge. There is no doubt about it.

Responsibilities that lie in the hands of the Quebec government will not probably be identical to those that would lie in the hands of British Columbia or some other province simply because of so many differences, so many other factors that have to come into the picture.

It is practically impossible to come up with a standard formula or a standard set of rules and regulations for each and every province. The member knows that and I know that.

As more discoveries are made, new information and new knowledge emerges on the scene as time goes on. His province, with its sense of responsibility, will do the best it can to take that knowledge, information and technology and introduce it into the environment or situation to be sure that the fresh water habitat, as well as the salt water habitat, are protected and maintain a certain level of productivity that would be beneficial to the people of Quebec just as it would be in every other area of this country.

We hope for that, we pray for that and we have to ask the member to guarantee that.

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[Translation]

**Mrs. Monique Guay (Laurentides, BQ):** Mr. Speaker, it is with great interest that I participate in this debate today on Bill C-62, the fisheries bill.

This bill, which died on the Order Paper in the last Parliament as Bill C-115, is back before this House. It proposes an integrated approach to fisheries management in Canadian waters and adjacent waters. It is the end result of a process to simplify and modernize the fisheries legislation. The words simplify and modernize I just used were certainly not intended to be taken in a positive way.

While these words generally have a positive sense, we do not consider them as such and we will not therefore support this bill put forward by the Liberal government. The fact is that there are serious flaws in the four parts of Bill C-62, which my colleagues and myself will address in greater detail in our remarks.

• (1605)

True to their ways and their vision of Canada, always trying to further centralize power and acting unilaterally, the federal Liberals are once again breaking their promise to decentralize and allow the provinces to play a more prominent role.

Last Wednesday, I watched on the Ottawa station of the CBC, as Quebec's favourite minister, the Minister of Intergovernmental Affairs, who is also a favourite of cartoonists, was boasting away as usual about this great federation whose leaders are so committed to carrying this whole decentralization effort through. This is all rhetoric coming from the Liberals and their school bag packing minister. Those who carry a school bag have to do their homework, otherwise they fail. With their Bill C-62, they are flunking the test, they are not swimming, they are sinking, which brings us back to the fish.

The people opposite will not have it any other way, because decentralizing and giving more prominence to the provinces is not consistent with federalism, with the very basis of federalism.

The federal government is certainly not prepared to commit hara-kiri. That is why they are all words and no action. It is becoming a real joke when the Minister of Intergovernmental Affairs uses all the words in his vocabulary, always the same few words, to try to persuade us that Canada works.

This bill is part of the farce being played out by the ministers and their great leader, who only swears by the red book and whose promises have gone up in smoke. The first part of the bill clearly shows that the regime for the protection and management of fisheries undermines the best interests of the fisheries and the workers whose livelihood depends on this industry. This part of the bill provides for the conservation and management of fisheries.

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The various elements of this part of the bill raise a lot of questions. The minister should have looked at what is happening in this industry in Quebec and the rest of Canada. That would have been the logical thing to do. However, the minister chooses to put the cart before the horse by first setting the terms of future fisheries management agreements, as is provided for in clause 17.

Some crucial elements for a relevant and appropriate review of the issue have been left out. These crucial elements deal with the core of the fisher people that needs to be defined and the appropriate fishing guidelines to be applied in the future.

The depletion of the fish stock both in the Atlantic, where ground fish are being threatened, and on the west coast has led to a moratorium on fishing in the Atlantic and forces us to stop and think about the difficulties the fishing industry is facing from sea to sea. We have to sit down with all the stakeholders and get their input to see what the future holds for the industry.

This bill ignores several important and even crucial questions for the fishing industry and those who depend on it. The people the minister had indeed consulted with are complaining because they believe nobody listened to them. What good does it do to consult the people if you do not listen to them? But we must recognize that members opposite are past masters in the art of fake consultations. For almost three years now, they have been having more and more of them in all fields.

They use these consultations as a democratic screen. In fact, it is the finance minister who started this new fad of fake consultations. You will remember the finance minister getting off a plane and running, hair flying, to consult on his first budget. Liberals suffer from a "chronic fake consultation syndrome". They consult to look good while their plans are already drawn and their decisions are already made.

Ministers keep all powers at the expense of all concerned. The whole population of Canada even saw how the Liberal leaders acted this way, a couple of weeks ago, at their last national convention. A fine democracy where the die is already cast. This bill is no exception to the Liberal smokescreen strategy.

• (1610)

Indeed, clause 17 really gives the Minister of Fisheries unlimited powers, which will make him the sole master of the fishing industry. He will be able to sign fisheries management agreements with any association that, in his opinion—and I repeat—in his opinion, represents a class of licensees or people.

These agreements can determine the maximum catches, the number of licenses, the rights that can be levied by Her Majesty, the obligations, responsibilities and funding measures concerning fisheries management and the applicable conservation and man-

agement programs. The minister can even establish guidelines for the tribunal on decisions to take in case of a severe violation.

With clause 17, the minister gives himself all the powers and, unfortunately, this is not necessarily in the interest of those primarily concerned, since the minister can make almost any decision without any consideration for them.

If the minister makes a bad decision in terms of resource allocation as a direct result of a lack of consultation or findings on the fisheries situation, he can always change his mind under clause 21. This does not seem very serious and shows a patent lack of will to provide a really adequate mechanism to ensure an efficient fisheries management, which would reflect reality and which all concerned would take part in and be satisfied with.

Given such a lack of vision for the future of fishing, we have every reason to be worried and we should vigorously criticize the minister and the federal government for their ineffectiveness. The future of fishermen and fisheries is once again threatened. The federal government does not do anything in this bill to rectify the situation and to reassure fishermen and all the people who rely on this industry. The future is becoming more and more gloomy.

Because of the troubling situation, this unacceptable bill and the vital importance of this issue, we are demanding that powers for fisheries management be transferred back to Quebec. Why should we trust the federal government in this area any more, when it has not done a good job of managing it and has nothing good to propose for the future?

Even though Captain Canada, who has moved on and is now threatening to pull the plug on the Churchill Falls contract, went to New York with his nets and his fish, we must not be taken for fools with regard to the content of this bill, its impact and the fact that it does not even offer a glimpse of hope for the future of the fishing industry.

I will now turn to part II of the bill, entitled "Fish Habitat Conservation and Protection, and Pollution Prevention", which is of particular interest to me. It is amazing to see the impact of this bill in terms of duplication and overlap not only with the provinces, including Quebec, but also with other federal statutes.

I am thinking about the Canadian Environmental Protection Act, the Canadian Environmental Assessment Act and the bill that the environment minister tabled a few days ago about endangered species, among others. All this is getting very complicated.

Part II of Bill C-62 includes clauses 42 to 64. It allows the Minister of Fisheries and Oceans or another minister designated by the governor in council to take action with regard to the removal of obstructions impeding the free passage of fish or detrimental to fish habitat, the construction of fish-ways or canals and the control of activities or undertakings which are likely to result in the alteration or the destruction of fish habitat or in the deposit of a deleterious



substance in waters frequented by fish or in any place where that deleterious substance may enter any such waters.

So that part of the bill concerns all the water environment and, indirectly, the atmospheric and land environment as well, where deleterious substances may enter a stream and alter it.

• (1615)

The powers given under the bill to combat or prevent the various forms of pollution are considerable: authorizations, permits, notices, reports, plans and specifications, inspections, fines, orders to close, emergency interventions, and so on.

These powers are not entirely new. They are already found in the existing Fisheries Act, but they are given greater prominence through various titles and groupings. The bill also provides for more extensive powers to intervene to protect fish habitat. This part of the bill creates a major problem, because it gives the federal minister powers that are identical or similar to those available to the Quebec Minister of the Environment and Fauna under the Environment Quality Act and the Act respecting the Conservation and Development of Wildlife.

For these reasons, part II of the bill can be considered a major irritant in relations between the federal government and Quebec, just like other federal legislation, including the Canadian Environmental Protection Act or the Canadian Environmental Assessment Act.

The interference of the federal government in areas already occupied by Quebec once again duplicates legislation, adds to the number of public servants, and increases the constraints on businesses and individuals, all of which lead to inflated costs and an ineffective system. Where is the minister, with his school bag in hand, to tell the fisheries minister that the purpose of Bill C-62 is not to achieve efficiency and the grand designs of decentralization?

There is no sign of the Minister of Intergovernmental Affairs in this debate. He would rather spout nonsense on various stages and mouth pious wishes in connection with our supposedly great and efficient federation. But the bill we see before us, which is almost the complete agenda of the federal government, does not pass the test. The Liberals say one thing and do another.

I would remind you that Quebec has a fundamental responsibility with respect to the protection and uses made of the aquatic environment and its resources. It has ownership of public bodies of water. It also has exclusive rights over civil rights and public property, municipal governments, local structures and industries, land development and resource use, and in general anything of a local or private nature.

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It is therefore responsible for integrated management of the aquatic environment, and for taking all protective measures liable to ensure its quality, by preserving aquatic life and the natural processes essential to the species inhabiting that environment, primarily halieutic species.

It seems exaggerated, therefore, for the federal government to use its jurisdiction over fisheries and the management of conditions favourable to the maintenance and development of fishery resources to end up exercising identical or similar powers to those of Quebec over the aquatic environment.

With this bill, the federal government is taking no notice whatsoever of the concerns that have been expressed at all levels in recent years concerning duplication, inefficiency and the dilution of resources occasioned by the current situation.

On the contrary, Bill C-62 reaffirms and consolidates federal domination of an area fully covered by Quebec legislation, which directly addresses protection of the habitat of all fauna, including fish, and water pollution control in all of its forms.

In principle, the department, or any other designated by the governor in council, may duplicate or even countermand the authorizations required by clause 22 of the Quebec environmental control act, and undertake the same impact studies as those covered by that act. Similarly, the governor in council has responsibility for adopting regulations which more or less duplicate or overlap Quebec regulations, as is the case at present concerning pulp and paper plant and oil refinery effluent and the liquid effluent from metal mines.

Even more than the Canadian Environmental Protection Act, this bill would provide the federal government with a powerful tool for controlling all activities taking place in the aquatic environment, whether private property, or belonging to a municipal government or the province of Quebec.

• (1620)

The problem is that the jurisprudence on division of powers tends to favour the federal side, since if there is any incompatibility, the federal legislation is generally recognized as taking precedence.

I would also like to point out that most of the decisions the federal minister must make with respect to a new project or activity that may affect a waterway require, according to the Canadian Environmental Assessment Act, prior examination or an in-depth study, and in some cases a complete assessment.

In other words, part II of the bill would intrude and would continue to intrude in the future on Quebec's exclusive or predomi-

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nant jurisdiction over and responsibility for development, protection and management of waterways within its territory.

To the extent that the bill reaffirms and consolidates the federal position in this area, it causes the federal government and the Quebec government to compete directly with each other and ultimately favours complete federal control over environmental management, the economy and the use of water. At best, it would have the effect of restricting Quebec's ability to define its own objectives, priorities and means of action and develop an integrated water management policy.

I wonder what would happen if a project or structure receives the requisite permit and the minister of fisheries were to decide subsequently that the structure is harmful to a certain type of fish. In this area, we will now have four federal acts and possibly a larger number of regulations that, in turn, will duplicate two Quebec acts and regulations. A real mess, in which the average person will be hopelessly lost.

Imagine the number of public servants, bureaucrats and ministers who would be able to intervene. The federal government is entirely responsible for this situation. It constantly walks all over jurisdictions already held by the provinces, especially in Quebec and especially in environmental matters.

We wish the government would stick to its own jurisdiction, and start by harmonizing at the federal level. The environment would be better off as a result.

**Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I thank the hon. member for her very interesting speech. I think she understands the major historical trends in international laws and municipal bylaws on environmental protection and pollution control. She agrees that the federal government and the provinces can negotiate in good faith. So why does she conclude there will be a conflict between the two levels of government? We share the same goals.

In this case, I have a question for her: In order to reduce the possibility of conflict, should Quebec not follow in British Columbia's footsteps and negotiate an agreement on fisheries with the federal government? Why not? This might resolve the problems she raised with respect to the administration and purpose of this bill.

**Mrs. Guay:** Mr. Speaker, the problem of overlap and duplication does not exist only between the federal government and the provinces, but also within the federal public service. I am thinking in particular of the department of fisheries and that of the environment. The problem has always existed. There have always been overlapping laws, and the department of fisheries has always used its discretionary power so it could fulfil its duties.

• (1625)

A bill on threatened species has just been introduced in this House, and this morning in committee we were discussing fish habitat and protection. While we on this side are working to make progress, and I am including the federalists—even though I am not one of them, I can still see that some of their initiatives make sense—the Department of Fisheries and Oceans now comes up with a bill that interferes with the one on threatened species. This makes no sense at all. So when federal departments draft a bill, they should at least consult with one another so as to make their work much more consistent and cost-effective.

Federal overlap alone is a shameless waste. Let us start with this. As far as Quebec is concerned, I think it is doing its job and it is in our best interests to conserve our fish stocks and protect our environment and wildlife. I think the Quebec law on environmental protection, on the protection of threatened species, was one of the most forward-looking we have ever seen. It was even mentioned by some of our Liberal colleagues.

So we can surely come to some sort of agreement, but not with bills like this one, which is another example of the federal government's meddling in areas not under its jurisdiction. Federal departments cannot even speak among themselves to make sure their laws do not overlap those drafted by other departments. That is quite simple.

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, I will address this question to my hon. colleague from the Laurentides but first I would like to make a comment and take this opportunity to take back remarks I made earlier to the previous speaker.

I said that powers were delegated only in relation to the issue of fishing licences. I was mistaken. I read the bill over, and, under clause 58(1), the minister has indeed provided for delegation of powers in relation to the environment and habitat protection.

Having done my mea culpa about what I said previously, the problem lies, and my hon. colleague from the Laurentides is absolutely right, with the environmental law. This is a relatively new field of law. I realize that it may not have existed 100 years ago, when the original fisheries act was drafted in 1868.

But it exists today. Quebec has made significant progress in this area too, but even if fisheries were its responsibility under the Constitution, the Department of Fisheries and Oceans did not have any power regarding the environment; the law said so. The department was not given such powers by the Constitution. However, in clause 58(3), the minister decided that, where the vision of any given province is inconsistent with that of the federal government, federal law will prevail. That is what it says.

In other words, the minister is telling those who have delegated powers: "Kiss your powers goodbye. I decide now". Which is

more insulting. How could the federal government delegate to a province a right that it is no longer entitled to have itself? As for the right to protect the environment, Quebec is already looking after that, and doing a fine job at it.

I find doubly insulting the fact that, on the one hand, the federal government would be delegating a power that it does not have itself and, on the other hand, where an inconsistency exists, the rule of law will be in favour of Ottawa.

Perhaps one hundred years have gone by before the Fisheries Act was reviewed but, with measures like these and provisions like these, I can see one hundred years of quarrelling lying ahead. I would like to hear my hon. colleague's comments on this.

• (1630)

**Mrs. Guay:** Mr. Speaker, I am pretty sure I will not be around for another century. Seriously, such a bill raises concerns. I think that the fisheries minister had a chance to redo his homework, and to make sure that his bill would not once again interfere in the jurisdictions of other departments, such as the environment department, or overlap other federal legislation, such as the Endangered Species Bill, or the Environmental Assessment Act. Why create a statute that overlaps others? It does not make any sense.

As I was saying earlier, we do our homework in Quebec. I think that protection of the environment is a responsibility, not a question of law. It is our future and that of our children. I think we have a duty to protect it. We must also try to administer it effectively. It is all very fine and well to make laws, but how will they be administered? When a bill of this sort is tabled, there must be an assurance that it can be administered. I am telling you it will be hell.

Even on the environment committee we had problems during discussions with witnesses from Fisheries and Oceans, because there is a conflict of jurisdiction. There will be more problems because now there is discretionary power. We will have many more problems, and I will tell you that the more trouble we have reaching agreement, the more the process will be held up and the more the environment jeopardized.

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, I will use the two minutes remaining to make a comment. I know we are at second reading stage. We are being told that opposition members should speak to the principles. I would therefore say right off the bat that as far as part II is concerned—I think my colleague, the environment critic, did a wonderful job—you have just been told about the potential, but very real, sticking points with the provinces.

We said that we found it insulting to be delegated authority, when we already have it, just as you do. We said that we also found it insulting that, in cases of disagreement between a provincial and federal department, the federal law would prevail.

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I would like the minister to tell us that he will redo his homework. If he is trying to draft a bill that it has taken a century to produce, I would like him to tell us that he is not looking for a century of argument, but one of peace and productivity for the resource, for the people who make their living from it and depend on it. As the bill stands, what we see ahead is a century of dispute.

[English]

**Mr. Francis G. LeBlanc (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, I welcome the opportunity to speak to this legislation. I will be sharing my time with the hon. member for Davenport.

This legislation, an act respecting fisheries, is of great importance to the fishers throughout this country. I can speak in particular for the fishers and the organizations that they represent and the organizations that they have formed in the areas of my constituency of Cape Breton Highlands—Canso.

Over the last several years that I have represented this area I have worked directly with the fishers of Atlantic Canada. I have discovered the depth of their commitment to the management and the proper stewardship of this resource. They have learned through interaction with the government, some good, some bad, that if the resource is to be properly managed, if the resource is to be properly conserved, the stakeholders, those who are directly involved in drawing their livelihood from the resource, have to be intimately involved as partners in the stewardship and in the management of this resource. That is what I understand to be the fundamental principle behind this legislation.

• (1635)

I also welcome the fact that Bill C-62 has gone through such extensive consultation under the new fisheries minister since it was introduced in the previous Parliament as Bill C-115. The Minister of Fisheries and Oceans has undertaken extensive consultations both through his officials and through the Standing Committee on Fisheries and Oceans during the course of the passage of this legislation. That is vitally important.

If this approach to fisheries management, which is the correct and modern one, is to work, if it is to ensure the protection and survival of the species and the ecosystem on which the livelihoods of so many Canadians depend, then those people who are going to be involved as partners with the government need to have a comfort level, need to have their questions answered and need to understand that they are truly partners in the management of this resource.

This legislation signals a major shift in the philosophy by which the federal government manages the fisheries in Canada. Canada's fishing industry has indicated the need to get government out of the day to day management of the fishery. There is a need to redesign our past approach, which has been viewed as paternalistic in

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nature. This has resulted, for the most part, in exclusive government decision making in the way the fishery is managed.

These amendments represent a major shift in the fisheries management activities of fisheries and oceans. The department will shift away from the business of managing fishers to managing fish. The department will take a more focused approach to the management of the fisheries resource, concentrating on conservation and sustainable utilization.

The legislation will support this shift in several ways. The aspect that I would particularly like to emphasize is that of allowing commercial fishers, aboriginal groups and other stakeholders to participate in the shared management, shared discussions and shared results of the fishery, and also to participate in the cost sharing of services such as data collection and licence administration.

The legislation will allow for new legally binding agreements between the federal government and fisher groups. It will provide harvesters with a greater role and responsibility in managing the fishery.

The government wants to work with stakeholders to develop the type of partnering agreements that will benefit all parties concerned and enhance the conservation of fisheries resources. However, the minister will retain, as he must, responsibility for conservation and protection of the resource at all times.

New powers in the Fisheries Act will allow the Minister of Fisheries and Oceans to share decision making and develop more efficient management strategies with groups within the fishery and to do so through long term partnering agreements.

Fisheries and Oceans Canada and any representative organization could enter into such agreements on several aspects of fisheries management. A typical partnering agreement would clearly set out the harvesting limits and other conservation management measures for a fishery, the number of licences to be issued, the fees payable for licence issuance and licence administration, the obligations and responsibilities of each party, the funding arrangements with respect to the management of the fishery, and conservation and management programs for the fishery.

Stakeholders will assume responsibility in choosing programs and services which will best meet their business needs.

As I emphasized earlier, the responsibility and the legal authority for conservation and protection of the resource will remain with the minister. Specifically, the setting of allowable harvesting levels, the ability to close fisheries and to ensure conservation and protection is not compromised and enforcement of the responsibilities and legal authorities will all remain with the minister.

• (1640)

I will introduce a short example of what this legislation will make possible and what it has already started. In my constituency in the Gulf of St. Lawrence a number of groups representing fishermen have worked out over the last two years new ways of engaging in partnerships to jointly manage and share the resource of the snow crab fishery in the gulf. This is quite a lucrative fishery in the Gulf of St. Lawrence and has caused a great deal of tension in that part of Atlantic Canada. With the collapse of many of the groundfish stocks in the gulf, many fishermen have looked with some envy at those fortunate fishers who were able to draw substantial incomes from limited access to the snow crab fishery.

Through a process of sometimes difficult negotiation we are starting to work out proper partnering agreements that will not only ensure the snow crab resource is properly managed but also that the groups of fishermen who are stakeholders and form companies that harvest the resource will share that resource for the benefit of all those in their communities.

I commend the Minister of Fisheries and Oceans and his predecessor for showing the flexibility of movement that has allowed for a better sharing of that resource. That is an example in concrete terms of what the notion of partnering and of moving forward by involving the fishermen and other stakeholders in the management of this resource is all about.

I will not be able to deal with all the aspects of this legislation, but if we allow the fishermen to take responsibility for the resource, for harvesting it in the appropriate way or assuming more of a share in the responsibility for the benefits that flow from that resource, we will find their good sense will prevail and will be demonstrated in a more sound fishery.

One of the problems we have had in the past, tragedies in some areas, that has led to the virtual collapse of many fisheries is that nobody took real responsibility for the fishery. The fishermen had no real responsibility because the government took it all. In the end when mistakes were made in calculating harvest levels nobody was there to take the responsibility and as a result we had tragic overfishing.

We have to stop this and I think the direction the government is taking with this legislation is the right one.

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, the previous speaker noted that no one was responsible when the fishery on the east coast collapsed. That is simply not true.

The Minister of Fisheries and Oceans is responsible. The beauty of the old act is that somebody was responsible. Under these new partnering agreements he is talking about, all that will happen is that we will have some sort of a collective to manage the fisheries resource. When things do not go right and we start looking around

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to pin the blame, there will not be anybody because there will be a committee and it will always be the next guy who is responsible.

The department is admitting in this act that it did not have a solution to the problems and it is looking elsewhere. It wants to delegate that authority to somebody else rather than asking what went wrong and what it could do about it.

For example, it was recently noted that there were over 400 violations of the forestry act in central British Columbia which resulted in degradation of salmon habitat. The fisheries official responsible for the area and habitat made representation to the provincial government.

• (1645)

He said: "There's a problem here. If I can help, let me know". The province never got back to him. The real issue is not that the province did not get back to him, it is why did the Department of Fisheries and Oceans and the minister not enforce the act?

The minister has the authority under the old act to do something about habitat degradation. Why was the act not enforced? The hon. member who just spoke does not have to answer in the specific on this but in general. When habitat is degraded as it was in this instance why is the minister not live up to his constitutional responsibility under the old act and doing something about it?

Second, the new act does not give the minister any more authority. In fact, it just takes away authority. How does the member think that will improve the situation?

**Mr. LeBlanc (Cape Breton Highlands—Canso):** Mr. Speaker, I never said that under the old act the government did not have responsibility over the fishery. In fact, the minister of fisheries has always retained ultimate responsibility for the management of the fishery.

What I meant to say was that in the old philosophy of management, the government was the sole entity that accepted responsibility for the fishery. Very often, the stakeholders in the industry deferred to the government to make the final decisions on the quotas.

We saw examples of this on the east coast with overfishing, with high grading, with improper mesh size. Nobody was willing to be accountable for the fact that those things were taking place. The government was unable to enforce the sanctions in the act because there was not a shared responsibility for managing the resource.

That is the new change in philosophy the government is introducing with this fishery. Fishermen have to be responsible for the conservation of the resource. They have to share ownership of

that responsibility with the government. That is the philosophy that we are trying to put forward.

I believe that fishermen are happy to accept the responsibility provided they are fully involved in the partnership we are trying to create. That will be the challenge the minister of fisheries will have in implementing these new provisions.

**The Acting Speaker (Mr. Milliken):** Before resuming debate, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Kootenay East, Telecommunications; the hon. member for Lambton—Middlesex, Agriculture.

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, let me congratulate you on your appointment. I wish you success in that role for which you have been predestined for a long time. We are all very glad to see you in the chair.

Historically it can be said that the Fisheries Act has played a very important environmental role because of its powers to regulate the alterations or destructions of fish habitat. Many Canadians, therefore, believe it is the most important piece of environmental legislation in Canada. For example, the Oldman dam environmental assessment was made possible by a trigger in the Fisheries Act, section 35(2), which resulted in the environmental assessment and review process.

This bill makes some important changes to the act. Clause 49 of the bill appears to broaden protection of fish habitat by making a general prohibition against harmful alteration. By adding the word "activity" to clause 49, certain types of mining found by the courts not to be included under the term "works or undertaking" used in the old act will now be included. Congratulations to the minister.

It must be said that in most provinces and territories the Fisheries Act habitat protection provisions are the only legal protection for wetlands, streams, shorelines and other such ecological significant areas. Hence, the most problematic section of the bill is clause 58(1), which would permit, by means of regulation, the delegation of certain habitat protection and management responsibilities to interested provincial governments.

This delegation would be limited to waters within the provinces, largely freshwater habitat and excludes a list of "prescribed projects", which would remain under the authority of the federal government but have yet to be determined.

• (1650)

The proposed legislation is not a carte blanche transfer of freshwater fish habitat responsibilities to the provinces, but instead would allow the federal government to negotiate agreements for the delegation of responsibilities to interested provinces. However,

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because these agreements will have great consequences for fish habitat and environmental protection I would like to dwell on this part of the bill.

One of the reasons advanced for negotiating delegation agreements with the provinces is to eliminate "duplication and overlap" between federal and provincial jurisdictions.

There is only anecdotal evidence to this effect and this may be true in some isolated cases. But in Ontario, after the Harris government's revisions of the land use planning act, protection for environmentally significant areas such as wetland, woodlots and ravines and prime agricultural land has been basically eliminated. Thus, in the case of Ontario, there is very little left in the daily operations of the ministry to operate, let alone to examine overlap and duplication. After Premier Harris' reforms the fisheries act now stands as the only significant protection for Ontario's wetlands, streams and shorelines.

The terms of these agreements are of great importance therefore to fish habitat and overall environmental protection. I am glad that delegation will occur on a province by province basis. This will hopefully allow for the maintenance of high standards across the country.

Not only Ontario has greatly reduced its ministries of the environment and natural resources. In Alberta the environment minister's budget will be reduced by \$164 million and 1,360 jobs by the year 1999. According to the premier, industry will monitor and regulate itself.

In Ontario, the ministry of environment and energy is being cut by \$200 million and 752 staff by the year 1997-98 and the ministry of natural resources is being cut by \$137 million and 2,170 staff over the same time.

These massive cuts will most definitely impact negatively on the ability of these two provincial governments to assume increased responsibilities for the protection of fish habitat. Hence the agreements between the government and respective provinces must incorporate a strong and transparent monitoring system to ensure that fish habitat is properly protected. In addition, strong accountability mechanisms and penalties for non-compliance incorporated into the agreements are needed. Without these provisions, delegation could result in the de facto deregulation, something the federal government surely does not want to do and actually wants to avoid.

The delegation of section 35(2) in the present Fisheries Act to the provinces also has serious ramifications for the Canadian Environmental Assessment Act passed in 1995. Under that act section 35(2) of the Fisheries Act triggers environmental assessment. Under Bill C-62 this will no longer be the case and instead the government is proposing the negotiation of a list of projects which would require a mandatory permit. The list of projects requiring permits will be prescribed in the regulations after being negotiated with stakeholders.

In order to maintain the original intent and the environmental protection accorded through making section 35(2) of the Fisheries Act a trigger for the assessment, I strongly urge the minister to make the project list comprehensive and representative of ecologically diverse areas and find ways of tracking and quantifying the cumulative effects of several small projects which might fail to come under those defined under the new Canadian Environmental Assessment Act trigger.

Without this capacity our environmental assessment will risk going back to a project by project approach instead of going forward to account for the cumulative impacts of development within a particular region.

The track record regarding the delegation of Fisheries Act provisions to the provinces has not fared well in the past. In his 1990 report then Auditor General Kenneth Dye stated: "In the one area where the federal government has already delegated monitoring and enforcement authority to the provinces, there has been a serious deterioration in compliance. A review of the metal mining liquid effluent regulations issues under the Fisheries Act indicates that compliance fell from 85 per cent in 1982 to 48 per cent in 1988". This is found on page 28 of the auditor general's report.

• (1655)

While congratulating the minister I also urge him to ensure the agreements with the provinces include a very strong and transparent mechanism for ensuring that proper monitoring and enforcement will take place. The integrity of the fish habitat protection demands such an approach if the Fisheries Act is to continue to protect Canadians' health, environment and our most precious fisheries habitat.

[*Translation*]

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, I have a few problems with the recommendations just made by my colleague across the way. Allow me to explain.

When he wants to see the links between the provinces and the federal government reinforced in order to better protect the environment—and no one would oppose such a goal, I too want to be sure the environment is protected—in the fervour I thought I detected at the end of the member's speech, when he said he would like to see mechanisms reinforced in the areas of safety and monitoring of implementation, I take this to mean a form of partnership with the provinces to ensure that everyone does their job and that everything goes well, how will all this work?

I keep coming back to the same two points. I would remind members that what we are now talking about is the fisheries bill of the century. I would also remind them that, 100 years ago, environmental law was not mentioned in the Constitution. Therefore, the founding nation, Quebec, has just as much right to define its environmental law as does the rest of Canada. But since we are talking about partnership, since we are talking about the bill of the

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century, I say that Canada has no more right over the environment than Quebec.

How dare they tell us, in clause 58(1), that the federal government may delegate powers to a province? And how, in a context of wanting to reinforce monitoring mechanisms rather than dictating how they will be set up, will agreement be reached in order to ensure that everyone wants the same degree of purity of water, air and the ecosystem?

This is immediately followed, in clause 58(3) by coercive measures. It says that federal environmental law will take precedence over provincial environmental law.

This is, I would remind you, the law of the century when it comes to the fisheries. One hundred years ago, when the two founding peoples came together to write the Constitution, it did not exist. Today we are being told: "Shove over, you little guys, we are the bosses here". I find that the minister has not done his homework.

First of all, as my colleague for Laurentides has already said, there is a lack of cohesiveness, an overlap between the federal departments themselves, between the federal Department of the Environment and the Department of Fisheries and Oceans. Now what they are planning is to stir up quarrels and to give themselves all of the rights with clause 58(3), saying: "We are going to declare the delegation of power nil if we feel it is not right". Where is there any partnership in that? Where is the desire to create stringent measures of control, mechanisms to ensure a pure environment?

Clause 58(3) thumbs its nose at the rights of Quebec and the other provinces.

• (1700)

We will not understand each other if one side says "If you do not do what I tell you, I will cut off your rights." What entitles the provinces to additional rights? This is the law of the century, I say again.

When the Constitution was drafted 100 years ago, this was not in it. Now, if we wish to rejuvenate the Constitution, to get more modern, let us speak of how the mechanisms of harmonization rather than of coercion will be used.

**Mr. Caccia:** Mr. Speaker, I only have one minute to answer. I wish to thank the honourable member for Gaspé for his question. It seems to me that my colleague is living in the obscurity of his ignorance. Had he read the Constitution, as he should have, he would know that water is exclusively a matter of federal jurisdiction. One cannot say that there is no federal jurisdiction in that area. Thus, it means there is also a federal jurisdiction on fisheries.

Naturally, we want to reinforce the links between the federal government and the provinces. I gave only two examples, those of Ontario and Alberta, to show that at this time, and because of budgetary restrictions in those two provinces, we cannot expect them to address the issue of fisheries and assume a major responsibility in this area. These provinces have reduced their budgets and, hence, the ability of their departments to assume more responsibility than they have at the present time.

[English]

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, this is a bill of stealth, dressed up as modernization. This bill gives the minister and thus the senior bureaucracy all the power they could ever possibly want to reward their friends and consolidate their strength and powers.

All this is coming from what is characterized as the most centralized, top heavy and arrogant bureaucracy in the federal government. It is amazing to me how the consolidation of powers in this bill can be characterized as modernization. Thank goodness I have not spent my life in academia to buy this logic hook, line and sinker like some Liberals in this place.

In 1995 DFO and the coast guard merged. And guess what? The DFO senior bureaucracy won the turf war which it was so well placed to win in the Ottawa trenches since its last priority was serving the public. British Columbians have seen the negative consequences to coast guard services on the west coast ever since.

There is one thing that I would like to state very clearly. There is nothing the government can do under the new fisheries act, Bill C-62, that it cannot already do under the existing act except extinguish the public right to fish. The central and deplorable change with respect to fisheries management is that the minister gains unfettered powers to do what currently requires the specific authorization of Parliament or cabinet. The power has become the intoxicating element of Canada's proposed fisheries act. For a minister and department that have singlehandedly mismanaged this resource so completely to be handed even more absolute power would be a derogation of the trust placed in us as parliamentarians.

Bill C-62 is further testimony to the government's inability to manage and allocate a resource and further testimony to the government's refusal to honour historic common law regarding the public right to fish.

• (1705)

Despite Supreme Court decisions to the contrary, this bill will also ensure the continuation of a native only commercial fishery. This legislation is contrary to any enlightened and cogent advice proffered by the fishing industry, unions, commercial and recre-

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ational fishermen and anyone who knows anything about the industry.

All the bill really accomplishes is to give the minister complete discretion to enter into fisheries management agreements with any group. It is a recipe for a patchwork, piecemeal and divisive fisheries policy. How in the world could the minister allow his bureaucrats to once again snow him by holding him captive to his own ignorance and ego?

Bill C-62 gives the minister the power to end the public right to fish and replaces this time honoured tradition with private fishing agreements, or what the bill calls partnership agreements.

There is an expression in the banking business which goes something like this: "If you owe the bank \$1,000 you are a debtor. If you owe it \$1 million you are partner". With the omnipotent power Bill C-62 now gives to the minister I can see every good Liberal and financial contributor to the party becoming real partners with the minister and the government.

Ministerial fiats are dictatorial and an abuse of democracy. Can we see one town along the Fraser River in B.C. that votes Liberal becoming a partner and another town that does not becoming a debtor unable to strike a partnership agreement? This is outrageous power.

These fishing agreements would be similar to the aboriginal fishing agreements the government currently enters into with native bands. The native only commercial fishery was undermined by the Supreme Court's August 1996 *R. v. Van der Peet*, *R. v. NTC Smokehouse Ltd.* and *R. v. Gladstone* decisions. The court ruled against an aboriginal commercial right, saying they had no right to an exclusive fisheries. B.C. natives, to quote, "do not have a constitutional right to catch and sell fish commercially". Here we go again, more appealed decisions leading to Supreme Court rulings in order to bring the bureaucrats and their captive minister to their senses.

Bill C-62 expunges historic common law public right to fish in exchange for a privilege dependent on the discretion of the minister. This is pure and simple fiat perpetuated by this most centralized and arrogant bureaucracy and foisted upon a minister and he upon the public.

If this is not going far enough, Bill C-62 gives the minister absolute discretion to manage the fishery through ministerial decrees or what the bill describes as fisheries management orders. These orders would replace the regulations made by governor in council which are now used to govern the fishery. These fishing agreements and management orders are exempt from *Canada Gazette* publication and from its more rigorous regulatory require-

ments. It is sheer arrogance and purely meant to exempt the minister from the scrutiny of those who will most be affected.

Transparency and review are the hallmarks of our parliamentary system. If the Liberal government thinks the Reform Party will roll over and capitulate on this attempt to defraud Canadians of their rights, it is mistaken.

Do the minister and his bureaucrats truly believe that fiat and management through patronage will address the problems in the fishery?

Denial is a wonderful thing and it has become the hallmark of this government. According to it, there is no deficit, unemployment is not a problem, health care is secure and there is no crime. However, the undeniable truth is there are major problems in all these areas. If there is one area of endeavour where public confidence is weakest in terms of the ability of the federal government to properly manage it the fisheries.

• (1710)

On the east coast much of the fishery is closed due to the collapse of groundfish stocks. On the west coast the problems with the Alaskan catch of Canadian bound salmon are unresolved. Again on the west coast the salmon fishery, the key stock, is in disarray. There has been almost no non-native commercial fishery on the Fraser River for the past two years and now, should that ever change, Bill C-62 will ensure that good Liberals can be awarded with the catch.

Furthermore, the undeniable truth is that the government's native only commercial fishery is a mess. Our brilliant bureaucrats and the minister introduced a native only commercial fishery based on the expectation that the Supreme Court would hold that natives did have such a right. I guess that is why the Supreme Court judges and others working at fisheries and oceans regional headquarters in Vancouver do not yet work for the justice department.

As I mentioned earlier, the *Van der Peet*, *NTC Smokehouse* and *Gladstone* decisions highlight DFO's lack of authority to enter into exclusive fishing agreements with aboriginals. Now these same minds want to carry it a step further and enter into exclusive commercial fishing agreements with Liberal friends. Once again the legislation before us is an attempt to extinguish the public right to fish.

Bill C-62 may run nearly 100 pages. It need not have. There is a lot of verbiage intended to obfuscate the central element of the legislation. Specific to the management of fisheries, there is nothing the government can do under the new fisheries act that it cannot already do under the existing act, except extinguish the public right to fish.



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With respect to partnership agreements, the minister has absolute discretion to enter into agreements which include provisions on allocation.

The response to Bill C-62 has been universal in condemnation. Fisheries unions fear that this power will be used to allocate fish stocks to large corporations. Recreational fishermen fear allocations to commercial interests. Commercial troll fishermen fear allocations to sports fishing lodges. Corporations fear allocations to inshore fishermen. Commercial fishermen fear allocations to native interests. It is an all around alienation of everyone in one fell swoop. What a statement of mismanagement and an undermining of a resource struggling to survive. The death knell may have finally rung.

Does the minister understand completely what the bill does? I doubt it. Does the senior bureaucracy understand completely? Undoubtedly.

Virtually all commercial and recreational fishing organizations in B.C. oppose the new act and wish to preserve the public right to fish. While commercial fishermen desire increased security of tenure, they feel that the loss of the public's right to fish in exchange for a privilege granted by the minister reduces their security and transfers too much power to the minister.

In the Atlantic provinces opposition appears to be growing for the same reasons.

Bill C-62 does not address the real problems in the fishery, for example, declining stocks, problems with Alaskan interception and the need for strict enforcement of conservation measures.

Bill C-62 is a desperate attempt to deal with the government's political problems, that is, what to do with the native only commercial fishery and the growing awareness that the present Fisheries Act does not give the minister the authority to enter into exclusive fishing agreements. There are some simple solutions to the problem. Clear criteria ought to be established for the transfer of fisheries management to the provinces. Fish tend not to notice political boundaries.

• (1715)

On the east coast chaos could result if one or all of the coastal provinces were to take over management of the coastal fishery. There is a need for comprehensive consultation, not abrogation, by granting the minister such discretion.

As well, clear criteria ought to be established for any transfer to the provinces of responsibilities for the protection of fish habitat. Provinces now regulate forestry, agricultural practices, urban development and waste. Why not fish habitat?

As usual the minister has chosen the easy route on this, but as usual it is ultimately the most divisive and destructive route. Bill C-62 expunges equal access to fishing and replaces it with granting

fishing licences by political party membership. Bill C-62 replaces ownership of fish stocks by all Canadians to ownership by the Minister of Fisheries and Oceans.

The unilateral actions displayed in this bill and the lack of protection of the public interest coming from DFO are no surprise to people involved in coastal marine activities. I will quote myself on some recent coast guard initiatives that were promoted by the newly merged DFO bureaucracy.

On October 24 I said: "The hole's been patched but the ship's still sinking about the coast guard's reprieve for boats in Powell River, Campbell River and Ganges.

"While the coast guard is leaving the *Mallard*, *Point Race* and *Skua* where they are for the time being, nothing has changed because we have still not heard a clear vision from the Canadian Coast Guard and the Department of Fisheries and Oceans about long term objectives. We still have a top-heavy bureaucracy in DFO in Ottawa and in the regions that does not appear responsive to maintaining a safe waterway on the west coast. Nor do they appear to be forthcoming in providing accurate and timely information about their intentions.

"The coast guard, in August, announced that bases in Powell River and Ganges would close, the vessels would be reassigned and the 70-foot *Point Race*, stationed in Campbell River, would be moved to Port Hardy. On Tuesday the coast guard announced that temporarily Powell River's *Mallard*, the *Point Race* and French Creek's *Kestrel* would remain at their current stations, along with the *Skua* in Ganges.

"What we want is a world class marine service that enables safe and efficient marine operations on Canada's coasts. This latest announcement by the coast guard does not deliver this assurance. The announced changes are a case of the bureaucracy trying to wait out and defuse the most vocal opposition.

"The fact that the coast guard did not even mention the issue of lightstations in its latest announcement shows that its plans to press ahead with its agenda using the 'damn the torpedoes' approach. The fleet reduction plan is based on a complete focus on downsizing and does not address the delivery of a first class marine service.

"We have been offered a piecemeal solution that addresses some symptoms but does not get to the heart of the problem which is: Where is this new department headed and what is its vision for west coast marine services?

"It appears that DFO's bureaucrats have won the fight for control of the newly amalgamated department. DFO and the coast guard were asked independently about the time of their merger last year to offer spending cuts. Both DFO and Canadian coast guard identified the same \$30 million in spending cuts. These cuts were double counted and the coast guard component of the newly

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merged department has borne this \$30 million extra cutback from Treasury Board”.

• (1720)

I am still quoting myself, just so the House understands the flow: “The U.S. has a clear coast guard objective which involves using people and technology to ensure their coastline has first class navigation and marine services. The Reform Party has addressed the whole issue of creating such an environment in Canada in its recently announced platform which calls for amalgamating coast guard into the Department of National Defence and providing more resources for fishery surveillance and coast guard activities.

“I urge everyone whose battle for the maintenance of services to keep up the fight. I fully credit the efforts of those who have pursued the issue tirelessly with having won this temporary reprieve which helps us for the time being in the lower coast. However, the immediate future for the north coast already looks dire with an already skimpy presence having been further diluted.

“The coastal communities and advisory groups and stakeholders must continue to press for rationalizing the huge bureaucracy in Ottawa and the regions and to press for world class marine services”.

For all of those reasons I oppose Bill C-62.

**Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, may I take us back to the subject of the debate. We began with King John, wicked King John. We have referred to Queen Victoria and she of course is dead. I seemed to be coming back to Henry VIII when I heard the hon. member speak.

Let me remind the House that this bill is an act of codification and rationalization. All countries do that with their laws. They bring them up to date, 1868 to the present. The co-partnering arrangements are a response to the requests and demands by stakeholders, fisher people, for more effective participation in government decision making. This is the new pluralism to which we have referred. Also, we seek to complement the Oceans Act by incorporating the implementing sections of the international law that Canadian diplomats fought for and won in the new Law of the Sea developments.

My I suggest some clarification. The rules of interpretation have been thrown around. Common law yields to statute law. It is elementary. The Magna Carta has been incorporated into Canadian law in its due process section. It is part of the charter of rights. I feel the hon. members opposite should have a look at the Magna Carta. Do they really suggest, for example, that sections 10 and 11 are part of Canadian law? They are the most viciously, religiously

discriminatory features of the Magna Carta which was, of course, a medieval document with all the prejudice of the medieval age.

Let us come up to the present. Common law yields to statute law. Magna Carta is only part of Canadian law so far as we have adopted it. We have adopted the best parts for our charter. Delegation of powers is responsible to the ultimate principle, *respondeat superior*; that is to say the delegation is controlled by the law itself. The minister when he delegates power is ultimately responsible under the act.

On constitution and statute law, section 35 of the charter is not abrogated or changed in any way by this act. Statute law cannot prevail over the Constitution.

If we get back to some elementary rules of interpretation it may guide us to a more relevant debate in which we do not have to quote ourselves when we run out of inspiration.

**Mr. Duncan:** Mr. Speaker, I did not bring forward Henry VIII, Queen Victoria or the Magna Carta. The fact that my colleague from Vancouver Quadra brought them forward is fine with me.

I do not want to argue about the fineries of technical detail. The broad detail and the broad thrust of this bill are the public right to fish which has been around forever. It is a very strongly held public right and something the public feels very close to. This bill replaces it with ministerial fiat and ministerial order. This bill will be challenged.

• (1725)

The problem is the government has exceeded its authority time after time. It created native only commercial fishery agreements which also exceeded its authority. There has been challenge after challenge. We now have a circumstance where because the challenges have come to the point of succeeding, the federal government now wants to change the legislation to allow it to do what it has been doing which is inappropriate anyway.

Why do we want to create another piece of legislation, Bill C-62, that will be challenged by an even wider range of groups? Do we want to get into a multiple year challenge that tests the Supreme Court once again only to see the potential for a government to finally get itself in such a jam that it wants to create another piece of legislation? Let us get back to basics, let us get back to square one and let us get back to what is actually good for the resource.

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, reference has been made to the Magna Carta and the fact that some of us here do not speak the language of the time that document was written and so somehow that document itself is dated. The fact of the matter is that the hon. member across who referenced this is ignoring that the Supreme Court of Canada has interpreted the Magna Carta repeatedly since Confederation.

Earlier this afternoon I quoted the part of the ruling in the 1913 case of the Attorney General of British Columbia v. the Attorney General of Canada. The ruling stated in part:

It has been unquestioned law that since Magna Carta no exclusive fishery could be created by Royal grant in tidal waters and no public right of fishing, in such waters, then existing, can be taken away without competent legislation.

This past summer it was the justices of the Supreme Court of Canada who stated again quite emphatically that since the time of the Magna Carta there has been a public right to fish and that public right can only be removed by competent legislation. So we are not dreaming over here when we talk about that. We are talking about real issues and real concerns. They are concerns that have been addressed by the Supreme Court of Canada.

One of the other concerns we have, which I am sure my friend from North Island—Powell River will share, is delegation of authority for conservation issues. I referred to a study earlier this afternoon which noted that habitat degradation associated with logging, urbanization and hydro power development contributed to most of the 142 documented stock extinctions. It was referring to extinction of particular salmon runs.

We are concerned that what the government is doing in this bill is simply transferring the authority for conservation to the provincial government rather than addressing the question itself. It is obvious that whole area of concern has been neglected by the government, but rather than responding to it and trying to do something about it, the government is prepared to let the provincial government look after it.

I wonder if my friend from North Island—Powell River would care to give some examples of the inability of the provincial government to manage the habitat. Perhaps he could also address the fact that what we should be talking about are principles to manage habitat rather than simply getting rid of the problem.

**Mr. Duncan:** Mr. Speaker, very briefly, I do not really know where to begin other than to say that one of the most often asked questions that I am asked when I am at home on the west coast is what I think about provincial authority to take over the fishery.

The reason people are asking me that question is clearly that they are so dissatisfied with what has happened under the jurisdiction of the Department of Fisheries and Oceans. What my colleague from Delta is talking about is the need for the federal agency to fix what is wrong, not go about consolidating a whole bunch of power and authority that really abrogates the public right to fish and other things.

**The Acting Speaker (Mr. Milliken):** It being 5.30 p.m., the House will now proceed to the taking of the deferred divisions at the report stage of Bill C-34.

### *Government Orders*

#### AGRICULTURAL MARKETING PROGRAMS ACT

The House resumed from October 31 consideration of Bill C-34, an act to establish programs for the marketing of agricultural products, to repeal the Agricultural Products Board Act, the Agricultural Products Co-operative Marketing Act, the Advance Payments for Crops Act and the Prairie Grain Advance Payments Act and to make consequential amendments to other acts, as reported (with amendment) from the committee; and of Motions Nos. 2 and 3.

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

• (1750 )

*And the bells having rung:*

**Mr. Kilger:** Mr. Speaker, on a point of order, I think you would find unanimous consent to take the deferred recorded divisions on the private members' motions at the end of the votes later today.

**The Acting Speaker (Mr. Milliken):** The House has heard the proposal of the chief government whip. Is there unanimous consent?

**Some hon. members:** No.

**The Acting Speaker (Mr. Milliken):** There is not unanimous consent.

The question is on Motion No. 2. A vote on this motion also applies to Motion No. 3.

(The House divided on the motion, which was negated on the following division:)

*(Division No. 152)*

#### YEAS

##### Members

Abbott	Ablonczy
Benoit	Breitkreuz (Yorkton—Melville)
Bridgman	Cummins
Duncan	Epp
Forseth	Frazer
Gilmour	Gouk
Grey (Beaver River)	Hanger
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (Macleod)
Hoepfner	Johnston
Martin (Esquimalt—Juan de Fuca)	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Penson
Ramsay	Schmidt
Silye	Speaker
Strahl	White (Fraser Valley West/Ouest)
Williams —33	

#### NAYS

##### Members

Adams	Alcock
Allmand	Arseneault
Asselin	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bachand

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Bakopanos	Barnes
Beaumier	Béclair
Bélanger	Bellehumeur
Bellemare	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bodnar
Bonin	Boudria
Brien	Brown (Oakville—Milton)
Bryden	Byrne
Caccia	Calder
Campbell	Cannis
Canuel	Caron
Catterall	Cauchon
Chan	Chrétien (Frontenac)
Clancy	Cohen
Collenette	Comuzzi
Copps	Crête
Culbert	Cullen
Dalphond-Guiral	Davialut
de Jong	de Savoye
De Villers	Discepola
Dromisky	Dubé
Duceppe	Dumas
Easter	English
Fillion	Finestone
Finlay	Fontana
Fry	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gauthier
Gerrard	Godfrey
Godin	Goodale
Grose	Guay
Guimond	Harb
Harper (Churchill)	Harvard
Hickey	Hopkins
Hubbard	Ianno
Irwin	Jackson
Jordan	Karygiannis
Keys	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lalonde
Landry	Langlois
Lastewka	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
Leblanc (Longueuil)	Lee
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Lincoln
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Manley	Marchand
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McKinnon	McTeague
McWhinney	Mercier
Mifflin	Minna
Murray	Nault
Nunez	Nunziata
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Paradis
Patry	Payne
Peric	Peters
Phinney	Picard (Drummond)
Pickard (Essex—Kent)	Plamondon
Proud	Regan
Richardson	Riis
Robichaud	Rock
Sauvageau	Scott (Fredericton—York—Sunbury)
Serré	Shepherd
Simmons	Solomon
Steckle	Stewart (Brant)
Stewart (Northumberland)	Szabo
Telegdi	Terrana
Torsney	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
Ur	Valeri

Vancief	Venne
Verran	Volpe
Walker	Wappel
Wayne	Wood
Zed—171	

## PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshais	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

• (1800)

**The Acting Speaker (Mr. Milliken):** I declare Motion. No. 2 defeated. I therefore declare Motion No. 3 defeated.

**Mr. Nunziata:** Mr. Speaker, prior to the vote the government whip was seeking unanimous consent, with the concurrence of the other whips, to have private members' votes today voted on last. I interpreted that to mean private members' business was not as important as government business. If that is not the case and the government would like to explain the reasons why it wants it done that way I would be pleased to reconsider my objection.

**Mr. Kilger:** Mr. Speaker, as was mentioned by our colleague opposite, the member for York South—Weston, the intention is simply to avoid any confusion, as we have now taken the practice of applying votes. Private members' business, giving it the due respect it deserves in this House, we felt that we should first deal with the government bills and subsequently, simply to avoid confusion, we would deal with the private members' motions at the end of the process. There is nothing else.

**Mr. Nunziata:** Mr. Speaker, I accept what the government whip is indicating. Perhaps we can deal with private members' business first and then the government business, and that will avoid confusion as well.

**The Acting Speaker (Mr. Milliken):** I do not sense a consensus in the House on this. I think we should proceed as we planned.

**Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.)** moved that the bill be concurred in.

• (1805)

**Mr. Kilger:** Mr. Speaker, if the House would agree I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting yea.

**The Acting Speaker (Mr. Milliken):** Is there consent for the proposal of the chief government whip?

[Translation]

**Mrs. Dalphond-Guiral:** Members of the official opposition will vote yes, Mr. Speaker.

[English]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will be voting nay unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, the NDP caucus present this evening votes yes on this matter.

**Mrs. Wayne:** Mr. Speaker, the PC caucus will vote yes.

**Mr. Nunziata:** Mr. Speaker, the residents of York South—Weston will support the government's position on this matter.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 153)

YEAS

Members

Adams	Alcock
Allmand	Arseneault
Asselin	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bachand
Bakopanos	Barnes
Beaumier	Béclair
Bélanger	Bellehumeur
Bellemare	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bodnar
Bonin	Boudria
Brien	Brown (Oakville—Milton)
Bryden	Byrne
Caccia	Calder
Campbell	Cannis
Canuel	Caron
Catterall	Cauchon
Chan	Chrétien (Frontenac)
Clancy	Cohen
Collenette	Comuzzi
Copps	Crête
Culbert	Cullen
Dalphond-Guiral	Davialt
de Jong	de Savoye
DeVillers	Discepola
Dromisky	Dubé
Duceppe	Dumas
Easter	English
Fillion	Finestone
Finlay	Fontana
Fry	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gauthier
Gerrard	Godfrey
Godin	Goodale
Grose	Guay
Guimond	Harb
Harper (Churchill)	Harvard
Hickey	Hopkins
Hubbard	Ianno
Irwin	Jackson
Jordan	Karygiannis
Keys	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lalonde
Landry	Langlois
Lastewka	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
Leblanc (Longueuil)	Lee
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Lincoln
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney

Manley	Marchand
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McKinnon	McTeague
McWhinney	Mercier
Mifflin	Minna
Murray	Nault
Nunez	Nunziata
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Paradis
Patry	Payne
Peric	Peters
Phinney	Picard (Drummond)
Pickard (Essex—Kent)	Plamondon
Proud	Regan
Richardson	Riis
Robichaud	Rock
Sauvageau	Scott (Fredericton—York—Sunbury)
Serré	Shepherd
Simmons	Solomon
Steckle	Stewart (Brant)
Stewart (Northumberland)	Szabo
Telegdi	Terrana
Torsney	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
Ur	Valeri
Vanclief	Venne
Verran	Volpe
Walker	Wappel
Wayne	Wood
Zed—171	

Government Orders

NAYS

Members

Abbott	Ablonczy
Benoit	Breitkreuz (Yorkton—Melville)
Bridgman	Cummins
Duncan	Epp
Forseth	Frazier
Gilmour	Gouk
Grey (Beaver River)	Hanger
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (MacLeod)
Hoepfner	Johnston
Martin (Esquimalt—Juan de Fuca)	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Penson
Ramsay	Schmidt
Silye	Speaker
Strahl	White (Fraser Valley West/Ouest)
Williams —33	

PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaies	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

*Government Orders*

**The Acting Speaker (Mr. Milliken):** I declare the motion carried.

The House will now proceed to the taking of the deferred recorded division on the amendment to Bill C-49.

\* \* \*

**ADMINISTRATIVE TRIBUNALS (REMEDIAL AND DISCIPLINARY MEASURES) ACT**

The House resumed from October 31 consideration of the motion that Bill C-49, an act to authorize remedial and disciplinary measures in relation to members of certain administrative tribunals, to reorganize and dissolve certain federal agencies and to make consequential amendments to other acts, be read the second time and referred to a committee; and of the amendment.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, you will find there is unanimous consent that those members who have voted on the previous motion be recorded as having voted on the motion now before the House, with the Liberal members voting no.

**Mrs. Dalphond-Guiral:** The members of the official opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will be voting yes unless instructed otherwise by their constituents.

**Mr. Solomon:** Mr. Speaker, New Democratic Party members present in the House this evening vote yes.

**Mrs. Wayne:** Mr. Speaker, I vote yes.

**Mr. Nunziata:** Mr. Speaker, I will be supporting the government's position on this matter.

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 154*)

**YEAS**

Members

Abbott  
Asselin  
Bellehumeur  
Bernier (Gaspé)  
Blaikie  
Bridgman  
Canuel  
Chrétien (Frontenac)  
Cummins  
Davialt  
de Savoye  
Duceppe  
Duncan  
Fillion  
Frazer  
Gauthier  
Godin  
Grey (Beaver River)  
Guimond  
Harper (Calgary West/Ouest)  
Hart  
Hermanson

Ablonczy  
Bachand  
Benoit  
Bernier (Mégantic—Compton—Stanstead)  
Breitkreuz (Yorkton—Melville)  
Brien  
Caron  
Crête  
Dalphond-Guiral  
de Jong  
Dubé  
Dumas  
Epp  
Forseth  
Gagnon (Québec)  
Gilmour  
Gouk  
Guay  
Hangar  
Harper (Simcoe Centre)  
Hayes  
Hill (MacLeod)

Hoepfner  
Lalonde  
Langlois  
Lebel  
Lefebvre  
Leroux (Shefford)  
Martin (Esquimalt—Juan de Fuca)  
Mercier  
Nunez  
Picard (Drummond)  
Ramsay  
Sauvageau  
Silye  
Speaker  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)  
Wayne  
Williams—79

Johnston  
Landry  
Lavigne (Beauharnois—Salaberry)  
Leblanc (Longueuil)  
Leroux (Richmond—Wolfe)  
Marchand  
McClelland (Edmonton Southwest/Sud-Ouest)  
Meredith  
Penson  
Plamondon  
Riis  
Schmidt  
Solomon  
Strahl  
Tremblay (Rimouski—Témiscouata)  
Venne  
White (Fraser Valley West/Ouest)

**NAYS**

Members

Adams  
Allmand  
Augustine  
Bakopanos  
Beaumier  
Bélanger  
Bertrand  
Blondin-Andrew  
Bonin  
Brown (Oakville—Milton)  
Byrne  
Calder  
Cannis  
Cauchon  
Clancy  
Collenette  
Copps  
Cullen  
Discepola  
Easter  
Finestone  
Fontana  
Gagliano  
Galloway  
Godfrey  
Grose  
Harper (Churchill)  
Hickey  
Hubbard  
Irwin  
Jordan  
Keyes  
Kirkby  
Kraft Sloan  
Lavigne (Verdun—Saint-Paul)  
Lincoln  
MacLellan (Cape/Cap-Breton—The Sydneys)  
Maloney  
Marchi  
Martin (LaSalle—Émard)  
McCormick  
McKinnon  
McWhinney  
Minna  
Nault  
O'Brien (London—Middlesex)  
Pagtakhan  
Patry  
Peric  
Phinney  
Proud  
Richardson  
Rock  
Serré  
Simmons  
Stewart (Brant)  
Szabo  
Terrana  
Ur  
Alcock  
Arseneault  
Axworthy (Winnipeg South Centre/Sud-Centre)  
Barnes  
Bélair  
Bellemare  
Bevilacqua  
Bodnar  
Boudria  
Bryden  
Caccia  
Campbell  
Catterall  
Chan  
Cohen  
Comuzzi  
Culbert  
DeVillers  
Dromisky  
English  
Finlay  
Fry  
Gagnon (Bonaventure—Îles-de-la-Madeleine)  
Gerrard  
Goodale  
Harb  
Harvard  
Hopkins  
Ianno  
Jackson  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
MacDonald  
Malhi  
Manley  
Marleau  
Massé  
McGuire  
McTeague  
Mifflin  
Murray  
Nunziata  
O'Reilly  
Paradis  
Payne  
Peters  
Pickard (Essex—Kent)  
Regan  
Robichaud  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Steckle  
Stewart (Northumberland)  
Telegdi  
Torsney  
Valeri

*Private Members' Business*

Vanclief  
Volpe  
Wappel  
Zed—125

Verran  
Walker  
Wood

Lincoln  
McClelland (Edmonton Southwest/Sud-Ouest)  
Meredith  
Nunziata  
Penson  
Ramsay  
Riis  
Serré  
Silye  
Speaker  
Telegdi  
Torsney  
Wappel  
Williams —63

Martin (Esquimalt—Juan de Fuca)  
McTeague  
Minna  
Paradis  
Peric  
Regan  
Schmidt  
Shepherd  
Solomon  
Strahl  
Terrana  
Ur  
White (Fraser Valley West/Ouest)

## PAIRED MEMBERS

Bélisle  
Brushett  
Chamberlain  
Deshaies  
Fewchuk  
Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis

Bergeron  
Campbell  
Debien  
Duhamel  
Flis  
Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

**The Acting Speaker (Mr. Milliken):** I declare the amendment lost.

The House will now proceed to the taking of the deferred divisions on Motion No. 221.

## PRIVATE MEMBERS' BUSINESS

[*English*]

## SENATE

The House resumed from October 31 consideration of the motion and the amendment.

**The Acting Speaker (Mr. Milliken):** The question is on the amendment. The division will be taken row by row, starting with the mover and then proceeding with those in favour of the amendment sitting on the same side of the House as the mover. Then those in favour of the amendment sitting on the other side of the House will be called. Those opposed to the amendment will be called in the same order.

All those at my left in favour of the amendment will please rise.

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 155*)

## YEAS

## Members

Abbott  
Allmand  
Benoit  
Bodnar  
Bridgman  
Calder  
Cummins  
Discepola  
Epp  
Gilmour  
Grey (Beaver River)  
Harper (Calgary West/Ouest)  
Harper (Simcoe Centre)  
Harvard  
Hermanson  
Hoeppner  
Jackson  
Langlois

Ablonczy  
Beaumier  
Blaikie  
Breitkreuz (Yorkton—Melville)  
Bryden  
Culbert  
de Jong  
Duncan  
Forseth  
Gouk  
Hanger  
Harper (Churchill)  
Hart  
Hayes  
Hill (Macleod)  
Ianno  
Johnston  
Lavigne (Verdun—Saint-Paul)

Adams  
Arseneault  
Augustine  
Bachand  
Barnes  
Bélanger  
Bellemare  
Bernier (Mégantic—Compton—Stanstead)  
Bethel  
Blondin-Andrew  
Brien  
Caccia  
Cannis  
Caron  
Cauchon  
Chrétien (Frontenac)  
Collenette  
Copp  
Dalphond-Guiral  
de Savoye  
Dromisky  
Duceppe  
Easter  
Fillion  
Frazier  
Gagliano  
Gauthier  
Godfrey  
Goodale  
Guimond  
Hickey  
Hubbard  
Jordan  
Kilger (Stormont—Dundas)  
Kraft Sloan  
Landry  
Lavigne (Beauharnois—Salaberry)  
Leblanc (Longueuil)  
Lefebvre  
Leroux (Shefford)  
Malhi  
Marchand  
Marleau  
Massé  
McGuire  
McWhinney  
Mifflin  
Nunez  
O'Reilly  
Patry  
Peters  
Plamondon  
Robichaud  
Sauvageau  
Stewart (Brant)  
Szabo  
Tremblay (Rimouski—Témiscouata)  
Vanclief  
Verran  
Wayne  
Zed—121

## NAYS

## Members

Alcock  
Asselin  
Axworthy (Winnipeg South Centre/Sud-Centre)  
Bakopanos  
Bélair  
Bellehumeur  
Bernier (Gaspé)  
Bertrand  
Bevilacqua  
Boudria  
Brown (Oakville—Milton)  
Campbell  
Canel  
Catterall  
Chan  
Clancy  
Comuzzi  
Crête  
Daviault  
DeVillers  
Dubé  
Dumas  
English  
Fontana  
Fry  
Gagnon (Québec)  
Gerrard  
Godin  
Guay  
Harb  
Hopkins  
Irwin  
Keys  
Kirkby  
Lalonde  
Lastewka  
Lebel  
Lee  
Leroux (Richmond—Wolfe)  
MacLellan (Cape/Cap-Breton—The Sydneys)  
Maloney  
Marchi  
Martin (LaSalle—Émard)  
McCormick  
McKinnon  
Mercier  
Nault  
O'Brien (London—Middlesex)  
Pagtakhan  
Payne  
Picard (Drummond)  
Proud  
Rock  
Scott (Fredericton—York—Sunbury)  
Stewart (Northumberland)  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)  
Venne  
Walker  
Wood

*Private Members' Business*

## PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaiés	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

• (1815)

**The Acting Speaker (Mr. Milliken):** I declare the amendment lost.

The next question is on the main motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Milliken):** In my opinion the nays have it.

*And more than five members having risen:*

(The House divided on the motion, which was negatived on the following division:)

(Division No. 156)

## YEAS

## Members

Adams	Asselin
Bachand	Beaumier
Bellehumeur	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Blaikie
Brien	Canuel
Caron	Chrétien (Frontenac)
Crête	Dalphond-Guiral
Daviault	de Jong
de Savoye	Dubé
Duceppe	Dumas
Fillion	Gagnon (Québec)
Gauthier	Godin
Guay	Guimond
Harvard	Lalonde
Landry	Langlois
Lavigne (Beauharnois—Salaberry)	Lebel
Leblanc (Longueuil)	Lefebvre
Leroux (Richmond—Wolfe)	Leroux (Shefford)
MacDonald	Marchand
McClelland (Edmonton Southwest/Sud-Ouest)	McTeague
Mercier	Nunez
Nunziata	O'Reilly
Paradis	Picard (Drummond)
Plamondon	Riis
Sauvageau	Shepherd
Solomon	Telegdi
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Venne—56

## NAYS

## Members

Abbott	Ablonczy
Alcock	Allmand
Arseneault	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bakopanos
Barnes	Bélaïr
Bélangier	Bellemare
Benoit	Bertrand
Bevilacqua	Blondin-Andrew
Bodnar	Bonin
Boudria	Breitkreuz (Yorkton—Melville)
Bridgman	Brown (Oakville—Milton)
Bryden	Caccia
Calder	Campbell
Cannis	Catterall
Cauchon	Chan
Clancy	Collenette
Comuzzi	Copps
Culbert	Cullen
Cummins	DeVillers
Discepola	Dromisky
Duncan	English
Epp	Finestone
Finlay	Fontana
Forsyth	Frazer
Fry	Gagliano
Gerrard	Gilmour
Godfrey	Goodale
Gouk	Grey (Beaver River)
Grose	Hanger
Harb	Harper (Calgary West/Ouest)
Harper (Churchill)	Harper (Simcoe Centre)
Hart	Harvard
Hayes	Hermanson
Hickey	Hill (Macleod)
Hoepfner	Hopkins
Hubbard	Ianno
Irwin	Jackson
Johnston	Jordan
Keyes	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lastewka
Lavigne (Verdun—Saint-Paul)	Lee
Lincoln	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Marchi	Marleau
Martin (Esquimalt—Juan de Fuca)	Martin (LaSalle—Émard)
Massé	McCormick
McKinnon	McWhinney
Meredith	Mifflin
Minna	Nault
O'Brien (London—Middlesex)	Pagtakhan
Patry	Payne
Penson	Peric
Peters	Phinney
Proud	Ramsay
Regan	Richardson
Robichaud	Rock
Schmidt	Scott (Fredericton—York—Sunbury)
Serré	Silye
Simmons	Speaker
Steckle	Stewart (Brant)
Stewart (Northumberland)	Strahl
Szabo	Terrana
Torsney	Ur
Vanclief	Verran
Volpe	Walker
Wappel	Wayne
White (Fraser Valley West/Ouest)	Williams
Wood	Zed—138



*The Address*

## PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaiés	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

• (1825)

**The Acting Speaker (Mr. Milliken):** I declare the motion lost.

\* \* \*

## SPEECH FROM THE THRONE

## RESUMPTION OF DEBATE ON ADDRESS IN REPLY

The House resumed from November 1 consideration of the motion for an address to His Excellency the Governor General in reply to his Speech at the opening of the session; and of the amendment; and the amendment to the amendment.

**The Acting Speaker (Mr. Milliken):** Pursuant to order made Thursday, October 31, 1996, the House will now proceed to the taking of the deferred recorded division on the amendment to the amendment.

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on Bill C-49, with the exception of the member for Lanark—Carleton, be recorded as having voted on the motion now before the House, with Liberal members voting nay.

**The Acting Speaker (Mr. Milliken):** Is there consent for the proposal of the chief government whip?

**Some hon. members:** Agreed.

[*Translation*]

**Mrs. Dalphond-Guiral:** Mr. Speaker, members of the official opposition will vote no.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will be voting yea, unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, the NDP members present in the House of Commons tonight will vote yes on this matter.

**Mrs. Wayne:** Mr. Speaker, I will be voting yes.

**Mr. Nunziata:** Mr. Speaker, on behalf of my constituents I vote in favour of the government's position.

(The House divided on the amendment to the amendment, which was negated on the following division:)

(*Division No. 157*)

## YEAS

## Members

Abbott	Ablonczy
Benoit	Blaikie
Breitkreuz (Yorkton—Melville)	Bridgman
Cummins	de Jong
Duncan	Epp
Forseth	Frazier
Gilmour	Gouk
Grey (Beaver River)	Hanger
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (MacLeod)
Hoepfner	Johnston
Martin (Esquimalt—Juan de Fuca)	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Penson
Ramsay	Riis
Schmidt	Silye
Solomon	Speaker
Strahl	Wayne
White (Fraser Valley West/Ouest)	Williams —38

## NAYS

## Members

Adams	Alcock
Allmand	Arseneault
Asselin	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bachand
Bakopanos	Barnes
Beaunier	Bélair
Bélanger	Bellehumeur
Bellemare	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bertrand
Bevilacqua	Blondin-Andrew
Bodnar	Bonin
Boudria	Brien
Brown (Oakville—Milton)	Bryden
Byrne	Caccia
Calder	Campbell
Canniss	Canuel
Caron	Catterall
Cauchon	Chan
Chrétien (Frontenac)	Clancy
Cohen	Collenette
Comuzzi	Copps
Crête	Culbert
Cullen	Dalphond-Guiral
Daviault	de Savoye
DeVillers	Discepolo
Dromisky	Dubé
Duceppe	Dumas
Easter	English
Fillion	Finestone
Finlay	Fontana
Fry	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gauthier
Gerrard	Godfrey
Godin	Goodale
Grose	Guay
Guimond	Harb
Harper (Churchill)	Harvard
Hickey	Hopkins
Hubbard	Ianno
Irwin	Jackson
Jordan	Karygiannis
Keyes	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lalonde
Landry	Langlois

*The Address*

Lastewka	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
Leblanc (Longueuil)	Lee
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Lincoln
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Manley	Marchand
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McKinnon	McTeague
McWhinney	Mercier
Mifflin	Minna
Nault	Nunez
Nunziata	O'Brien (London—Middlesex)
O'Reilly	Pagtakhan
Paradis	Patry
Payne	Peric
Peters	Phinney
Picard (Drummond)	Pickard (Essex—Kent)
Plamondon	Proud
Regan	Richardson
Robichaud	Rock
Sauvageau	Scott (Fredericton—York—Sunbury)
Serré	Shepherd
Simmons	Steckle
Stewart (Brant)	Stewart (Northumberland)
Szabo	Telegdi
Terrana	Torsney
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Ur
Valeri	Vanclief
Venne	Verran
Volpe	Walker
Wappel	Wood
Zed—165	

## PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaies	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

**The Acting Speaker (Mr. Milliken):** I declare the amendment to the amendment lost.

The next question is on the amendment.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, you will find there is unanimous consent that those members who have voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting no.

**The Acting Speaker (Mr. Milliken):** Do we have the unanimous consent of the House?

**Some hon. members:** Yes.

**Mr. Dalphond-Guiral:** Mr. Speaker, members of the official opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, the Reform Party members present will be voting yes, unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, NDP members present in the House of Commons tonight will vote no on this motion.

**Mr. Wayne:** Mr. Speaker, I will be voting in favour.

**Mr. Nunziata:** Mr. Speaker, on behalf of my constituents I vote in favour of the government's position.

(The House divided on the amendment, which was negated on the following division):

(*Division No. 158*)

## YEAS

## Members

Abbott	Ablonczy
Asselin	Bachand
Bellehumeur	Benoit
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Breitkreuz (Yorkton—Melville)	Bridgman
Brien	Canuel
Caron	Chrétien (Frontenac)
Crête	Cummins
Dalphond-Guiral	Daviault
de Savoye	Dubé
Duceppe	Dumas
Duncan	Épp
Fillion	Forseth
Frazier	Gagnon (Québec)
Gauthier	Gilmour
Godin	Gouk
Grey (Beaver River)	Guay
Guimond	Hanger
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (MacLeod)
Hoepfner	Johnston
Lalonde	Landry
Langlois	Lavigne (Beauharnois—Salaberry)
Lebel	Leblanc (Longueuil)
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Marchand
Martin (Esquimalt—Juan de Fuca)	McClelland (Edmonton Southwest/Sud-Ouest)
Mercier	Meredith
Nunez	Penson
Picard (Drummond)	Plamondon
Ramsay	Sauvageau
Schmidt	Silye
Speaker	Strahl
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Venne
Wayne	White (Fraser Valley West/Ouest)
Williams—75	

## NAYS

## Members

Adams	Alcock
Allmand	Arseneault
Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)

*Private Members' Business*

**The Acting Speaker (Mr. Milliken):** I declare the amendment lost.

**PRIVATE MEMBERS' BUSINESS**

• (1830)

[English]

**INCOME TAX ACT**

The House resumed from November 4, 1996 consideration of the motion.

**The Acting Speaker (Mr. Milliken):** The House will now proceed to the taking of the deferred recorded division on Motion No. 30 under Private Members' Business.

(The House divided on the motion, which was negated on the following division:)

(Division No. 159)

**YEAS**

## Members

Abbott  
Adams  
Allmand  
Asselin  
Bachand  
Beaumier  
Bernier (Gaspé)  
Bevilacqua  
Breitkreuz (Yorkton—Melville)  
Brien  
Bryden  
Calder  
Canuel  
Chrétien (Frontenac)  
Crête  
Cummins  
Davialt  
Discepola  
Dubé  
Dumas  
Fillion  
Forseth  
Gagnon (Québec)  
Gauthier  
Godfrey  
Gouk  
Guay  
Harper (Calgary West/Ouest)  
Harper (Simcoe Centre)  
Harvard  
Hermanson  
Hill (Macleod)  
Ianno  
Jordan  
Knutson  
Lalonde  
Langlois  
Lavigne (Beauharnois—Salaberry)  
Lebel  
Lee  
Leroux (Richmond—Wolfe)  
Lincoln  
Malhi  
Martin (Esquimalt—Juan de Fuca)  
McGuire  
McTeague  
Mercier  
Nunez  
O'Brien (London—Middlesex)  
Payne  
Ablonczy  
Alcock  
Arseneault  
Augustine  
Bakopanos  
Bellehumeur  
Bernier (Mégantic—Compton—Stanstead)  
Blaikie  
Bridgman  
Brown (Oakville—Milton)  
Caccia  
Cannis  
Caron  
Comuzzi  
Culbert  
Dalphond-Guiral  
de Savoye  
Dromisky  
Duceppe  
Epp  
Finestone  
Frazer  
Galloway  
Gilmour  
Godin  
Grey (Beaver River)  
Guimond  
Harper (Churchill)  
Hart  
Hayes  
Hickey  
Hubbard  
Johnston  
Karygiannis  
Kraft Sloan  
Landry  
Lastewka  
Lavigne (Verdun—Saint-Paul)  
Leblanc (Longueuil)  
Lefebvre  
Leroux (Shefford)  
MacDonald  
Marchand  
McClelland (Edmonton Southwest/Sud-Ouest)  
McKinnon  
McWhinney  
Meredith  
Nunziata  
O'Reilly  
Peric

Bakopanos  
Beaumier  
Bélanger  
Bertrand  
Blaikie  
Bodnar  
Boudria  
Bryden  
Caccia  
Campbell  
Catterall  
Chan  
Cohen  
Comuzzi  
Culbert  
de Jong  
Discepola  
Easter  
Finestone  
Fontana  
Gagliano  
Galloway  
Godfrey  
Grose  
Harper (Churchill)  
Hickey  
Hubbard  
Irwin  
Jordan  
Keyes  
Kirkby  
Kraft Sloan  
Lavigne (Verdun—Saint-Paul)  
Lincoln  
MacLellan (Cape/Cap-Breton—The Sydneys)  
Maloney  
Marchi  
Martin (LaSalle—Émard)  
McCormick  
McKinnon  
McWhinney  
Minna  
Nunziata  
O'Reilly  
Paradis  
Payne  
Peters  
Pickard (Essex—Kent)  
Regan  
Riis  
Rock  
Serré  
Simmons  
Steckle  
Stewart (Northumberland)  
Telegdi  
Torsney  
Valeri  
Verran  
Walker  
Wood  
Barnes  
Bélaïr  
Bellemare  
Bevilacqua  
Blondin-Andrew  
Bonin  
Brown (Oakville—Milton)  
Byrne  
Calder  
Cannis  
Cauchon  
Clancy  
Collenette  
Copps  
Cullen  
DeVillers  
Dromisky  
English  
Finlay  
Fry  
Gagnon (Bonaventure—Îles-de-la-Madeleine)  
Gerrard  
Goodale  
Harb  
Harvard  
Hopkins  
Ianno  
Jackson  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
MacDonald  
Malhi  
Manley  
Marleau  
Massé  
McGuire  
McTeague  
Mifflin  
Nault  
O'Brien (London—Middlesex)  
Pagtakhan  
Patry  
Peric  
Phinney  
Proud  
Richardson  
Robichaud  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Solomon  
Stewart (Brant)  
Szabo  
Terrana  
Ur  
Vanclief  
Volpe  
Wappel  
Zed—128

**PAIRED MEMBERS**

Bélisle  
Brushett  
Chamberlain  
Deshaies  
Fewchuk  
Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis  
Bergeron  
Campbell  
Debien  
Duhamel  
Flis  
Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

*Government Orders*

Phinney	Picard (Drummond)
Plamondon	Ramsay
Regan	Riis
Sauvageau	Scott (Fredericton—York—Sunbury)
Simmons	Solomon
Speaker	Steckle
Strahl	Szabo
Telegdi	Terrana
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Ur
Valeri	Venne
Verran	Volpe
Wappel	Wayne
White (Fraser Valley West/Ouest)	Williams
Wood—129	

● (1835)

[Translation]

**The Acting Speaker (Mr. Milliken):** I declare the motion carried.

**GOVERNMENT ORDERS**

[English]

**DIVORCE ACT**

The House resumed from November 4 consideration of Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act, as reported (with amendment) from the committee; and of the amendments.

**The Acting Speaker (Mr. Milliken):** The House will now proceed to the taking of the deferred recorded divisions at the report stage of Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act.

The question is on Motion No. 1. The vote on this motion also applies to Motions Nos. 2, 3 and 12. This is Group No. 1.

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous recorded division on the address in reply to the throne speech be recorded as having voted on the motion now before the House with Liberal members voting nay.

● (1840)

[Translation]

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yea.

[English]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will be voting no, unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, NDP members in the House of Commons tonight will vote yea on this motion.

**Mrs. Wayne:** Mr. Speaker, I will be voting yea.

**Mr. Nunziata:** Mr. Speaker, on behalf of my constituents I vote in favour of the government's position.

(The House divided on the motion, which was negated on the following division:)

**NAYS**

## Members

Axworthy (Winnipeg South Centre/Sud-Centre)	Barnes
Bélair	Bélangier
Bellemare	Benoit
Bertrand	Blondin-Andrew
Bodnar	Bonin
Boudria	Campbell
Cauchon	Chan
Clancy	Cohen
Collenette	Copps
De Villers	Duncan
Easter	Finlay
Fry	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gerrard
Goodale	Grose
Hanger	Hoepfner
Hopkins	Irwin
Jackson	Keyes
Kilger (Stormont—Dundas)	Kirkby
Maloney	Manley
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
Mifflin	Minna
Nault	Pagtakhan
Paradis	Patry
Penon	Peters
Pickard (Essex—Kent)	Proud
Richardson	Robichaud
Rock	Schmidt
Serré	Silye
Stewart (Brant)	Stewart (Northumberland)
Torsney	Vanclief
Walker—63	

**PAIRED MEMBERS**

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaiés	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

*(Division No. 160)*

## YEAS

## Members

Asselin  
Bellehumeur  
Bernier (Mégantic—Compton—Stanstead)  
Brien  
Caron  
Crête  
Daviault  
de Savoye  
Duceppe  
Fillion  
Gauthier  
Guay  
Lalonde  
Langlois  
Lebel  
Lefebvre  
Leroux (Shefford)  
Mercier  
Picard (Drummond)  
Riis  
Solomon  
Tremblay (Rimouski—Témiscouata)  
Venne

Bachand  
Bernier (Gaspé)  
Blaikie  
Canuel  
Chrétien (Frontenac)  
Dalphond-Guiral  
de Jong  
Dubé  
Dumas  
Gagnon (Québec)  
Godin  
Guimond  
Landry  
Lavigne (Beauharnois—Salaberry)  
Leblanc (Longueuil)  
Leroux (Richmond—Wolfe)  
Marchand  
Nunez  
Plamondon  
Sauvageau  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)  
Wayne—46

## NAYS

## Members

Abbott  
Adams  
Allmand  
Augustine  
Bakopanos  
Beaumier  
Bélanger  
Benoit  
Bevilacqua  
Bodnar  
Boudria  
Bridgman  
Bryden  
Caccia  
Campbell  
Catterall  
Chan  
Cohen  
Comuzzi  
Culbert  
Cummins  
Discepola  
Duncan  
English  
Finestone  
Fontana  
Frazer  
Gagliano  
Galloway  
Gilmour  
Goodale  
Grey (Beaver River)  
Hanger  
Harper (Calgary West/Ouest)  
Harper (Simcoe Centre)  
Harvard  
Hermanson  
Hill (Macleod)  
Hopkins  
Ianno  
Jackson  
Jordan  
Keys  
Kirky  
Kraft Sloan  
Lavigne (Verdun—Saint-Paul)

Ablonczy  
Alcock  
Arseneault  
Axworthy (Winnipeg South Centre/Sud-Centre)  
Barnes  
Bélair  
Bellemare  
Bertrand  
Blondin-Andrew  
Bonin  
Breitkreuz (Yorkton—Melville)  
Brown (Oakville—Milton)  
Byrne  
Calder  
Cannis  
Cauchon  
Clancy  
Collenette  
Coppes  
Cullen  
DeVillers  
Dromisky  
Easter  
Epp  
Finlay  
Forseth  
Fry  
Gagnon (Bonaventure—Îles-de-la-Madeleine)  
Gerrard  
Godfrey  
Gouk  
Grose  
Harb  
Harper (Churchill)  
Hart  
Hayes  
Hickey  
Hoeppner  
Hubbard  
Irwin  
Johnston  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee

*Government Orders*

Lincoln  
MacLellan (Cape/Cap-Breton—The Sydneys)  
Maloney  
Marchi  
Martin (Esquimalt—Juan de Fuca)  
Massé  
McCormick  
McKinnon  
McWhinney  
Mifflin  
Nault  
O'Brien (London—Middlesex)  
Pagtakhan  
Patry  
Penson  
Peters  
Pickard (Essex—Kent)  
Ramsay  
Richardson  
Rock  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Simmons  
Steckle  
Stewart (Northumberland)  
Szabo  
Terrana  
Ur  
Vanclief  
Volpe  
Wappel  
Williams  
Zed—157

MacDonald  
Malhi  
Manley  
Marleau  
Martin (LaSalle—Émard)  
McClelland (Edmonton Southwest/Sud-Ouest)  
McGuire  
McTeague  
Meredith  
Minna  
Nunziata  
O'Reilly  
Paradis  
Payne  
Peric  
Phinney  
Proud  
Regan  
Robichaud  
Schmidt  
Serré  
Silye  
Speaker  
Stewart (Brant)  
Strahl  
Telegdi  
Torsney  
Valeri  
Verran  
Walker  
White (Fraser Valley West/Ouest)  
Wood

## PAIRED MEMBERS

Bélisle  
Brushett  
Chamberlain  
Deshaies  
Fewchuk  
Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis

Bergeron  
Campbell  
Debien  
Duhamel  
Flis  
Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 1 defeated. I therefore declare Motions Nos. 2, 3 and 12 defeated.

[*Translation*]

The next vote is on Motion No. 4. The vote on Motion No. 4 also applies to Motions Nos. 5 and 10. If Motion No. 4 is agreed to, it will not be necessary to proceed with the vote on Motion No. 7. If Motion No. 4 is negated, there will be a vote on Motion No. 7.

The vote on Motion No. 7 also applies to Motions Nos. 8 and 11, while the vote on Motion No. 6 also applies to Motion No. 9.

*Government Orders*

[English]

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House.

To facilitate things, on report stage Motions Nos. 4, 7, 13, 14 and 15, Liberal members will be voting nay.

**The Acting Speaker (Mr. Milliken):** Is there consent for the proposal by the chief government whip?

[Translation]

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote nay.

[English]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will be voting yes unless instructed to do otherwise by their constituents.

**Mr. Solomon:** Mr. Speaker, NDP members of Parliament vote no on these motions.

**Mrs. Wayne:** Mr. Speaker, I vote yes.

**Mr. Nunziata:** Mr. Speaker, on behalf of my constituents in York South—Weston I vote in accordance with the government's position on this matter and that is to vote nay.

**Mrs. Finestone:** Mr. Speaker, unless I did not hear and others at this end of the House did not hear, I do not believe that you called the vote on Motion No. 6. Could you please clarify.

**The Acting Speaker (Mr. Milliken):** The hon. member is correct. We have not yet called the vote on Motion No. 6.

(The House divided on Motion No. 4, which was negated on the following division:)

*(Division No. 161)*

## YEAS

## Members

Abbott	Ablonczy
Benoit	Breitkreuz (Yorkton—Melville)
Bridgman	Cummins
Duncan	Epp
Forseth	Frazier
Gilmour	Gouk
Grey (Beaver River)	Hanger
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (Macleod)
Hoepfner	Johnston
Martin (Esquimalt—Juan de Fuca)	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Penson
Ramsay	Schmidt
Silye	Speaker
Strahl	Wayne
White (Fraser Valley West/Ouest)	Williams —34

## NAYS

## Members

Adams	Alcock
Allmand	Arseneault
Asselin	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bachand
Bakopanos	Barnes
Beaumier	Bélair
Bélanger	Bellehumeur
Bellemare	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bodnar
Bonin	Boudria
Brien	Brown (Oakville—Milton)
Bryden	Byrne
Caccia	Calder
Campbell	Cannis
Canuel	Caron
Catterall	Cauchon
Chan	Chrétien (Frontenac)
Clancy	Cohen
Collenette	Comuzzi
Copps	Crête
Culbert	Cullen
Dalphond-Guiral	Daviault
de Jong	de Savoye
DeVillers	Discepola
Dromisky	Dubé
Duceppe	Dumas
Easter	English
Fillion	Finestone
Finlay	Fontana
Fry	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gauthier
Gerrard	Godfrey
Godin	Goodale
Grose	Guay
Guimond	Harb
Harper (Churchill)	Harvard
Hickey	Hopkins
Hubbard	Ianno
Irwin	Jackson
Jordan	Karygiannis
Keyes	Kilger (Stormont—Dundas)
Kirky	Knutson
Kraft Sloan	Lalonde
Landry	Langlois
Lastewka	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
Leblanc (Longueuil)	Lee
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Lincoln
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Manley	Marchand
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McKinnon	McTeague
McWhinney	Mercier
Mifflin	Minna
Nault	Nunez
Nunziata	O'Brien (London—Middlesex)
O'Reilly	Pagtakhan
Paradis	Patry
Payne	Peric
Peters	Phinney
Picard (Drummond)	Pickard (Essex—Kent)
Plamondon	Proud
Regan	Richardson
Riis	Robichaud
Rock	Sauvageau
Scott (Fredericton—York—Sunbury)	Serré
Shepherd	Simmons
Solomon	Steckle
Stewart (Brant)	Stewart (Northumberland)
Szabo	Telegdi
Terrana	Torsney
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Ur

## Government Orders

Valeri  
Venne  
Volpe  
Wappel  
Zed—169

Vanclief  
Verran  
Walker  
Wood

## PAIRED MEMBERS

Bélisle  
Brushett  
Chamberlain  
Deshaies  
Fewchuk  
Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis

Bergeron  
Campbell  
Debien  
Duhamel  
Flis  
Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 4 defeated. I therefore declare Motions Nos. 5 and 10 defeated.

(The House divided on Motion No. 7, which was negated on the following division:)

[*Editor's Note: See list under Division No. 161.*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 7 defeated and I therefore declare Motions Nos. 8 and 11 defeated. I declare Motions Nos. 14 and 15 defeated.

The next vote is on Motion No. 6.

(The House divided on Motion No. 6, which was negated on the following division:)

*(Division No. 162)*

## YEAS

## Members

Asselin  
Bellehumeur  
Bernier (Mégantic—Compton—Stanstead)  
Canuel  
Chrétien (Frontenac)  
Dalphond-Guiral  
de Savoye  
Duceppe  
Fillion  
Gauthier  
Guay  
Lalonde  
Langlois  
Lebel  
Lefebvre  
Leroux (Shefford)  
Mercier  
Picard (Drummond)  
Sauvageau  
Tremblay (Rimouski—Témiscouata)  
Venne—41

Bachand  
Bernier (Gaspé)  
Brien  
Caron  
Crête  
Daviault  
Dubé  
Dumas  
Gagnon (Québec)  
Godin  
Guimond  
Landry  
Lavigne (Beauharnois—Salaberry)  
Leblanc (Longueuil)  
Leroux (Richmond—Wolfe)  
Marchand  
Nunez  
Plamondon  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)

## NAYS

## Members

Abbott  
Adams  
Allmand  
Augustine  
Bakopanos  
Beaumier  
Bélanger  
Benoit  
Bevilacqua  
Blondin-Andrew  
Bonin  
Breitkreuz (Yorkton—Melville)  
Brown (Oakville—Milton)  
Byrne  
Calder  
Cannis  
Cauchon  
Clancy  
Collenette  
Copps  
Cullen  
de Jong  
Discepolo  
Duncan  
English  
Finestone  
Fontana  
Frazer  
Gagliano  
Galloway  
Gilmour  
Goodale  
Grey (Beaver River)  
Hanger  
Harper (Calgary West/Ouest)  
Harper (Simcoe Centre)  
Harvard  
Hermanson  
Hill (Macleod)  
Hopkins  
Ianno  
Jackson  
Jordan  
Keyes  
Kirky  
Kraft Sloan  
Lavigne (Verdun—Saint-Paul)  
Lincoln  
MacLellan (Cape/Cap-Breton—The Sydneys)  
Maloney  
Marchi  
Martin (Esquimalt—Juan de Fuca)  
Massé  
McCormick  
McKinnon  
McWhinney  
Mifflin  
Nault  
O'Brien (London—Middlesex)  
Pagtakhan  
Patry  
Penson  
Peters  
Pickard (Essex—Kent)  
Ramsay  
Richardson  
Robichaud  
Schmidt  
Serré  
Silye  
Solomon  
Steckle  
Stewart (Northumberland)  
Szabo  
Terrana  
Ur  
Vanclief  
Volpe  
Wappel  
White (Fraser Valley West/Ouest)  
Wood

Ablonczy  
Alcock  
Arseneault  
Axworthy (Winnipeg South Centre/Sud-Centre)  
Barnes  
Bélair  
Bellemare  
Bertrand  
Blaikie  
Bodnar  
Boudria  
Bridgman  
Bryden  
Caccia  
Campbell  
Catterall  
Chan  
Cohen  
Comuzzi  
Culbert  
Cummins  
DeVillers  
Dromisky  
Easter  
Epp  
Finlay  
Forseth  
Fry  
Gagnon (Bonaventure—Îles-de-la-Madeleine)  
Gerrard  
Godfrey  
Gouk  
Grose  
Harb  
Harper (Churchill)  
Hart  
Hayes  
Hickey  
Hoepfner  
Hubbard  
Irwin  
Johnston  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
MacDonald  
Malhi  
Manley  
Marleau  
Martin (LaSalle—Émard)  
McClelland (Edmonton Southwest/Sud-Ouest)  
McGuire  
McTeague  
Meredith  
Minna  
Nunziata  
O'Reilly  
Paradis  
Payne  
Peric  
Phinney  
Proud  
Regan  
Riis  
Rock  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Simmons  
Speaker  
Stewart (Brant)  
Strahl  
Telegdi  
Torsney  
Valeri  
Verran  
Walker  
Wayne  
Williams  
Zed—162

*Government Orders*

## PAIRED MEMBERS

Bélisle  
Brushett  
Chamberlain  
Deshaies  
Fewchuk  
Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis

Bergeron  
Campbell  
Debien  
Duhamel  
Flis  
Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

**The Acting Speaker (Mr. Milliken):** I declare the motion defeated. I also declare Motion No. 9 defeated.

• (1845)

With respect to Motion No. 13, notwithstanding the consent that was given earlier, there was an amendment moved to that motion by the hon. member for Mercier. A vote must be held on the amendment. That question must be put to the House.

The question is on the amendment.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, I believe you would find unanimous consent that the members who voted on the previous motion be recorded as having voted on the motion now before the House, namely the amendment to the amendment to Motion No. 13, with Liberal members voting nay.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yea.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, NDP members present this evening will vote no on these motions.

**Mrs. Wayne:** I will be voting no, Mr. Speaker.

**Mr. Nunziata:** Mr. Speaker, on behalf of my constituents I vote nay in accordance with the government's position.

[*Editor's Note: See list under Division No. 162.*]

**The Acting Speaker (Mr. Milliken):** I declare the amendment to Motion No. 13 lost.

In accordance with the order of the House adopted earlier I declare Motion No. 13 defeated also.

[*Editor's Note: See list under Division No. 161.*]

**The Acting Speaker (Mr. Milliken):** The next question is on Motion No. 14.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, I believe you would find unanimous consent that the members who voted on the previous motion be recorded as having voted on the motion now before the House, namely Motion No. 6 at report stage and the Bloc Québécois' amendment to Motion No. 13 at report stage, with Liberal members voting nay.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent?

**Some hon. members:** Agreed.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yea.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, New Democrat members vote no on this motion.

**Mrs. Wayne:** Mr. Speaker, I will be voting no.

**Mr. Nunziata:** Mr. Speaker, I vote with my Liberal colleagues on this motion.

[*Editor's Note: See list under Division No. 161.*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 14 defeated.

The next question is on Motion No. 15.

(The House divided on Motion No. 15, which was negatived on the following division:)

[*Editor's Note: See list under Division No. 161.*]

[*Translation*]

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.)** moved that the bill be concurred in at report stage (with amendment).

• (1850)

[*English*]

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House. For concurrence at report stage we could apply the vote taken on report stage Motion No. 4 of Bill C-41 in reverse.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent?

**Some hon. members:** Agreed.

(The House divided on the motion, which was agreed to on the following division:)



*(Division No. 163)*

## YEAS

## Members

Adams  
Allmand  
Asselin  
Axworthy (Winnipeg South Centre/Sud-Centre)  
Bakopanos  
Beaumier  
Bélanger  
Bellemare  
Bernier (Mégantic—Compton—Stanstead)  
Bevilacqua  
Blondin-Andrew  
Bonin  
Brien  
Bryden  
Caccia  
Caccia  
Campbell  
Canuel  
Catterall  
Chan  
Clancy  
Collenette  
Copp  
Culbert  
Culbert  
Dalphond-Guiral  
de Jong  
De Villers  
Dromisky  
Duceppe  
Easter  
Fillion  
Finlay  
Fry  
Gagnon (Bonaventure—Îles-de-la-Madeleine)  
Galloway  
Gerrard  
Godin  
Grose  
Guimond  
Harper (Churchill)  
Hickey  
Hubbard  
Irwin  
Jordan  
Keys  
Kirkby  
Kraft Sloan  
Landry  
Lastewka  
Lavigne (Verdun—Saint-Paul)  
Leblanc (Longueuil)  
Lefebvre  
Leroux (Shefford)  
MacDonald  
Malhi  
Manley  
Marchi  
Martin (LaSalle—Émard)  
McCormick  
McKinnon  
McWhinney  
Mifflin  
Nault  
Nunziata  
O'Reilly  
Paradis  
Payne  
Peters  
Picard (Drummond)  
Plamondon  
Regan  
Riis  
Rock  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Solomon  
Stewart (Brant)  
Szabo  
Terrana  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)

Alcock  
Arseneault  
Augustine  
Bachand  
Barnes  
Bélair  
Bellehumeur  
Bernier (Gaspé)  
Bertrand  
Blaikie  
Bodnar  
Boudria  
Brown (Oakville—Milton)  
Byrne  
Calder  
Cannis  
Caron  
Cauchon  
Chrétien (Frontenac)  
Cohen  
Comuzzi  
Crête  
Cullen  
Davialt  
de Savoye  
Discepola  
Dubé  
Dumas  
English  
Finestone  
Fontana  
Gagliano  
Gagnon (Québec)  
Gauthier  
Godfrey  
Goodale  
Guay  
Harb  
Harvard  
Hopkins  
Ianno  
Jackson  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lalonde  
Langlois  
Lavigne (Beauharnois—Salaberry)  
Lebel  
Lee  
Leroux (Richmond—Wolfe)  
Lincoln  
MacLellan (Cape/Cap-Breton—The Sydneys)  
Maloney  
Marchand  
Marleau  
Massé  
McGuire  
McTeague  
Mercier  
Minna  
Nunez  
O'Brien (London—Middlesex)  
Pagtakhan  
Patry  
Peric  
Phinney  
Pickard (Essex—Kent)  
Proud  
Richardson  
Robichaud  
Sauvageau  
Serré  
Simmons  
Steckle  
Stewart (Northumberland)  
Telegdi  
Torsney  
Tremblay (Rimouski—Témiscouata)  
Ur

## Government Orders

Valeri  
Venne  
Volpe  
Wappel  
Zed—169

Vanclief  
Verran  
Walker  
Wood

## NAYS

## Members

Abbott  
Benoit  
Bridgman  
Duncan  
Forsther  
Gilmour  
Grey (Beaver River)  
Harper (Calgary West/Ouest)  
Hart  
Hermanson  
Hoepfner  
Martin (Esquimalt—Juan de Fuca)  
Meredith  
Ramsay  
Silye  
Strahl  
White (Fraser Valley West/Ouest)

Ablonczy  
Breitkreuz (Yorkton—Melville)  
Cummins  
Épp  
Frazer  
Gouk  
Hanger  
Harper (Simcoe Centre)  
Hayes  
Hill (Macleod)  
Johnston  
McClelland (Edmonton Southwest/Sud-Ouest)  
Penson  
Schmidt  
Speaker  
Wayne  
Williams —34

## PAIRED MEMBERS

Bélisle  
Brushett  
Chamberlain  
Deshaies  
Fewchuk  
Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis

Bergeron  
Campbell  
Debien  
Duhamel  
Flis  
Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

**The Acting Speaker (Mr. Milliken):** Accordingly I declare the motion carried.

\* \* \*

### HUMAN REPRODUCTIVE AND GENETIC TECHNOLOGIES ACT

The House resumed from November 4 consideration of the motion that Bill C-47, an act respecting human reproductive technologies and commercial transactions relating to human reproduction, be read the second time and referred to a committee.

The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-47, an act respecting human reproductive technologies and commercial transactions relating to human reproduction.

**Mr. Kilger:** Mr. Speaker, if the House would agree I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House. For the present vote on the motion for

*Government Orders*

second reading of Bill C-47 we would apply in reverse the vote taken on report stage Motion No. 6 for Bill C-41.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent?

**Some hon. members:** Agreed.

**Mr. Strahl:** Mr. Speaker, I would agree with that except that I would like to bring to the attention of the House that the member for Okanagan Centre had to leave. He will not be recorded on this vote.

**Mr. McClelland:** Mr. Speaker, I would like to be recorded as voting against this motion.

**Mr. White (Fraser Valley West):** Mr. Speaker, I too would like to be recorded as being against this motion.

**Mrs. Hayes:** Mr. Speaker, I would like to be on record as opposing this motion.

**Mr. Martin (Esquimalt—Juan de Fuca):** Mr. Speaker, I too will be voting against this motion.

**Mr. Speaker (Lethbridge):** Mr. Speaker, I too will be voting against this motion.

**Mr. Johnston:** Mr. Speaker, I would like to be recorded as voting nay on this motion.

(The House divided on the motion, which was agreed to on the following division:)

*(Division No. 164)*

## YEAS

## Members

Abbott	Ablonczy
Adams	Alcock
Allmand	Arseneault
Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)
Bakopanos	Barnes
Beaumier	Bélair
Bélanger	Bellemare
Benoit	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bodnar
Bonin	Boudria
Breitkreuz (Yorkton—Melville)	Bridgman
Brown (Oakville—Milton)	Bryden
Byrne	Caccia
Calder	Campbell
Cannis	Catterall
Cauchon	Chan
Clancy	Cohen
Collenette	Comuzzi
Copps	Culbert
Cullen	Cummins
de Jong	DeVillers
Discepola	Dromisky
Duncan	Easter
English	Epp
Finestone	Finlay
Fontana	Forseth
Frazer	Fry
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Galloway	Gerrard
Gilmour	Godfrey
Goodale	Gouk
Grey (Beaver River)	Grose
Hanger	Harb
Harper (Calgary West/Ouest)	Harper (Churchill)
Harper (Simcoe Centre)	Harvard
Hermanson	Hickey
Hill (MacLeod)	Hoepfner
Hopkins	Hubbard
Ianno	Irwin
Jackson	Jordan

Karygiannis
Kilger (Stormont—Dundas)
Knutson
Lastewka
Lee
MacDonald
Malhi
Manley
Marleau
Massé
McGuire
McTeague
Meredith
Minna
Nunziata
O'Reilly
Paradis
Payne
Peric
Phinney
Proud
Regan
Riis
Rock
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Steckle
Stewart (Northumberland)
Szabo
Terrana
Ur
Vanclief
Volpe
Wappel
Williams
Zed—155

Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lincoln
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Marchi
Martin (LaSalle—Émard)
McCormick
McKinnon
McWhinney
Mifflin
Nault
O'Brien (London—Middlesex)
Pagtakhan
Patry
Penson
Peters
Pickard (Essex—Kent)
Ramsay
Richardson
Robichaud
Schmidt
Serré
Silye
Solomon
Stewart (Brant)
Strahl
Telegdi
Torsney
Valeri
Verran
Walker
Wayne
Wood

## NAYS

## Members

Asselin	Bachand
Bellehumeur	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Brien
Canuel	Caron
Chrétien (Frontenac)	Crête
Dalphond-Guiral	Daviault
de Savoye	Dubé
Duceppe	Dumas
Fillion	Gagnon (Québec)
Gauthier	Godin
Guay	Guimond
Hayes	Johnston
Lalonde	Landry
Langlois	Lavigne (Beauharnois—Salaberry)
Lebel	Leblanc (Longueuil)
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Marchand
Martin (Esquimalt—Juan de Fuca)	McClelland (Edmonton Southwest/Sud-Ouest)
Mercier	Nunez
Picard (Drummond)	Plamondon
Sauvageau	Speaker
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Venne
White (Fraser Valley West/Ouest)—47	

## PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaies	Duhamel
Fewchuk	Flis

*Government Orders*

Graham  
Laurin  
Ménard  
Paré  
Pillitteri  
Rocheleau  
St. Denis

Jacob  
Loubier  
Murphy  
Peterson  
Pomerleau  
St-Laurent  
Whelan

Benoit  
Bernier (Mégantic—Compton—Stanstead)  
Breitkreuz (Yorkton—Melville)  
Brien  
Caron  
Crête  
Dalphond-Guiral  
de Jong  
Dubé  
Dumas  
Epp  
Forseth  
Gagnon (Québec)  
Gilmour  
Gouk  
Guay  
Hanger  
Harper (Simcoe Centre)  
Hermanson  
Hoepfner  
Lalonde  
Langlois  
Lebel  
Lefebvre  
Leroux (Shefford)  
Martin (Esquimalt—Juan de Fuca)  
Mercier  
Nunez  
Picard (Drummond)  
Ramsay  
Sauvageau  
Silye  
Speaker  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)  
White (Fraser Valley West/Ouest)

Bernier (Gaspé)  
Blaikie  
Bridgman  
Canuel  
Chrétien (Frontenac)  
Cummins  
Davialt  
de Savoye  
Duceppe  
Duncan  
Fillion  
Frazer  
Gauthier  
Godin  
Grey (Beaver River)  
Guimond  
Harper (Calgary West/Ouest)  
Hayes  
Hill (Macleod)  
Johnston  
Landry  
Lavigne (Beauharnois—Salaberry)  
Leblanc (Longueuil)  
Leroux (Richmond—Wolfe)  
Marchand  
McClelland (Edmonton Southwest/Sud-Ouest)  
Meredith  
Penson  
Plamondon  
Riis  
Schmidt  
Solomon  
Strahl  
Tremblay (Rimouski—Témiscouata)  
Venne  
Williams —78

[*Translation*]

**The Speaker:** I declare the motion carried. Accordingly, the bill is referred to the Standing Committee on Health.

(Motion agreed to, bill read the second time and referred to a committee.)

\* \* \*

[*English*]

**CANADA-ISRAEL FREE TRADE AGREEMENT**

The House resumed consideration of the motion that Bill C-61, an act to implement the Canada-Israel Free Trade Agreement, be read the third time and passed; and of the amendment.

**The Acting Speaker (Mr. Milliken):** The House will now proceed to the taking of the deferred recorded division on the amendment of the hon. member for Esquimalt—Juan de Fuca at the third reading stage of Bill C-61.

**Mr. Kilger:** Mr. Speaker, if the House would agree I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House with Liberal members voting nay.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent?

**Some hon. members:** Agreed.

[*Translation*]

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will be voting yes, unless instructed by their constituents to do otherwise.

**Mr. Solomon:** Mr. Speaker, New Democratic Party caucus members present will vote yes on this matter.

**Mrs. Wayne:** Mr. Speaker, I will be voting nay.

**Mr. Nunziata:** Mr. Speaker, I vote in accordance with the government's position on this matter.

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 165*)

**YEAS**

Members

Abbott  
Allmand  
Bachand

Ablonczy  
Asselin  
Bellehumeur

**NAYS**

Members

Adams	Alcock
Arseneault	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bakopanos
Barnes	Beaumur
Bélair	Bélangier
Bellemare	Bertrand
Bevilacqua	Blondin-Andrew
Bodnar	Bonin
Boudria	Brown (Oakville—Milton)
Bryden	Byrne
Caccia	Calder
Campbell	Cannis
Catterall	Cauchon
Chan	Clancy
Cohen	Collenette
Comuzzi	Copps
Culbert	Cullen
DeVillers	Discepola
Dromisky	Easter
English	Finestone
Finlay	Fontana
Fry	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Galloway
Gerrard	Godfrey
Goodale	Grose
Harb	Harper (Churchill)
Harvard	Hickey
Hopkins	Hubbard
Ianno	Irwin
Jackson	Jordan
Karygiannis	Keyes
Kilger (Stormont—Dundas)	Kirkby
Knutson	Kraft Sloan
Lastewka	Lavigne (Verdun—Saint-Paul)
Lee	Lincoln
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Manley	Marchi
Marleau	Martin (LaSalle—Émard)

*Private Members' Business*

Massé	McCormick
McGuire	McKinnon
McTeague	McWhinney
Mifflin	Minna
Nault	Nunziata
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Paradis
Patry	Payne
Peric	Peters
Phinney	Pickard (Essex—Kent)
Proud	Regan
Richardson	Robichaud
Rock	Scott (Fredericton—York—Sunbury)
Serré	Shepherd
Simmons	Steckle
Stewart (Brant)	Stewart (Northumberland)
Szabo	Telegdi
Terrana	Torsney
Ur	Valeri
Vanclicf	Verran
Volpe	Walker
Wappel	Wayne
Wood	Zed —124

## PAIRED MEMBERS

Bélisle	Bergeron
Brushett	Campbell
Chamberlain	Debien
Deshaiés	Duhamel
Fewchuk	Flis
Graham	Jacob
Laurin	Loubier
Ménard	Murphy
Paré	Peterson
Pillitteri	Pomerleau
Rocheleau	St-Laurent
St. Denis	Whelan

**The Acting Speaker (Mr. Milliken):** I declare the amendment lost.

**Mr. Strahl:** Mr. Speaker, I would ask for the unanimous consent of the House to move immediately to the taking of the third reading vote of this bill at this time.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent to proceed with the third reading vote at this time?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Milliken):** There is not unanimous consent.

It being 6.57 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

**PRIVATE MEMBERS' BUSINESS**

[English]

**CANADIAN BILL OF RIGHTS**

The House resumed from September 30 consideration of the motion.

**Mr. Garry Breitkreuz (Yorkton—Melville, Ref.):** Mr. Speaker, when I last addressed this topic I explained why property rights need to be strengthened in Canada. I made the point that property rights make society richer, that they protect freedom and democracy and that they protect the environment.

Today I would like to go on to explain that we each have seven fundamental property rights. The bill of rights only provides rather feeble protection for three of these seven. First, it provides protection or the right to the enjoyment of property. Second, in the bill of rights there is the provision for the right not to be deprived of property except by due process. Third is the right to a fair hearing.

• (1900)

Even these rights can simply be overridden by saying so in the legislation, just like the Liberal government did in Bill C-22 which cancelled the Pearson airport contract.

The Canadian bill of rights does not provide protection of the following property rights. Out of the seven there are four that are not included. First is the right to be paid fair compensation. Second, it is not included that it should be a right to have the compensation fixed impartially. Third is the right to receive timely compensation. Fourth is the right to apply to courts to obtain justice if they feel any aspect of their property rights have been denied or infringed upon.

This is why we need to improve the bill of rights. This is why we need to strengthen the protection of property rights in federal law by supporting Motion No. 205.

I would like to examine and refute the objections put forward by the Parliamentary Secretary to the Minister of Justice when he spoke in opposition to this motion on June 10 of this year.

Here is a brief list of the Liberal government's opposition to strengthening property rights as explained by the hon. member for Prince Albert—Churchill River in my home province of Saskatchewan.

The Liberals say this, first, that there is already more than adequate protection for property rights. They also said laws already provide fair procedures and fair compensation. They said common law already provides presumption of compensation. They said much of the responsibility for regulating property is provincial.

*Private Members' Business*

They said this would establish a hierarchy of rights in the bill of rights. Last, they said it may prevent socially useful legislation.

Those were the arguments that my Liberal colleagues used in saying we do not need this. These are pitiful excuses at best. They can be easily refuted and I want to do that one by one.

If there already is adequate protection for property rights, why did Liberal Prime Minister Trudeau fight so hard to include protection for property rights in the Canadian Charter of Rights and Freedoms and denied that? He said we need to have that, but it was opposed.

If there is such adequate protection for property rights why during the 1980s did the House of Commons and the provincial legislatures of British Columbia, New Brunswick and Ontario each pass resolutions calling for property rights to be entrenched in the Canadian Charter of Rights and Freedoms?

How can the parliamentary secretary stand in the House and read exactly what the bureaucrats write for him when there is such overwhelming evidence against his position? It is obvious to everyone but him that there is not adequate protection for property rights.

If federal laws already provide for fair procedures and fair compensation, how can the parliamentary secretary explain that his government tried to expropriate the investments made by individuals and companies that participated in the Pearson airport contract?

How can the parliamentary secretary explain that his Liberal government included a section in that legislation which would have denied these property owners the right to a fair hearing and fair compensation?

How can the parliamentary secretary explain to the Canadian people that American and Mexican citizens have better protection of their investments in Canada through the NAFTA than Canadian citizens have in their own country? That is not right. And that is why all people, all members listening to this, should support my colleague's motion with regard to this.

If much of the responsibility for regulating property is provincial, can the parliamentary secretary explain why he is objecting to this motion which only proposes to strengthen property rights with respect to the laws, activities and operations of the federal government, not the provincial governments?

● (1905)

The parliamentary secretary is concerned that passage of Motion No. 205 would establish a hierarchy of rights in the bill of rights. There is already a hierarchy of rights.

All the other fundamental rights and freedoms have been strengthened by their inclusion in the Constitution and the charter of rights and freedoms. Property rights were left out of the charter.

How can the Liberals honestly explain their refusal to strengthen property rights with respect to federal laws as this motion proposes? It should be put in the charter, but let us begin by putting it in the bill of rights.

Finally, the parliamentary secretary is concerned that property rights may prevent socially useful legislation. This, for everyone listening, is the real reason why the Liberals of the 1990s and the party of big government are opposed to the Reform motion to better protect property.

The parliamentary secretary made it clear in the speech he read in this House, the speech the justice department bureaucrats wrote for him, the speech the Minister of Justice had him read, that Motion No. 205 might prevent the Liberals from re-engineering society.

The truth is that property rights are the only way average citizens have to fight the arbitrary intrusion of big government.

Motion No. 205 might slow the Liberal government's plans to expropriate property arbitrarily like it wanted to do with the Pearson airport contract.

Motion No. 205 might slow the Liberal government's plans to confiscate over half a million legally owned handguns it banned in the passage of Bill C-68.

Motion No. 205 might interfere with the Liberal government's plans to expand its monopoly powers over property, such as produce and products grown by farmers in the west.

Motion No. 205 might slow the Liberal government's plans to expropriate private property by passing any number of the following laws, and I am quoting from the parliamentary secretary's speech, environmental laws, land use laws, laws provided for establishment and operation of corporations and ownership and disposition of shares, laws on banking, laws on bankruptcy and copyright laws.

The excuses given by the Liberals are completely without substance. They are empty. They are void and they have just been destroyed.

There is so much more to say. Suffice it to say that if members of this House support Motion No. 205 the measures will not prevent the Liberal government or any future governments from passing laws that take property away from Canadian citizens.

Motion No. 205 will give Canadian citizens a bit of added protection of their property rights which, based on the words and deeds of the Liberal government, would seem more than justified.

I urge all members to vote their constituents' wishes on this motion. Over 70 per cent of Canadians support greater protection of property rights. It is time we moved on this.

*Private Members' Business*

They have it right. We need this fundamental protection of property in this country. It is totally inappropriate that Americans and Mexicans, through the NAFTA, have more property rights in Canada than we, ourselves, have. That ought to send a signal here that we have a huge problem.

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, we have been down this road before about property rights in this House. I might add it is the topic of conversation among many people in this country. It is not surprising that many real estate people are very adamant about property rights. I had a meeting with the Fraser Valley Real Estate Board and this was indeed an issue it wanted addressed in the House of Commons.

• (1910)

Motion No. 205 is merely asking that we provide a greater measurement of protection for individual property rights by amending the Canadian Bill of Rights. I have a difficult time understanding why there would be even any reluctance on this issue from this government.

I want to indicate some of the basic fundamental principles on property rights of the Reform Party. Reform principle No. 10 enshrined in the constitution of the Reform Party states:

We believe that the creation of wealth and productive jobs for Canadians is best achieved through the operations of a responsible, broadly-based, free enterprise economy in which private property, freedom of contract and the operations of free markets are encouraged and respected.

What does the Reform policy actually encompass? The Reform Party supports amending the charter of rights to recognize that in Canada there existed and shall continue to exist the right of every person to the ownership, use and enjoyment of property both, real and personal, and the right not to be deprived thereof except by due process of law. Furthermore, it should recognize that in Canada no person shall be deprived directly or indirectly by any law of Parliament or a provincial legislature of the ownership, use and enjoyment of property unless that law provides for just and timely compensation. That is exactly what my colleague just said so articulately.

Last June the Reform assembly passed the following resolution:

Resolved that the Reform Party go on record as being opposed to legislation that may be enacted by any of the three levels of government which would seek to diminish or deprive individuals of their property without adequate compensation, whether it be real property, intellectual property, or the opportunities associated therewith.

What are property rights? Property rights are the cornerstone of human freedom. Property rights mean freedom from arbitrary interference in one's life by government. Property rights depend on the notion that you own yourself and your labour and neither the government nor the community exercising its power through government may take your property except under three very

limiting conditions. The taking of your property must be for public use; the taking of your property must be through due legal process of law; the taking of your property must be with just and timely compensation.

I have been involved in the appropriation of property for a school board which needed property for the purchasing and building of more schools. The process involved even from a local basis should really be enshrined in the bill of rights. It should be very common to all Canadians rather than a province by province or a local district by district implementing their own rules and their own laws.

Property rights guarantee your right not to be deprived of your property either by taking away ownership or by restricting your use, enjoyment or ability to transfer ownership to another person until or unless the three conditions outlined above are met.

Property rights also guarantee your right not to be deprived of the value of your own labour by being compelled to work under conditions not of your choosing or by being forbidden to work under conditions that are of your own choosing.

We have to go back to the issue of where did property rights come from. This is not just an issue that started in Canada. We can go back to Britain or to many countries. I would like to give some quotes. The following quote goes as far back as 1790 and is by Edmund Burke in *Reflections on the Revolution in France*:

The power of perpetuating our property in our families is one of the most valuable and interesting circumstances belonging to it, and that which tends the most to the perpetuation of society itself. It makes our weakness subservient to our virtue; it grafts benevolence even upon avarice.

• (1915)

In 1937 Walter Lippmann said in the *The Good Society*: "The only dependable foundation of personal liberty is the personal economic security of private property".

These kinds of issues are not something that we have created here today; these have been talked about for years and years. It is like many other issues in the House of Commons; one has to stand here and wonder why it is such an issue. Why is this not just accepted by this government? Rather than it being made a political issue, why does it not just say that it makes common sense, that it is for the good of all people so let us do it? What is the hesitancy?

In 1756 Benjamin Franklin said: "Mine is better than ours". What a great quote. That is truly reflective of property rights.

We have to ask why these property rights need to be strengthened. It is one of our most important rights. If we did not have a written Constitution, the protection of property rights under common law which dates from time immemorial would suffice. However, since we do have a written Constitution that does

entrench certain rights, these rights merely protected by common law or federal statute are regulated to a subordinate status.

Every person's natural and fundamental right to property should be protected as our paramount right. If circumstances do not allow us to entrench property rights in the Constitution, then we should take the next best step and strengthen this right in federal law using the legislative mechanisms and constitutional powers available to the federal government.

One has to ask: What if? Why? How? I will say it again: This government has an obligation to act rationally and responsibly on all issues. Because this happens to be a motion brought up by my colleague on this side of the House does not mean that the government has to oppose it. It means that the government should listen to the motion, ask if it makes sense and proceed from there.

There are times in this House of Commons when politics have to be laid aside. There is nothing wrong with entrenching property rights in this House of Commons in the bill of rights and the charter of rights.

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

**Mr. Gilmour:** Mr. Speaker, as it is my motion I wonder if I might be allowed a minute to make a brief summation.

**The Acting Speaker (Mr. Milliken):** A right of reply is certainly permissible. Since the hon. member is rising to speak I must advise the House that if he speaks now he will close the debate.

**Mr. Bill Gilmour (Comox—Alberni, Ref.):** Mr. Speaker, my Motion No. M-205 proposes to amend the Canadian bill of rights by adding two new 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 the individual property owner the right to fair compensation for the property within a reasonable amount of time.

At present the Canadian bill of rights includes property rights yet the guarantee of protection is minimal at best. At present there is no requirement in Canadian constitutional law that the removal of private property is covered by a fair procedure to deal with compensation to the owner and there is no guarantee of fair treatment by the courts, tribunals or officials who have the power over individuals or corporations.

• (1920 )

Individual property rights is a fundamental freedom which must be protected. Motion No. M-205 considers giving Canadians security that their homes and possessions are theirs and theirs alone. This motion is about giving Canadians the right to the protection of their own property. I would hope there would be broad support within this House.

### *Adjournment Debate*

**The Acting Speaker (Mr. Milliken):** I thank the hon. member for Comox—Alberni.

Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Milliken):** In my opinion the nays have it.

*And more than five members having risen:*

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

*And the bells having rung:*

**The Acting Speaker (Mr. Milliken):** At the request of the chief government whip, the vote on this motion stands deferred until tomorrow at 5.30 p.m.

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## ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

### TELECOMMUNICATIONS

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, I would like to very briefly go back in history approximately two years when the cable companies in Canada decided they were going to enter into what became known as negative option billing. In doing so they created such a furore among the people of Canada that many were lining up at the various cable outlets to turn in their converters.

There was such an aggressive negative response to the action of the cable companies that a Liberal member came to this House with Bill C-216 which called for the outlawing of negative option billing. There was close to unanimous support at the time of the vote for second reading. The vote was 147 to 25.

The members of this House were very solidly in favour of that bill. However it seems as though the Liberals and particularly the heritage department woke up to something which was in the bill

*Adjournment Debate*

that they did not really like so they decided they were going to work, as it were, against the will of the people who had voted in favour of that.

The list of the lobbyists who worked on opposing the bill reads like a who's who in the Liberal Party: the former minister of communications Francis Fox; Liberal strategist Michael Wilson; former CRTC guru André Bureau and many more all worked over the Liberals.

In an article in the Toronto *Star* one Liberal MP spoke on condition of anonymity saying that the minister was responsible for the last minute panic by the government because she did not do her homework: "If you want to kill an irritant you have got to do something at the beginning," the MP said. This is sloppy work on the part of the minister, her department and her parliamentary secretary who I think might be answering this question.

There was a concerted Liberal effort, particularly on the part of the department to work against the people of Canada with respect to this bill, namely the outlawing of negative option billing.

At the time of the vote, the minister insisted that the government "supported the spirit of the legislation". Interestingly, she was not here but the vote. But the vote nonetheless went ahead, 84 to 68.

• (1925)

With this reality check, I have a copy of a letter from the Consumers' Association of Canada to the minister: "We are writing on behalf of Canadian consumers to ask you to send a clear public signal that you support Bill C-216".

The minister has tried to have it both ways in saying that she is in favour of banning negative option billing, trying to imply that she is in favour of Bill C-216. The question is very simple and very straightforward. Are the minister and her department in favour of the passage of Bill C-216 into law, yes or no?

**Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, I must use this opportunity to congratulate you on your new position. I wish you well.

I appreciate the opportunity to respond to the hon. member for Kootenay East. As members know since it has been outlined in the House before, consumers across the country have spoken loud and clear on this issue. They do not want negative option billing.

The Minister of Canadian Heritage has also spoken loud and clear on this issue in her response to the question raised by the hon. member on September 25: "The government opposed negative option billing last year. It opposed negative option billing this year and it will oppose negative option billing next year". The minister repeated this answer again on September 27. That is pretty clear.

[*Translation*]

As the hon. member knows full well, the bill is currently before the other place. It is now up to our colleagues there to review it. They have started debating it, several senators have expressed their views on the matter and more will speak as the debate continues. I would therefore suggest to my hon. colleague that we let our colleagues in the other place do their job.

[*English*]

I am glad to say that it is in the Senate. It is going to receive due consideration in the Senate and we should allow it to do its work.

## AGRICULTURE

**Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.):** Mr. Speaker, I appreciate the opportunity to expand on the concerns I expressed during question period on October 28 regarding Bill C-38, the Farm Debt Mediation Act. While I appreciated the response given at that time by the Minister of Agriculture and Agri-Food, I believe there are a number of matters that must be addressed further.

There are a number of differences between the proposed act and the existing legislation. For example, the process contained in Bill C-38 would be available only to insolvent farmers rather than also to farmers in financial difficulty as is currently the case under section 16 of the Farm Debt Review Act.

Some farmers experience financial difficulty from time to time. Can we be assured that the proposed new farm consultation service, FCS, will be as effective if not legislated? My other concern, if there should be a further program review and cuts, is that FCS could be more easily eliminated since it is not legislated. In my view it is vital that FDMA and FCS serve as parallel approaches.

It is very important that consultation continue to be a part of any legislative package. There is generally a degree of momentum created whenever consultation is part of the process.

Farmers need help before insolvency. They need a proactive approach through consultation. In my opinion Bill C-38 may be seen by insolvent farmers as a graceful exit in resolving the problem at hand. I believe farmers want to see continued consultation, and creditors certainly understand the process. This process enables farmers to address their financial concerns and perhaps may enable them to continue farming.

As I understand it from the agriculture committee meetings, Ontario producers want to ensure that there will be enough flexibility to make this program work, which should not be too difficult. The proposed act states there should be one mediator per case. Should the mediator require further expert assistance for more complicated cases, this assistance would be given.



*Adjournment Debate*

If we are to realize our goals of being more cost efficient and effective, it is vital that we educate the public on the available services within Bill C-38.

We must also address a concern regarding appeal boards and mediators. Can they be regarded as one and the same? If, for example, there is some concern regarding a possible conflict of interest, I can see no problem with having the person replaced on that particular case.

In mediation there is a constant flow of information and knowledge of the various issues that play in a particular case, simply because it involves a hands on process. However, I am concerned that when a case reaches the appeal board we may lose the same flow of information.

Finally, I would like to express a concern regarding the process whereby current board members would be replaced by a pool of mediators, a process which might take until the end of 1997 to complete. I understand that the standards have already been drafted and a number of training sessions have already taken place.

While board members who fully meet the requirements will have the opportunity to be considered for the mediation contracts under the new act, perhaps during this transition period and for the sake of consistency it might be advisable to consider appointing the first set of mediators for a set period of time, perhaps for a three year term.

While I applaud the intent of the proposed legislation to create a mediation process that is complete, concise and cost effective, I would propose that in order to do so we must address the shortcomings I have pointed out. The process must be peer oriented. I believe we must ensure that FCS and FDMA are both seen as a parallel approach, each serving as a vital service for Canada's farmers.

**Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I would like to thank my colleague for the question brought forth on the Farm Debt Mediation Act.

The new act strengthens the entire farm debt review process by embedding mediation in the legislation and by providing enhanced services. The new act will continue to provide a stay of proceedings, financial review and mediation, but it will now also give farmers and creditors access to an appeal board. The financial review for insolvent farmers has been enhanced to allow farmers to

use their own financial advisors or experts to develop a recovery plan.

Another major improvement to the act is that insolvent farmers will be able to apply for a financial review and mediation without having to apply for a stay of proceedings. Under the ten year old act insolvent farmers who did not want to alert their creditors by applying for a stay of proceedings applied under section 16 of the act, which was originally designed for farmers in financial difficulty but was used more often by insolvent farmers. The act is definitely an improvement in these services.

On the cost side, economies have been realized by eliminating from legislation the three person panel. Therefore we have been able to reduce by two people the number of people involved in most cases.

Over the past 18 months the administrative structure for the Farm Debt Review Act has been streamlined and the number of offices and Agriculture and Agri-food Canada staff has been reduced. Under the new Farm Debt Mediation Act, Agriculture and Agri-food Canada will be able to continue to streamline the delivery structure.

Last year just over 1,000 applications were received and the cost for the farm debt review boards was approximately \$3.5 million. Applications under the new act could be in the range of 650 to 700 per year and expenditures are projected at approximately \$2.2 million. The cost per case would therefore be reduced and services have been improved.

We are also going to implement a companion program to the act, the farm consultation service, which is not under legislation. The new farm consultation service provides earlier opportunities for most farmers to pre-empt potential financial difficulty. The cost for the farm consultation service will be approximately \$1.8 million and will help 1,500 farmers.

The net effect is more mediation and consultation services, covering a broader range of farming operations, helping a great many more farmers at costs comparable to last year.

[*Translation*]

**The Acting Speaker (Mr. Milliken):** The motion to adjourn the House is now deemed adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.34 p.m.)



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