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OFFICIAL REPORT  
(HANSARD)

**Monday, December 2, 1996**

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

Monday, December 2, 1996

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

[*English*]

### IMPAIRED DRIVING

**Mr. Dick Harris (Prince George—Bulkley Valley, Ref.)**  
moved:

That, in the opinion of the House, the government should consider strengthening penalties in those sections of the Criminal Code which deal with impaired driving offences in order to: (a) enhance deterrence; and (b) bring the penalties into line with the seriousness of the offence.

He said: Mr. Speaker, I am pleased to lead off the debate on this very important Motion No. 78.

I was also pleased to take part in the kick off for the red ribbon campaign by the Mothers Against Drunk Drivers which occurred on Parliament Hill over the weekend. This campaign involves tying red ribbons around the antennas of vehicles through the holiday season to tell people that they should not drink and drive and to publicize the epidemic in this country of drinking and driving.

Last year MADD Canada distributed over three million red ribbons to tell people about the hazards and the consequences of drinking and driving. This year they expect and hope to have a red ribbon on every single antenna of every single car in Canada. I absolutely support that and I will do whatever I can to promote it.

September 19 was the last time I spoke in the House on the important issue of impaired driving. That was the third and final hour of debate on my Bill C-201. The bill would have established minimum sentencing and stronger deterrents against impaired driving in particular to deal with people who choose to drink and drive and as a result kill. Unfortunately, Bill C-201 was narrowly defeated in this House by 31 votes, with the help of the Bloc members almost all of whom voted against it, and with the help of many of the Liberal members who voted against this bill.

I did receive support from some of the Liberal backbenchers, from numerous NGOs, including MADD Canada, and tens of thousands of Canadians across the country. Despite the defeat of Bill C-201, this support has only strengthened my resolve to push forward to ensure that some day the federal government will take the lead in developing measures to combat impaired driving in this country.

Once again I remind members of the Liberal Party opposite that this issue transcends all political lines. It is an issue that is so important in the minds of Canadians yet Liberal government members refuse to grasp that. They play party politics with the lives of Canadians.

I would like to thank the Liberal members who did support Bill C-201. On behalf of hundreds of thousands and perhaps millions of Canadians who are keenly interested in this issue, I know that their appreciation has been shown as well.

For those Liberal and Bloc members who opposed it, I sincerely hope on behalf of all of Canada's impaired driving victims that they see the value of Motion No. M-78. I hope that they see this as an opportunity to get into real and positive debate on the issue of impaired driving. I hope the comprehensive approach to impaired driving that Motion No. M-78 offers will give the Liberals some comfort zone that it will not go against their policy or philosophy of being soft on crime.

We all have our own ideas of how to combat impaired driving. Motion No. M-78 gives the government, particularly the Minister of Justice, as well as the Bloc members the opportunity to discuss Motion No. M-78 in the justice committee setting. They could bring forward their ideas and witnesses would appear. It would bring this terrible, senseless and 100 per cent preventable crime to the forum that it deserves, the justice department of the Government of Canada.

Almost every province has taken action on this issue. Almost every province has taken steps to deal with the crime of impaired driving in a way that reflects the severity and epidemic state of this crime, but the Liberal government has refused to follow their lead. It is the very government that should be setting an example in being proactive on the issues which concern the Canadian people, but the Liberal government has refused to deal with impaired driving to treat the issue with the respect and seriousness it deserves.

*Private Members' Business*

Ontario has recently followed the lead of many other provinces and introduced a 90-day roadside licence suspension. Other provinces have lowered the blood alcohol content for temporary suspensions and have established higher mandatory minimum licence suspensions for those convicted of impaired driving. Some provinces have set lower BAC limits for young drivers. Some will impound the vehicles of individuals who are caught while driving under suspension. These are positive steps, just a few of the efforts that have been put forward by some of the provinces.

What does the federal Liberal government which should be the leader in this country do? It refuses to deal with the issue. What efforts have come from the Liberal government? None. Just opposition. What proposals have come from the Liberal government? None, even though it voted against Bill C-201.

• (1110)

If the government had been seriously concerned about the issue of impaired driving, it could have brought forward its own proposals. I do not care whether it wants to take some sort of recognition for dealing with impaired driving and leave my bill on the sidelines. The issue is that the government has an obligation to the Canadian people to deal with this issue which is of great concern and it has refused.

The pleas of victims of impaired drivers and their families have been met with opposition and silence from the Liberal government. In 1995, 1,650 Canadians were killed by impaired drivers. I understand that after my presentation the member for Halifax is going to stand up and tell us that is not important.

**Ms. Clancy:** Mr. Speaker, on a point of order, I would ask that the hon. member not anticipate my remarks.

**Mr. Harris:** Mr. Speaker, the member for Halifax did in fact vote against Bill C-201. Therefore I assumed and probably correctly but we will wait to hear what she has to say, that she is going to oppose M-78 as well because the Liberal government members opposed Bill C-201. The member for Halifax in her duty does everything the Liberal government members tell her to do.

The justice minister took no pains to move quickly to follow a personal agenda when he brought in gun control measures. He said that he wanted to fight crime because 196 people are murdered each year by firearms in the hands of criminals. We support the fighting of crime. And if that bill were effective, we need effective controls to keep guns out of the hands of criminals because gun deaths are no less a crime. However, considering that 196 people are killed each year in Canada at the hands of criminals who have firearms and considering that 1,650 people were killed last year by impaired drivers, I ask the question: What reasonable justice minister would fail to recognize the severity of the crime of impaired driving and the consequences? What reasonable thinking

justice minister would fail to recognize that? The justice minister of the Liberal Government of Canada is the person who fails to recognize it.

The Liberals are on the wrong track. They refuse to act on impaired driving. They prefer to follow their own agenda with useless and ineffective gun control legislation. They refuse to deal with a crime that killed over 1,600 people in this country last year.

The Liberal government talks about promoting safety in our society. I say that the Liberal government is incapable of promoting community safety and it has shown it by refusing to move on the issue of impaired driving. It is the justice minister who is compromising community public safety by pursuing his personal agendas rather than dealing with the serious crime of impaired driving.

I ask the Parliamentary Secretary to the Minister of Justice whether his government will take the time to deal with Motion M-78. He stated in his presentation on Bill C-201 that the justice committee was too busy to deal with Bill C-201. Motion M-78 gives the Liberals an opportunity to deal with impaired driving in a far more comprehensive manner than Bill C-201 offered so let us give it that opportunity. Will the justice committee once again be too busy to deal with this serious crime?

• (1115)

Why is the government not doing everything possible? It is beyond me. Why is the government not doing everything possible to deal with impaired driving, which is at an epidemic stage? Why does the Liberal government continue to look on impaired driving as some sort of social ill? It is a crime to drink and drive in this country. It is a crime to make that choice, to get behind the wheel of your car when you are impaired. Certainly it is a crime when you kill or injure someone.

Yet the Minister of Justice refuses to recognize that. He prefers to treat it as some sort of social ill, and that must stop.

Why does the Minister of Justice have no initiatives whatsoever to deal with impaired driving in Canada? It is the number one cause of criminal death and injury in this country. Yet the Minister of Justice and the government members have refused to deal with it. Why? What do they have to say to the families of victims of impaired drivers?

I support Mothers Against Drunk Drivers and the organization's recommendations that the blood alcohol content be lowered to .05 and the two hour sampling time be extended or eliminated. I support that. I believe those caught driving while impaired should face higher fines, longer jail terms and licence suspensions.

The Liberal members in opposition to my last bill said deterrence is not a factor here, that we cannot deter someone by threatening to impose a stiff sentence or a stiff fine. I would say

that of all the crimes in this country that are preventable by deterrence it is impaired driving.

Mr. Speaker, you could go outside now and ask the first 100 people you meet on the street why they prefer to take a taxi when they have been drinking, and the number one answer will be because they do not want to get caught. That is the number one answer.

Why do they say that? They know there is a fine involved and a licence suspension. They do not want to get caught. It is not the fact that they do not think they can drive home all right, but they do not want to get caught. That is deterrence. If we stiffen up the fines, the licence suspensions and the jail terms in case of death or injury I know we are going to see a marked improvement in the statistics concerning impaired driving.

As well, I support a two and a seven year minimum sentence respectively for those convicted of impaired driving causing bodily harm and impaired driving causing death. I believe we have to have sentences that reflect the severity of the crime.

I believe that sentencing ranges are commensurate with the gravity of the crime and mirror the sentence available for those convicted of criminal negligence causing death. I believe we have to get tough with people who drink and drive.

I am aware that changing the Criminal Code is not the silver bullet to end all impaired driving but it is important that this Liberal government show some leadership on this issue. It is important that it take an important step, but it is not the only step that needs to be taken. It has to examine the whole range in the Criminal Code that deals with impaired driving. It also has to look at rehabilitation for impaired drivers while they are in prison.

Evidence suggests that the majority of impaired drivers have a problem with alcohol and have faced similar charges in the past. Statistics show that up to 70 per cent of the people who cause death and injury through impaired driving do have alcohol problems. Accordingly, and the Liberals are going to hate this one, the government should consider using its order in council powers to amend the Corrections and Conditional Release Act to ensure that those serving time for impaired offence absolutely must successfully complete a rehabilitation program as a condition of parole.

• (1120)

Some Liberals will stand up and say this is a human rights violation, that we cannot force anyone to get better, that we cannot force anyone to turn their life around. Tell that to the victims of impaired driving. Tell that to the families of the victims of impaired driving.

The federal government should encourage the provinces to introduce random breathe tests. This would give the police the

### *Private Members' Business*

opportunity to make random stops and request the breath test without having to prove reasonable and justifiable cause. Members know that lawyers have a field day with the reasonable and justifiable cause section of the Criminal Code. However, areas that have introduced random breath testing have found a dramatic decrease in the incidence of impaired driving. That is because the chance of getting caught has been made even greater.

At present some provincial forces do use random breath tests to deter and catch impaired drivers. As I said, research indicates that random breath testing has an effect on the number of impaired drivers.

We must look at a whole range of measures in order to deal with the very serious issue of impaired driving. Motion No. 78 allows us to look at those measures. It allows government members, Bloc members, Reform members, NDP members and Conservative members to come together in the justice committee to seriously deal with the issue of impaired driving.

The Liberal government must get away from its belief that impaired driving is some sort of social ill. It has to start looking at it as a serious crime. I look forward to the debate which will follow on this motion and I will listen with interest to the suggestions and recommendations that come from colleagues in this House.

However, it is important to point something out which probably reflects the feeling of Liberal government members. The philosophy of some Liberals has been stated in a letter by the member for Simcoe North. He believes that this is some sort of political game. He believes that Reformers, I included, have grabbed this issue for some sort of political gamesmanship. I am saddened to see that comment in a letter.

The member for Simcoe North also says that the federal government cannot dictate to the provinces how they should deal with impaired drivers. I know that some areas that deal with impaired driving are within provincial jurisdiction. But the fact is this Liberal government has to take some leadership on this issue. It is duty bound to take leadership. It should encourage the provinces to deal more effectively with impaired drivers.

The member for Simcoe North also said in his letter: "The issue is whether Motion No. 78 will be effective and appropriate measures to deal with the problem. I can't support them because of serious reservations which I have explained and substantiated". Whatever they were.

"One reservation is that these measures are based on the false premise that longer sentences lead to reduced repeat offences. The evidence simply doesn't support this view".

Longer sentences and mandatory rehabilitation will reduce this crime and I urge the members to deal with this.

*Private Members' Business*

**Mr. Rex Crawford (Kent, Lib.):** Mr. Speaker, it gives me great pleasure to speak in complete support of Motion No. 78, that the government should consider strengthening penalties in those sections of the Criminal Code that deal with impaired driving offences. I am honoured to speak on this motion immediately after the mover, the hon. member for Prince George—Bulkley Valley who gave an excellent speech. I have always been of the firm conviction that if it makes sense I will support it. This motion makes a lot of sense.

• (1125)

I feel it is important to state that this issue goes beyond our party lines. The fact that this motion was introduced by the hon. member for Prince George—Bulkley Valley of the Reform Party, supposedly my opponent, has nothing whatsoever to do with the fact that strengthening penalties for those who commit an impaired driving offence is a good idea.

I previously supported the hon. member's bill, Bill C-201, which called for amending the minimum sentence of seven years for impaired driving causing death. Although, unfortunately, that bill was narrowly defeated, I believe this motion will accomplish the same principle.

Drunk driving is a very serious offence. It is high time that our courts have a tool to discipline and deter an offence which often ends in death. People, especially young people, are dying every day due to impaired driving and we have to try to stop it.

Recently the Ontario government attempted to crack down on drunk driving offences by imposing an automatic 90 day licence suspension for drivers who blow over the legal alcohol limit or who refuse a breathalyser test. This is a step in the right direction, but it certainly does not go far enough. These drivers can easily appeal on the grounds of mistaken identity or the inability to give a breath sample for medical reasons. Besides that, a 90 day suspension is an administrative tool for the government and does not act as a real deterrent. We need to impose a sentence which will make an impaired driver think twice about getting behind the wheel after drinking alcohol.

I come from a rural part of southwestern Ontario and I am sad to say that I often see the reality of impaired driving close to home. Where there is an absence of public transportation or taxi cabs, young and old alike will often get into their vehicles after a night out and attempt to drive the dark, back country roads. I am sad to say that I have often witnessed horrific accidents due to drunk driving right on the corner of my property. That is not to say this is exclusively a rural problem. Nevertheless, without any alternative form of transportation we have to send a clear message to people in rural Canada that driving drunk is dangerous, if not deadly.

It is my belief that the sections of the Criminal Code dealing with impaired driving do not act as a sufficient deterrent. Currently there is a 14 year maximum sentence available for impaired driving causing death. How often is it imposed? It is similar to our old gun laws, some of the toughest in the world, but never enforced by a lenient justice system. Indeed, most sentences are for one or two years, even with a previous conviction. It is a joke.

The hon. member for Prince George—Bulkley Valley once told me of a sad story in his riding where three family members were killed by a drunk driver with previous convictions who was sentenced only to three and a half years. People are justifiably outraged by these kinds of sentences. They do not at all reflect the views and the concerns of average Canadians.

In the United States the transportation research board has suggested a tough crackdown on repeat drunk drivers, which would include impounding vehicles and police stakeouts of people convicted of driving under the influence. The board's committee said that current policies in Canada have been effective in discouraging most people from drinking and driving. However, there remains a group of persistent drunk drivers who do not appear to be deterred by the threat of social disapproval or legal punishment.

According to the report, repeat offenders are four times more likely than other drivers to take part in a fatal traffic accident. Twelve per cent of drivers involved in alcohol related crashes had at least one prior conviction. An interesting study in the *New England Journal of Medicine* in August 1994 entitled "The risk of dying in alcohol related automobile crashes among habitual drivers" came up with some revealing conclusions.

• (1130)

The scientists linked about 3,000 drivers to their driver history files. The study showed that aggressive intervention in the cases of people arrested for driving while impaired may decrease the likelihood of a future fatal alcohol related crash.

In the United States, motor vehicle crashes are the leading cause of death among people between the ages of one to 34. Almost 50 per cent of all traffic fatalities are related to alcohol. Furthermore, 40 per cent of the people in the U.S. will be involved in an alcohol related crash at some time during their lives.

Similar figures are available for Canada. In 1994 87,838 people were charged with impaired driving. More astonishing is that in 1994, 1,414 people were killed as a result of impaired driving, which is three times higher than our murder rate.

The government has fervently committed itself to imposing gun control to help reduce crimes committed using a gun. Unfortunately it is a lot easier to get a driver's licence than to get a gun licence and according to these statistics a car is even more of a lethal weapon.

*Private Members' Business*

It seems that the attorney general of Ontario, Mr. Charles Harnick agrees with me. He says: "Drinking and driving is the number one cause of criminal death and injury in our society, and alcohol is the greatest single factor contributing to automobile accidents in Ontario". But this problem goes beyond the borders of Ontario. It is a national issue. Transport Canada found that there were 113,731 injuries as a result of impaired driving accidents. To make it more clear, that means there are 3.8 deaths and 311 injuries per day, due to drunk driving.

Last week the government introduced some tough legislation to crack down on smoking. The principal incentive was the cost to the health system. Everybody knows that smoking inevitably leads to ill health. But if everyone knew that just one fatal drunk driving accident costs the Canadian taxpayer \$390,000, I think more people would be up in arms about the high cost of getting behind the wheel after drinking. If this is not a very serious national issue, I do not know what is.

Motion No. 78 is worthy of the support of members of all sides of the House. We are here to represent our constituents as well as the betterment of all Canadians. I truly believe that toughening the Criminal Code to crack down on impaired drivers would benefit every Canadian.

I remind my colleagues that partisan politics have no place in Private Members' Business. This is a votable motion and I will certainly be voting in its favour.

My brother-in-law was in a Scandinavian country, I cannot recall which country it was, but the law there stated that if you are picked up with the smell of alcohol on your breath, it is an automatic one-year suspension of your licence. If you are charged the second time you lose your licence for life. I think our laws, in comparison, are very lenient.

As I mentioned previously, within one mile in my area, more than five people have been killed because of impaired driving. I live on a dead end road where there is very little traffic. However, it is sad to meet the families of these people who were killed in these accidents. It never leaves them.

I appreciate the opportunity to be able to speak on this bill.

● (1135 )

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, it is a pleasure to speak on Motion No. 78, a votable motion dealing with impaired driving.

Today Reformers are wearing red ribbons in support of project red ribbon which is carried on by Mothers Against Drunk Driving. It is a strong reminder to everybody that we should do our best to stop tragic deaths, in particular, those dealing with drunk driving.

This motion calls on the government to deal with all areas of the Criminal Code with regard to drunk driving. It take steps to deter drunk driving and it also provides for sentencing which reflects the circumstances.

Critics during discussions on drunk driving often say we want to implement stiff sentences. I really cannot think of any greater stiff sentence than personally losing somebody because an individual has been drunk behind the wheel. I remember only too well the years in our family we had with Sheena who was the best buddy of my son Jason in the early years. Sheena was his cousin and my niece.

Sheena was a very bright young lady, with all the best prospects in life, doing well until she was 13 years old. In 1983 a drunk driver took her life. I can remember those days as if they were yesterday. The call we got at home, the disillusionment, the reasons why. Then came the questions: What could have prevented it? Why did it happen to such a nice young girl? It has been 13 years and I still cannot forget two things. Why did the individual who killed her get a very minor suspended sentence and end up out on the street right away doing goodness knows what, and the lives that were destroyed.

I talked to Sheena's mom, Winnie, this morning and I know that she does not forget. I know she has forgiven. I know it has stuck with us for many years. Sheena will never be forgotten. I somehow guess that the person who was behind the wheel that day has maybe forgotten about it because nothing much happened to him. That is very sad. This motion addresses the hurt and pain of families resulting from this action.

Then I think of the reality that Ken and Eileen Roffel of Langley, B.C. have been dealing with. I just talked to Ken a few moments ago. Ken is going around the country looking for 300,000 plus signatures to deal with zero tolerance of drunk driving. Last March his son Mark was killed by a drunk driver. This drunk driver had five previous convictions for alcohol related charges.

Mark was 23 years old. He was killed at 8.30 p.m. last March. Very few people in the country know that at 3.30 p.m. the same day the drunk driver who killed this young man had had another drunk driving accident.

● (1140 )

This type of thing has to stop. We have to look beyond partisan politics in a House that is filled with partisan politics. We have to try to understand the heart and the pain of people like the Roffels and my family. We have to rise above the occasion of Reform, Liberals or separatists and deal with the issue of drunk driving in a fair, reasonable and responsible manner.

The drunk driver who killed Mark had no licence, no insurance and stole a truck. He had five previous convictions. What more can I say? How many more people must die on the roads before a responsible government does something?

*Private Members' Business*

Mark's dad, Ken, is working hard to get a focus on zero tolerance. He is travelling across the country to raise awareness, as many other parents before him have done, as MADD is doing today and as the Reform Party members are doing. My colleague, who is sitting here today, has raised this on several occasions in the House, mostly to deaf ears of a majority government that is far too partisan for the good of all Canadians. We are very likely to hear that in one of the speeches to come from the Liberals.

What happened the last time this came before the House? The separatists, who the Liberals claim are the official loyal opposition in this House, voted against it. That is nothing new. Shameful, I suppose. One wonders where things are going in this country when one party cannot deal responsibly with social issues of the day and its only concern is with separation from a country that needs all of its parts.

What does voting for this motion really mean? Does it mean that if my colleague gets this passed in a vote that the Liberals should be ashamed and we should have an election because of it? No, that is not it at all. It means that this would go to a committee and it would be discussed. Witnesses would come before the committee from across the country, giving their perspective, their feelings and their good suggestions on how laws that are fitting against drunk drivers should be developed. It means an open debate on an issue that is far overdue. It just means we should bring it forward to the people of Canada.

I praise my colleague and those who have the courage of their convictions on the Liberal side to deal with this issue of drunk driving. I can assure the House that my family will not forget Sheena nor the issues around her. Ken and Eileen will not forget Mark. And all those parents, families and friends of victims will not forget those who have been injured or killed by drunk drivers.

I only ask that the Liberal government members take the responsibility that is afforded them as a majority government and deal with the issue on a non-partisan basis.

• (1145)

**Ms. Mary Clancy (Halifax, Lib.):** Mr. Speaker, there can be no dispute about the potential for serious harm that impaired driving poses. Many of us, tragically, as was pointed out by members on the other side, know intimately the suffering that impaired drivers can and do cause. Our first reaction because of this as legislators, and a very understandable one, is to consider changing the penalties in the Criminal Code.

We should, however, clearly understand what the criminal law does now about impaired driving. We need to do this in order to ensure that we are proceeding wisely and not simply setting out

upon a course, however well motivated, that will turn into a journey that does not lead us toward meaningful change. Only after such an understanding is reached can we then wisely consider whether there are appropriate changes that ought to be made to the Criminal Code.

Driving is a legal behaviour, given the appropriate provincial or territorial licence. Drinking alcohol is also a legal adult behaviour. Clearly one may engage in either behaviour separately and not offend against the Criminal Code. What the criminal law does prohibit is driving when one's ability to do so is impaired by alcohol. The code also prohibits driving with a concentration of alcohol in the blood that is greater than 80 milligrams of alcohol in 100 millilitres of blood. This is regardless of whether the person shows actual signs of impairment or not.

I understand that scientists have indicated that the significance of alcohol as a discreet factor influencing driving behaviour becomes demonstrable only above the level of 80 milligrams of alcohol. Therefore the present over 80 limit is one that can withstand scrutiny by the courts. It respects fundamental principles of criminal law relating to culpability being a limit that rests securely upon a foundation of blame worthiness which is demonstrable by study results that are statistically significant.

I want to turn to the penalties associated with the criminal offences that are committed by persons who consume alcohol and then operate a vehicle. Where the crown prosecutor can bring evidence proving that the drinking driver's pattern of driving was so bad as to constitute criminal negligence there is a maximum penalty of life imprisonment where the driver caused a death. Clearly this is the most serious maximum penalty available. If the criminally negligent driver caused bodily harm, the maximum penalty is 10 years imprisonment. Where driving behaviour is involved the proof which the crown prosecutor must offer in court for the offence of criminal negligence is a proof of very high divergence from normal driving behaviour.

The Code also has an offence of dangerous driving causing death. The level of behaviour required for this offence is less divergence from normal behaviour than the behaviour contemplated for the criminal negligence offence. The maximum penalty for dangerous driving causing death is 14 years imprisonment. For the offence of dangerous driving causing bodily harm the maximum penalty is 10 years imprisonment, the same as for criminal negligence causing bodily harm.

In 1985 Parliament amended the code to introduce the offence of impaired driving causing death. The level of proof of divergent driving behaviour or an impaired ability to operate a vehicle which the crown prosecutor must offer in court is far lower than would be the case in criminal negligence cases. This offence carries a



maximum penalty of 14 years imprisonment, the same penalty as the offence of dangerous driving causing death.

Parliament also introduced the offence of impaired driving causing bodily harm in 1985. This offence carries a maximum penalty of 10 years imprisonment, the same as the offence of criminal negligence causing bodily harm and dangerous driving causing bodily harm.

For impaired driving and driving while over 80 where no death or bodily harm is involved there are various minimum penalties available. For a first offence the minimum penalty is a fine of \$300. For a second offence the minimum penalty is 14 days imprisonment. For a subsequent offence the minimum penalty is 90 days imprisonment.

Impaired driving and driving while over 80 can be prosecuted by summary conviction or by indictment. Where prosecuted by summary conviction procedure, the maximum penalty is six months imprisonment. Where prosecuted by indictment, the maximum penalty is five years imprisonment. The crown prosecutor's choice to select procedure by indictment over summary conviction procedure would be influenced by such matters as the circumstances of the offence and by the prior record of the drinking driver.

• (1150)

In addition to the minimum and maximum penalties there is a prohibition from driving anywhere in Canada which a judge is required to impose under the Criminal Code. The maximum prohibition from driving anywhere in Canada is three years. For a first offence the minimum period is three months. For a second offence the minimum period is six months. For a subsequent offence the minimum period is one year.

This prohibition period is a criminal law penalty and is separate from any provincial or territorial driver's licence suspension that might follow upon a Criminal Code conviction for impaired driving or for driving while over 80.

I should note that we have before the House some proposed amendments—

**An hon. member:** Fascinating.

**Ms. Clancy:** Mr. Speaker, I am going to stop briefly. The hon. member from British Columbia says it is fascinating. I know it is fascinating. The point is the hon. member understands what I am getting at. However, there are a number of other hon. members who do not. With the best of intentions, they do not understand how the law is formed, how the law is practised or how the law is administered. I do know that the hon. member does understand that. Therefore I appreciate his response that these things, while somewhat dry, are indeed fascinating.

### *Private Members' Business*

This prohibition, as I mentioned, is a criminal law penalty and is separate from any provincial or territorial driver's licence suspension which might be extremely severe as well, depending on the province, and rightly so.

I should note that we have before the House—

**Mr. White (Fraser Valley West):** Gutter politics.

**Ms. Clancy:** Mr. Speaker, the hon. member keeps talking about gutter politics. I do not understand why my discussion of criminal law provisions should be called gutter politics.

Apparently there have been some differences on the amendments contained in Bill C-17. These amendments are aimed at ensuring that periods where the convicted drinking driver is imprisoned will not be deducted from the period of the prohibition from driving. The approach of various provinces and territories has been different in this matter and the amendments will clarify the approach to be taken.

The penalties in the drinking and driving provisions of the Criminal Code represent a measured approach to the drinking and driving crimes. They are serious penalties. We should be very careful not to confuse challenges in investigating drinking and driving crimes or the heavy onus on the crown in proving drinking and driving crimes beyond a reasonable doubt in order to obtain a conviction with the sufficiency of the penalties we presently have for these crimes.

We should remember that provinces may also use their legislative powers in areas relating to driver licensing and suspension and in the area of highway safety to address the problem of drinking and driving. For example, some provinces have chosen to use a lower blood alcohol concentration limit with regard to the suspension of licences than the criminal law might be able to justify using when creating a criminal offence. Also, some provinces have chosen to use administrative roadside suspensions of driving privileges for drinking drivers which take effect immediately. Such suspensions are not criminal law penalties. Under fundamental principles of criminal law, criminal penalties can follow only upon a conviction for a crime and cannot proceed a conviction.

This should remind us that the criminal justice system and the criminal law, including penalties, are parts of a combined effort to address the problem of impaired driving and driving while over 80. The concerted effort of governments, educators and community groups against drinking and driving can be traced to the implementation of the 1985 amendments to the Criminal Code. In my view the Criminal Code penalties are already serious penalties, containing deterrent value. To increase the criminal penalties would not at this time mean that people would be more deterred from drinking and driving than they are currently with criminal law penalties.

*Private Members' Business*

Thankfully, over the years there have been increasing efforts by provincial governments in the area of provincial highway safety legislation and licensing which have contributed toward a solution to drinking and driving crimes. Similarly, education, which really is the true answer, and example in the home contribute to the solution. The alcoholic beverage and hospitality industries have also taken a role in reducing drinking and driving problems.

• (1155)

In my view the present Criminal Code penalty along with the amendments that relate to prohibition in Bill C-17 do provide—

**The Deputy Speaker:** I am sorry to interrupt the hon. member, but her time has expired.

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, I congratulate and extend my appreciation to the hon. member for Prince George—Bulkley Valley for bringing this motion forward and for his determination to have this area explored in view of our desire and thousands of Canadians' concerns about the possible reform of our impaired driving laws at the federal level.

The hon. member for Halifax has quite rightly pointed out the maximum penalties for drinking and driving, but that is not the issue. The issue is the courts are not issuing penalties anywhere near the maximums. The concern is that there should be minimum penalties which the courts must deal with.

This House passes legislation in order to tell the courts what to do, which is exactly what this motion is designed to do. At least it brings forward the opportunity for reasoned debate on this very important issue.

There are over 110,000 members in the Mothers Against Drunk Driving organization. This organization was born out of the anguish and pain caused by impaired or drunk driving. This organization was formed as a result of the inaction of the federal government. If the government were addressing this issue, this organization would not have any need or basis to lobby, to raise funds and to do what it can to bring this matter to the attention of politicians who seem oblivious to the need to do something in this area.

Last Thursday night I arrived home in Camaras, Alberta. The very next evening a drunk driver ran into a car which was being driven by a father. The mother was in the front passenger seat and their four children were in the back. Both the mother and father were killed while the children were left alive. The oldest is fourteen and the youngest is five. It happened in the area of Armenia which is in my constituency as a result of the boundary change. The family was from the small city of Camaras which has a population of approximately 12,000 to 13,000.

That catastrophe will touch thousands of people in that area. And what is being done about it? Nothing is being done about it at the federal level. Some of the statistics on the subject have been introduced into this debate by my colleagues. From 1983 to 1991, 17,630 people died in Canada in alcohol related crashes and 1.1 million people were injured. In 1992, 14,014 were killed. In 1987, 5.2 million days of employment activity were lost.

Justice Peter Cory of the Supreme Court of Canada stated in 1995: "Every year drunk driving leaves a terrible trail of death, injury, heartbreak and destruction. In terms of the deaths and serious injuries resulting in hospitalization, drunk driving is clearly the crime which causes the most significant social loss to the country". I hope this is not lost on hon. members.

The justice minister stood in this House and justified Bill C-68 at least in part with the horrific statistic that every six days a woman is shot to death in this country. I would just point out that every six hours someone is killed in this country by an impaired driver. Certainly the House and the Government of Canada should be looking at this issue. It should not simply brush it aside because as the member for Halifax has stated the maximum penalties are what they are; the maximum penalties are not worth the powder to blow them up unless they are utilized. What is the purpose of having a maximum penalty if the courts never consider the maximum penalty or anything near the maximum penalty?

• (1200)

I understand my time has expired. I have appreciated the time to speak and perhaps I will be able to continue later.

**The Deputy Speaker:** The hon. member for Crowfoot will have five minutes when the debate resumes again, if he so wishes.

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

**Mr. Dingwall:** Mr. Speaker, I have a comment on the private members' motion, just so that I understand it correctly. The motion is printed on page 21 of today's Order Paper in the name of the hon. member for Prince George—Bulkley Valley and thereafter it states that pursuant to Standing Order 86(3) it is jointly seconded by a number of members.

As I read the motion before us, it asks that we vote on the following:

That, in the opinion of the House, the government should consider strengthening penalties in those sections of the Criminal Code which deal with impaired driving offences in order to: (a) enhance deterrence; and (b) bring the penalties into line with the seriousness of the offence.

*Government Orders*

As I understand it, that is all we are being asked to vote on. Am I correct in my submission? Just so that I can understand precisely what the debate is, it is just this motion and nothing else. Is that correct?

**The Deputy Speaker:** The hon. minister will appreciate that being a votable matter the motion will come up for debate again for two further hours. Private Members' Business expired about three minutes ago and I would urge the minister to raise this point the next time the matter comes up in the House.

**Mr. Dingwall:** Mr. Speaker, I am seeking clarification on the substance of the motion before the House and whether this is the totality of the motion before the House. Perhaps the Chair or the Clerk could inform the House that the totality of the motion is as I have read it. If there are additional sentences to be added, I would like to know that as well. However, as I understand it, the motion before the House is what I have read and nothing else.

**The Deputy Speaker:** With great respect, I think the minister's question is one of debate.

**Mr. Dingwall:** It is not a question of debate.

**The Deputy Speaker:** Private Members' Business has now expired.

**Mr. Kilger:** Mr. Speaker, I wonder if it might be helpful to the House if the hon. member in whose name the motion stands might very briefly clarify the point of order raised by the minister. In fact, it possibly may even enhance his own motion.

**The Deputy Speaker:** Is there unanimous consent for the member to clarify?

**Some hon. members:** Agreed.

**Mr. Harris:** Mr. Speaker, for clarification to the Minister of Health, the motion as it is written is in its entirety and that the government should consider. Let me just add if the motion is passed by the House, the hope is that the government knowing its responsibility will indeed send the motion to the justice committee for the recognition this serious issue deserves. That is the intent of the motion.

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## GOVERNMENT ORDERS

• (1205)

[*English*]

### WAYS AND MEANS

#### INCOME TAX ACT

**Hon. Ralph E. Goodale (for Minister of Finance, Lib.)** moved that a ways a means motion to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency

Act, the Canada pension plan, the Children's Special Allowances Act, the Cultural Property Export and Import Act, the Customs Act, the Employment Insurance Act, the Excise Tax Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain acts related to the Income Tax Act, laid upon the table on Wednesday, November 20, be concurred in.

**The Deputy Speaker:** This motion is not debatable.

**Mr. Riis:** Mr. Speaker, I rise on a point of order. We are being asked to vote shortly on a ways and means motion that just arrived in our offices at 11.45 today. My understanding is that when a motion or a bill is tabled it is available to members for study presumably for eventual vote and debate. This is some 350 pages. It arrived on our desks 20 minutes ago and we are being asked to vote on it. There is not a single member in this House who has even looked at it let alone read it.

It seems to be highly irregular that members of Parliament are being asked to vote on a comprehensive tax bill—

**The Deputy Speaker:** The member for Kamloops would know that this is not a point of order. In fact the Order Paper indicates that the matter was tabled on Wednesday, November 20.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**Mr. Kilger:** Mr. Speaker, I think you would find that there is agreement with the whips of the official opposition and the Reform Party that the votes on the ways and means motions be deferred until 1.15 p.m. with a 15-minute bell. Over and above ways and means Motions Nos. 10 and 12, we would also deal with the votes on third reading of Bill C-29 which originally had been deferred until later this day. They will also take place at 1.15 this afternoon.

[*Translation*]

**The Deputy Speaker:** Is the whip of the official opposition in agreement with this proposal?

**Mr. Laurin:** Mr. Speaker, we are in agreement, and wish to express our most sincere appreciation to the other parties for their co-operation, given the circumstances.

*Government Orders*

[English]

**Mr. Strahl:** Mr. Speaker, yes, we have had consultations and that is fine with the Reform Party. There will be a bell at 1.15 and we will do it all at 1.30.

**The Deputy Speaker:** Under Standing Order 45(7), this request is acceptable and the divisions on the specific matters are deferred until 1.30 p.m.

• (1210)

## EXCISE TAX ACT

**Hon. Ralph E. Goodale (for the Minister of Finance, Lib.)** moved that a ways and means motion to amend the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Act, the Debt Servicing and Reduction Account Act and related acts, laid upon the table on Friday, November 29, be concurred in.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Pursuant to Standing Order 45(7), the division on the motion is deferred until 1.15 p.m.

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## CONSTITUTION AMENDMENT

**Hon. Ralph E. Goodale (for Minister of Justice, Lib.)** moved:

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

NOW THEREFORE the House of Commons resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His

Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

## SCHEDULE

## AMENDMENT TO THE CONSTITUTION OF CANADA

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

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

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

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

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

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

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

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

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

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

*Citation*

2. This Amendment may be cited as the Constitution Amendment, year of proclamation (Newfoundland Act).

• (1215)

**Hon. Roger Simmons (Burin—St. George's, Lib.):** Mr. Speaker, I want to address myself to this resolution. I spoke on it in June when the House first dealt with it but since then the Senate has had some time dealing with it and now it is back here for us to deal with one more time as provided for in the Constitution.

*Government Orders*

Perhaps I may mention something of my own personal educational background to show how I come at this particular issue.

**Mr. Strahl:** Are you with us or against us, Roger?

**Mr. Simmons:** I am always with the member for Fraser Valley East when he is advocating sensible things. I believe on this one he is advocating something very sensible.

I was raised in the Salvation Army, so I completed my high school education in a so-called church school, a Salvation Army school. I spent a number of years teaching. Half my teaching career was in a Salvation Army school and in two communities, one in northern Newfoundland called St. Anthony, the other on the northeast coast in a community called Springdale. I spent about the same amount of time teaching in the so-called amalgamated or integrated schools, those schools in which a number of the religious denominations including the Salvation Army had come together for educational purposes.

I spent three years as a clergyman with the Salvation Army. I spent a couple of years as president of the provincial Newfoundland Teacher's Association. I mention that in the context that we had a number of dealings in those days with changes to legislation including the 1969 Schools Act, for example, which legislated during the period of my presidency of the teacher's association.

Both in terms of my own education and in terms of my own career path I have had fairly close involvement with the subject that we are dealing with here today.

I, like just about every other Newfoundlander, have a particular perspective on it. We are not clones. We have different perspectives. We had a referendum on the issue a couple of years ago. It triggered some pretty strong views on either side of the issue. I will come to that in a moment.

Let us refresh ourselves on what is the background of this particular resolution, and why it is before us now. First, it is before us now for the same reason that it was before us last June. It was because the Parliament of Canada has a role in responding to requests from particular provinces having to do with changes to the Constitution that affect only that province or those provinces making the request. This particular amendment falls in that category.

As many will be aware, a whole lot of activity, planning and involvement has preceded the arrival of the resolution, the proposed amendment, on the floor of this Chamber last June and again today.

The genesis of this proposed change is that for many years the Newfoundland education system has been seeking better ways, not only more efficient ways in dollar terms, but more effective ways

to pursue its educational objectives while at the same time ensuring the very values that have been part of the system and that have made the system such a success over the years because, despite the financial constraints, the so-called church system of education in Newfoundland has served us very well for many years.

Were there time I would take members back and tell them how we got into this rather unique system in the first place. It had to do with the way that Newfoundland was settled. It had to do with the early laws that prevented settlement. Settlement was illegal in Newfoundland until 1824. If there was no legal settlement there was no, at least in technical terms, need for a government. It was all done by fiat from Westminster. What education there was was provided by the churches in the absence of a state controlled system, because there was no state, except in the context of being a colony of Great Britain and a reluctant colony at that particular time; reluctant in the context that we were not supposed to be there.

● (1220)

The churches became involved and performed a very pivotal, crucial role in the early days of education in Newfoundland, such that when government decided in the late 1800s that it was time to formalize the education institution in Newfoundland it was an easy step to look to those who had been providing the service over the years, the churches, and ask them to carry on. That is exactly what was done.

As a result of the first education act in the late 1800s a partnership was developed. Put in simplest terms, the taxpayer would pay the bill, the state would pay the bill, and churches would run the schools. We did not have five, six or seven church schools in the sense that there are in the province of Ontario or in certain other jurisdictions in Manitoba and so on. We had, operating side by side, seven state funded school systems. Each got its money from the state and its leadership from the church. That system evolved over the years and served us very well.

As I said a moment ago, I am a product of that system both in having graduated from it and in having worked in it as a teacher and a school administrator. Were there time I could talk for hours on the many advantages and the many good things of the system. It is a very good system. We need to preserve the best of it while at the same time do our best to get rid of that which impedes progress in the system.

I want the House to understand the two things I have said. We have to find ways to reform the system. That was the resolve of the Newfoundland people when this exercise had its beginnings. We have to find ways to help the system progress, but not at the expense of the values which are implicit in the system.

*Government Orders*

I believe the Newfoundland government found a way to do that. Having tentatively found that way, it did not just arbitrarily bull through with it and force it down people's throats. It looked to the people of Newfoundland in a referendum in September of last year and asked the people of Newfoundland what they thought of the proposed changes, what they thought of the proposal to seek a constitutional amendment to enable the changes to go forward. Fifty-five per cent of the people who participated in the referendum gave the government and the legislature of Newfoundland and Labrador the green light or the authority to proceed with the proposed amendment to the Constitution.

That was in September of last year. That was one vote of the people directly involved. It was one vote which said: "Let us get on with it. Let us do it".

Of course there was at that time a vote of the Newfoundland House of Assembly which said the same thing. It was a vote of the elected representatives of the people of Newfoundland and Labrador.

There was a more recent vote which was held last May in the Newfoundland House of Assembly. That vote was unanimous. All members of all parties in that House, Liberal, Conservative and New Democratic, voted unanimously to call on this House to expedite the proposed amendment to the Constitution. The leader of the opposition, a Conservative, Mr. Loyola Sullivan, in Newfoundland, voted in that particular amendment. He, like all other members of the House, called on this Parliament to expedite the proposed change to the Constitution.

• (1225)

Then of course in June here in this Chamber we, the representatives of the people of Canada, including the seven members from Newfoundland and Labrador, also participated in a vote. By a majority, the House has given its approbation to the proposed amendment.

Even before we take a vote on the resolution now before the House, there have already been four votes on this issue: the referendum in Newfoundland, the two votes in the Newfoundland House of Assembly and a vote in this Chamber in June.

Of course, my critics will remind me that there was a fifth vote as well on this issue. There was a fifth vote last Thursday in the Senate, although not quite on this resolution. But in fairness, I believe I should deal with it briefly.

There was a fifth vote on this subject and some people, well meaning, in the other place had more of an eye on politics than on the issues at hand. If we look at the breakdown of the vote, there were four Liberal Senators who voted for the Senate amendment. But with that exception, there was a straight split along Liberal and

Tory lines in the Senate in which all the Tories wanted to do something different from what the Newfoundland people were asked in the referendum and what the Newfoundland House has asked in its two motions and that we had asked in the June vote here. All the Tories voted to oppose the will of the Newfoundland people in the referendum and oppose the will of the Newfoundland House of Assembly in its two votes.

All the Liberals, save four, voted to uphold what this Chamber had already done and what had been done in the referendum and in the Newfoundland House.

It can be argued that in the other place it was largely a vote along partisan lines. I would submit, having been around this business for a while, that politics probably fueled as much of the argument over there as did any concern for other issues.

However, not to be unduly unkind at the beginning of this new week, let us recognize that part of the argument which was put over in the other place had to do with the concern of minority rights. The Senate spent a fair amount of time on this and, indeed, its amendment stated "where numbers warrant".

It is interesting that the Senate had chosen those very words, but it was no accident. First it comes straight from the minority language context. Those are also the very words that the Newfoundland House of Assembly had initially considered. This was part of the original proposal that the Newfoundland government was going to bring to us.

I am told, having followed this one very closely, that it was decided by the Newfoundland government that the phrase "where numbers warrant", while pretty innocuous and helpful on the surface, was rejected as a viable option primarily because of the potential legal interpretation of the phrase.

The intention here is not to give special treatment to anybody, not to people who have uni-denominational schools or any other kind of school. The intention of this amendment is to treat all denominational schools in exactly the same way. Consequently the right to a unidenominational school was made "subject to provincial legislation that is uniformly applicable to all schools, specifying conditions for the establishment of continued operation of schools". That is a quote directly from the resolution now before the House.

• (1230)

The clause I have just read authorizes the Government of Newfoundland and Labrador to set the standard for establishing and maintaining the school. However, it requires that the same standard be applied to all schools, whether interdenominational or unidenominational. In effect, the government is prevented by this

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clause from setting a higher or different standard for unidenominational schools than would apply to other publicly funded schools.

That last sentence is at the very crux of the issue that was dealt with in the Senate. I have mentioned I have a few suspicions but if we put aside the partisan hanky-panky that might have gone on over there in the name of this resolution, in the name of minority rights, and recognize that there were people in the Senate and people at large in Newfoundland and across Canada who say when they heard about this proposed amendment to term 17: "What does this have to do with minority rights? Is there an implication for minority rights in other parts of the country?"

To them I say that the amendment to the resolution in the Senate, the "where numbers warrant amendment," would have played into the hands of their concern. It would have set a different standard. It would have obliged the Government of Newfoundland and Labrador to apply a different standard, a lower standard to unidenominational schools than to the multid denominational schools. That is exactly what the Government of Newfoundland and Labrador wanted to avoid. It is why the Government of Newfoundland and Labrador elected not to put "where numbers warrant" in its request for a change.

Let me reiterate the sentence I read a moment ago. In effect, the Government of Newfoundland and Labrador is prevented from setting a higher or a different standard for unidenominational schools than would apply to other publicly funded schools. Prohibiting the government from setting a different standard is only there as long as we stick with the wording before us. The introduction of the words "where numbers warrant" is a licence to a government at some future time to apply different standards to unidenominational schools than to multid denominational schools.

I said earlier that this debate as it unfolded in Newfoundland caused a fair amount of confrontation, division and some rancour. Some of that rancour is the inevitable result of the dramatic change being proposed. There are always those who are most comfortable with the status quo. To a degree I am one of those people because I have never felt that you should change for the sake of changing. But if change offers the prospect of something better then it is worth considering abandoning the status quo.

However, whenever the status quo is tampered with, some rancour, some suspicion is triggered. Therefore, it is no surprise that something as integral to the Newfoundland way of life as the school system would trigger that kind of apprehension, indeed that kind of rancour. Unfortunately the rancour was cranked up somewhat by a bit of misinformation. No matter what the debate, someone has a vested interest. There is always somebody who says: "I do not really trust the judgment of people on this, so I have to do some fear mongering on it".

• (1235)

We had a fair amount of rhetoric in Newfoundland about godless schools and that kind of thing. I invite critics to look at this

proposal and they will find that it does two things only. It puts the governance of the school system in Newfoundland where it already is in every other jurisdiction in Canada. Into the hands of the government.

Second, and most important, it continues and enshrines even further the role of the churches in so far as religious education is concerned in Newfoundland. The role of the churches will continue and will be constitutionally protected by this amendment.

I think I told the House this before but if not let us get it on the record. In the referendum in September last year I voted no, not because I opposed the changes being proposed and not because I had concerns about minority rights, although I had some questions there at the time and I will come to these in a moment. I voted no for a couple of reasons. First, I felt that a proper opportunity had not been given to resolve the issues of difference between the government and the church leaders outside the constitutional context. I felt that the government appeared to be rushing to judgment on this one and more time was needed to seek an accommodation outside the constitutional context in which we are now operating.

The result of the referendum and the resolution in the Newfoundland House of Assembly triggered a whole set of initiatives for both sides to try to get together one last time. After the referendum and after the first vote in the Newfoundland House of Assembly it was that exercise and the result of that exercise which turned out to be an abysmal failure.

It was a failure of that latter exercise which told me that whatever my concerns were earlier, it was clear that no amount of knocking heads together was going to solve the issue. The only route left was the route that the government of Newfoundland had chosen to go, the route we are participating in and the route we are now on today.

I initially had some concerns about the minority rights situation until I realized that this is a minority rights situation only in the semantic context. The right we are dealing with here is the same right for every living, breathing Newfoundlander and Labradorian. Absolutely the same one.

Second, the accommodation that has been made in this proposal will see to it that those rights continue to be protected. In matters relating to the religious content of the curriculum in Newfoundland the churches will have full say.

• (1240)

Do you know, Mr. Speaker, what the criticism was in those days in Newfoundland, if you had been following the local media in Newfoundland? I do not mean in the last week but in the last few

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months. It is from those who want to get on with educational reform. The criticism was that the government in its latest negotiations was giving more say to the churches than they had before. I do not subscribe to that but I am saying that is a criticism that is much in print. It has been said many times by proponents of the reform in the past few months.

As a Newfoundlander, as an educator, as a person who got part of his schooling and spent part of his teaching years in a unidenominational school in Newfoundland I can say that I am extremely comfortable with the route we are on here.

I want to mention one more thing before I sit down. It has to do with the role of the Senate. I have seen some effort in recent days for people to bring on board other agenda items here, to talk about this appointed Senate and that kind of thing. I have my views on the Senate. I think the sooner we can find a way to elect it the better. But that aside, the Senate has a role in this. I have never felt its members were outside their bounds in dealing with this issue.

The Senate has served the overall process very well with their hearings, with their proposed amendment. The whole process held it up to the light of day just a little bit more. I hope one of the things it has done is to convince the people of Canada, those who have been watching or following, of something of which I am convinced. This is not a minority rights issue. It is not an issue that affects anybody outside of Newfoundland and Labrador.

Those who get on that tack and begin advocating this as a human rights issue should be careful of the precedent they are setting. What they are saying in effect is, notwithstanding what section 43 says in the Constitution, we can never have an issue that affects only one jurisdiction, in this case one province. It can never have dealt with and processed here because we have to be always cognizant, always held under the threat of how it might be perceived in some other jurisdiction.

Newfoundland and Labrador has the full right to seek a constitutional change. The Parliament of Canada has the full responsibility to respond to that request, to scrutinize it. Lord knows we have scrutinized it, here last June, all this fall in the Senate and back here again. It has been well scrutinized. That is the process.

At the end of the day the request came only from the jurisdiction concerned. However, it came with the strength of a referendum and with the strength of two resolutions in the House of Assembly of Newfoundland and Labrador. It has certainly kept up its part of bargain as provided for in section 43. I think we have too. We dealt with it for the first time last June, in the Senate subsequently, the Senate hearings, the Senate amendment, and now here.

I believe the time has come to get on with the vote. I hope we can do it expeditiously because we are dealing with the education of

some young people whose education has been in limbo somewhat because of the way this process has been dragged out.

I felt from the beginning it would take some time. Nobody can argue that it has been rushed through. We have had a good run at it. There can be nobody left in the country, certainly in Newfoundland and Labrador, whose rights are involved here, who does not know about this initiative and who has not taken sides on this initiative. I can say that I still get mail from people in Newfoundland who tell me they feel it is a minority rights issue. I get mail from people who are concerned that the role of the church is being minimized here. I respect those views. Some are from my constituents and some from other across the province. I respect those views very much.

• (1245)

At the end of the day I have to make a judgment. I believe I have made the right judgment on this one, that the overall process will be best served if we get on with the amendment to the Constitution.

I am satisfied that the values which have served the Newfoundland education system so well are being adequately protected here. If they were not, I would not be making the speech I am making today because, as I said before, I have been intimately a part of that system and I am proud of what it has been able to do in terms of education in Newfoundland and Labrador. I would not want to see it watered down or interfered with.

I believe this amendment, far from interfering with it, allows it to proceed in an effective manner. It is for those reasons that I take great pleasure in supporting the resolution before the House.

**Mr. Ed Harper (Simcoe Centre, Ref.):** Mr. Speaker, I am pleased to speak today in support of resolution 17. I do so as the intergovernmental affairs critic for my party.

I enjoyed hearing from the member for Burin—St. George's. I have always had a great deal of respect and admiration for him. I must say that after listening to his presentation that has grown when I heard him talking about the status quo and that it is not always the best way to go and he certainly supports referendums, something this party feels very strongly about.

I think I even heard his support for an elected Senate. Indeed, the comments that came from the other side I wholeheartedly endorse. We may want him to come over to our side.

I am pleased to speak in support of this. I regret that we are debating this again. I do regret that those in the other place, the unelected, have ignored the true democratic judgment of the people of Newfoundland and Labrador. It seems as though the common



sense of the common people has been ignored. That is something the Reform Party very much believes in.

Before I get into our position on that, I think it would be appropriate to review the process that has brought us to this point. This is not some knee-jerk reaction that is taking place. It actually goes back to 1992 when there was a royal commission that looked at the problem of education in Newfoundland and Labrador. The recommendation was that it needed to be changed and the change was the subject of three years of negotiations in that province. Unfortunately, the negotiations with the government and the churches failed to bring about an agreement on the changes, but basically everyone agreed there had to be changes made.

The resolution we are talking about today and which we talked about in June was voted on and passed in the Newfoundland House of Assembly in a free vote of a clear majority. Then the referendum was held. I should mention that the referendum was not required by the Government of Newfoundland and Labrador, but it is to its credit that a referendum was held on a major change such as this to the Constitution. We applaud the fact that the referendum was held.

The referendum passed by a clear majority of 55 per cent, which clearly indicated agreement to the changes proposed by the government to term 17.

After the referendum passed in October 1995 the Newfoundland House of Assembly adopted the resolution and all parties supported it.

There was a provincial election in Newfoundland and Labrador in February 1996, and of course reform was an issue in the election because the referendum had been held and of the 52 seats contested, 36 of those seeking election supported the referendum. Once again in a provincial election there was overwhelming support for reform. Then, of course, back in June of this year we in this House overwhelmingly endorsed the change by 170 to 46 on what was a free vote.

• (1250)

That is the background leading up to what I would certainly argue has been a very fair and open democratic process where the will of the people has been heard and accepted.

Certainly in coming to this place we have a role to play. In my view, we had three things we had to address. The first was the consideration of the democratic consent. The second consideration was that it conform to the national standards of the rights and freedoms of our citizens. The third was the consideration of the minority rights in other provinces, that they were not going to be impacted.

Dealing first with the consideration of the democratic consent, I think I have just outlined the process that was followed, starting

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with the royal commission in 1992 which brought us to the point where we are at today, clearly indicating that the democratic consent was solicited and indeed achieved.

The second point is on national standards of rights and freedoms. In my interpretation in review of this bill, the rights and freedoms of the churches and citizens of Newfoundland and Labrador are not impacted in any way. Their rights and freedoms are actually more enhanced than they were under the bill because of the new changes.

On the third point, considering the impact of minority rights in other provinces, term 17 refers only to the people of the one province and in fact does not have an impact on any of the other provinces.

As I mentioned, minority rights have been actually enhanced because prior to this resolution 5 per cent of the people in the province of Newfoundland and Labrador had no rights under term 17. When we talk about minority rights, this bill actually enhances the rights of all the citizens. That is really what this bill is about, equality. There is no longer going to be special status based on religion. Everyone will be treated equally. I find it difficult that anyone could argue against that concept.

The province of Newfoundland and Labrador is the only province that has exclusive denominational schools. Therefore Newfoundland will join all the other provinces by being free in that area.

This bill is not about minority rights. It is about bettering and improving the quality of education in that province. It is about streamlining the system and putting more money into the classrooms and taking it out of the bureaucracy. It is projected to be a savings of some \$25 million, which is significant. In a province that needs to improve its education and do a better job, that is absolutely a move in the right direction.

There has been some comment about the fact that the question was perhaps not as clear as it might have been. I have read the question and I do not know how it could be made any clearer. In attempting to make it as some might describe as too clear, one could be accused of oversimplifying it. It is important that the question be understood and in my view it was a very clear question.

We do a disservice to the common sense of the common people when we suggest they could not understand what was in the text. People do understand and to a far greater degree than some members of this House and certainly many members from the other place.

We understand as Reformers that this is a sensitive and controversial issue. My leader made it clear on the first vote that it would be a free vote by my party and we continue to feel that way. However, the majority of the Reform caucus supports the government on this term 17 amendment. We believe it is a move in the right direction and a move away from the status quo. It is

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respecting the democratic wishes as expressed by referendum of the people of Newfoundland and Labrador. We will be supporting it.

**Mr. Clifford Lincoln (Lachine—Lac-Saint-Louis, Lib.):** Mr. Speaker, last June this House held a two day debate on the amendment to term 17 proposed by the Government of Newfoundland and Labrador and referred to the Parliament of Canada for sanction according to the Canadian Constitution.

• (1255)

The amendment to term 17 was approved by a significant majority of this House in a free vote and submitted to the Senate for adoption. The Senate has now returned the proposed term 17 amendment to us, modified by a Senate amendment providing two measures to which I will refer later. The Senate amendment was adopted by a significant majority of senators in a free vote.

Last summer when I spoke on this issue I was one of 36 Liberal members who voted against the adoption of the proposed amendment to term 17. The reasons I gave then are, in my considered view, still valid today. These are my reasons.

There is a broad consensus for the need for reform of the educational system in Newfoundland and Labrador and, to my knowledge, no parliamentarian opposes this worthy objective.

However, many parliamentarians have strong reservations that, worthy as the objective may be, the amendment should not interfere with the rights of certain minority groups and certain groups now protected by the Constitution under the terms of union of Newfoundland with Canada.

Those of us who hold these reservations believe that the Government of Newfoundland and Labrador had two alternative options available to reach the objective it seeks while protecting the existing rights of defined educational groups under the Constitution.

First, it could have persevered with a framework agreement that it was negotiating with the various stakeholders and which was close to a consensus last spring, according to the words on April 24, 1996 of no less than Newfoundland's minister of education, Mr. Grimes.

The second option, if it preferred, as it eventually chose to do, to move on the constitutional front would have been to propose an amendment to term 17 which would have at the same time made clear and watertight the protection of existing rights under the projected reform.

However, the Government of Newfoundland and Labrador chose to go forward with an amendment which would give complete power to itself to modify the present educational system regardless of the protected rights of religious groups under the Constitution.

Those who believe that the House should simply accede to the amendment proposed by the Government of Newfoundland hold that the decision of the Government of Newfoundland was a democratic choice, sanctioned by a majority vote in a public referendum.

Many of my colleagues who support the amendment proposed by Newfoundland feel that it is presumptuous and arrogant of us in this House to interfere with a democratic decision of a legitimate government seeking its own reforms.

I respectfully submit that this argument is not justified. If the modern fathers of confederation presiding over the terms of union of Newfoundland with Canada had viewed educational reform as strictly a matter for the provincial Government of Newfoundland to decide, they would not have enshrined clear and unequivocal protections for certain religious groups related to education in the terms of union.

Having done this, those who crafted the terms of union obviously agreed and decided that term 17 went beyond the power and authority of the Government of Newfoundland and Labrador, and that is why we in this House have become involved. Being involved, according to the clear designs of the authors of the terms of union and of term 17, we have the duty as members of Parliament, indeed an onerous duty, to examine any changes with special care. If in doing so our conclusion is that the amendment proposed by the Government of Newfoundland eliminates the constitutional protections that the authors of the terms of union deliberately intended to enshrine, then it behoves us to either reject the proposed amendment or modify it so as to continue the protections intended for certain educational groups by the Constitution.

• (1300)

In a recent free vote the Senate adopted an amendment that provides for two modifications to Newfoundland's proposed amendment to term 17. It would affirm both the spirit and intended protection of the original term 17. The first part of this amendment is the insertion of the words "where numbers warrant" and the present paragraph (b) which starts with the words "subject to provincial legislation".

This is an important change. If the authority for changing the protection of certain educational groups under the Constitution is left to the Government of Newfoundland and Labrador, why should the same not be done in the cases of the provinces of Ontario, Manitoba, Quebec or any other province where certain educational rights are now protected by the Canadian Constitution?

Today we have a certain type of government in Newfoundland. Colleagues here may feel very comfortable leaving this authority with the present Government of Newfoundland. But what government will it be tomorrow? What will be the design of the future government 25 years hence? This is why the fathers of the Constitution, when dealing with matters as sensitive as education,

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educational rights, protection of minority rights, protection of religious groups, made it so that these rights were deliberately enshrined in the Constitution to make it much more difficult for any provincial government to change at will the educational system. Maybe a government more daring than others, more autocratic than others could eliminate these very protections, these minority rights like religious rights for certain educational groups just by its own will with perhaps a tiny majority in the House.

The second amendment intends to substitute the words “to direct” with the words “to determine and direct”. This puts a far greater onus on the Government of Newfoundland to determine before directing any changes involving substantial reform that they are warranted.

I suggest that in both cases these amendments make eminent sense. They do not detract from the thrust of the term 17 amendment. In other words, the worthy objective or reform the Government of Newfoundland and Labrador is seeking is continuing in a reasonable manner the protection of the educational groups enshrined under the terms of union.

[*Translation*]

I am particularly interested in the question of constitutional protection. As a matter of fact, this same question of the constitutional provisions on education is undergoing a thorough and ongoing scrutiny at this very moment in Quebec.

The recent general assembly on education recommended that all religious education in Quebec, which is essentially linked to the protection of minority rights in Quebec, be abolished. A consensus is gradually developing in Quebec around dividing school boards by language. What will the present government of Quebec decide eventually, since we all know that it is opposed to any interference by the Canadian Parliament in its affairs?

It is not mere coincidence that the Bloc Québécois voted unanimously in favour of the amendment proposed by Newfoundland. The Bloc’s argument is that, since the Government of Newfoundland has made a democratic choice, it is not the business of us here in the Canadian Parliament to interfere. The Bloc is already paving the way for the possibility of the Quebec government’s referring to us some proposal for an amendment to the protection of education in Quebec, at which time it would suit both the Bloc and the PQ government if we were to accept it without a murmur.

Certainly, if ever there were an amendment to the constitutional provisions on education, and if this included sufficient protection for minorities, I would be the first to accept it. But if it did not, I consider that it is the duty of all parliamentarians to oppose it vigorously.

• (1305)

[*English*]

Some of my colleagues have stated that the amendment to term 17 has nothing to do with minority rights. Many colleagues have expressed the fact that it is going beyond our duty to interfere with the rights of the people of Newfoundland, the Government of Newfoundland, to decide its own thrust, its own objective of reform. I do not think this is what we are doing. I certainly do not think this is what I have in mind.

I really believe that this question is essentially linked to minority rights. I truly believe that if we were to accept, to rubber stamp any constitutional change proposed by any provincial government without expressing our opinion, without expressing dissent if this is what we feel should be the case, then what is the point of constitutional enshrinement in the first place?

After all, the Constitution today, whether we like it or not, provides that the Parliament of Canada, this House and the Senate, should examine any constitutional change. The reason for it is patently obvious.

I suggest that this question is far bigger than that of the authority of any provincial legislature to decide by itself. This is why we are involved. This is why I continue to believe that in assenting unchanged to the amendment to term 17 as proposed by the Government of Newfoundland and Labrador we would be doing a disservice to all those who believe that constitutional enshrinement in Quebec, in Ontario, in Manitoba and elsewhere are really the finest guarantees we have for minority rights.

These minority rights express themselves in different ways. Sometimes, as happens in Quebec, they are tied up through the Constitution through religious enshrinement. There has been an evolution in mores, an evolution in our societal realities which makes it so today that religion is not the key issue any more in our schools. But the fact of religious enshrinement in Quebec is tied up closely to minority rights in Quebec. Were we to accept this amendment today without any argument, by rubber stamping it, no doubt that our friends of the Bloc will rejoice once again when they prepare their own proposition for us one day to put before this House, hoping that again we would rubber stamp it.

I continue to hold that we should look at the amendment to term 17 very carefully, that we should back the amendments made in the Senate and that we should move in that direction which is a fair compromise to the Government in Newfoundland and Labrador and all those who hold, as we all do, for educational reform in that province. We should keep the thrust of the amendment to term 17

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while keeping the protection of religious groups enshrined in the terms of the union.

**Mr. Dennis J. Mills (Broadview—Greenwood, Lib.):** Mr. Speaker, I appreciate the opportunity to once again talk on term 17.

I would like to go back to my colleague for Burin—St. George's who spoke in the House earlier today. He made the assertion that any difference of opinion on term 17 was driven by partisan interest. I want to assure my friend that he is someone I continue to hold in high respect and regard. He has been a tremendous supporter of mine over the last nine years. However, I believe that the member is really not accurate when he states that our motives for being involved and having a point of view on this issue are not grounded in the best of intentions.

• (1310)

Back in June when this resolution was debated, certain members of the House opposed the constitutional amendment that was before the House. We were very sensitive to the fact but we recognized that the educational system in Newfoundland needed reform and modernization. No attempt was made to interfere with the management of the educational system.

Having said that, a constitutional amendment cannot be put to the House without some examination, without some discussion and debate. If we feel that there are some genuine concerns, as the member for Lincoln has so eloquently expressed, then it is our duty and responsibility to stand in the House and flag these concerns and put them forward to the House. Ultimately precedents that are set in this Chamber on constitutional amendments will have a profound effect for other provinces in the country.

As the member for Lincoln has just said, he has deep concerns about the fact that the reasons for the Bloc supporting this en masse last June were that they were setting the terrain under a referendum condition where if they were looking for constitutional amendment that the amendment in Newfoundland would be a terrific precedent. How can we rubber stamp something in Newfoundland and have a difference in Quebec?

There is something else that is really important of which members of the House and the people of Canada should be aware and that is what has happened in the Senate over the last four months. Without exception most bills that the House of Commons has put to the Senate have been supported in a timely fashion, in a constructive way. We could count on our hands the number of bills which have come back to the House for amendment over the last three years.

There has to be some concern, some heads up, when we have an amendment to term 17 that is supported by a majority of the Senators. When the speeches that were given on this issue in the Senate are analysed, it is interesting to read some of the remarks that some of the Senators who have great constitutional experience and credibility have tabled in the other chamber.

I would like to refer specifically to Senator Kirby who gave a speech in the other chamber on November 7. It is important when members read Senator Kirby's remarks that they realize the experience and background of this Senator. This Senator was the most senior public servant constitutional adviser for the then minister of justice who campaigned coast to coast, and even in Westminster, for the repatriation of the Constitution.

This is the Senator, who was the most senior adviser, who spent literally thousands and thousands of hours along with expert lawyers from the Department of Justice and other expert lawyers across Canada to make sure that the Constitution was crafted in a way that would ultimately be accepted by this chamber. Having Senator Kirby weigh in on this issue so profoundly is something this Chamber cannot ignore. His experience, respect and sensitivity were brought to bear on this issue such that the entire membership of the other Chamber gave him extended time so that his remarks could be fully recorded.

**The Acting Speaker (Mr. Milliken):** I am sorry to interrupt the hon. member for Broadview—Greenwood, but it being 1.15 p.m., pursuant to order made earlier this day, the House will now proceed to the taking of the deferred recorded division on Motion No. 10 under ways and means proceedings.

\* \* \*

**WAYS AND MEANS**

## INCOME TAX ACT

The House resumed consideration of a ways and means motion to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada pension plan, the Children's Special Allowances Act, the Cultural Property Export and Import Act, the Customs Act, the Employment Insurance Act, the Excise Tax Act, the Old Age Security Act the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain acts related to the Income Tax Act.

**The Acting Speaker (Mr. Milliken):** The vote is on concurrence in ways and means Motion No. 10.

Call in the members.

(The House divided on the motion which was agreed to on the following division:)

(Division No. 190)

**YEAS**

## Members

Adams  
Arseneault  
Assadourian  
Bakopanos  
Belanger  
Bernier (Beauce)  
Bevilacqua  
Bonin  
Brushett

Alcock  
Assad  
Baker  
Barnes  
Bellemare  
Bertrand  
Bodnar  
Brown (Oakville—Milton)  
Bryden

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Byrne	Caccia	Kerpan	Lalonde
Calder	Campbell	Landry	Langlois
Catterall	Cauchon	Laurin	Lavigne (Beauharnois—Salaberry)
Clancy	Cohen	Lebel	Leblanc (Longueuil)
Collins	Comuzzi	Lefebvre	Leroux (Richmond—Wolfe)
Copps	Cowling	Leroux (Shefford)	Loubier
Crawford	Culbert	Manning	Marchand
Cullen	DeVillers	Martin (Esquimalt—Juan de Fuca)	Mayfield
Dhaliwal	Dingwall	McClelland (Edmonton Southwest/Sud-Ouest)	McLaughlin
Discepolo	Dromisky	Ménard	Mercier
Duhamel	Dupuy	Meredith	Nunez
Easter	Eggleton	Paré	Penson
Finestone	Finlay	Plamondon	Pomerleau
Flis	Fry	Ramsay	Riis
Gaffney	Galloway	Ringma	Rocheleau
Gerrard	Godfrey	Sauvageau	Schmidt
Goodale	Graham	Silye	Solomon
Gray (Windsor West/Ouest)	Guarnieri	Speaker	St-Laurent
Harb	Harper (Churchill)	Stinson	Strahl
Harvard	Hickey	Thompson	Tremblay (Lac-Saint-Jean)
Hopkins	Hubbard	Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
Iftody	Irwin	White (Fraser Valley West/Ouest)	Williams —82
Jackson	Keyes		
Kilger (Stormont—Dundas)	Knutson		
Kraft Sloan	Lastewka		
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lincoln		
Loney	MacAulay		
Maloney	Manley		
Marchi	Marleau		
Martin (LaSalle—Émard)	Massé		
McCormick	McGuire		
McTeague	Mills (Broadview—Greenwood)		
Minna	Mitchell		
Murray	Nault		
O'Brien (Labrador)	O'Brien (London—Middlesex)		
O'Reilly	Pagtakhan		
Patry	Payne		
Peric	Peters		
Peterson	Pettigrew		
Phinney	Pillitteri		
Proud	Reed		
Regan	Richardson		
Ringuette-Maltais	Robichaud		
Rock	Scott (Fredericton—York—Sunbury)		
Serré	Shepherd		
Sheridan	Simmons		
St. Denis	Steckle		
Stewart (Northumberland)	Szabo		
Thalheimer	Torsney		
Ur	Valeri		
Vanlief	Verran		
Walker	Wells		
Whelan—123			

## PAIRED MEMBERS

Allmand	Canuel
Caron	Gauthier
Grose	Kirkby
Mifflin	Picard (Drummond)

• (1340 )

**The Acting Speaker (Mr. Milliken):** I declare the motion carried.

## EXCISE TAX ACT

The House resumed consideration of a ways and means motion to amend the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Act, the Debt Servicing and Reduction Account Act and related acts.

**The Acting Speaker (Mr. Milliken):** The question is on ways and means Motion No. 12.

**Mr. Kilger:** Mr. Speaker, if the House would agree, I propose that there would be unanimous consent that we apply the results of the previous vote taken on ways and means Motion No. 10 to ways and means Motion No. 12.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent?

**Mr. Strahl:** Mr. Speaker, two members of our caucus who were not present for the last vote, the hon. member for Medicine Hat and the hon. member for New Westminster—Burnaby, would like to be counted with the Reform Party on the next vote.

**The Acting Speaker (Mr. Milliken):** Is it agreed, subject to the terms of the whip of the Reform Party?

[Translation]

**Mrs. Dalphond-Guiral:** Members of the official opposition will vote no, Mr. Speaker.

## NAYS

## Members

Abbott	Asselin
Bachand	Bélisle
Bellehumeur	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Brien	Chrétien (Frontenac)
Crête	Cummins
Dalphond-Guiral	Davialt
de Savoye	Debien
Deshaies	Dubé
Duceppe	Dumas
Epp	Fillion
Gagnon (Québec)	Gilmour
Godin	Gouk
Grey (Beaver River)	Grubel
Guay	Guimond
Hanger	Hanrahan
Harper (Simcoe Centre)	Harris
Hayes	Hermanson
Hill (Prince George—Peace River)	Jacob

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**The Acting Speaker (Mr. Milliken):** I am sorry, but I did not hear what the official opposition whip said. Could she please repeat what she said?

**Mrs. Dalphond-Guiral:** Official opposition members will vote no on the motion before the House.

[English]

**The Acting Speaker (Mr. Milliken):** The hon. member for Regina—Lumsden on a point of order.

**Mr. Solomon:** Mr. Speaker, I would like to inform the House of Commons how the NDP are going to vote on this matter. Are we voting, Mr. Speaker, or are we just discussing points of order?

**The Acting Speaker (Mr. Milliken):** The chief government whip suggested that the vote taken on the previous motion be applied to this motion. I understood there was unanimous consent for that, subject to the addition of two names from the Reform Party.

Is that agreed?

**Some hon. members:** Agreed.

(The House divided on the motion, which was agreed to on the following division:)

*(Division No. 191)***YEAS**

## Members

Adams	Alcock
Arseneault	Assad
Assadourian	Baker
Bakopanos	Barnes
Bélanger	Bellemare
Bernier (Beauce)	Bertrand
Bevilacqua	Bodnar
Bonin	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Caccia
Calder	Campbell
Catterall	Cauchon
Clancy	Cohen
Collins	Comuzzi
Copps	Cowling
Crawford	Culbert
Cullen	DeVillers
Dhaliwal	Dingwall
Discepola	Dromisky
Duhamel	Dupuy
Easter	Eggleton
Finestone	Finlay
Flis	Fry
Gaffney	Galloway
Gerrard	Godfrey
Goodale	Graham
Gray (Windsor West/Ouest)	Guarnieri
Harb	Harper (Churchill)
Harvard	Hickey
Hopkins	Hubbard
Iftody	Irwin
Jackson	Keyes
Kilger (Stormont—Dundas)	Knutson
Kraft Sloan	Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lincoln
Loney	MacAulay
Maloney	Manley
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McTeague	Mills (Broadview—Greenwood)
Minna	Mitchell
Murray	Nault
O'Brien (Labrador)	O'Brien (London—Middlesex)
O'Reilly	Pagtakhan

Patry  
Peric  
Peterson  
Phinney  
Proud  
Regan  
Ringuette-Maltais  
Rock  
Serré  
Sheridan  
St. Denis  
Stewart (Northumberland)  
Thalheimer  
Ur  
Vanclief  
Walker  
Whelan—123

Payne  
Peters  
Pettigrew  
Pillitteri  
Reed  
Richardson  
Robichaud  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Simmons  
Steckle  
Szabo  
Torsney  
Valeri  
Verran  
Wells

**NAYS**

## Members

Abbott	Asselin
Bachand	Bélisle
Bellehumeur	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Brien	Chrétien (Frontenac)
Crête	Cummins
Dalphond-Guiral	Daviault
de Savoye	Debien
Deshaies	Dubé
Duceppe	Dumas
Epp	Fillion
Forsyth	Gagnon (Québec)
Gilmour	Godin
Gouk	Grey (Beaver River)
Grubel	Guay
Guimond	Hanger
Hanrahan	Harper (Simcoe Centre)
Harris	Hayes
Hermanson	Hill (Prince George—Peace River)
Jacob	Kerpan
Lalonde	Landry
Langlois	Laurin
Lavigne (Beauharnois—Salaberry)	Lebel
Leblanc (Longueuil)	Lefebvre
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Loubier	Manning
Marchand	Martin (Esquimalt—Juan de Fuca)
Mayfield	McClelland (Edmonton Southwest/Sud-Ouest)
McLaughlin	Ménard
Mercier	Meredith
Nunez	Paré
Penson	Plamondon
Pomerleau	Ramsay
Riis	Ringma
Rocheleau	Sauvageau
Schmidt	Silye
Solberg	Solomon
Speaker	St-Laurent
Stinson	Strahl
Thompson	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
White (Fraser Valley West/Ouest)	Williams —84

**PAIRED MEMBERS**

Allmand	Canuel
Caron	Gauthier
Grose	Kirkby
Mifflin	Picard (Drummond)

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**The Acting Speaker (Mr. Milliken):** I declare the motion carried. [Translation]

**Mr. Solomon:** Mr. Speaker, you did not take the vote with respect to the NDP caucus and with respect to ways and means Motion No. 12, New Democratic Party members in this House vote no on the motion.

**The Acting Speaker (Mr. Milliken):** The hon. member for Regina—Lumsden will know that was the effect of the consent that was given in the application of the vote, because I believe his party voted no on Motion No. 10 as well.

The House will now proceed to the taking of the deferred recorded division on the subamendment.

**Mr. Gilmour:** Mr. Speaker, I rise on a point of order. Unless I am mistaken, you asked for the approval of the House, but the government whip did not say which way the government was going to vote.

**The Acting Speaker (Mr. Milliken):** Just to clarify the position for the House, the chief government whip asked that the vote taken on Motion No. 10, which was the first vote, be applied to the second vote. I sought the consent of the House to make that application. Two names were added by the Reform whip and subject to that, I thought there was House agreement that it be done and I declared the motion carried. That is why there was not an indication as to how the government would be voting. It was clear from the proposal which the chief government whip put to the House.

\* \* \*

[Translation]

**MANGANESE-BASED FUEL ADDITIVES ACT**

The House resumed from November 29 consideration of the motion that Bill C-29, an act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese-based substances, be read the third time and passed; and of the amendment and the amendment to the amendment.

**The Acting Speaker (Mr. Milliken):** The House will now proceed to the recorded division on the amendment to the amendment of Mr. Sauvageau at the third reading stage of Bill C-29.

[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, with Liberal members voting nay.

**Mrs. Dalphond-Guiral:** Official opposition members will vote yes, Mr. Speaker.

[English]

**Mr. Strahl:** Mr. Speaker, Reform Party members present are voting yea, with the addition of the hon. member for North Island—Powell River. He is in on this vote as well.

**Mr. Solomon:** Mr. Speaker, New Democrat members of Parliament present vote no on this matter.

[Translation]

**Mr. Bernier (Beauce):** No, Mr. Speaker.

[English]

(The House divided on the amendment to the amendment, which was negated on the following division:)

(Division No. 192)

**YEAS**

## Members

Abbott	Asselin
Bachand	Bélisle
Bellehumeur	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Brien	Chrétien (Frontenac)
Crête	Cummins
Dalphond-Guiral	Daviault
de Savoye	Debien
Deshaies	Dubé
Duceppe	Dumas
Duncan	Epp
Fillion	Forseth
Gagnon (Québec)	Gilmour
Godin	Gouk
Grey (Beaver River)	Grubel
Guay	Guimond
Hanger	Hanrahan
Harper (Simcoe Centre)	Harris
Hayes	Hermanson
Hill (Prince George—Peace River)	Jacob
Kerpan	Lalonde
Landry	Langlois
Laurin	Lavigne (Beauharnois—Salaberry)
Lebel	Leblanc (Longueuil)
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Loubier
Manning	Marchand
Martin (Esquimalt—Juan de Fuca)	Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)	Ménard
Mercier	Meredith
Nunez	Paré
Penson	Plamondon
Pomerleau	Ramsay
Ringma	Rocheleau
Sauvageau	Schmidt
Silye	Solberg
Speaker	St-Laurent
Stinson	Strahl
Thompson	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
White (Fraser Valley West/Ouest)	Williams —82

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## NAYS

## Members

Adams	Alcock
Arseneault	Assad
Assadourian	Baker
Bakopanos	Barnes
Bélanger	Bellemare
Bernier (Beauce)	Bertrand
Bevilacqua	Bodnar
Bonin	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Caccia
Calder	Campbell
Catterall	Cauchon
Clancy	Cohen
Collins	Comuzzi
Copps	Cowling
Crawford	Culbert
Cullen	DeVillers
Dhaliwal	Dingwall
Discepolo	Dromisky
Duhamel	Dupuy
Easter	Eggleton
Finestone	Finlay
Flis	Fry
Gaffney	Gerrard
Godfrey	Goodale
Graham	Gray (Windsor West/Ouest)
Guarnieri	Harb
Harper (Churchill)	Harvard
Hickey	Hopkins
Hubbard	Ifody
Irwin	Jackson
Keys	Kilger (Stormont—Dundas)
Knutson	Kraft Sloan
Lastewka	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln	Loney
MacAulay	Maloney
Manley	Marchi
Marleau	Martin (LaSalle—Émard)
Massé	McCormick
McGuire	McLaughlin
McTeague	Mills (Broadview—Greenwood)
Minna	Mitchell
Murray	Nault
O'Brien (Labrador)	O'Brien (London—Middlesex)
O'Reilly	Pagtakhan
Patry	Payne
Peric	Peters
Peterson	Pettigrew
Phinney	Pillitteri
Proud	Reed
Regan	Richardson
Riis	Ringuette-Maltais
Robichaud	Rock
Scott (Fredericton—York—Sunbury)	Serré
Shepherd	Sheridan
Simmons	Solomon
St. Denis	Steckle
Stewart (Northumberland)	Szabo
Thalheimer	Torsney
Ur	Valeri
Vanclief	Verran
Walker	Wells
Whelan—125	

## PAIRED MEMBERS

Allmand	Canuel
Caron	Gauthier
Grose	Kirkby
Mifflin	Picard (Drummond)

• (1350)

**The Acting Speaker (Mr. Milliken):** I declare the amendment to the amendment lost.

The next question is on the amendment.

**Mr. Kilger:** Mr. Speaker, I will try one more time for unanimous consent to apply the results of the vote on the subamendment to the vote presently before the House which is on the amendment.

**The Acting Speaker (Mr. Milliken):** The House has heard the terms of the proposal of the chief government whip. Is there unanimous consent?

**Some hon. members:** Agreed.

[*Editor's Note: See list under Division No. 192.*]

**The Acting Speaker (Mr. Milliken):** I declare the amendment lost.

[*Translation*]

The next question is on the main motion.

**Mr. Kilger:** Mr. Speaker, you will find there is unanimous consent that those members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting yes.

**Mrs. Dalphond-Guiral:** Mr. Speaker, official opposition members will vote no.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no, unless instructed otherwise by their constituents.

**Mr. Solomon:** Mr. Speaker, New Democratic Party members in the House of Commons today vote yes on this matter.

[*Translation*]

**Mr. Bernier (Beauce):** I will vote yes, Mr. Speaker.

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 193*)

## YEAS

## Members

Adams	Alcock
Arseneault	Assad
Assadourian	Baker
Bakopanos	Barnes
Bélanger	Bellemare
Bernier (Beauce)	Bertrand
Bevilacqua	Bodnar
Bonin	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Caccia
Calder	Campbell
Catterall	Cauchon
Clancy	Cohen
Collins	Comuzzi
Copps	Cowling
Crawford	Culbert
Cullen	DeVillers
Dhaliwal	Dingwall
Discepolo	Dromisky
Duhamel	Dupuy



Easter  
Finestone  
Flis  
Gaffney  
Godfrey  
Graham  
Guarnieri  
Harper (Churchill)  
Hickey  
Hubbard  
Irwin  
Keyes  
Knutson  
Lastewka  
Lincoln  
MacAulay  
Manley  
Marleau  
Massé  
McGuire  
McTeague  
Minna  
Murray  
O'Brien (Labrador)  
O'Reilly  
Patry  
Peric  
Peterson  
Phinney  
Proud  
Regan  
Riis  
Robichaud  
Scott (Fredericton—York—Sunbury)  
Shepherd  
Simmons  
St. Denis  
Stewart (Northumberland)  
Thalheimer  
Ur  
Vanclief  
Walker  
Whelan—125

Eggleton  
Finlay  
Fry  
Gerrard  
Goodale  
Gray (Windsor West/Ouest)  
Harb  
Harvard  
Hopkins  
Iftody  
Jackson  
Kilger (Stormont—Dundas)  
Kraft Sloan  
LeBlanc (Cape/Cap-Breton Highlands—Canso)  
Loney  
Maloney  
Marchi  
Martin (LaSalle—Émard)  
McCormick  
McLaughlin  
Mills (Broadview—Greenwood)  
Mitchell  
Nault  
O'Brien (London—Middlesex)  
Pagtakhan  
Payne  
Peters  
Pettigrew  
Pillitteri  
Reed  
Richardson  
Ringuette-Maltais  
Rock  
Serré  
Sheridan  
Solomon  
Steckle  
Szabo  
Torsney  
Valeri  
Verran  
Wells

Penson  
Pomerleau  
Ringma  
Sauvageau  
Silye  
Speaker  
Stinson  
Thompson  
Tremblay (Rimouski—Témiscouata)  
White (Fraser Valley West/Ouest)

Plamondon  
Ramsay  
Rocheleau  
Schmidt  
Solberg  
St-Laurent  
Strahl  
Tremblay (Lac-Saint-Jean)  
Tremblay (Rosemont)  
Williams —82

### Government Orders

### PAIRED MEMBERS

Allmand  
Caron  
Grose  
Mifflin

Canuel  
Gauthier  
Kirby  
Picard (Drummond)

**The Acting Speaker (Mr. Milliken):** I declare the motion carried.

(Motion agreed to, bill read the third time and passed.)

\* \* \*

[English]

### CONSTITUTION AMENDMENT

The House resumed consideration of the motion.

**Mr. Dennis J. Mills (Broadview—Greenwood, Lib.):** Mr. Speaker, I realize that I will probably only have three or four minutes before question period after which I will resume my debate.

● (1355)

Before the taking of the votes I said that we had a responsibility to look at the work of Senator Kirby who took part in the debate on the proposed amendment to term 17 in the other House. We on this side of the House should show some respect for the remarks that he made in the other House on term 17.

As I mentioned earlier our Liberal government put almost total trust in him when we were developing the campaign to repatriate the Constitution. It would be abnormal for us to dismiss his remarks just because subsequent to his career as a public servant advising the government we put him in the Senate. To think that just because a person has been appointed to the Senate he loses his ability to judge and be fair does not make sense in my view.

As I mentioned earlier, the Senate with unanimous consent gave Senator Kirby extended time to develop his argument. I am sure many members after they read his speech and go through his remarks will realize that his motivation for proposing this amendment to term 17 is not for partisan reasons. There is no mischief here. He has had great loyalty to the Liberal Party and the government for over 20 years.

Some of the other senators who supported the amendment are highly respected constitutional lawyers.

### NAYS

#### Members

Abbott  
Bachand  
Bellehumeur  
Bernier (Gaspé)  
Brien  
Crête  
Dalphond-Guiral  
de Savoye  
Deshaies  
Duceppe  
Duncan  
Fillion  
Gagnon (Québec)  
Godin  
Grey (Beaver River)  
Guay  
Hanger  
Harper (Simcoe Centre)  
Hayes  
Hill (Prince George—Peace River)  
Kerpan  
Landry  
Laurin  
Lebel  
Lefebvre  
Leroux (Shefford)  
Manning  
Martin (Esquimalt—Juan de Fuca)  
McClelland (Edmonton Southwest/Sud-Ouest)  
Mercier  
Nunez

Asselin  
Bélisle  
Bergeron  
Bernier (Mégantic—Compton—Stanstead)  
Chrétien (Frontenac)  
Cummins  
Daviault  
Debien  
Dubé  
Dumas  
Epp  
Forseth  
Gilmour  
Gouk  
Grubel  
Guimond  
Hanrahan  
Harris  
Hermanson  
Jacob  
Lalonde  
Langlois  
Lavigne (Beauharnois—Salaberry)  
Leblanc (Longueuil)  
Leroux (Richmond—Wolfe)  
Loubier  
Marchand  
Mayfield  
Ménard  
Meredith  
Paré

*S. O. 31*

**The Speaker:** My colleague, of course you will have the floor after question period when we resume debate.

[Translation]

It being almost 2 o'clock, the House will proceed to statements by members.

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## STATEMENTS BY MEMBERS

[English]

### HEALTH CARE

**Mr. Walt Lastewka (St. Catharines, Lib.):** Mr. Speaker, I want to share with other members of this House the grave concerns of my constituents on the state of health care in Ontario.

Kristine Etten wrote about the lack of prenatal care for Ontario women. She stated: "Women are being turned away by obstetricians—When the time comes for them to deliver there will be no pediatrician available if there are any complications with the baby. If this had been the case seven months ago, I have to wonder if my daughter would be with me today".

I was also moved by a letter from Mrs. Maria Pankratz, 89 years old, who wrote last month about the extra burden being placed on seniors for medication costs. She stated: "I just don't know what to do. I have willingly fended for myself all my life till I no longer could. I've been very thankful for what my country has done for me. But now I'm scared and sick. What now?"

Cuts to health care are not trivial. They hurt those who are most in need of help. They hurt seniors and children who are the innocent victims of Ontario's attack on health care.

I appeal to the province of Ontario to come to its senses. Do not follow in the footsteps of Alberta and cut, cut, cut only to back pedal and return money to a wounded health care system after people have been hurt and jobs have been lost.

There are some things we must support and demand. One of those things is proper health care.

\* \* \*

[Translation]

### FEMALE GENITAL MUTILATION

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, it is my great pleasure to congratulate Bilkis Vissandjée on winning the Thérèse F. Casgrain Fellowship. She will be doing in depth research on female genital mutilation and its effects on immigrant women in Quebec.

In 1994, I brought the problem of female genital mutilation to the attention of this House and I note with pleasure that my efforts

have brought some measure of results. This practice was again criticized at the Beijing conference, because it threatens the physical and psychological well-being of women.

Ms. Vissandjée's research points strongly to the importance of striking a balance between the needs of women and those of men in the area of research. We can only hope that this research will provide some help to girls and women.

\* \* \*

[English]

### TEEN PREGNANCIES

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, in Canada every year we have an epidemic that few are willing to talk about and that is the epidemic of teen pregnancies.

● (1400)

The statistics are staggering, with teen pregnancies doubling in the last 10 years alone. One-fifth of girls under the age of 20 become pregnant and 58 per cent give birth. One-third of these girls drop out of high school and the children of these mothers often have higher educational and social problems. The costs to our social system is over \$7 billion a year.

The future is often quite bleak for the mothers and children who often live a life of poverty, and yet this is an avoidable tragedy. To stem the tide schools need effective sex education programs, and sexual active teens need safe, effective measures of birth control.

Prevention is the best medicine. I implore the Minister of Health to work with his provincial counterparts to develop intelligent, safe strategies to address this terrible tragedy among us.

\* \* \*

[Translation]

### COPYRIGHT

**Mr. Gilles Bernier (Beauce, Ind.):** Mr. Speaker, in the matter of copyright reform, I would encourage the Minister of Canadian Heritage to ensure that broadcasters will obtain justly and permanently the time-shifting and ephemeral recording rights they are after.

It is essential these rights be included in Bill C-32 to avoid unduly complicating the operations of small regional radio stations on a small budget. This is often the only way to provide good service to their evening and weekend listeners.

Furthermore, time-shifting rights do not deprive artists of their royalties, and broadcasters are prepared to accept measures to protect against the abuse of these rights. I hope that common sense will prevail throughout the legislative process of Bill C-32.

[English]

### CHRONIC FATIGUE SYNDROME

**Mrs. Beryl Gaffney (Nepean, Lib.):** Mr. Speaker, the longest journey begins with one step. I congratulate Health Canada for taking a step in the fight against myalgic encephalomyelitis and fibromyalgia.

Health Canada has recognized a revised chronic fatigue syndrome case definition for research purposes. This is thanks to the 10,000 people in Ontario and the 5,000 from other provinces who have signed petitions presented to the House in May.

It is also thanks to the efforts of the ME/FM Action Network. Health Canada can now take the step to boost further awareness by formally announcing the recognition of ME/FM. Parliament should move forward by setting up a health subcommittee to study and hear witnesses on ME/FM.

These diseases affect over 100,000 Canadians. Many times healthy, vital people are reduced to an inability of coping. We can no longer afford to be robbed of so many productive citizens by a disease for which we do not know the cause and we do not know the cure.

Let us remedy this situation. We must act now to raise awareness, continue research and find a cure.

\* \* \*

### HEALTH CARE

**Mr. Pat O'Brien (London—Middlesex, Lib.):** Mr. Speaker, Canadians regard our health care system as a fundamental part of our national identity. In all regions of Canada, whenever they are consulted, the people of Canada express very clearly that they expect governments at all levels to preserve and protect our national system of health care.

Canadians insist that we maintain a single tier system equally accessible to all Canadians based on need and not on one's ability to pay. This government agrees with this fundamental principle of fairness. Provincial premiers who think they can ignore the national health care act and the wishes of the Canadian people had better think again.

It is pathetic to see irresponsible right wing premiers slashing health services only to restore funding later because they admit they got carried away.

Canadians treasure our health care system but they are worried about its future. This Liberal government can and will ensure that the system is improved and maintained for the good health of all Canadians; one national system accessible to all Canadians on the basis of need and not on their ability to pay.

*S. O. 31*

### HEALTH CARE

**Mr. Benoît Serré (Timiskaming—French River, Lib.):** Mr. Speaker, Canadians have been telling us time and time again that maintaining our health care system is by far their first priority. In a recent survey close to 80 per cent of Canadians said that they preferred to maintain a good health care system even if it means fewer tax cuts.

Also, medicare provides competitive advantages to companies operating in Canada. These advantages include lower employee benefit costs—I would like the Reform to please listen to the House—a mobile workforce that can respond to where the jobs are, the elimination of health care as a major source of labour-management disputes and work stoppages and a health work force.

[Translation]

Our health system is the envy of the entire world. It must be maintained at all cost. This member and this government will not make cuts in the style of Mike Harris and then cut taxes for the well to do. I would willingly give back the \$600 that Mr. Harris would have me save in order to insure the health of my parents, children and grandchildren.

• (1405)

[English]

This member and this government will not compromise with the health and welfare—

\* \* \*

[Translation]

### QUEBEC ABORIGINAL PEOPLE

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, last week, Justice René Dussault, co-chair of the Royal Commission on Aboriginal Peoples, recognized that the situation of aboriginal people was significantly better in Quebec than in the rest of Canada. Their economic situation, as well as the protection of their language and agreements like the James Bay agreement reflect the development of aboriginal nations in Quebec.

Since 1983, the Quebec government has developed a clear policy that shows respect for aboriginal people by adopting 15 basic principles to guide the government in negotiating with them. These principles include the recognition of Quebec's aboriginal peoples as distinct nations.

This recognition is a necessary first step to any serious negotiation, especially respectful negotiations, with the aboriginal peoples of Canada. Quebec granted them this recognition 10 years ago. What is the federal government waiting for to follow suit?

*S. O. 31*

[English]

## JUSTICE

**Mr. Art Hanger (Calgary Northeast, Ref.):** Mr. Speaker, let the battle of the bow ties begin.

At the Press Club tonight, *Financial Times* columnist and CFRB radio talk show personality Michael Coren will square off against the hon. member for Kingston and the Islands. We are all looking forward to a spirited discussion on the viability of social conservatism.

Special thanks to the Laissez Faire Club of Ottawa for co-ordinating tonight's event. Laissez Faire has also offered to sponsor a Reform-Liberal debate on crime and punishment. On behalf of Reform I accept the challenge.

Through you, Mr. Speaker, I put the challenge to the justice minister. Meet Reform at the Press Club, 6 p.m. on March 3. Come out and defend your government's soft on crime record. Explain to Canadians why killers like Clifford Olson and Karla Homolka are eligible for early parole. Explain why our prisons have become comfort cottages. Tell Canadians why sexual predators are running loose and why violent youth crimes continue to surge upward.

Reform, on the other hand, will present our fresh start plan to get—

**The Speaker:** The hon. member for Rosedale.

\* \* \*

## WOMEN'S COLLEGE HOSPITAL

**Mr. Bill Graham (Rosedale, Lib.):** Mr. Speaker, I rise today to acknowledge the achievements of Women's College Hospital located in my riding of Rosedale.

For over 80 years Women's College Hospital has been dedicated to the advancing concerns of women's health in an atmosphere unlike any other hospital. It has enabled us to craft some innovative responses to women's health concerns that have received global recognition.

It is becoming increasingly apparent that the health of women in all countries, particularly in the developing world, is of extreme importance since women are largely responsible for the education, health and safety of children and the overall management of the family.

For this reason, Women's College Hospital has been very active in the worldwide promotion of women's health. In fact, the World Health Organization is currently considering an application submitted by the hospital for it to become one of the World Health Organization's collaborating centres.

I urge all members of the House to join me in supporting this application and in wishing Women's College Hospital continued success.

## ENERGY PRICING

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, in September I wrote the Liberal government asking for an investigation into gas prices. After two months of investigation, the Competition Bureau has yet to report its findings.

Now, in addition to high gas prices, we are seeing skyrocketing propane prices across western and northern Canada. Propane has increased by more than 130 per cent in Manitoba alone. This means an added major expense for farmers trying to dry their wet crops, homeowners paying higher costs to heat their homes and business people who use propane.

Meanwhile the Liberals in Ottawa continue to ignore the effects of energy price hikes. They continue to spin myths about consumers having a choice in buying their fuel from a handful of multinational oil companies that all raise prices at the same time, gouging Canadians equally.

Propane is the fuel of choice for many who are trying to be environmentally friendly but it is now being priced out of reach unjustifiably.

I am now calling on the Liberal government to take action to defend consumers, farmers and business people from propane price gouging by the big oil companies.

\* \* \*

## HEALTH CARE

**Mr. Paul DeVillers (Simcoe North, Lib.):** Mr. Speaker, I am pleased to speak in the House on the matter of public health care in Canada. Many Canadians, I included, hold dearly to the principle of publicly funded health care services for all Canadians.

Several constituents from my riding, namely Helen Heeney, Jay Cody, Donna Kumagai, Judy Rogers, Doug Sneyd and Merle Larsson Totten, were instrumental in the publication of a book entitled *Life Before Medicare*.

● (1410)

The book was launched on November 21 during an intergenerational ceremony with the Minister of Health in attendance. Through actual life experiences of contributors, the book conveys a sense of sacrifices required of Canadians before universality in health care services became a reality.

[Translation]

Free health services are the sign that a society supports all its members regardless of their financial means. We cannot afford anything less either for ourselves or for future generations. Let us all be courageous and clear-headed enough to oppose those who want free health services to disappear.

S. O. 31

[English]

**DALTON MCGUINTY**

**Mr. Jesse Flis (Parkdale—High Park, Lib.):** Mr. Speaker, this past weekend we witnessed a most exciting leadership convention to elect a new leader for the Ontario Liberal Party. Dalton McGuinty, a 41 year-old lawyer and father of four, was one of seven talented candidates running for the position of leader. All candidates demonstrated outstanding ability and leadership.

The third of 10 children, Dalton McGuinty comes from a political family. His father, Dalton McGuinty Sr., served the Ottawa South riding as a Liberal for many years. Dalton McGuinty successfully served his constituents for six years as MPP for Ottawa South.

Under his leadership the Liberal Party of Ontario will get rid of the slash and burn Tories of Ontario. Dalton has a greater sensitivity to the social and economic needs of the people and will bring much integrity and stability to Ontario politics.

Mr. Speaker, I am sure that you and everyone in this Chamber will join me—

\* \* \*

[Translation]

**WORLD AIDS DAY**

**Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, yesterday, Sunday, December 1, thousands of people around the world marked World AIDS Day. At home, in Quebec, between two and three people are infected by this virus every day. In the face of such a scourge, all resources must be mobilized to ensure prevention, treatment, care and research continue.

Each new victory is the result of concerted efforts both nationally and internationally. This government hardly contributes to these efforts, as the departure of our most brilliant researchers and the lack of funding for long term research jeopardize the future.

That is why I urge the federal government to maintain, better yet to increase, funding for the National AIDS Strategy and particularly for AIDS research. We must carry on and press ahead. Most importantly, the necessary steps must be taken to fight this disease so as to keep the hope of a definitive victory alive.

\* \* \*

[English]

**ENERGY PRICING**

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, my office has been flooded with calls because the price of propane has more than doubled since August. Desperate seniors have contacted me to ask how they will afford to pay for heat with their fixed incomes. Some northern farmers are still struggling to dry whatever damp grain they manage to harvest. Those who

depend on propane are now spending \$100 per week to heat their homes, with further increases predicted.

People believe these hikes represent the gouging of a captive market by the big gas companies. Propane is a byproduct of natural gas production, yet we have not seen a similar doubling of natural gas prices.

Producers say there is a shortage because of a fire in one plant in Mexico. Is this credible? With no adequate explanation or justification from the industry, consumers view these increases as extortion. Reform believes in the operation of a free market but it is free only when there is no price fixing and when anti-combines legislation is effectively enforced.

\* \* \*

[Translation]

**STATISTICS CANADA**

**Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.):** Mr. Speaker, Statistics Canada is in the process of changing the data collection program it uses to prepare its monthly unemployment figures.

The existing procedure has not been changed in over 20 years and no longer provides a true picture of the new labour market reality. As we all know, the labour market has undergone significant changes in recent years. New categories of employment and employees were created, and these major transformations are thought to be just the beginning.

The decision made by Statistics Canada will have a very positive impact on all Canadian workers. The various categories of unemployed people will be better defined and more precise. The various levels of government and other stakeholders in the labour sector will be better equipped to develop more focused services and strategies.

\* \* \*

● (1415)

**TRANSFERS TO THE PROVINCES**

**Mr. Nick Discepola (Vaudreuil, Lib.):** Mr. Speaker, in today's edition of the *Journal de Montréal*, there is an article entitled "Dumping and panicking" which reads as follows: "Reductions in federal transfers to the provinces were much greater than the budget cuts within that same federal government. For the current fiscal year and the year 1997-98, the federal will cut close to \$5 billion, including \$1.8 billion in Quebec alone".

This statement is inaccurate and we have a duty to correct it, so that the public is not misled.

Since we took office, federal government program expenditures have been cut by 12 per cent, while transfers to the provinces have only been reduced by 8.6 per cent. Even though Quebec only

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accounts for about 25 per cent of Canada's population, it still continues to receive 31 per cent of all federal transfers.

[*English*]

In fact, Quebec pays roughly \$29 billion in taxes yet receives over \$40 billion annually from the federal government.

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## ORAL QUESTION PERIOD

[*Translation*]

### CANADIAN AIRLINES INTERNATIONAL

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in the Canadian affair—

**Some hon. members:** We want Gauthier.

**Mr. Duceppe:** They are getting excited on the other side, Mr. Speaker.

In the Canadian affair, the Minister of Finance said, in reply to a question from the official opposition, that the fuel tax rebate will apply to all airlines. The minister added that, in return, companies will have to give up, and I quote, "substantial" tax write-offs.

Exactly how substantial are these tax write-offs, and for how long does the minister expect this measure to be in effect?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, there is a precedent in this case, that being the offer made to airlines in the early 1990s.

We are holding discussions, which include the Minister of Transport, in order to work out the details and decide if the offer will be the same one or a different one. As soon as all the details have been worked out, and the minister is in a position to make an announcement, he will do so.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in other words, when the minister used the term "substantial", he had no specific figure in mind. In other words, he made a statement without knowing what the consequences would be. This is interesting, Mr. Speaker.

I put the following question to the minister. Perhaps he has an idea on this one: How many tens of millions of dollars will taxpayers have to fork over in order to make up for the financial shortfall arising from this fuel tax rebate?

I imagine that, in announcing a tax rebate, the Minister of Finance has some idea of the cost. I hope he does.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the member across the way knows very well that there is a time and a place for announcing details. As I have just said, what I did

Friday was to give a general indication of the offer that will be made to all airlines; this indication is based on a precedent. When the Minister of Transport and I are ready, the Minister of Transport will make the details public.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, when a finance minister talks about a tax rebate, he should normally anticipate certain results. I do not think these are details. They may be details for the Minister of Finance, but they are a source of worry for Canadians.

This same minister admitted that Canadian's main problem was its poor management, thereby agreeing with the opposition. He confirmed the Prime Minister's statement of two weeks ago that there was no question of coming to the financial assistance of Canadian.

How can the Minister of Finance square such vague statements with the recent decision to help Canadian get back on its financial feet again?

• (1420)

[*English*]

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, the position of the government was clear all along. We believe that the restructuring proposal of a private company which requires not only the agreement of management but of its unions should be put in place before there is any government response.

It was, in large measure, put in place by Wednesday of last week. We then responded to the proposal put forward by the management of Canadian and four of the unions. Two unions were outside the proposal. One has since joined. We are now waiting—five unions, one company management and three governments—for the response of the final union.

[*Translation*]

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

To provide some background, just before the Prime Minister left for Asia, he stated that there was no question of bailing out Canadian International. A few hours after the PM's departure, his Minister of Transport met behind closed doors with the directors of Canadian International and employee representatives. The outcome of this was a promise of assistance via a fuel tax reduction, a promise on which we do not yet have details on either the exact mechanisms or the financial impact on the taxpayer.

Is the Minister of Transport aware that, by decreasing the fuel tax for all airlines, he is not helping Canadian International in the least, because its competitors will be able to take advantage of the cut to reduce fares, so, in the long run Canadian will end up in just

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as much of a hole as before, and the big losers in all this will be the Canadian taxpayers?

[English]

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, Bloc members should co-ordinate their questioning a little better. On the one hand, they say that we are trying to favour Canadian Airlines and, on the other hand, their official critic on transport is saying that it would in fact be even-handed.

The hon. member is more or less correct. It is even-handed. It will apply to all airlines and is not specific to Canadian Airlines.

[Translation]

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, the Bloc is concerned with the future of air travel in Canada, not the protection of one company.

How could the Minister of Transport have shown such a lack of basic prudence and judgment as to announce government assistance to Canadian International, without even knowing the costs and the mechanisms for the measure he was proposing?

[English]

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, the earlier questions from the Bloc asked for very specific information. Now we have another question which is much more general.

Yes, there will be a loss to the treasury and to various airlines from the reduction in tax. But there would be a much greater loss to the federal treasury if the second carrier in Canada, the one which provides competition and is one of the fundamental components of our competitive air transport policy, was allowed to go down for want of a relatively small amount of tax.

The fact is, if Canadian got into more serious trouble, we would not be collecting those taxes in any event.

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**KREVER COMMISSION**

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, the Krever inquiry was established, as members know, to get to the bottom of Canada's tainted blood tragedy. It is responsible for finding out how HIV infected our blood supply, leading to the deaths of thousands of Canadians.

Justice Krever's inquiry has now led him right to the doorstep of a previous Liberal administration. Legislation was drafted in 1984 which might have prevented this tragedy, but the Liberal government of the time chose to ignore it because a federal election was on the horizon.

Will the present government now co-operate fully with the Krever inquiry and release all the documents surrounding the draft legislation of 1984?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, the government has every intention of assisting the Krever commission in getting to the bottom of the events surrounding the tainted blood scandal. In fact, it was the commission's lawyer, in December of 1985, who made the decision not to call previous ministers of health to testify before the inquiry.

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, Justice Krever thinks this information, particularly the information about why the legislative regulations were not proceeded with, may hold the key to why our blood supply killed thousands of Canadians, yet the government refuses to release all of the pertinent documents. We are talking about the national interest, the public interest in health. Is the security of our blood supply not part of the national interest? Is finding out why Canadians died not in the national interest?

• (1425)

Why does the government place cabinet secrecy ahead of the national interest in health? Why does it place the political security of Liberal politicians ahead of the security of Canada's blood supply?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, I categorically deny the claim of the hon. member. In fact, the former minister of health, who could shed some light on the situation, stated publicly that she would be very happy to testify before the Krever commission.

Unfortunately, the commission's counsel made a decision not to call any previous ministers. I would advise the hon. member that if he is quite serious about getting to the bottom of the matter, he might advise the commission to rethink its decision not to call any ministers to testify before the inquiry.

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, the commission wants documents that pertain to why draft legislation and draft regulations that might have prevented this tragedy were not proceeded with. Those are the documents the commission wants.

In August 1984 when the current Prime Minister was Deputy Prime Minister, Health Canada scientists were sounding alarms about the dangers of AIDS and legislation was drafted that might have protected the blood supply. The warning and the legislation was ignored by both Liberal and Tory governments and tainted blood victims, their families and all Canadians deserve to know why.

Will the government dispel the appearance of a cover-up by giving Krever all the information he needs to get to the bottom of the tainted blood supply?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, I have already been advised by the Clerk of the Privy Council that among the 30 documents that were certified as subject to prohibition under the

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Canada Evidence Act, there are no documents referring to the time when John Turner was the leader.

\* \* \*

[Translation]

**CANADIAN SECURITY INTELLIGENCE SERVICE**

**Mr. François Langlois (Bellechasse, BQ):** Mr. Speaker, my question is for the Solicitor General.

The Canadian Security Intelligence Service has appointed Normand Chamberland to the position of director general, Quebec region. Mr. Chamberland is a former RCMP officer, a member of the G-2 section, which had the task of infiltrating and destabilizing the separatist movement in the 1970s. Furthermore, it was acknowledged before the Keable commission that Mr. Chamberland had been part of an operation involving the theft of dynamite from the firm Richelieu Explosives.

Why has the minister allowed CSIS to appoint a person involved in a series of illegal RCMP operations in the 1970s to the position of director of its Quebec service?

[English]

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, I will have to inform myself further about the matter. I am sure the individual in question met all the legal requirements. However, I will be happy to get more information for my hon. friend.

[Translation]

**Mr. François Langlois (Bellechasse, BQ):** Mr. Speaker, might I suggest to the hon. minister, while he is gathering information, that he check whether it is true Mr. Chamberland got around it by the skin of his teeth and only because he testified under the protection of the Canada Evidence Act?

Does the minister himself not find it odd that, as its senior official in Quebec, CSIS is appointing Mr. Chamberland, a specialist in undercover work, who, as the Keable commission confirmed, never apparently hesitated to use illegal means to achieve his ends?

[English]

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, all these matters were gone into thoroughly by the McDonald royal commission. Its report was received and acted on by the government, in particular, in creating a separate security service in the form of CSIS. I think that the action in question has been proven appropriate and in the public interest over time. I think this speaks for itself.

**CANADIAN AIRLINES**

**Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.):** Mr. Speaker, the government has been very adamant that the changes to the tax regime for Canadian Airlines will help them in the current situation. It is conditional on the employees accepting the restructuring plan.

Earlier in question period the Minister of Transport stated that he is waiting on the response from the sixth union, the CAW. We have heard that response and it is very clear that Mr. Hargrove is equally adamant that his members are not going to be allowed to vote.

● (1430)

All weekend I have been receiving faxes from Canadian Airline employees, some pleading for help, some stating: "Regretfully to Hargrove we did not authorize you to have the final say. We only authorized you to negotiate on our behalf".

Is the Minister of Transport prepared to take some action or is he actually prepared to allow Canadian's restructuring plan to collapse?

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, in no way do we want the Canadian restructuring program to collapse. It is extremely important to that company.

I must be very candid with the House and the hon. member. It is a matter of great regret that one of the six unions is refusing to take part in the restructuring proposal of three governments, the company and the five unions.

However, if I can respond directly to the hon. member's question, it is a matter of my experience over the last week that the Canadian autoworkers and Mr. Hargrove did not always take exactly the same position from day to day. I think now that he realizes that the management of the company is attempting to restructure debt repayment, Mr. Hargrove will realize the critical importance of joining in a collective effort to save this airline.

**Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.):** Mr. Speaker, I have met with many labour groups in the past to discuss problems with strike lockout settlement mechanisms. They have pointed out it is very rarely used because the threat of using it generally causes settlement.

My question is for the Minister of Labour. Given that the labour code does not permit the government to ensure the democratic rights of Canadian's employees, if the government is not ready to act yet, will it at least amend section 108(1) of the labour code so that it would be in a position to take action when it decides it may be necessary?

**Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I told the House last week that section 108(1) does not apply in this case. This is the restructuring of a company. I invite the leadership of the union, the president of the Canadian auto-



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workers, to negotiate with the Minister of Transport and come to a settlement like the other unions who accept this package so that Canadian Airlines International can continue to operate.

I do not think it is proper for the government to amend the labour code at this time. As a matter of fact, we are in the process of amending the labour code. It is before a committee of the House. It took us three years to get it there, negotiating and creating a consensus with union and management, something the Reform Party does not believe in.

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[Translation]

**MAGDALEN ISLANDS FERRY**

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, my question is directed to the Minister of Transport.

On November 22, when asked why people in the Magdalen Islands had been waiting since 1994 for the federal government to buy a new ferry, the minister refused to reply, claiming he was not aware of the case. However, over two years ago, his department set aside \$30 million to replace the ferry, and the minister is now sitting on this money instead of responding to the needs of the people in the Magdalen Islands.

Now that he has had two more weeks to read a file that has been on his desk for two years, could the minister tell us why he does not go ahead and buy the new ferry as requested by all groups in the Magdalen Islands?

[English]

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, if the member will recall his earlier question, he related it to a letter that had been sent the day before of which I did not have a copy at that time.

With respect to the issue of the ferry to the Madeleine Islands, the situation is quite clear. He is correct, there was money put aside for the purchase of a new ferry. I might add there is also an existing ferry which will serve well for the immediate future. In due course we will replace that ferry with another one.

The important fact to remember is that there are many changes taking place in Atlantic Canada with respect to ferry services. A good number of vessels are coming free or being released from certain routes which previously were taken up. The situation is flexible. We hope to obtain a ship within the price limit that he has suggested to this House.

• (1435)

[Translation]

**Mr. Yvan Bernier (Gaspé, BQ):** Mr. Speaker, on November 22, we also pointed out that the federal government had failed to follow up on recommendations made in a 1992 report ordered by Transport Canada, which revealed that the *Lucy Maud Montgomery* urgently needed repairs to be up to safety standards.

At the very least, until a new ferry is finally purchased, can the minister guarantee without a doubt that the *Lucy Maud Montgomery* is perfectly safe to operate?

[English]

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, this is not the first time the hon. member has referred to a 1992 report which is previous to this government being elected.

I can assure him that report was looked at with the greatest care. The alleged deficiencies of the *Lucy Maud Montgomery* were examined and the vessel was brought up to full safety compliance.

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**CHILD POVERTY**

**Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.):** Mr. Speaker, it is rumoured that the government will be introducing a new government program to deal with the problem of child poverty.

The Reform Party agrees that something must be done to address this issue. Will the Minister of Human Resources Development consider giving low income Canadians tax relief as an approach to child poverty rather than create another big government program?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I am very glad to see that the opposition will be working with us to improve the lot of children in Canada. This is a very important issue and I thank the member very much.

We were very successful last week at the ministerial council with the provinces. We identified child poverty as something we really wanted to work on. We are looking into an integrated child benefit. That was a prominent issue on all of our agendas. We were quite pleased to see that the provinces welcomed that initiative. They could see that we could work in a complementary fashion with them.

**Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.):** Mr. Speaker, bigger and better government programs may be well-intentioned but have left a very poor track record. We will thank the minister when he actually accomplishes something. However, statistics tell another story of the past.

One in five Canadian children live in poverty. That is 1.4 million children in all. The most recent increase is among children who

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live in families with working parents. Families have suffered a \$3,000 national pay cut since 1993 due to tax increases. Rising taxes are exactly why the working poor have less money for their children.

Does the Minister of Human Resources Development not see that it makes more sense to cut taxes to the working poor? That would leave more money in each pay cheque rather than giving them a government cheque through another big government program?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, very often low income families do not pay taxes which is the reason we are looking for a more sophisticated system.

We have done our share. I am very pleased to belong to a government that has doubled the working income supplement for low income families. This is what we have done and we are proud of our record, but we will do more.

\* \* \*

[Translation]

**RETIRED SINGER EMPLOYEES**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, my question is for the Minister of Human Resources Development.

On Thursday, the minister said, and I quote: "We have a lot of compassion for the Singer employees, and because these workers deserve more than pretty speeches, we will examine the substance of the case". However, we learned this morning that the minister's compassion does not extend beyond rhetoric. He refuses to follow up on the request made by retired Singer employees and leaves them no choice but to go to court.

Will the minister tell this House the true reasons for his department's refusal to give fair treatment to retired people?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, the compassion we feel for retired Singer employees is very real. The issues they raised are extremely complex. These are legal issues which are complex and also very important.

As the minister, I have a duty to make sure the plan is administered in accordance with the law. It is for reasons of justice that we could not reach an out of court settlement, as Singer employees may have wished, given the very complex legal issues involved.

• (1440)

We could not do this, because depending on the agreement reached, as many as 70,000 other retired people could have been

affected, based on the information I have. This is why we have to go to court.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, I think the truth just came out. The minister alluded to the financial implications that a favourable settlement could have, given that it could affect 2,000 other groups. He referred to 70,000 people, but in fact there are 2,000 other groups that could also seek fair treatment from the federal government.

Will the minister admit that the government is trying to avoid its responsibilities, and showing contempt for Singer's retired employees who, on average, are 80 years old?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, the way to ensure fairness is precisely to go before the courts. There are complex legal issues involved. It will be up to the courts to decide what constitutes fair treatment. It is because of the complexity of the case that we decided to go that route.

Had we reached an agreement based on humanitarian grounds, we might have been forced to reopen 2,000 other cases affecting an additional 70,000 people. It is precisely to make sure we respect the law that we decided to go before the courts, instead of reaching any kind of agreement.

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[English]

**TRADE**

**Mr. Sarkis Assadourian (Don Valley North, Lib.):** Mr. Speaker, my question is for the Minister for International Trade.

As a Pacific nation and a founding member of the Asia-Pacific Economic Cooperation forum, Canada has an important window on this dynamic part of the world. Further, Canada will be hosting the APEC conference in 1997.

Can the minister explain to the House the significance of the recent APEC conference in the Philippines and trade visits to Pacific rim nations?

**Hon. Arthur C. Eggleton (Minister for International Trade, Lib.):** Mr. Speaker, the Asia-Pacific is the most dynamic economic region in the world. It is a great opportunity for Canada as one of the 18 members of APEC and the incoming chair of APEC to advance our opportunities in the Asia-Pacific.

Next year we will have the opportunity to host APEC. From coast to coast there will be a wide variety of activities which will fully engage the business community so that we can help to advance our export and investment opportunities. As I have said before, that means jobs and economic growth here in Canada.

## TAXATION

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, no matter how the government tries to spin it, the government's record with respect to the poor is absolutely appalling: 10 per cent unemployment, record high levels of personal debt, record bankruptcies in this country, and record high taxes that amount to a \$3,000 national pay cut since the government came to power. This has transformed many middle class families into the working poor. The working poor do not have the option of registering their assets offshore to lower their taxes.

Why is our millionaire finance minister so opposed to lowering taxes for the working poor?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, it should be made very clear lest the Reform Party members are trying to convey another impression, that their budget would deal a devastating blow to the working poor.

The Reform Party would cut welfare. Reform members have said themselves that they would cut welfare substantially. They have said that they would cut equalization payments. Does that mean that the working poor in Atlantic Canada, Saskatchewan and Manitoba are not entitled to a fair shake? They would cut health care upon which the working poor are so dependent.

What we have essentially said is that we will provide directed programs to help the working poor. As the Minister of Human Resources Development has said, in the last budget we doubled the working income supplement from \$500 to \$1,000. That is money in their hands which is what the working poor require.

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, Reformers would put \$4 billion back into health care after the Jack Kevoorkian of health care almost pulled the plug on it in the last several budgets.

The finance minister is a great defender of welfare. His friends at Bombardier can hardly wait to get their welfare cheque every month.

• (1445)

Reformers believe that the best social program is a good, long term permanent job and a strong family.

Can our millionaire finance minister explain why he is in favour of corporate welfare but is against lowering the taxes for the working poor?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, could the members of the Reform Party explain why it is that in this House they voted against the doubling of the working income supplement? Can they explain why in this House they voted against broadening eligibility for the child care expense deduction, why they voted against extending the age limit for children? Can they explain why they voted against enriching the tax credit for infirm

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children? Can they explain why they voted against improving the child support amendments brought in by the Minister of Justice and by this government?

Can the Reform Party explain why it is since it has taken office it has voted against every single piece of progressive legislation brought forth in this House?

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[Translation]

## ASBESTOS INDUSTRY

**Mr. Jean-Guy Chrétien (Frontenac, BQ):** Mr. Speaker, my question is for the Minister for International Trade.

With respect to France's ban on asbestos, French Prime Minister Alain Juppé recently announced his government's decision not to grant the exemptions Canada had asked for regarding asbestos cement in particular. Bear in mind that more than 2,000 jobs depend directly on this industry in Thetford and Asbestos, in Quebec.

In light of the fact that France's reaction is guided by emotional rather than rational, scientific reasons, what is the minister waiting for to file a complaint with the World Trade Organization to obtain the exemptions sought or \$20 million in compensation for lost exports?

[English]

**Hon. Arthur C. Eggleton (Minister for International Trade, Lib.):** Mr. Speaker, I was recently in Thetford Mines and engaged in a consultation with the people of that community with respect to this matter. I assured them that the federal government will be doing everything it possibly can to preserve the jobs and those communities that depend upon the asbestos industry.

The representations we have made to the French government are not stopping. Yes, they have made a political decision that they want to ban the product, but they also have a review mechanism. Every year they have to look at the question of substitute products. It is our hope and expectation that they will look at the safe uses of asbestos products, particularly in cement piping, as something that will be acceptable. We will continue to press that case.

Meanwhile, we will continue to press that this does not spread into other parts of the European Community or other parts of the world. We are fully committed as a government to working with the people of Thetford Mines and the people in the industry in Canada to preserve those jobs in Quebec and the rest of Canada.

[Translation]

**Mr. Jean-Guy Chrétien (Frontenac, BQ):** Mr. Speaker, I was asking the minister when he plans to file an official complaint with the World Trade Organization.

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Given that the Netherlands, which is scheduled to assume the presidency of the European Union on January 1, is likely to try to impose a ban on asbestos across the EU, what positive steps, aside from visits to Thetford Mines, does the Canadian government intend to take to prevent this from happening?

[English]

**Hon. Arthur C. Eggleton (Minister for International Trade, Lib.):** Mr. Speaker, we are watching the WTO situation very carefully. As I indicated to the people who are employed in the industry, if there is a case that we can pursue with the WTO, we are quite prepared to do that.

However, we have to await the next moves that occur in terms of the French government as to substitute products. That will give us the kind of information we need in order to decide if we should proceed to the WTO.

• (1450)

With respect to the European Union, it recently held a vote and the efforts by those who wanted to ban it Europe wide failed. Our efforts are already paying off in that regard. Our expert team which went to France to speak with the European commission has been successful in holding off any attempt to ban this on a European basis.

We know it is still an uphill battle. We are going to continue to fight it as best we can. We want to do everything possible to preserve that industry and those jobs with respect to the safe uses of that product.

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### HEALTH CARE

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, the Minister of Health claims that Canadians are getting access to health care services when they need it. The fact is that waiting lists are growing year by year.

Reform's solution is to increase spending by \$4 billion to relieve the suffering. What will the health minister do to relieve the suffering of Canadians today?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, the hon. member should be aware that the Government of Canada in co-operation with the provinces is working on a number of initiatives across the country in order to relieve the pressures which are on our health care system. Many individuals, including ministers of health from across the country, have indicated quite clearly that the problems in our health care system, which I have acknowledged and which they have acknowledged, are not as a result of lack of funding. They are due in large part to the inappropriate management of the various systems across the country.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, let us look at what the minister has been doing.

In the last five years cardiac surgery waiting lists have increased 31 per cent. In order to get breast cancer treatment in Quebec, women have to wait six and a half weeks.

The plans of the minister and the government for health care are killing Canadians. Canadians are suffering. What is the government going to do to alleviate the suffering of Canadians?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, I am not surprised that the hon. member would make those kinds of statements. He refuses to acknowledge the fact that the problems in our health care system today in various provinces are not because of a lack of funding.

The hon. member makes reference to the fact that the Reform Party would provide an additional \$4 billion. What he forgot to tell us is that the Reform Party wishes to have user fees and facility fees reintroduced into the system. We on this side of the House are against user fees and facility fees.

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### AGRICULTURE

**Mr. Bernie Collins (Souris—Moose Mountain, Lib.):** Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

On Tuesday the auditor general gave his most recent report. Since then members of the Reform Party have charged that western grain transportation money is not going to the farmers who deserve it. I believe they are wrong. Is this money going to the farmers who are entitled to it or not?

**Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, this program involved 242,000 applications. It covered 77.6 million acres of farm land, 720,000 different parcels which had to be adjusted for 924 distance factors and over a dozen different soil zones. This was the largest and most complicated program of its kind in Canadian history.

I am very pleased to note the auditor general's observations. He said in his report: "Nothing came to our attention in the course of our review to suggest that there were significant problems with these payments". Given the dour and taciturn nature of auditors, that is as close as we can come to high praise.

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[Translation]

### REGIONAL AIRPORTS

**Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ):** Mr. Speaker, my question is for the secretary of state for regional development.

The Liberal government has set in motion its plan for pulling out of airport management with no regard for the consequences of such a decision on the development of a number of regions in Quebec. Last November 4, representatives of the Charlevoix, Forestville, Rivière-du-Loup, Saint-Jean-sur-Richelieu and Sherbrooke regional airports met with the secretary of state for regional

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development to argue that these infrastructures were necessary to the economic survival of these regions.

Has the secretary of state looked into these demands and when does he intend to take follow-up action?

• (1455)

**Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec), Lib.):** Mr. Speaker, as members know, the government introduced the national transportation policy in order to give full responsibility for certain facilities back to communities. At issue are wharves and airports. The policy was introduced so that regions could manage airport facilities in a manner better suited to their particular situations and needs.

There are, in fact, a number of airports in Quebec that do not meet the national transportation policy criteria. I met with a good number of stakeholders. We are now at the analysis stage.

**Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ):** Mr. Speaker, I am not asking the secretary of state for regional development to defend the transportation policy. Everyone knows that it is disastrous for regional development.

Does the secretary of state realize that his government now has an opportunity to take action on infrastructure issues that are not just useful but indispensable to the economic future of these regions?

**Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec), Lib.):** Mr. Speaker, so aware are we of the importance of these airport facilities that my colleague, the Minister of Transport, introduced the national transportation policy in order to give regions more responsibility for organizing, restructuring and managing airport facilities.

As I mentioned, because they do not have regular flights, certain airports do not meet the national transportation policy criteria.

I met with mayors and various stakeholders. We are in the process of looking at what can be done, always with an eye to our ultimate goal of transferring responsibility to the regions and paving the way for improved development of airport facilities.

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[English]

**COPYRIGHT**

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, the heritage minister and her department are ramming Bill C-32 which amends Canadian copyright law through committee. However

today in Geneva, Canadian government officials are participating in discussions on intellectual property rights, copyright. These international treaties will render Bill C-32 obsolete before they are even debated in this Chamber.

Does the heritage minister have any idea about what is going on? Why are we wasting our time in committee?

**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, Canada is participating in the international copyright negotiations that are going on in Geneva under the auspices of the World Intellectual Property Organization. This is normal. I am sure the hon. member would not expect that we would do other than participate in these discussions.

I am sure he is also aware that in the case of many of these agreements, Canada does not necessarily sign on. For that matter, if agreements were entered into at an international level that required obligations on the part of Canada which were inconsistent with the provisions of our copyright law and to which we wished to subscribe, then of course we would present the appropriate legislation to Parliament.

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, it is no surprise that the heritage minister did not stand, even though Bill C-32 was brought to this House under the heritage minister.

I ask again. Considering that the legislation which is presently before committee was brought forward by the heritage minister and that Canadian officials are presently in Geneva negotiating on copyright legislation that very well may end up making Bill C-32 redundant, can she possibly explain to the House what is going on and who is in charge?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, I can only speak on behalf of the members of Parliament who have participated in the process over the last number of months. I believe they have heard 60 representations which represent thousands of Canadians. It is a very significant piece of legislation and will complement existing copyright laws which date back a number of years.

I only hope that the work the members of the committee have put into the copyright process will be respected. I certainly have no reason to suspect that the work of the members is irrelevant. In fact members on all sides have made very significant contributions. We expect to entertain approximately 60 or 70 amendments precisely because of the work by members of the standing committee.

*Routine Proceedings***CANADIAN AIRLINES**

**Mr. Svend J. Robinson (Burnaby—Kingsway, NDP):** Mr. Speaker, my question is for the Minister of Transport and concerns Canadian Airlines.

As the minister knows, it has been federal Liberal and Conservative deregulation policies that have led to massive overcapacity and empty seats and destructive competition in the airline industry.

• (1500)

Will the minister ensure the level of federal funds needed to keep Canadian Airlines flying, bearing in mind that the B.C. government alone has committed over \$12 million? Most important, will the government show leadership and put in place policies necessary to stabilize the airline industry and to ensure the continued long term survival of Canadian Airlines?

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, I am always amazed by the New Democratic Party's enthusiasm for moving forward into the past.

We have a deregulated system now which has created dramatic opportunity, first for Canadian consumers for whom the whole air transport system is set up. They have more choice, cheaper fares and they are using these fares in occupying these seats more frequently.

Deregulation has increased, in addition, the jobs available to Canadians as flight attendants, ticket agents, machinists and pilots. The whole industry has benefited by increased employment.

Again, the hon. member and his party would prefer to cut out those jobs and go back to the old system of regulation where fares would be, I point out, approximately \$1,700 across this country instead of an average of \$700. That is their policy, Raise fares, reduce competition, reduce jobs and in turn have people travel on foreign airlines instead of Canadian.

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**CANADA SAVINGS BONDS**

**Mrs. Jean Payne (St. John's West, Lib.):** Mr. Speaker, the sales for Canada savings bonds have been released and I notice that they are looking very good. I wonder if the Minister of Finance could tell us what these figures mean to Canada savings bonds.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I would be delighted to. As the hon. member knows, this is the first year of the new government retail debt agency, Canada Investment and Savings. In this, the first year, I am delighted to say that 1996 Canada savings bonds sales have totalled \$5.7 billion, an increase of 24 per cent over last year.

After redemptions the sales were 38 per cent higher than last year. This reflects partially certainly the innovative 10 year guaranteed minimum pricing structure that is so well suited to Canadians.

For those who might not have had a chance to buy Canada savings bonds and who would like to, the government will be introducing a new retirement savings product to be launched in February in time for the RRSP season.

I would like to thank all participating employers for their efforts and all Canadians who bought Canada savings bonds.

**ROUTINE PROCEEDINGS**

[*Translation*]

**INTERNATIONAL DEVELOPMENT ASSISTANCE**

**Hon. Don Boudria (for the Minister of Foreign Affairs, Lib.):** Mr. Speaker, pursuant to section 5 of the International Development Assistance Act, it is a pleasure to table, in both official languages, two copies of an order in council to be presented in this House.

In addition, I am also tabling a document describing the procedure that applies in this case. The order in council is tabled on behalf of my colleague, the Minister of Foreign Affairs.

\* \* \*

[*English*]

**GOVERNMENT RESPONSE TO PETITIONS**

**Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to three petitions.

\* \* \*

**COMMITTEES OF THE HOUSE****AGRICULTURE AND AGRI-FOOD**

**Mr. Lyle Vanclief (Prince Edward—Hastings, Lib.):** Mr. Speaker, I have the honour to present the third report of the Standing Committee on Agriculture and Agri-Food. It deals with Bill C-60, the Canadian Food Inspection Act. I am proud to report this bill with several amendments.

\* \* \*

• (1505)

**INCOME TAX ACT**

**Hon. Paul Martin (Minister of Finance, Lib.)** moved for leave to introduce Bill C-69, an act to amend Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances

Act, the Cultural Property Export and Import Act, the Customs Act, the Employment Insurance Act, the Excise Tax Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act.

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

\* \* \*

### EXCISE TAX ACT

**Hon. Arthur C. Eggleton (for Minister of Finance, Lib.)** moved for leave to introduce Bill C-70, an act to amend the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Act, the Debt Servicing and Reduction Account Act and related Acts.

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

\* \* \*

[Translation]

### TOBACCO ACT

**Hon. David Dingwall (Minister of Health, Lib.)** moved for leave to introduce Bill C-71, an act to regulate the manufacture, sale, labelling and promotion of tobacco products, to make a consequential amendment to another act and to repeal certain acts.

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

\* \* \*

[English]

### FIREARMS SUNSET ACT

**Mr. Garry Breitkreuz (Yorkton—Melville, Ref.)** moved for leave to introduce Bill C-357, an act to provide for the expiry of gun control legislation that has not proven effective within five years of coming into force.

He said: Mr. Speaker, today I am reintroducing an amended version of my firearms law sunset act which I first introduced in this House on September 28, 1995. My bill is the total opposite of Bill C-68 and the regulations tabled by the Minister of Justice last week.

Bill C-68 and any subsequent decrees issued by the minister are based on his opinion and the false hope that they will somehow improve public safety.

The reason I say my bill is the opposite of Bill C-68 is that my firearms law sunset act is based on the premise that any gun control laws passed by the government should be automatically repealed after five years unless they can pass a public safety test administered by the auditor general.

### Routine Proceedings

The constitutionality of Bill C-68 is being challenged in court by four provinces and two territories. They are also opting out of the unreasonable burden of administering this federal boondoggle. My bill will be supported by people and politicians in these provinces.

Bill C-68 will guarantee that gun controls are both costly and ineffective, whereas my bill will guarantee that every gun control law has to be both successful and cost effective in saving lives and reducing the criminal use of firearms. People arguing against my bill would have to argue that they support gun control even if it does not work and no matter how much it costs.

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

\* \* \*

● (1510)

[Translation]

### PETITIONS

#### CANADA-U.S. CONVENTIONS

**Mr. Gilles Bernier (Beauce, Ind.):** Mr. Speaker, I would like to table a petition signed by 1,810 residents of the riding of Beauce, Quebec, Canada, all of whom are Canadians but are receiving a U.S. pension. Their U.S. pension has been reduced by 25.5 per cent since the amendments to the Canada-U.S. income tax treaty came into effect. These pensioners are being penalized, and this reduction represents a major drop in their income. Furthermore, some of these people are already receiving social assistance.

I table this petition before Parliament in the hope that a solution will be found to compensate for the loss of income of these 1,810 residents of the riding of Beauce and others as well.

[English]

#### EMERGENCY PERSONNEL

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have three petitions today. The first comes from Hampton, Ontario.

The petitioners draw to the attention of the House that our police and firefighters place their lives at risk on a daily basis as they serve the emergency needs of all Canadians. They also state that in many cases the families of officers who are killed in the line of duty are often left without sufficient financial means to meet their obligations.

The petitioners therefore pray and call on Parliament to establish a public safety officers' compensation fund to receive gifts and bequests for the benefit of families of police officers and firefighters killed in the line of duty.

#### TAXATION

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the second petition comes from Stony Plain, Alberta. The petitioners draw to the attention of the House that managing the family home

*Routine Proceedings*

and caring for preschool children is an honourable profession which has not been recognized for its value to our society.

The petitioners therefore pray and call on Parliament to pursue initiatives to assist families that choose to provide care in the home for preschool children, the chronically ill, the aged or the disabled.

## ALCOHOL CONSUMPTION

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the final petition comes from River Bourgeois, Nova Scotia.

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

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

## MARRIAGE

**Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.):** Mr. Speaker, I would like to table a petition signed by the constituents of Lambton—Middlesex and surrounding areas which has been duly certified by the clerk of petitions, pursuant to Standing Order 36.

The petitioners request that the House of Commons enact legislation or amend existing legislation to define marriage as the voluntary union for life of one woman and one man to each other to the exclusion of all others.

## HUMAN RIGHTS

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Mr. Speaker, I have two petitions to present today. The first has to do with the Canadian Human Rights Act and the charter of rights and freedoms. The petitioners ask that they not be amended in any way that would indicate societal approval of same sex relationships or homosexuality. They ask that Parliament deal with that issue, which unfortunately it already has.

## JUSTICE

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Mr. Speaker, for the second petition I would like to add another 1,000 names to a petition with some tens of thousands of names that I have presented on this subject. The petition deals with serious personal injury crimes and sexual offences involving children.

The petitioners ask that the government amend the Criminal Code to allow for post-sentence supervision and/or detention of those involved in sexual offences against children, a public notification of sex offenders being released, a central registry including fingerprints that would be available to all people, a registry for life of those people convicted of this type of offence, a Criminal Code

amendment to prohibit pardons and to prohibit for life all those convicted of sex offences against children from holding positions of trust and responsibility regarding children. It is a pleasure to present this petition.

## NEWFOUNDLAND

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, I have four petitions to present. In the first your petitioners pray and request that Parliament not amend the Constitution as requested by the Government of Newfoundland and refer the problem of educational reform in that province back to the Government of Newfoundland for resolution by some other non-constitutional procedures.

## HUMAN RIGHTS

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, the second petition is signed by people who pray and request that Parliament not amend the Human rights code, the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the human rights code to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

## BILL C-205

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, the third petition deals with Bill C-205, introduced by the hon. member for Scarborough West, that it be passed at the earliest opportunity so as to provide in Canadian law that no criminal profits from committing a crime.

• (1515)

## CRTC

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, my final petition states that the undersigned humbly pray and call on Parliament to ensure that the CRTC recognizes that Canadians do not need to be shocked to be entertained. Foul language, excessive violence and explicit sex are not necessary to provide quality entertainment.

## PAY EQUITY

**Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.):** Mr. Speaker, the residents of my riding draw to the attention of the House that legislation was passed in Canada for equal pay for work of equal value, that the Canadian Human Rights Commission concurred with the findings of an independent inquiry, and that federal government workers have waited for 12 years for this legislation to take effect.

Therefore, the petitioners request that Parliament direct the Government of Canada to hear them and to make their views known to the Government of Canada and that this Government of



*Routine Proceedings*

Canada act to have the legislation take effect immediately and workers be reimbursed at the rate recommended. [English]

## IMPAIRED DRIVING

**Mr. Paul Steckle (Huron—Bruce, Lib.):** Mr. Speaker, I wish to bring before the House today a number of petitions that have been given to me by my constituents.

The first petition is from concerned citizens who believe there is profound inadequacy in the sentencing practices concerning individuals convicted of impaired driving charges.

They therefore pray and request that Parliament proceed immediately with amendments to the Criminal Code that will ensure that the sentence given to anyone convicted of driving while impaired or causing injury or death while impaired reflects both the severity of the crime and zero tolerance by Canada toward this crime.

## CORPORAL PUNISHMENT

**Mr. Paul Steckle (Huron—Bruce, Lib.):** Mr. Speaker, the second petition is from citizens who are concerned about the justice system and how it continues to show leniency toward criminals. They believe that the current justice system has failed to address society's concerns. Current methods of punishment, they believe, are not acting as proper deterrents and are not producing the desired effects of lower crime rates and safer communities.

The petitioners humbly pray and call on Parliament to amend the appropriate laws to include corporal punishment as an alternate method of punishment for those adults who are repeat offenders and choose not to be governed by more conventional methods.

[Translation]

## ABOLITION OF THE SENATE

**Mr. Stéphane Bergeron (Verchères, BQ):** Mr. Speaker, pursuant to Standing Order 36, I welcome this opportunity to table petitions signed by 736 petitioners residing in the riding of Verchères, and in ridings in the greater Outaouais region, the greater Montreal region and in Quebec generally.

Your petitioners call upon Parliament to initiate proceedings to abolish the Senate, in spite of the fact that a motion to that effect has already been rejected by this House. Your petitioners argue as follows: they consider that the Senate consists of non-elected individuals who are not accountable for their actions; that the Senate's operating budget is \$43 million annually; that the Senate refuses to account for these votes to committees of the House of Commons; that the Senate does not fulfil its mandate for regional representation; that the Senate duplicates the work done by members of the House of Commons; and that there is an urgent need for modern parliamentary institutions.

## VICTIMS' BILL OF RIGHTS

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, I have a number of petitions, one of which has 1,809 signatures. Apparently it is a result of the Liberals not going with a national victims' bill of rights.

It states that the charter of rights and freedoms protects all Canadians, including those convicted of crimes. Victims of crimes require a specific right in the justice system as it is they, as members of society, for whom our laws are designed to protect. Our justice system must give victims specific rights as it does with the criminal to make our justice system fair for all.

Therefore, the petitioners call on Parliament to support the development of a national victims' bill of rights.

## GAS PIPE LINE

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, I have three more petitions relating to the Nova Scotia gas pipeline.

The petitioners state that in June 1996 the Prime Minister of Canada announced he would work toward diverting the Sable Island gas pipeline to Quebec City, that it is unacceptable for the Prime Minister to decide the destination of Nova Scotia natural gas without consulting Nova Scotians, that Nova Scotians assert their right to control the destination of Sable Island gas and demand that the federal government cease tampering in this issue.

## GOODS AND SERVICES TAX

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, I rise pursuant to Standing Order 36 to present two petitions on behalf of my constituents and other Canadians.

The first petition asks Parliament not to proceed with the Liberal GST scheme or any other plan to further reduce the remaining corporate taxes at the expense of the middle class, working individuals and families.

The petition requests the government to undertake a fairer tax reform program so that consumers do not suffer even more financial insecurity and unfair costs at this critical time after receiving 47 tax increases from this Liberal government since it came into power in 1993.

• (1520)

## GASOLINE AND PROPANE PRICES

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, the second petition, again from many of my constituents and other Canadians from across the country, concerning the unbelievably high cost of gasoline and propane.

*Routine Proceedings*

The petitioners feel that they are being gouged at the pumps as well as with respect to propane for drying agricultural grain, for use in taxi cabs and in their homes for heating.

They ask the House of Commons and the Government of Canada to set up an energy price review commission to keep the price of gasoline, propane, home heating fuel and other energy products in check.

## SPOUSAL ABUSE

**Mr. Darrel Stinson (Okanagan—Shuswap, Ref.):** Mr. Speaker, I have the honour to table a petition from thousands of residents, primarily from the Okanagan Valley, which draws attention to the increasing frequency of spousal abuse and violence.

In the hopes of averting future violence, the petitioners ask that Parliament enact legislation which will prohibit the issuing of a gun permit for 12 months after the initial report of a threat of violence against a spouse regardless of whether that report is investigated or not.

## TAXATION

**Mr. Svend J. Robinson (Burnaby—Kingsway, NDP):** Mr. Speaker, I have the honour to present a petition signed by residents of Burnaby, B.C., as well as a number of other communities in B.C. and Ontario.

The petitioners note that in Canada corporate contributions to public revenue are already the lowest among all major G-7 economies. It notes that the individual share of federal revenue has risen steadily while the corporation share has declined. It is very critical of the Liberal GST scheme announced in April this year that would add another \$6 billion of corporate tax responsibilities to individuals.

Therefore, the petitioners call on Parliament to not proceed with the Liberal GST scheme or any other plan to further reduce the remaining corporate taxes at the expense of middle class working individuals and families.

Finally, they urge the Government of Canada to undertake a fair tax reform instead so that personal consumers do not suffer even more financial insecurity and unfair costs at this critical time.

## IMPAIRED DRIVING

**Mr. Rex Crawford (Kent, Lib.):** Mr. Speaker, I am honoured once again to present, pursuant to Standing Order 36, a petition from not only my constituents but the constituents of other members. The petitioners are from Wallaceburg, Chatham, Paincourt, Ridgetown, Tilbury, Charing Cross, Blenheim, North Buxton and Port Alma.

The petitioners state that there are profound inadequacies in the sentencing practices concerning individuals convicted of impaired driving charges. Canada must embrace a philosophy of zero tolerance toward individuals who drive while impaired by alcohol

or drugs. Victims of the crime of impaired driving must be given the highest priority as reflected by their statements prior to sentencing of anyone convicted of impaired driving. In the case of impaired driving causing death or injury, sentencing must reflect the severity of the crime.

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

## PROPANE PRICES

**Mr. Nelson Riis (Kamloops, NDP):** Mr. Speaker, it is a privilege, pursuant to Standing Order 36, to present a petition on behalf of a number of constituents, particularly a woman called Penny Tardi from Kamloops, who points out the increased costs of propane in western Canada, 30, 40, 80 and 100 per cent increases in some communities, all of which have taken place over the last few days.

The petition also points out that to heat a typical mobile home in Kamloops using propane costs about \$75 a week as a result of these increased costs. It is a serious situation.

The petitioners call on the Government of Canada to take action, whether it is in the form of an energy price review commission or asking the combines investigation bureau to investigate, but to do something to bring some sense to the marketplace with regard to propane.

• (1525 )

## TAXATION

**Mr. Nelson Riis (Kamloops, NDP):** Mr. Speaker, I have another petition which has to do with tax revenues. The petition is signed by constituents of Kamloops.

The petitioners point out that tax revenues from the corporate sector now account for less than 7 per cent of all national revenues, with the balance being paid by individuals. A few years ago it was on a 50:50 basis. Now it is on a 90 plus basis for individual Canadians.

The petitioners point out that this is wrong, unfair, unjust and needs to be reformed. They ask the Parliament of Canada to undertake a fair tax reform process so that consumers will not continue to suffer even more financial insecurity due to unfair costs at this critical time.

## EDUCATION

**Mr. Ronald J. Duhamel (St. Boniface, Lib.):** Mr. Speaker, I have a petition which concerns term 17.

The petitioners say that it is inappropriate and unacceptable to remove the constitutionally acquired rights of minorities extended to them in 1949 when they joined Canada without their consent.

*Government Orders*

The petitioners say that removing the rights of minorities without their consent is totally unacceptable. It makes minority rights subject to the provincial legislature and, therefore, they are no longer constitutional rights.

\* \* \*

[Translation]

### QUESTIONS ON THE ORDER PAPER

**Mrs. Karen Kraft Sloan (Parliamentary Secretary to the Minister of the Environment, Lib.):** Mr. Speaker, I ask that all questions be allowed to stand.

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, I would like to draw your attention to the fact that on September 26, I put three questions on family trusts on the Order Paper and I have yet to receive a reply, although the Standing Orders provide for a maximum of 45 days. I am counting on your support to ensure that the parliamentary secretary concerned takes care of this case, because it is a matter that is very much in the public's interest.

For instance, I asked how many family trusts have been recognized by the Liberal government since 1972; how much this represents in terms of assets and how much revenue the Canadian tax system had to forego as a result of the introduction of this tax shelter. That was one of the three questions.

I think that is of interest to all parliamentarians and all taxpayers in Canada and Quebec. I hope to receive a reply, especially considering the additional tax burden on all taxpayers, especially the neediest in our society. I think it is time to shed some light on the past and potential contributions of those who are in a better position to make them.

**Mr. Stéphane Bergeron (Verchères, BQ):** Mr. Speaker, on a point of order. I would like to draw your attention to the fact that on September 17, I had three questions entered on the Order Paper—Questions Q-80<sup>2</sup>, Q-81<sup>2</sup> and Q-82<sup>2</sup>—and I have yet to receive a reply, in spite of the fact that the 45 days provided for in the Standing Orders have now expired.

I shall reread them briefly, if I may, just to refresh the government's memory. Question Q-80<sup>2</sup> reads as follows:

Q-80<sup>2</sup>—With regard to the total budget for the Department of Natural Resources, and for each year since the 1987 fiscal year: (a) how much (in actual figures) and what proportion (in percentages) of its research and development budgets have been invested in Quebec, (b) how much and what percentage have been invested in Ontario (including the Ontario side of the national capital region and excluding the Quebec side of the national capital region), (c) what economic spin-off effects have there been from the Candu reactors in Quebec, (d) what economic spin-off effects have there been in Ontario, and (e) what financial commitment has the department made to the neutrino detection project in Ontario, the Triumph project in British Columbia and to Chalk River, Ontario?

The other two questions were complementary to this one. When can we expect a reply in your opinion?

[English]

**Mrs. Kraft Sloan:** Mr. Speaker, the House leader and the parliamentary secretary to the House leader are not in the House today. I will bring these concerns to their attention and they will advise me.

**The Deputy Speaker:** Shall the remaining questions stand?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[English]

### CONSTITUTION AMENDMENT

The House resumed consideration of the motion.

• (1530)

**Mr. Dennis J. Mills (Broadview—Greenwood, Lib.):** Mr. Speaker, just before question period I tried to make the point that the speech in the other Chamber of Senator Kirby's was something I thought all of us in this House should take a look at.

For those who have not had the benefit of reading his remarks I would like to take a couple of minutes and read an excerpt of his speech:

Honourable Senators, in 1867 this institution, the Canadian Senate, was set up specifically to safeguard minority and provincial rights. The issue in this debate is about minority rights. It is about the removal of a vested constitutional minority right. Section 93 of our 1867 Constitution, which is the equivalent of Term 17 for Newfoundland, was put in our Constitution specifically to protect minorities. There is no doubt about that fact.

In 1867, the Roman Catholic minority in Ontario was looking at a Protestant majority. Section 93 was put into the Constitution so that Ontario Catholics would be empowered to set up their own separate school system. Ontario Roman Catholics could have got that same power from a provincial statute. But statutes are subject to change by the provincial legislature. So, instead, section 93 was put into the Constitution. It was put there specifically to take the power to change the system away from the hands of the legislature. The exact same can be said of Section 22 of the Manitoba Act, Section 17 of the Saskatchewan and Alberta Acts, and Newfoundland's current Term 17.

To get around these facts, proponents of the proposed Amendment to Term 17 have made the argument that minority rights are not being effected in this case. They argue that a strong constitutional guarantee continues to exist for religious minorities to operate their own schools under the proposed Amendment to Term 17. They point to the language of the proposed amendment that says schools established, maintained and operated with public funds shall be denominational schools.

### Government Orders

But the right to have a publicly funded denominational school under the proposed Term 17 comes under the words "subject to provincial legislation that is uniformly applicable to all schools specifying conditions for the establishment or continued operations of schools".

What does this mean? It means that the grant of a constitutional right to establish a denominational school in the new proposed Term 17 is subject to the laws established solely by the provincial legislature.

In other words, it would be possible for the Newfoundland government to pass legislation making it practically impossible to have a denominational school and there would be no recourse to the courts for the minorities currently protected by Term 17. The rights granted them in 1949 would be extinguished. In essence, the constitutional guarantee given to them at the time of the union with Canada would cease to exist.

The courts could only say to the aggrieved minority that yes, they do have the right to establish their own schools but it is subject to provincial legislation. The only inquiry after that is whether or not the provincial legislation in question is "uniformly applicable to all schools". In the case that it is, courts could not help the aggrieved minority.

Are constitutional rights of any permanence or do minorities only possess them at the pleasure of the current provincial legislature? Let me set out my views on these questions.

I believe that a basic purpose of a constitution is to establish and protect rights, not diminish them. That is an axiom that any first year law student learns. I know this because even though I am not a lawyer myself, I frequently lectured law school students on the Constitution.

While it is true that no rights exist in isolation from other rights, we look to the courts to balance them, not to provincial legislatures or indeed even to the Parliament of Canada acting alone. I can only conclude that the intention of the Newfoundland legislature in keeping the power under the proposed Amendment to term 17 to unilaterally change the education system in Newfoundland is at some point in the future the legislature may decide to exercise it.

I want to be careful to say that I do not want to imply any ill will on the part of the Newfoundland legislature. I am only emphasizing the assumption that lies behind all exercises in constitution making. Simply stated, we have constitutions so that no party to a constitution can ever act unilaterally or arbitrarily.

For us to vote in favour of the proposed Amendment to Term 17 then, simply because the legislature of Newfoundland wants it, would be a gross abrogation of our duties as senators. We have an important part to play in this process and I am not willing to rubber-stamp this proposal simply because the Newfoundland legislature wants it.

Therefore, I reject the proponents third argument, that the Parliament of Canada, and we as Senators, have only a rubber-stamp role to play with respect to the rights of minorities in Newfoundland.

● (1535)

Senator Kirby goes on. I believe that his argument has been made in my judgment in such a way that we in this House have a responsibility to really look at this closely. In light of that and in light of the vote in the Senate I would like to table and move an amendment. I move:

That the motion be amended in the schedule entitled "An amendment to the Constitution of Canada"

(a) by adding the words "where numbers warrant" immediately before the word "any" in subparagraph (b)(i) and;

(b) by adding the words "determine and" immediately following the words "observances and to" in paragraph (c)

**The Deputy Speaker:** The hon. member's amendment has already been ruled receivable in the past and is certainly receivable in this debate as well. The debate will proceed on the amendment.

**Mr. Mills (Broadview—Greenwood):** Mr. Speaker, in conclusion, I appeal to this House that we consider this amendment because if we pass term 17 as it is currently on the floor of the House, we may eventually have a legislature in the province of Newfoundland that we do not feel as comfortable with as the current government. We might then one day be faced with a situation that could not work in the favour of minorities in that province and not be as reasonable. At the same time I would argue that we would also be setting a precedent that could be used in other provinces across Canada. As we know, these rights, as many have said, are part of what brought this country together, those rights that were enshrined in the Constitution.

I would appeal to members to consider that in our vote later on today.

● (1540)

[Translation]

**Mr. Eugène Bellemare (Carleton—Gloucester, Lib.):** Mr. Speaker, I have a few comments to make on the speech by my colleague from Broadview—Greenwood.

It is both a duty and a pleasure for me to support the proposals by the member for Broadview—Greenwood, modifying the federal government motion to change term 17 of the agreement which brought about Newfoundland and Labrador's joining with Canada in 1949.

At that time, the Constitution had been modified to enable Newfoundland and Labrador to join Canada under certain conditions. Term 17 gave Newfoundland the right to have denominational schools.

Canada is made up of minorities, religious minorities, linguistic minorities, racial minorities. The Constitution protects the rights acquired by those minorities, and those acquired rights must not be changed without the minorities affected consenting to the constitutional changes, I repeat, they must not be changed without minority consent.

In the early 20th century in Ontario, we had an example of regulation 17 preventing French-language education. Such a thing should never be allowed to happen again. Acquired rights are acquired rights, and the federal government has a duty to defend the rights and freedoms of individuals and communities when those rights and freedoms come under attack by the provinces.

It is true that a referendum was held in Newfoundland; 50 per cent of the voters turned out. Just over 50 per cent of the number

*Government Orders*

that voted were in favour, which represents just barely over 25 per cent of the population who voted to change minority rights.

Referendums are a dangerous thing. They make it possible for majorities to crush minorities. We saw that when the province of Quebec wanted to separate, or at least certain Quebec politicians wanted to separate Quebec from Canada, and a referendum was held.

The members of the Reform Party would like to see a referendum held to abolish bilingualism and break the country apart. They have not yet, fortunately, succeeded in getting that referendum.

The minority denominations in Newfoundland are not in favour of the federal government motion, but they would be, if it were modified as proposed by the Senate on November 27, 1996.

My colleague has read the Senate proposals, and I am in agreement with them. I appreciate the fact that the federal government saw fit to allow a free vote on the first, second and third readings of this bill the first time around.

Now that the bill has come back to us from the Senate, I trust that the government will do the same again, and I feel obliged to say that I will, once again, vote against this proposal.

[*English*]

**Mr. Mills (Broadview—Greenwood):** Mr. Speaker, I support the member's view. We hope the executive of the government will decide once again to make sure this is a free vote when it comes forward.

[*Translation*]

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, I had a strange feeling when I saw this bill coming back to the House of Commons. The first time, I wondered what was happening. We had debated all these points, we had already put them on the table and had voted on this bill.

It is the outcome of a referendum in a province, where there was a majority. I am told that some 50 per cent of the people voted. No one prevented the others from voting. They chose not to do so. Voting is not mandatory in Canada. So, the rule of democracy is to respect the outcome.

I therefore wondered and I am still wondering why this bill is back before us after a vote was taken, a decision was made, in this House of elected representatives and after it was sent to the Senate, whose members are not elected. The people there are appointed for all sorts of reasons, often because of their political allegiances or for other reasons. Often it is because they contributed to society in one way or another. Still, as members of an unelected House of Parliament, they will never have to answer for their actions either tomorrow, next week, next year, in five years or in ten years from now.

• (1545)

The people in the other House did not have to consult their fellow citizens to see whether or not they favoured this motion. We have before us a bill passed by the House of Commons based on a referendum held in a province on specific issues, clear issues, which showed a desire for change in that province.

And now we are monopolizing the House's time in order to resolve matters that were already resolved by those elected. I would take the liberty of proposing to the Liberal majority, which only a few weeks ago voted against the abolition of the Senate, to reconsider.

Is there anything to be gained by bringing this bill back here? Especially since the other House has a tendency at the moment, with the election coming, to put more pressure on the government. The fact is that there is a strong Conservative representation in the Senate. Those who did not manage to get members elected in this House are using this as a tool. They are also making use of another tool: the people who were appointed there for various reasons, including their political opinion and their contribution to the political parties. These people are being used as a political tool, as if they represented the people, which is not the case.

Are there people in the other House who can claim to really represent the constituents of the riding they were appointed for? Can any senator today say that he was elected? There was one in Alberta, who unfortunately is not with us any longer, but the senators do not represent anyone.

The fact that they bring back amendments like these makes us wonder how this came to be. How can the senators come back to us with these amendments? What business, authority or right do they have to do such a thing?

It is important to see the implications. This House is back, debating and considering again the same issue and amendments, because the fact is that the amendment presented a moment ago by the hon. member for Broadview—Greenwood is oddly similar to the one presented the first time the issue was debated in this House.

Basically, this is what could be called a remake. The same bad arguments that did not convince us the first time around are being put forward again. After going to the Senate, they are coming back to us, forcing the government to put these things back on the table, even though a decision had already been made.

I think there are several indications that the Senate does not represent what the people want. Consider this. As elected representatives, we can expect to go before the voters in the next year. All members from Ontario should think about this. As they travel to various parts of Ontario during the upcoming election campaign, they will be able to tell the people, with their hands tied behind their backs: "It is a shame the Pearson airport legislation died. It is

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not our fault; the Senate killed it". Really? Is this normal? Is this democratic? Is this acceptable?

Now, about Newfoundland. Even if only 50 per cent of the people participated in the referendum, the majority of them voted in favour of what was being proposed. In my mind, those who claim that this referendum was not representative enough are very dangerous people. But this should not come as a surprise from people who said the same thing about a referendum in which 93 per cent of the population participated.

I say that a referendum is an interesting weapon in a democracy. It puts important issues directly to the people, whose capacity to understand must not be underestimated. They are very capable of following the debates. Their common sense is something that must be respected.

• (1550)

As regards this debate, I am tempted to say that the sooner we will be done, the better it will be. I cannot prevent MPs from expressing their views on this issue, but I want to make them aware of the fact that we are having a discussion that has already taken place in Newfoundland. This debate has certainly taken place before, because the issue had been discussed for several years among political parties. It was the subject of a referendum and referred to the House of Commons. It resulted in an amendment to the Canadian Constitution, an amendment that was supported by both the party in office and the official opposition. This is quite something.

This kind of thing does not happen every day in this House of elected representatives. Indeed, it is not every day that the official opposition agrees with the government on a bill of this nature.

In spite of this approval by the two parties representing the largest number of ridings in Canada, the two most prominent parties in this Parliament, the two parties whose role is the most official, the most necessary and the most significant, we find ourselves having to start the debate all over again because the Senate told us: "No, even if you are the elected ones, even if you represent the public, even if you are going to call an election next year, we cannot accept that, we have to take other considerations into account, and we are therefore proposing additional amendments".

This is a golden opportunity to show that we will not let them walk all over us. We cannot let the Senate, which costs us \$43 million per year, have such power because, after all, it plays no effective and efficient role in our democracy. The Senate is just a group of lobbyists who are paid, and better paid, by the state, instead of by the private sector. In the early years of Confederation, the Senate may have made a contribution because, at the time, elected representatives may not have had the same training as they do today, and they may not have had access to the same research services either. The government did not have the same resources.

Today, when the Senate opposes a bill, we can tell that it is because of effective lobby groups that undermine the influence of voters. People should realize that to politicians, and I think this is an important point, it should be the electorate that has the most influence on elected representatives.

In the present case, the House of Commons is debating a motion which has come back from the Senate, because a bunch of non-elected individuals insisted there should be a decision to send it back to the House of Commons.

The Senate seems to be getting too big for its boots as far as this bill is concerned. Consider this. When the bill arrives in the Senate, there is already a general consensus to pass the bill. The government and the official opposition agreed on this bill. They submitted it to the Senate to fine-tune certain aspects. But now we get it back with amendments that call into question the very intent of the constitutional amendment.

I think we have to send a clear message. We must have a clear vote on this matter. We must reject the Senate's amendments. We have previously discussed items that were tabled again, for instance the amendment of the hon. member for Broadview—Greenwood. That debate has already taken place in the House.

I realize that to educate the public, we have to repeat certain arguments. That is understandable, but we must not forget that in this case it is pretty useless, because we have given a democratic body consisting of non-elected members a responsibility it should no longer have.

We should learn a lesson from this bill, the same one we learned from the Pearson airport legislation and a number of other decisions by the Senate in recent years.

Just imagine, the previous Prime Minister had to appoint 10 additional senators to be able to do in the Senate what the House of Commons had already done. That took some doing! We had to appoint additional senators to do that. Today, the Liberal government has managed to rebuild its majority in the Senate, but since they do not have a strong majority, we get situations like the one we have today.

• (1555)

The solution is not necessarily to stack the Senate, but rather to do away with it. Stacking it with a Liberal majority is not the solution. Instead, it is to make sure that the Senate no longer has the possibility of overthrowing the decisions of elected members.

I believe that we, as members of the House of Commons, ought to promptly vote against these amendments, in order to ensure that the version accepted by Newfoundland in a referendum is the one respected by the House of Commons. We must, therefore, act as

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soon as possible, as soon as the various parties involved have done what they have to do.

In the current system, it is true that parliamentarians have the responsibility to continue the debate, because the Senate is entitled to make this type of amendment, but this is a situation which ought to be remedied in the future.

It is my most heartfelt wish that, in the months to come, for the next election campaign, each party represented in this House will include in its platform a position which will make it possible, during the next mandate, to settle this matter of the Senate, to prevent a body made up of unelected members, a democratic organ made up of unelected members, from having the power it has at the present time. It is an anachronism, a remnant of another time, and something that does not in the least represent what a modern state will require in the years to come.

We must, therefore, resume consideration of this bill. We must ensure that the Senate's amendments are not accepted, in order to respect the wishes expressed by the people of Newfoundland.

**Mr. Dan McTeague (Ontario, Lib.):** Mr. Speaker, I listened with interest to what was said by the hon. member for Kamouraska—Rivière-du-Loup. I thought for a minute the hon. member was going to give us some advice on how to deal with minorities, since we are members from Ontario.

I do not know whether the hon. member of the Bloc Québécois is up on Canadian history, especially the history of the Province of Ontario. There we also saw the abolition of the rights of francophones to be educated in their own language. I wonder whether he realizes that in 1912, Regulation 17—an ironic twist—was introduced by a Conservative government and supported by a Liberal opposition, a regulation that suspended, denied and suppressed the minority rights of francophones as far as education was concerned. It is rather ironic that history is repeating itself.

I also listened to the hon. member's comments on referendums. He thought there should not be another referendum. I would like to put the question to this member, because I think it is rather ironic and even a little hypocritical to say first of all, they are not in favour of a referendum, and then that they respect the first referendum that was held in Newfoundland. Could he explain why, because I think their position is certainly not a very wise one.

**Mr. Crête:** Mr. Speaker, I hope I understood the question correctly, because I never said we should not respect referendums. Quite the contrary. In 1980, in Quebec, we had a referendum. We obtained 40 per cent of the vote. We came back and worked very hard and tried to persuade people. We got as far as 49.4 per cent last fall, and we are going to suggest having another one, and that will be decided in the next election. Every time, the people decided. We

never imposed decisions. We always made sure the decisions were made by the grass roots.

As for the issue of minority rights in Ontario, yes, I learned my history of Canada from the examples I was shown. When I was young, I heard a lot about Manitoba. I was told about certain decisions, as a result of which the Province of Manitoba, which should have been a bilingual province, never agreed to become one, thus altering the balance across Canada. But at the time, as far as I know, there were no referendums, not in Ontario either, although I would have liked to see the Ontario majority vote to remove the rights of the francophone minority.

We in Quebec use referendums. We never talked about rights in this way.

• (1600)

**Mr. McTeague:** What about signs?

**Mr. Crête:** Mr. Speaker, I challenge any minority in Canada to come and see whether it wants to trade places with the English minority in Quebec. We are prepared to sign reciprocity agreements at any time with the rest of Canada.

No minority in Canada is treated as well as the anglophone minority in Quebec. Whether we are talking about education, health services or the courts, these services are provided in the second language, while in the rest of Canada, people have to fight to have schools where numbers warrant. Last year in Ontario they had to fight to have washrooms installed in a French school.

I think there is ample proof of a double standard. We are prepared to prove to the rest of the world that we have nothing to learn from the rest of Canada about the way to treat our minorities.

[English]

**Mr. Pat O'Brien (London—Middlesex, Lib.):** Mr. Speaker, I am amazed the member for Kamouraska—Rivière-du-Loup can tell us with a straight face that he is for respecting the results of a referendum.

I well remember, as do other Canadians, the night of the first Quebec referendum in 1980 when René Lévesque simply uttered "à la prochaine fois". In other words, he said that they did not accept the results that night, that they were going to have another referendum and another referendum. We have a term for it now in English: neverendum.

The people of Canada are fed up with the kind of approach where the separatists of Quebec, of whom the member is one, simply refuse to accept the democratic will which has been expressed twice now by the people of Quebec. They will continue to come back again and again with whatever question they need to form in

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order to get the answer they want. I wonder if the member can address himself to that.

Also, the member made the point that the Senate should just simply pass this amended term 17 which the House passed recently. I was not supportive of it. To believe that is fundamentally to misunderstand the role of the Senate. We can debate here whether we should even have a Senate, whether it should be appointed or elected. I have very clear views on that. However, if anyone takes the trouble to understand the role of the Senate, it is precisely to review legislation and to refer legislation back that it feels is deficient, particularly vis-à-vis minority rights. Can the member understand that point of view?

[*Translation*]

**Mr. Crête:** Mr. Speaker, it is interesting to do a little review of history with the member across the way.

I would like to remind him that a few things happened between 1980 and 1996. There was the decision, in 1984, to send the federal Liberals packing. Quebec decided overwhelmingly to send Conservative MPs to Ottawa, one reason being that someone, somewhere, in 1982, signed the Constitution Act without the agreement of Quebec. Since that time, it has not been ratified by any Quebec government, whether led by Robert Bourassa or Daniel Johnson, and obviously not by any sovereignists.

Why was there a referendum in 1995? Because the sovereignists won the election in 1994. There was no coup d'état, nothing was imposed on anyone. We went to the people. We won the election by saying: "If you elect us, there will be a referendum on sovereignty".

The public gave the government this mandate. We held a referendum and obtained 49.4 per cent of the vote, with 93 per cent of the population voting. We say it again: we are going to give Quebecers an opportunity, in the next provincial election, to elect a party whose goal is sovereignty.

**Mr. O'Brien:** Two attempts is enough.

**Mr. Crête:** There is no doubt that Quebecers on the other side are in a rather difficult situation. The federal government has nothing to offer, no opportunities.

All that the present Prime Minister of Canada has managed to do, in a flagrant absence of leadership, is to pass a meaningless resolution on distinct society. He was unable to win over—

**The Acting Speaker (Mr. Milliken):** Your time has almost expired.

**Mr. Crête:** I will conclude, Mr. Speaker. I think I should have as much time as the member who preceded me. I will therefore wrap up in one minute. I will be quick.

The people of Quebec are a people that decide things democratically. We can bide our time. We do not give up easily. We will not be prevented from reaching our goal.

• (1605)

As for the role of the Senate, I am told that I do not understand it. In fact, I understand it perfectly, as do Quebecers who all agree it should be abolished.

**Mr. Ronald J. Duhamel (St. Boniface, Lib.):** Mr. Speaker, what I would like to raise this afternoon is the key issue which, as you know, is not the Senate. We must not let ourselves get sidetracked by what the elected representatives or the appointed representatives have done. The key issue, the only one, is: What will happen if this amendment initiated by the government of Newfoundland and Labrador is adopted? What will happen to minority rights there? What is the possible impact on minority rights elsewhere?

Let us take the time to discuss this. Let us drop the questions of Senate, House of Commons, this power struggle, let us look instead seriously and carefully at what we are in the process of doing at this time. Are you, as a group, ready to suppress the rights of Newfoundland and Labrador minorities?

[*English*]

Before voting on the Newfoundland schools question, I urge members to consider the following carefully, extremely carefully. I know we have busy agendas and sometimes we tend to listen to people who would have us do certain things without having the time to reflect but let us reflect on this one. It has come back to us for a second look, for more study.

What is the effect of the current term 17? What is the effect of what is now in the Constitution? The current term 17 of the terms of union extends to various religious minorities in Newfoundland and Labrador the constitutional rights to establish and operate schools that reflect their particular religious beliefs and practices and the right to receive a fair share of public funds for the operation of those schools. That is what the current constitutional arrangements do.

This right is now immune from any legislative enactment which might prejudicially affect it. For Newfoundland, term 17 is the equivalent of section 93 of the Constitution Act, 1867, a section that provides a constitutional underpinning for denominational school systems in a number of other provinces. That is what we are talking about. Let us forget about the games and the power and who is going to decide what. Are we prepared to remove those rights? That is what we have got to answer.

If the proposed term 17 passes without amendment, what effect will that have on minority rights in Newfoundland? If the proposed term 17 passes without amendment, the constitutional right to establish and continue to operate minority religious schools in Newfoundland and Labrador will become, and this is so important



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to remember, wholly subordinate to provincial legislation, wholly, totally, completely, unequivocally subordinate to provincial legislation. There is no example in the Constitution of Canada, none whatsoever, where a guaranteed constitutional right would be subject to provincial law. There is not one single example because when it passes through that door it is no longer a constitutional right.

A constitutional right subject to a provincial legislature is no constitutional right at all and could never be subject to the ruling of a court of law. That is what we are doing if we pass this amendment without the other amendments that have been proposed by my colleagues; “where numbers warrant”; and the right to not only direct but to determine and direct.

If the proposed term 17 is amended in accordance with what was proposed in the Senate, what will be the effect of those particular amendments? This is so terribly important to understand as well.

The first amendment proposed in the Senate is to replace the clause “subject to provincial legislation” because if it is subject to provincial legislation it is no longer a constitutionally acquired protected right. The term “subject to provincial legislation” would be changed to “where numbers warrant”. Surely this is fair. This term will not provide for the continued existence of separate denominational school boards. However, it will provide for schools for the separate denominations where numbers warrant.

• (1610)

The minorities that have been affected have accepted less than they now have. Surely the federal government and the Government of Newfoundland and Labrador are prepared to look at this with some common sense and sensitivity. Surely they are prepared to reach out and seize the opportunity.

The amendment will ensure that parents may choose schools of their own denomination where numbers warrant. It still gives the provincial legislature a whole lot of power. The amendment would preserve the constitutional right of minority religious groups in Newfoundland and Labrador to establish and continue to operate religious minority schools subject to having adequate numbers of students.

The expression “where numbers warrant” is well known in Canadian constitutional law. It is the language in the education section of the charter of rights and it has already been ruled on by the courts. Such an amendment can and should be supported. The Senate amendment merely asks the government to be true to the commitment it made during the referendum, that is, the Government of Newfoundland and Labrador.

The second amendment proposed by the Senate provides the guarantee that when minority religious schools are established, the

denomination for whom the school exists will have the constitutional authority not only to direct but also to determine and direct all those matters that affect the denominational integrity of that school.

This amendment should also be supported because “merely to direct” could be interpreted to mean only having the power to carry out policies determined by someone else. Surely we do not want to take it all away from these groups.

The current constitutional protection for Newfoundland and Labrador schools cannot now be changed unless both levels of government, the Government of Canada and the Government of Newfoundland and Labrador, in partnership decide to do so. That is what the deal is now.

If the proposal of the Government of Newfoundland and Labrador passes, the constitutional right that I have just described becomes subject to the decision of the provincial legislature. It could be changed unilaterally by this or some other provincial government. Therefore it is no longer a constitutional right.

That is what we are in the process of doing here. We are in the process of removing constitutional rights and placing them at the whim and fancy of those who draft provincial legislation and subject to provincial legislation. Is that what members want to do? Well I do not and I will not. This is a question of the rights of minorities. The amendments proposed by the Senate have the support of the minorities but that was a challenge initiative.

The Government of Newfoundland and Labrador came forward with an amendment that was not acceptable to the minorities affected. But the minorities affected have stepped back and said: “Let us put in the term where numbers warrant. Let us put in another clause so that we are more involved and can participate more fully. We will buy in”.

It has changed considerably. Whereas the Government of Newfoundland and Labrador was proceeding without the support of minorities, now it has the support of those minorities. It also has my support and I hope the support of my colleagues.

This is a question of the rights of minorities. Let us not fool ourselves. It is nothing more or nothing less. I oppose the changing of the constitutional rights of minorities without their consent. I would hope my colleagues would also oppose those changes without the consent of those minorities.

Surely we are not going to impose the will of majorities on minorities unless what the minority is doing is dysfunctional for the whole, and that is not the case. That is why I propose passing the original amendment with the additional amendments proposed in the Senate which are now proposed by my colleagues in the House and which are accepted by the affected minorities.

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● (1615)

I want to share with the House some information of which my colleagues may not be aware. Prior to the referendum of September 1995 the Government of Newfoundland and Labrador distributed a householder across the province. I have that householder here. It is called "The Education Referendum: A Decision on the Future of Education in Newfoundland and Labrador". The householder discussed the main changes proposed in the amendment which was being initiated by the Government of Newfoundland and Labrador. Page 2 of the householder reads:

The new Term will not provide for the continued existence of separate denominational school boards. However, it will provide for schools for the separate denomination where numbers warrant—

That is what this official government publication says.

Under the question of which school students will attend under the new system, the householder reiterated: "However, parents may choose schools of their own denomination where numbers warrant". That is in the official documentation sent out by the Government of Newfoundland and Labrador.

The other House suggests that the amendment include the phrase "where numbers warrant". I hope, because that same amendment has been proposed here, we will consider it seriously. We should not simply slough it off because it came from the other House. That is not the issue. It is not whether we have been elected or appointed, it is not making fun of other people, it is looking at what we are doing. By this amendment, "where numbers warrant", we are asking the Government of Newfoundland and Labrador to be true to the commitment it made during the referendum. That is what we are trying to do. We are trying to ensure that it remains true to that commitment.

People will ask why the member for St. Boniface is so concerned about this issue affecting the education system in Newfoundland and Labrador. It does not only concern the education system in Newfoundland and Labrador. Changing or reducing the constitutional rights of minorities without their consent is wrong. It is contrary to what we as a party have traditionally supported and what most parliamentarians have normally supported.

One of the promises Canada made to Newfoundland when it joined Confederation in 1949 was to protect denominational schools. That became term 17 of the terms of union. That promise was used to get Newfoundlanders to join Canada. Less than 50 years later it is being proposed that the promise be changed without the consent of the minorities. We have given them an opportunity, by presenting motions in this House, to do it honourably in order to respond to the needs, the aspirations, the hopes and dreams of those minorities and yet be able to go on with reform that is, no doubt, very much needed.

Surely as a government it is our role and our duty to protect these constitutionally acquired rights. Canadians are counting on the House of Commons to do exactly that.

Some will argue that there was a referendum and the people decided. This is a major issue and 52.2 per cent of the people voted. There was a 54.9 per cent response in favour. In favour of what? Here is the question: "Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational education system?"

I bet that we could go out and ask that question of Canadians today and a majority would be in favour of it. "Do you want to improve education?" Of course Newfoundlanders and Labradorians said yes. Why not?

Let me read that important question again. Fifty-two per cent of the people said yes to this question: "Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational education system?" We are trying to use the results of that referendum on a fuzzy question to pretend that it was decisive and there is now a mandate to go forward.

The people of Newfoundland and Labrador accept that changes are needed in the education system. The denominational schools understand and accept that changes are needed in the education system. A constitutional amendment is not the only way to achieve a modern and effective school system.

Church representatives and the Government of Newfoundland and Labrador have already agreed on many points: the number of school boards, the funding of capital expenditures, the viability of schools and busing. These have been discussed and agreed on already without any constitutional amendment. In four days the government and the church officials were able to agree on points that had been discussed for years with the previous government.

● (1620)

The framework for school board consolidation is a perfect indication of the possibility of a made in Newfoundland solution. This framework has been established for the setting up of 10 interim school boards in the provincial construction board. These changes could be validly implemented by the legislature of the province without the necessity of an amendment.

Let me talk to that more specifically, quoting an authority. In the legal opinion of Mr. Colin Irving, constitutional adviser to the Catholic Education Council: "The Newfoundland legislation adopting the proposals just outlined would not be found by the courts to be in violation of term 17 of the present terms of union".

We must guarantee the protection of these rights of minorities. All minorities note it is not easy to have. They need the protection of the majority for the kind of country we are going to have.

[*Translation*]

I personally believe that a referendum which takes away certain minority rights and allows the majority to decide is unhealthy, except if the minorities are involved in something that imbalances society and harms the majority. This, I feel, sets a dangerous precedent. What message are we sending by supporting such an action?

[*English*]

Why not see the implementation of provincially negotiated changes to the educational system and if subsequent to this the amendment is still deemed necessary, it could be brought forward at a later date.

Why not an amendment that would be agreed on by all parties? We have two choices here. We could postpone this and do it if it was necessary, or we could take the amendments, which is what I prefer because it has the support of those minorities, that is, "where numbers warrant" and "determine and direct" and put those amendments through because they have the support of the minorities. We can now have an amendment that has the support of all parties if we stop playing games, if we stop worrying about power, if we stop worrying about whether it was the elected or les gens qui sont nommés qui vont décider.

Some people have been using the argument that the academic results of students in Newfoundland and Labrador when compared with those of other students are among the lowest in the country.

[*Translation*]

It is absolutely false, unhealthy, and dishonest to use such information. According to the Department of Education for Newfoundland and Labrador, and I quote:

[*English*]

The general level of education among all age groups in Newfoundland and Labrador has risen dramatically since the mid-1970s to where the gap with the rest of Canada has all but closed.

According to Chris Decker, former minister of education: "The gap in higher education between our province and the rest of Canada is becoming a myth. Our university participation rates are higher than the national average. If the present trend continues, Newfoundland and Labrador will soon have education levels equal to the rest of the country". Why is this being done?

However, if some people are still not satisfied with the performance in Newfoundland schools, the government is the one that has complete authority on curriculum, test materials, numbers of teachers, funding, teacher education and performance standards.

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Does it really think that this change is going to bring about a dramatic change in performance? Let's get serious.

To blame the level of education in Newfoundland and Labrador on the denominational school system is absurd and is not a valid argument.

I propose that we look seriously at the main amendment but only pass that main amendment with the other amendments that have been proposed so that the people of Newfoundland can still determine and direct what is going to happen in their schools. Surely such an amendment should have the support of the Government of Canada, the support of the Government of Newfoundland and Labrador. It has the support of the people affected.

In a sense we would be changing the Constitution but with the consent of the minorities as opposed to going forward without those other amendments that have been introduced, we will be changing constitutionally acquired rights promised to Newfoundlanders so that they would join Canada without their consent. I for one do not want to be part of that, particularly when in an official Government of Newfoundland and Labrador document it states, and I have quoted it twice today, that it will be possible for parents to choose the types of denominational schools they wish for their children where numbers warrant.

• (1625)

[*Translation*]

I am asking my colleagues to look at this question again, to set aside what the Senate, the House of Commons, the Government of Newfoundland and Labrador have said, and to look carefully at what we are in the process of doing.

[*English*]

Unless we are extremely prudent, we will be taking away the constitutionally acquired rights that were promised to minorities when they joined Canada. We have an opportunity to change that. We have some amendments that would permit us to change it with the consent of minorities.

I ask my colleagues to support that common sense approach.

**Mr. Ian McClelland (Edmonton Southwest, Ref.):** Mr. Speaker, I listened very carefully to the impassioned presentations of the member opposite and to his colleagues. I also listened at great length to one of my colleagues who is trying to sway my decision to vote on this bill.

My position to vote in favour of the bill and support the government's position is based on my fundamental belief in the words of one of the architects of the American Constitution, Thomas Paine, who was an adviser to Thomas Jefferson. His words were that every generation has the right and the responsibility to govern for its own times and should not bind future generations any more than this generation should be bound by past generations. As a matter of fact, that was one reason why I was so much against

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the Charlottetown accord, because it bound the Constitution for all time because it required unanimity to change it.

It is the genius of the American Constitution: to change, to reflect the times.

I would ask my hon. friend opposite, given what I have just stated: the necessity of each generation to govern for its time, to have the right to do so, not to bind future generations or to be bound by past generations. The Legislative Assembly of Newfoundland and Labrador has passed this. There has been a referendum. We know it was a close one, but it was a much closer referendum that brought Newfoundland into Confederation in the first place. Those who say that it passed by a very few votes should have gotten off their butts and voted. Once a vote is done, it is done and you go on from there.

I would ask the hon. member if he would try to convince me, based on my principled position and respecting the position of the people who have already voted, how would he respond?

**Mr. Duhamel:** Mr. Speaker, I thank my colleague for his question and his willingness to look at the questions that have been raised today. I hope that is contagious and others will do likewise.

I understand the key point. If we make a decision today we do not necessarily have to insist that the decision is forever. I understand the possibilities of that.

However, here is what happened in 1949. Promises were made in order to attract people and to get them to join Canada. Less than 50 years later we are saying: We got you in, now it does not matter anymore if we change the rules or the promises that were made.

Second, and perhaps even more important, this is the wonderful opportunity we have been given. We passed it, it went to the other House and they said: "Whoa, we are not happy about this. Here are some things that could be done, where numbers warrant". That was in the official government documentation. The parents were told: "You will be able to have your kind of denominational school where numbers warrant".

• (1630)

My colleague from Broadview—Greenwood has introduced with another colleague these same amendments: where numbers warrant; and in order to be able to determine and direct. That is the beauty of the wonderful opportunity we could seize, because we have changed from 1949. We can change from 1949 and remove those rights. We can say forget it, that it is over. Some people will argue that we have not but let them look me straight in the face when they say that. Here is an opportunity with these amendments: where numbers warrant and to determine and direct, where it would

change them but would not eliminate them, would not remove them.

Surely no one is going to argue that a right that is subject to provincial legislation is no longer a constitutional right. Or at least let them stand and say to remove that constitutional right. I could live more easily with that kind of debate but the challenge that is thrown to us by quoting a well known American personality is one that is available to us today. We can move from where we were but in a sensible way and still respond fairly to everyone's needs.

**Mr. Dennis J. Mills (Broadview—Greenwood, Lib.):** Mr. Speaker, I would like to compliment my colleague from St. Boniface on his remarks.

The member for St. Boniface brought forth a very important point in his speech. It is the one relating to the question that was done in terms of the referendum, are the people of Newfoundland in favour of reform? It is awful that we only had just a little over 50 per cent.

I think back to the moment when the current premier of Newfoundland was sitting in this House. We all remember the great job he did with the fishnet at the United Nations. He stood in front of the platform and had the big fishnet behind him and he spoke for that little fish, the little turbot, that was being squeezed out of the system. He stood up for Canada. I would dare say that had we had a referendum at that time on the popularity of the then minister of fisheries who is now the premier of Newfoundland, we would be talking about 100 per cent. He did a great thing.

The member for St. Boniface brought this forth so well. They asked a question of all the people of Newfoundland in a referendum: Are you in favour of reforming the educational system in this province? It is strange that only 52 per cent said yes. It should have been upward of 80 to 90 per cent. This whole issue of percentages on the referendum has been glossed over.

I also want to build on the point my friend from Edmonton raised earlier. He quoted Thomas Paine, saying that every generation has a right to decide. I would like to bring to the floor of this House the words of a leader of this country who sat in front of us just a few years ago, a great constitutional leader, Pierre Trudeau. When he was repatriating the Constitution he said that it is the duty of this House, of this Chamber, not just to worry about the advantaged but to speak out for the disadvantaged, and not just to worry about the advantaged regions but to speak out for the disadvantaged regions.

We have a duty in this House to make sure that we who are the custodians of minority rights in this House, have a serious debate on this issue. We should not forget that.

**Mr. Duhamel:** Mr. Speaker, with respect to Mr. Paine's statement that every generation has a right to decide, we cannot take that too far. I chair the committee on aging and we are looking at how the population is changing. One of the things that was noted was the potential for intergenerational conflicts, that current generations might want to do things dramatically differently which would have an impact on others. While we have to be sensitive to that, we cannot let it run our lives totally.

• (1635)

I want to go back to the point I made, which is that with the amendments that have been proposed we could respond to the rights of those minorities in a very sensible way. That is what I would ask my colleagues to look at. If members look deep down in their hearts and souls they do not want to remove the constitutionally acquired rights of minorities without their consent. Members have an opportunity to do it with their consent. I would ask all members to please concentrate on that.

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, the issue before us today is the extinguishment of constitutional rights of minorities without their consent. In the case of the Newfoundland resolution before us, we are given to understand that denominational schools will be protected when all it will take to eliminate that protection is a provincial statute. In other words, the constitutional guarantee is being dropped. I do not think this is the proper way to proceed.

Until now the province has had jurisdiction over matters of education subject to constitutional guarantees. Henceforth, it will be able to legislate without regard to any guarantee. In particular, the rights of a minority will be subject to the whim of the majority as they were in the referendum. The truth of this is in the statistics of the referendum. It has been established by reviewing the votes on a riding by riding basis that Roman Catholics rejected the proposed change. In effect, the majority voted to support the reform that would remove denominational schools from Roman Catholics against their will.

The issue then is: Is this resolution prejudicial to minorities? The minority observations of a report from the Senate study seem appropriate today. On page 48 of that report the question is asked: Is the resolution prejudicial to minorities? The report goes on to state:

Section 1 paragraph (b) would have the effect of placing the protection of the constitutionally protected right to establish and maintain uni-denominational schools "subject to provincial legislation". The establishing and maintaining of uni-denominational schools would thus, no longer be protected by Canada's Constitution. The provisions contemplated in this resolution are a major departure from the protection enshrined in section 93 of the Constitution Act, 1867; section 22 of the Manitoba Act; section 17 of the Saskatchewan Act and the Alberta Act and in Newfoundland's current Term 17. In all those sections, the power of the provinces to legislate is subject to the denominational rights enshrined in the Constitution.

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Under the proposed changes the protection for denominational rights in Newfoundland would be subject to a provincial law of general application and if accepted, create a dangerous precedent.

The committee heard the testimony of numerous witnesses who requested that the resolution be amended so as to substitute in paragraph (b) the well known legal expression "where numbers warrant" for the present introductory words. We observe that substituting a "numbers warrant" test would mean that the courts would remain the ultimate guardians of the rights of the classes of persons which the section seeks to confer. This is consistent with how other minority protections are dealt with in Canada.

A second issue of concern raised by the affected classes of persons who would lose their present denominational school rights relates to the matter of who will determine and direct the programmes in the uni-denominational schools. Paragraph (c) of the proposed Term 17 resolution reads as follows: "—to direct the teaching of aspects of—". This would effectively abrogate a present constitutional right of the people of Newfoundland. It was the view of many groups that this could be mitigated if that section read as follows: "—to determine and to direct the teaching of aspects of—".

• (1640)

Without these changes it is my view that the proposed resolution would be prejudicial to the constitutionally protected rights of certain classes of citizens. Why were such rights guaranteed in the Constitution? That is a question that should be answered. In that same Senate study it was answered in a document which was tabled with the committee by Professor Patrick Monahan, a constitutional lawyer. He wrote:

It has generally been assumed that the various constitutional guarantees for denominational education in different provinces are not subject to abrogation or amendment simply because a majority of the citizens in a particular province would support such a change. Indeed, to amend or abrogate these guarantees on such a basis would be inconsistent with the very principle that led to their entrenchment in the first place. Denominational guarantees were entrenched precisely so as to put them beyond the reach of the majority sentiment in favour of abrogating the rights of a minority. Therefore, I agree that a constitutional amendment to Term 17 that is not supported by the classes of persons protected by that guarantee could be seen as a precedent that would permit other provinces to seek similar changes.

It is interesting to note as well that there is a historical perspective to the debate we are having today. In the Senate report, Professor Robert Carney from the University of Alberta offered some comments. He explained to the committee the similarities he saw between the proposed amendment and the situation in Manitoba between 1870 and 1890. There was a move from two separate educational systems to a single public system. The rationale given was to save money and to improve the quality of schooling in Manitoba. The report goes on to state:

Professor Carney noted that it is not clear if either of these results were achieved. Finally, the move was an expression of the will of the majority in Manitoba that affected minority rights. However, the Privy Council, at that point in time the highest judicial

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authority in Canada, found that no rights had been taken away. Professor Carney found this very reminiscent of the Newfoundland debate of today.

He stated that a compromise was arranged by Prime Minister Laurier and Premier Greenway of Manitoba which provided time for religious education and the hiring of teachers in proportion to the religious denomination of the pupils, the Laurier-Greenway compromise. However, between 1896 and 1916 there were a number of such steps towards eroding those rights, particularly the erosion of linguistic rights in 1916. Professor Carney felt that passing the proposed Term 17 would result in the same type of controversy that existed in Manitoba 100 years ago.

Later I will reference the fact that we could avoid this type of controversy by simply accepting the amendments that have been proposed by the member for Broadview—Greenwood.

I have another problem with this motion. It is a significant problem which concerns the referendum. The referendum was fundamentally flawed. The question that was asked was a fuzzy one as has been noted by others. We in this House and many people in this country were especially critical of the question in the Quebec referendum for the same reason. The same criticism applies to the question which was asked in the Newfoundland referendum.

The question was: Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational education system, yes or no? The question was carefully crafted to imply falsely that amendment of the Constitution was necessary to reform the educational system of Newfoundland and that was an incorrect proposition.

The question talks about educational reform and who could be against that? Who thinks that education in Newfoundland or elsewhere in this country is not ripe for reform? The question pitted this desire for change and reform against a constitutional right, a conflict which does not exist in reality.

● (1645)

The second problem with the referendum question was that in order to understand the government's intentions a voter had to read and understand term 17. The language of the term was certainly far from clear. I believe that a fundamental of any referendum must be that the question asked be very clear to the people who are answering it. They must know clearly the results of either a yes or a no response. That clearly was not the case here.

If each of the denominational classes of persons protected by term 17 had voted to give up their rights no one could seriously object to the proposed amendment on the basis of principle, but that is not what happened. Roman Catholics did not vote to give up their rights, as I suggested before, nor did Pentacostals. The referendum vote was nothing more than a simple case of a majority taking away the rights of two minorities in Newfoundland. Is it any

different in principle than the English voting to take away the rights of the French? I would ask the House to consider that precedent.

Promises in government literature on the referendum included the promise of "where numbers warrant", which is not provided in the present resolution. As was pointed out earlier, in a brochure which was distributed widely by the government, Newfoundlanders were promised that where numbers warrant schools for religious denominations would be provided, and yet there is no such guarantee in term 17 itself. That is a serious flaw which we must redress in this House. If there is a promise made in the course of a referendum debate, especially when it is a government promoted referendum, that promise should be kept. That is not the case.

There is widespread support for the motion put forward by the hon. member for Broadview—Greenwood and the amendments which were proposed by the Senate.

I would like to read a letter from the Federation of Independent School Associations in British Columbia. The Federation of Independent School Associations represents over 220 independent schools, enrolling over 50,000 students. The schools cover a wide range of philosophical and religious adherence. They include Montessori, Waldorf, special needs, Catholic, Jewish and Protestant groups, and yet they all work together co-operatively within the Federation of Independent School Associations.

I would like to quote a few paragraphs of the letter:

Even a cursory examination of the history of the formation of Canada, as a country, indicates that the basis of union of the various parts to make the whole include strong protection for the educational rights of minorities equally with those of majorities. These rights were reaffirmed in the Constitution Act, 1982 which includes the Charter of Rights and Freedoms. One of the key purposes of these documents is the protection of rights, not only of individuals, but of certain classes of people, especially if they are in a minority position.

The referendum held on September 5, 1995 to alter Term 17 of the Terms of Union of Newfoundland with Canada is an attempt to remove Constitutionally guaranteed educational rights by majority vote without the consent of those whose rights are guaranteed. If such a process is admitted, then the whole structure of Constitutional guarantees is no longer one of guarantees but a structural statement of current practice which may be overridden at some future time by majority vote as the mood of the electorate changes. It was precisely to avoid the arbitrariness of such changes that various rights are protected in the Constitution Act, particularly rights of minorities.

● (1650)

The letter goes on to say:

Changes to guaranteed rights should be arrived at by negotiated settlement following consultations with the parties involved. Decisions arrived at in any other way, in which rights are removed under duress, ensures that the issue will be a cause of severe dissension for years to come.

We would, therefore, request that you consider only those constitutional changes which have been negotiated to the mutual satisfaction of the parties involved. Should you, nevertheless, desire to proceed, we request that you accept the amendments to the amending proposals to Term 17 as adopted by the Senate on November 27, 1996.

The Catholic Educational Council in Newfoundland also sent a letter to me in which it pretty much confirms and supports the statement I just read:

We ask you, therefore, to do everything possible to see that the amended resolutions of Term 17 adopted by the Senate are introduced for debate and passage in the House of Commons.

It underlines the point that:

Without the amended resolution, the constitutional right to establish and maintain denominational schools will be wholly subordinated to provincial legislation. There is no example in the Constitution of Canada where a guaranteed constitutional right would be subject to a provincial legislature. Indeed, a constitutional right subject to a provincial legislature is no constitutional right at all.

I have as well a letter from the Pentecostal Education Council in St. John's, Newfoundland, asking that we take note of the Senate amendments:

Please note the amendments of the Senate "where numbers warrant" and to "determine and", redress the imbalance the original resolution. The amended resolution is a compromise that satisfies our concerns while allowing the Newfoundland government to proceed with educational reform.

I think that statement is worth repeating. It is not everything it wanted but it is a compromise that satisfies its concerns:

With these amendments, the government may proceed to reduce the role of the churches in governance, establish consolidated interdenominational school boards and provide for interdenominational schools where the public wishes to have them. Together, churches and government can work co-operatively to maximum educational effectiveness and operational efficiency.

The whole issue that we have before us today is certainly a constitutional concern but there is also a very practical concern of who is ultimately responsible for educating the child. As I see it, the motion as it stands unamended before us today takes away from the parent the right to choose the type of system they want their child educated in and is forcing them to accept a provincial system of education. In other words, the rights of the parents are being eroded by this legislation.

It would seem to me that in this day and age when one looks at the turmoil in the educational system across this country, the drive is for more parental control. Parents want more say in how their children are educated. In what more fundamental way could that be achieved than by selecting the denominational school, a school in which they know that the values tied in that school are going to reflect their values and their beliefs?

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When we look at this bill we have to look not only at that the constitutional question of minority rights and protecting minority right, but we also must look at the issue of who ultimately should be responsible for educating that child. I think the choice should be with the parent and I think there should be as many choices there as possible. I certainly support the motion of the member for Broadview—Greenwood.

• (1655)

[*Translation*]

**The Acting Speaker (Mr. Milliken):** 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 South Shore—food inspection agency.

[*English*]

**Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, I am pleased to rise in the House to provide comment to the previous member's words on the term 17 amendment and the subsequent passage of it in this House.

I am pleased also to see that the hon. member is taking the constitutional obligations of the Government of Canada so seriously. The Constitution is a sacred instrument, something we cannot take lightly.

We as parliamentarians have a very strong and sincere interest in protecting all the rights of all members of Canadian society. But we are talking about a Newfoundland issue here, an issue which is affecting Newfoundlanders. I want to make a comment and bring the issue back a little closer to perhaps the hon. member's home turf and talk a bit about other constitutional obligations.

The Constitution Act, 1982 and its interpretation, subsequent to the Sparrow decision, requires that the Government of Canada respect the rights of aboriginal groups to fish for food, social and ceremonial purposes. That is a provision as interpreted by the courts of Canada that is sacred and entrusted within the Constitution.

We are talking about a Newfoundland issue. I do not want to stray off the mark here too much but I think the commentary of the hon. member is very valid because he feels, as do I, that the constitutional obligations as they are described, whether within this Parliament or within the courts, are an obligation of all members of Canadian society.

The hon. member stated very clearly that the Government of Canada has a constitutional obligation to maintain the right of all aboriginal groups throughout Canada to fish for food, social and ceremonial purposes. He also advocates that the Government of Canada has to protect that right and it has the opportunity to enter into various agreements to make sure that the enactment of that right will be maintained for time immemorial.

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I will leave my commentary at that and say thank you to the hon. member for his commentary, for saying to all the people of Canada from the west coast to the east coast and central Canada, everywhere, that he feels strongly that all aboriginal groups, because of the interpretation in the Sparrow decision, have a constitutional obligation, he has a constitutional obligation to maintain the rights of aboriginals.

**Mr. Cummins:** Mr. Speaker, I appreciate the comments of my friend.

The issue he is raising is very important, that in any democratic society the rule of law must apply. The guarantee for the rule of law is embedded in the Constitution. If we take constitutional change lightly, as it seems to me that happened in this House when we debated this issue earlier, we are in for big problems.

Our personal security must lie in a Constitution that is strong, changeable but not easily changed. I think what we are doing here is really flirting with an ease of change that could spell trouble for us as a nation down the way.

• (1700)

[*Translation*]

**Mr. Dan McTeague (Ontario, Lib.):** Mr. Speaker, I have the honour to speak in this debate, which is taking place in principle because of certain events. The issue was raised almost ten years ago when the Government of Newfoundland wanted to change the denominational school system for reasons of efficiency. This debate led to a referendum in which 29 per cent of Newfoundlanders voted in favour of a change.

[*English*]

While I accept the many debates that took place in the province of Newfoundland with respect to the concerns about the direction and the need for efficiency in its system, there is in that argument a sense of need as far as the fiscal element is concerned. The Government of Newfoundland and Labrador is certainly to be commended for taking this approach.

In the few days that this House has been given, many members did not have the opportunity for debate because of the speed with which this bill was passed. We had an opportunity to have the bill reviewed by members of the other place and many senators took the time to reflect and review it.

As the hon. member for Broadview—Greenwood indicated a little earlier, we should not simply dismiss their views. I think of Senator Doody, Senator Carstairs and Senator Michael Kirby who took the time to really reflect on the issue and its long term implications. These individuals had a lot to do with creating the Constitution in 1981-82.

These individuals took the time to consider the issue, because it is one that does not just stop with the interests of the province of

Newfoundland. It goes well beyond that to every other province because it will no doubt have an impact on minority legislation and the question as so eloquently described by the member for Lac-Saint-Louis—Lac-Saint-Louis, when he talked about what this is really doing in terms of the definition of enshrinement.

I believe it is important for the House to also give sober second thought, if I can use that term, to this proposal before us today.

Newfoundland has a population of some 650,000 people. I should point out that the riding of Ontario has 235,000 constituents, and there is not a single member in the House who would believe that riding should be able to imperil or subvert or overcome a question of enshrined or entrenched rights. I feel compelled to say that certain rights are indefeasible. Certain rights cannot be traded off like poker chips at a game when a poor hand is dealt.

What Newfoundland seeks and hopes to achieve with the 52 per cent of the favourable vote has far more implications than simply the concerns of Newfoundland. It has implications for the minority rights of every individual across the country. I want to talk about the historical.

[*Translation*]

In 1912, the Whitney government in Ontario, took away the minority educational rights of francophones. In 1890, the Manitoba government did away with the laws and constitutional rights protecting minority rights.

I believe the architects of our Constitution of 1982 had the idea of possibly protecting rights, here in the House of Commons, in case a province, for one reason or another, had a different interest.

[*English*]

Therefore the architects of the 1982 Constitution respected not only the House of Commons but the other House.

I need no lesson about whether or not there is legitimacy in that House because it happened to come back with a few proposals. I will discuss that in a moment. It is fair to say that whether we agree or disagree with what was done by the Senate, the reality is it is nevertheless a part of our Constitution, a part of this House.

• (1705)

We must respect that Parliament has been constructed that way until this Parliament decides to do otherwise. I need no lesson from any members on this side.

I recall what the member for Kamouraska—Rivière-du-Loup said a little earlier with respect to the fact that so many members on this side of the House had not supported the amendment to abolish the Senate. I happen to be one of those few dissenting members who did. However, that does not take away the indefeasibility and strength of the argument that has brought forth the amendment that we see here today. This proposed amendment, which is a carbon



copy of what the Senate had proposed, is a question of describing where numbers warrant.

I am a francophone Ontarian. I know a little about the dilemma of trying to protect certain rights and to provide services where those numbers are warranted. There are certainly many places in my province and in my community of Durham where the French community has been able to receive certain services in the language of its choice simply because the numbers warrant it.

I believe that what the Senate has done is provided us with a second chance at a good compromise which should not be simply eliminated because of some political sense of expediency that exists now in 1996 but opens the door to possible constitutional chaos down the road.

I do not believe that is the intention of the Government of Newfoundland. It is certainly not the intention of the good senators. It ought not to be the intention of this House to commit that kind of error.

This solemn like decision has taken the opportunity to weigh both sides of the coin, the first side being of course recognizing the fiscal constraints that exist in Newfoundland and then the flip side, the reality of recognizing at least certain denominational educational rights.

The history of this whole question I find troubling. In 1990 the Government of Newfoundland appointed the Williams commission. In 1992 that commission found that of the denominational educational groups in the province of Newfoundland almost 90 per cent of what was recommended was adopted and acceptable by all players. What are we trying to achieve in getting that extra 10 per cent that presses us to bring our country possibly to the brink of constitutional chaos?

**An hon. member:** Too risky.

**Mr. McTeague:** As my hon. colleague from London—Middlesex has said very eloquently, it is a deal that it simply too risky. It is for this reason that I think we have a golden opportunity here to review some of the wisdom that is coming from that House which has had a little longer to think about this issue.

I know, having 235,000 constituents, that one, we should not be making any changes to the Constitution that are binding. Second, we have a lot of issues that go from this House and a lot require expertise in many areas, but this is one that I do not believe this House can afford the luxury of overlooking or simply saying “I voted for it that time and now that it is coming before us again I am going to maintain my position”. I think our ability to think these things out compels members of Parliament to reflect very carefully on the door that they are opening. This is, in my belief, the very

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thin edge of the wedge. I am not talking from the perspective of Chicken Little.

Instead, I believe that what we have to consider this amendment to be is something that would revoke something of a constitutional guarantee. The speed with which this amendment is about to go through must be worrisome in the context of the time it takes to prepare for admission for provinces like Newfoundland.

The parties that consented in 1949 to join Confederation had some very compelling and valid reasons. As the member for St. Boniface indicated earlier, 50 years ago is not that long ago and although I am the ripe age of 34, I know many changes have taken place. Change is a good thing in and of itself but it must be measured against the consequences that it has on all.

• (1710)

It is not good enough when we talk about the indefeasibility of the rights of minorities, which is a hallmark of the Liberal Party of Canada, to simply turn around and say “we are going to apply some kind of utilitarian principle here, we are going to say that the happiness of the greatest number is the real reason we are here and if it goes well for the majority, so be it”. I think that is illiberal as a view.

Although we want to help the province of Newfoundland, it must look to its own people, to its own denominational churches to find a solution. It must not be allowed to open up the Pandora’s box of constitutionality, the kind of constitutionality that says 250,000 people can decide by fiat or by the wave of the hand. Perhaps it is through a question they did not understand or by a question that was articulated in such a way that it left a lot of confusion at the end of the day with only 55 per cent participating. This leaves one with the impression that perhaps they did not know at the end of the day what they were voting on. Irrespective of that the reality is that number is too small to bring about the kind of disruption this amendment threatens to bring.

[*Translation*]

I expressed my fears earlier about minority rights. As a francophone from Ontario, I am very familiar with the situation of people who have found themselves in a position where governments, with the wisdom of the time, have deprived communities of their rights and interests. The effect of doing so is harmful and creates tensions within the country.

[*English*]

For many years certain religions were guaranteed certain rights. For instance, the Catholic religion in the province of Ontario was guaranteed certain rights under section 93 of our original British North America Act. Up until 1984 those rights those rights were disrespected. Catholics were treated as second class citizens. They

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did not have control over their entire educational system. We righted a wrong. Is it fair for this Parliament to wrong a right?

[*Translation*]

In my opinion, the eloquent words of Senator Michael Kirby deserve the attention of this House. Members of all parties here must give careful consideration to the force of his argument.

[*English*]

In essence the argument that has been made by those who have proposed this amendment goes something like this. Newfoundland needs a new school system. The minorities affected had a chance to be heard. In the end nobody is losing much and if we go on they will still have more than their fair share, certainly as far as their counterparts are concerned. Therefore given all this, change can take place.

That kind of argument says that as long as the process is fair, the end justifies the means. I am not one who subscribes to machiavellian philosophy, but I do not believe that the end justifies the means. I believe that in a country as diverse as Canada where we have expressed time and time again the intrinsic value of minority rights, we must be careful to continue to nurture our Constitution, a living document capable of changing with changing times.

We must nurture and protect that Constitution so that it protects those who cannot protect themselves and who are concerned that as minorities they may suffer the tyranny of the majority. We know the difficulties that are encountered by so many groups in this country when we look at parliaments or governments or bodies that say might is right. If you are not on the side of hegemony, if you are not on the side of power then forget it. You have no voice. You have no future.

• (1715)

On the economic plane we are even talking today about the small voices that usually get drowned out. Big business, big labour and big government get to be heard when it comes to resolving a problem, but the new micro industries and young people coming out of our universities with new ideas are simply getting squeezed out. They do not have the traditional levers by which they can express themselves.

The same applies to the wisdom of the Constitution. Our Constitution protects people. It protects them because it believes that at one point or another, no matter who we are as Canadians, whether we live in Newfoundland, Ontario, in Ajax, Pickering or Whitby, or whether we live in British Columbia, we are all, in one way or another, a minority. The Constitution is there to protect not only our status as minorities, it is there to protect our status as individuals who are deserving of rights, rights against being

prosecuted unnecessarily by the government, rights against having the rules changed midstream.

I implore the House to consider very carefully what this motion really means. In my view, and I believe in the view of many people in the House and across the country, it is a motion which opens the door, is the thin edge of the wedge, which will allow other governments with certain missions, based on rather important arguments in 1996, in 1999 or a little farther down the road, to remove delicately, softly, quietly, certain constitutional rights, certain inherent rights which we have developed over the years, rights for which many people of this country have fought and died.

I am pleased to say that the amendment which has been proposed by the hon. member for Broadview—Greenwood adopts the wisdom not of senators or politicians but of people who have actually taken the time to think, to consider and weigh that which is Canada. These are people who have said that, yes, the interests of Newfoundland in getting its financial house in order are important. However, we cannot do that by laying waste to their rights.

This amendment, “where numbers warrant”, means that we are using a tried, tested and true method by which we are going to be able to protect individuals down the road. I believe, if the House sees fit, it will find that the wisdom of “where numbers warrant” allows it an excellent compromise to achieve the wishes of the people of Newfoundland and their government while at the same time letting the rest of the country breathe easily and know that their rights and the rights that we share as Canadians will not be suppressed.

[*Translation*]

I would ask this House to give due consideration to the remarks by the member for Broadview—Greenwood, because this is an amendment, a proposal that, in the end, gives us a way to protect ourselves properly, effectively and in keeping with our identity as Canadians.

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, constitutional matters are always delicate ones. We know that things are written into the Constitution, into the constitution of any country, in order to ensure, in a way, that they remain unchanged. In fact, what is written into a constitution is aimed, in some cases, at protecting the rights of certain minorities, and in other cases, certain majorities.

In the case of interest to us here, especially after the Newfoundland referendum, we understand that what will be done will affect rights a certain minority believed were protected for ever.

• (1720)

I am not taking a stand in this debate, but I would like the hon. member who has just spoken to clarify his view of this duality between permanently maintaining rights which are perhaps a bit

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outmoded, on the one hand, and this constitutional guarantee which calls for the ongoing protection of minority rights, on the other.

These two points of view are contradictory, and I would like the hon. member to explain how he resolves that contradiction.

**Mr. Dan McTeague (Ontario, Lib.):** Mr. Speaker, I congratulate the hon. member on this good question. He addresses the dilemma that exists at the present time surrounding that question.

As I just said, I find that our Constitution is a document that evolves from day to day. It is not a document that is intended as a bottleneck, or a straight jacket. It is a document that is intended to offer limited and minimal protection to the interests and the proposals made at the time the document was signed.

[English]

The courts have played a very strong role in balancing competing rights and interests. We know that the history of this argument, of this whole episode, is one that is fraught with what appears to be governments hell bent on imposing their will, notwithstanding the fact that within the province of Newfoundland there is ample room if not ample evidence of an agreement.

[Translation]

We also acknowledge that perhaps a 52 per cent vote in favour of a question may not be enough for questions where people's rights are involved.

[English]

Fifty-two per cent voting on the rights of minorities who are themselves minorities without their consent is certainly a recipe for tyranny of the majority. The dilemma of a constitutional requirement of protection versus the democratic will of a certain number of people are two competing theories within the terms of our federalism. Yet at the end of the day the rule of law must prevail. The rights of minorities must prevail. The right to free speech must prevail. We know these as sacred values within our system.

While the question is an excellent one, the resolution cannot be found by simply adopting one side and saying: "To heck with the Constitution. It means nothing. What we are interested in doing here is achieving 1996 fiscal expediency".

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, I appreciate the comments of the member for Ontario. He has a well deserved reputation for sticking up for those who cannot defend themselves regardless of personal cost. He certainly has earned my admiration for that.

The question I have for the member is a simple one. Is the protection that he is seeking for religious minorities in educating their children any different than the protection that would be

available to say linguistic minorities, or is it something far beyond that level of protection for which he is arguing?

**Mr. McTeague:** Mr. Speaker, I wish to congratulate the member. I did not have an opportunity to refer to his speech a little earlier. It took me as a bit of a surprise that he stated the position he had. It shows there is quite a bit of diversity in that caucus on this issue as well.

Do I see this educational issue as being a precedent, a door opening for other minority rights?

• (1725)

As I indicated to the member from the Bloc, we must always be prepared to have a Constitution that is flexible. When we have 30 million Canadians from so many backgrounds, with so many different interests, but then at the end of the day saying we believe in this great country it is going to create a bit of a problem for many of us if we are not prepared to acknowledge that the Constitution is something that must change with changing times.

I am worried about existing rights that are acknowledged by the minorities, not simply from a position of vested interest, but given the history of this amendment. Many have written us saying: "We have a problem here. The government seems prepared to steamroller a particular issue with the help, by and with the consent of the government, through the House of Commons and through the Senate. We think that you should stop for a moment and really think about what you are doing in the context of that which we agreed to only 50 years ago".

I respect the fact that in this House there are many members of Parliament who are a little older than 50 years so it is not really that long ago. No offence of course to the hon. whip of our party.

However, in all sincerity to the hon. member's question because it is an excellent one, I do not believe we should be moving toward rectifying new rights when we have not been able to demonstrate a guarantee that we are going to be able to defend the rights that we have already proclaimed. That is exactly the point with which I think the House must be seized.

**The Deputy Speaker:** Before resuming debate, a point of order from the hon. member for Sarnia—Lambton.

**Mr. Gallaway:** Mr. Speaker, earlier today votes were taken. With respect to votes concerning Bill C-29, I sent a note to the table officers to point out that I would be absent during those votes.

Unfortunately, the earlier two votes which were taken my name was applied for the subsequent three votes. I had asked the table officers that I not be shown as being present. I was in fact absent and I was marked present and having voted in favour. I request that I be shown as absent and therefore I would request the consent of the House to have the record correctly reflect that.

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**The Deputy Speaker:** I am sure the consent of the House is not necessary to clarify the record in light of what the member has said. I will ask the table officers to make that clear in *Hansard*.

**Mr. Pat O'Brien (London—Middlesex, Lib.):** Mr. Speaker, I rise today—

[*Translation*]

**The Deputy Speaker:** Excuse me, but it is not your turn. As a Liberal has just spoken, it is now the Bloc Québécois' turn. I therefore give the floor to the member for Bellechasse.

**Mr. François Langlois (Bellechasse, BQ):** Mr. Speaker, my apologies to the hon. member for London—Middlesex, but I believe the opposition was not among the last few members to speak, although there was no lack of debate.

My colleague, the hon. member for Mercier, always looks at things in their historical perspective. Knowing where she has come from, she knows where she is headed, and this gives me a point of departure.

I would be much happier today if, instead of taking a position, I was recognizing the result of a referendum held in Newfoundland indicating to us that the Province of Newfoundland and Labrador wanted to leave Canada, like the result in 1948, and we will come back to this. The Province of Newfoundland—then the Dominion of Newfoundland—made a decision regarding union with Canada.

In this event, it would be sufficient to recognize the result and sit down again, because the people of Newfoundland would have exercised their sacred right to self-determination, to the full constitutional destiny of their province.

Today, I am not in any way questioning the results of the September 5, 1995 referendum. A majority voted in favour of amending term 17 of the Terms of Union with Canada. A little bit of background is still necessary. What took place? What led to the establishment of terms of union between Newfoundland and Canada?

• (1730)

For the benefit of those who were not with us at the beginning of this debate, a reminder that before 1949, Newfoundland was not part of Canada. Until 1933 it was an independent Dominion, like Canada, like Ireland previously, like Australia and like New Zealand, and as such part of the British Empire, which has now become the Commonwealth.

When economic problems became apparent, the responsible government of Newfoundland was suspended by an act of the Imperial Parliament, the Parliament of Great Britain, in 1933, the Newfoundland Act, 1933, 24-25 George V, chapter 2, United Kingdom.

As of 1933, the Imperial Parliament suspended responsible government in Newfoundland and appointed a commission of government to take charge of what to all intents and purposes again became a colony.

Apparently, the commission of government operated satisfactorily, and the war got the economy going again, so that in the post-war period, the people in London and the people in Newfoundland wondered whether they should maintain this commission of government, in other words, a governor without an elected legislature. The governor received his instructions from London and carried them out.

An initial referendum was held to put the question to the people of Newfoundland. Actually, a national convention was called in Newfoundland to determine the status the people wanted for Newfoundland.

This convention suggested putting two questions to Newfoundland voters: Do you wish to maintain the commission of government—direct rule from London—or do you want to go back to the status that existed before 1933, in other words, the status of a Dominion within the empire? With of course, responsible government based on the institutions that existed before 1933.

As a result of political intrigue and pressure from the Canadian government at the time and from the government in London as well, a third option was considered which had not been planned by the national convention of Newfoundland. The third option was federation with Canada.

Despite the position taken by the national convention of Newfoundland, a third option was put on the ballot in 1948, by an imperial act of Parliament. Let us recall the results of the first referendum, which was held on June 3, 1948.

There was a very respectable turnout of 88.36 per cent. In favour of maintaining the commission of government, in other words, an administration under the orders of the United Kingdom, 14.32 per cent; in favour of federation with Canada, 41.13 per cent; and in favour of the return to responsible government, in other words, to Dominion status as of 1933, 44.55 per cent. There was a majority but not an absolute majority in favour of one of the three options. The option which got the least votes was eliminated and as prescribed by law, a month later, on July 22, a second referendum was held. The question concerned only two points: Are you in favour of federation with Canada or of a return to responsible government?

This time, Newfoundland voters responded as follows: 78,323 voted in favour of federation with Canada and 71,334 voted in favour of responsible government, which in percentages works out to 52.34 per cent against 47.66 per cent. The difference is not

considerable, a difference that in other circumstances would not be worth discussing, because the figures themselves are eloquent.

• (1735)

Things become more disquieting when we look at the voting by riding. In the riding of Ferryland, the turnout was 104.59 per cent; in Labrador, it was 119.44 per cent; in Grand Falls, it was 109.79 per cent; in St. John's West, it was 101.50 per cent; in St. John's East, 100.05 per cent and in Humber, it was 107.84 per cent.

This is a turnout that the hon. member for Humber—Sainte-Barbe—Baie Verte can appreciate now. However, as my colleague and friend, the member for Louis-Hébert, would say, something is wrong with democracy somewhere. They went a little bit too far.

Such that, if we look at voting excesses, a lot of ridings had a turnout of nearly 100 per cent. Something rarely seen. For example in the second referendum, it was 95 per cent in the riding of St. George's—Port-au-Port; 97.16 per cent in White Bay; 96.26 per cent in Grand Falls. That is not so bad. In the riding of St. George's—Port-au-Port, in the other referendum, the figure was 99.39 per cent. These figures are rather unbelievable.

Worse yet, however, was the discovery made since that time that London had decided, regardless of the outcome of the referendum, that there would be union with Canada. History speaks for itself; nobody gave two hoots about the people of Newfoundland.

Finally, if only to have it appear in *Hansard*, as the result of the figures, ambiguous to say the least, with a turnout in seven or eight ridings of more than 100 per cent, the Prime Minister of Canada, Mackenzie King, said at the time the results were released, and I quote: "I consider such results clear and beyond possibility of misunderstanding". That took some nerve. Fortunately, there was no live television, because the people of Newfoundland would have been hopping. In the September 5, 1995 referendum no irregularities were reported. As the result of this referendum, it was decided that Newfoundland wanted to join Canada. The terms of union had to be negotiated. There are 50 of them and they appear in the appendix to the 1985 *Revised Statutes of Canada*.

We are concerned here today with term 17 and it is not an easy matter to understand. I am simply going to read term 17, and even the most eminent jurists sitting in the House will not be able to give us an opinion regarding its meaning.

I will begin. I hope that the translators have the English version, because I am going to read it in French. Term 17, regarding education, is worded as follows:

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

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have

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authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education,

(a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

(b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

• (1740)

I do not know whether anyone can rise and explain the term on the spot. I would be prepared to take my place and ask for the unanimous consent of the House to allow such an explanation. It is obvious that, through this term, the Newfoundland legislature gave up to the various denominations its control over schools, its power to legislate with respect to matters of education.

Today, we are hearing two theories. One claims that the repeal of term 17 of the Terms of Union of Newfoundland with Canada will not affect minority rights, and the other claims that it will. There is even a third school of thought, probably the objective one, which tells us that it would appear that the conclusion of the referendum indicates that the various religious denominations, or the six main ones, appear to have given consent. Just now, in quoting the referendum figures, the hon. member for Delta attempted to demonstrate that the Roman Catholic Church in Newfoundland did not have a majority vote in favour.

I am not, myself, in a position to give any answers. I feel that a thorough examination and careful attention to the speeches made in this House will make it possible to make a more informed decision.

But some questions do remain. One condition for union is not clear. Does it affect minority rights? If so, unilateral action, without knowing whether the minorities agree to having their rights abrogated, strikes me as a disquieting precedent. If not, then all that we have to do is take the simple step of merely ratifying the consent given in Newfoundland. We need some clarification on this. I personally do not have enough information to form a firm opinion. You can understand that, when it comes to minority rights, we in Quebec are a little gun shy.

If, tomorrow morning, the government of Manitoba were to hold a referendum to do away with section 23 of the Manitoba Act, what would happen? That is the section which requires the Manitoba legislature to pass its legislation in both official languages, the one which states that the language of legislation and the language of the courts is English and French.

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The 1890 Greenway laws had abrogated francophone rights in Manitoba. Only in 1979 did the Supreme Court, in the Forest decision if my memory serves me correctly, conclude that the 1890 legislation was invalid because it was unconstitutional.

Almost 100 years later, it was difficult to restore the rights of francophones who formerly made up 50 per cent of the population of Manitoba. According to the latest census, scarcely more than 12,000 people in Manitoba stated they were of French Canadian origin.

If a referendum were held tomorrow morning in Manitoba and 80 or 90 per cent of the voters were in favour of repealing section 23 of the Manitoba Act, should we adopt it with our eyes closed and again make English the only official language in Manitoba, while for 100 years, Manitoba's francophones have struggled to maintain their rights? That is a good question.

If tomorrow morning, the Government of Ontario held a referendum to repeal section 93 of the Constitution Act, 1867, concerning schools for Catholic minorities which, at the time, were also francophone minorities, would we, in the event of a positive outcome, agree to accept such an amendment? Personally, I do not think so. I think these rights should be maintained, protected and even expanded.

● (1745)

There seems to be a complete lack of understanding between the people who embrace these two theories. I think it is necessary to clarify the interpretation of term 17 which, in any event, does not seem to be clear to anyone, so that we cannot really make up our minds. Once again, the question that was asked in the referendum in Newfoundland in 1995 was straightforward, but it referred to an extremely complex situation.

The hon. member for Ontario said earlier that the Constitution should reflect the changes that take place in society. I quite agree with what he said. In the case of a constitutional text like the one we have here, the Terms of Union of Newfoundland with Canada in 1949, if the present Government of Newfoundland had to renegotiate these terms and if Canada had to renegotiate them, we would not end up with the same terms, certainly not term 17 in its present form, because it does not seem to correspond with a certain social reality.

It is not up to me to find out whether it does or does not correspond with the social reality that exists in the province of Newfoundland and Labrador. It is up to the people of Newfoundland to decide what suits them. The only thing I have to check as a parliamentarian is whether minority rights, constitutional minority rights have been affected, yes or no.

If not, the question is clear. The people of Newfoundland have decided, and I do not have to check whether they were right to decide in this way. If, on the other hand, it involves constitutional rights, the rights enshrined to protect minorities from periodic changes by governments, to ensure that their rights endure, I am entitled to ask questions as to why the rights of a minority are to be changed. To my knowledge, this would be our first time in the history of Canada to legislate the rights of minorities and to limit them constitutionally. The effect of constitutional legislation respecting minorities has always been to extend protection.

I hope we come to a better understanding during this debate. I do not think this is a partisan debate. It should not become one. It is a fundamental debate on the role, on the place, of minorities within the federation and on the interpretation to be given the Canadian Constitution in general.

Let us recall that the terms of Newfoundland's union with Canada in 1949 were negotiated by the Government of Canada alone, without the provinces. The provinces were not involved in this negotiation.

Which province was most interested? The Province of Quebec, which has a common border, the border of Labrador, which was defined in 1927, with the definition being cast in stone in the terms of Newfoundland's union with Canada in 1949 and reconfirmed in the Constitution of 1982. If there is one border that is not at issue, it is the Labrador border at the moment. The Province of Quebec was not consulted.

Who protested in this House at the time? A member for the riding of Charlevoix, Frédéric Dorion, who, at the time, represented a riding along the Labrador, and consequently Newfoundland, border.

Frédéric Dorion, who later became the chief justice of the Quebec Superior Court, said in this House it was unacceptable that Quebec, the neighbouring province, was not consulted on the terms of Newfoundland's union with Canada. I understand, because had we been under the effect of the present legislation, the Constitution of 1982, which was forced on us, this procedure would not have been possible. The provinces would have to be consulted.

As we can see, the constitutional change mentioned by the member for Ontario is ubiquitous. Freezing the Constitution in an interpretation that was valid perhaps in 1949 is probably not very healthy. However, if the other alternative is to take away minority rights, I do not consider that healthy either.

I would hope that, in the course of the debate, the information and especially the understanding the members of this House may gain from Resolution No. 12 before us, will clarify this debate and enable everyone to come to an understanding in their soul and in their conscience.

• (1750)

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have a couple of brief comments and then a question for the member.

In the debate a number of issues have been raised, one about educational reform being necessary in Newfoundland and that it could be achieved only through constitutional amendment. The quality of education has not been a question here. In fact, Newfoundland has done as well or better than Ontario in a recent national survey on science and math.

The fact that there was a royal commission and that the framework agreement covered 90 per cent of the recommendations seems to indicate that there was a possibility that the province could do this.

On the issue that Parliament alone must accede to the provincial will, I guess the rhetorical question is why is it in the Constitution in the first place, if the provinces can just say do it. It really does beg the question.

There is the issue that there was a referendum. We all know the turnout was low and the plurality was also very low. When we are talking about a right that was given as part of the terms of union, it is clear that it is those who will be relinquishing their right who must have the primary say in whether that right is going to be relinquished.

The last point was that minorities had their chance because there was a process they went through. There is no question that the process was procedurally fair. But I am wondering, considering the debate in the House and in the Senate, whether today Newfoundlanders would say that they really understood the consequences of what was being dealt with.

My question has to do with the proposed amendment with regard to “where numbers warrant”. Many members have already said that this was a phrase which was incorporated in the debate in this place, even by the justice minister in his speech on May 31, that the change to the Constitution would provide uni-denominational education “where numbers warrant”. But that phrase was not specifically included in the legislation and, indeed, the amendment in the Senate was not passed for that. That was called for even by Cardinal Carter.

I would ask the member, with regard to the issue of “where numbers warrant”, would the member not concede that this would be a reasonable amendment to the proposal now before the House?

[*Translation*]

**Mr. Langlois:** Mr. Speaker, I thank the member for Mississauga South for his question.

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The question appears straightforward, but the answer is not. Either the amendment to Term 17 of the union of Newfoundland with Canada, or the reverse, depending on one's point of view, gives constitutional protection to the right of religious denominations or churches in matters of education in Newfoundland, in which case Term 17 should not be amended, or the proposed amendment does not infringe the constitutional rights of religious groups or groups referred to in Term 17 of the terms of union, in which case we should simply recognize the referendum.

There cannot, in my view, be any middle ground: either these are constitutional rights, in which case those affected, the minorities, must be consulted. It is not up to the majority to decide for the minority that they no longer want these rights. It must be certain that the minority knowingly gave up its constitutional rights. This is on the assumption that the constitutional amendment infringes minority rights.

The other assumption, which is just as plausible, and is supported by a number of members in the House, says: “Term 17 of the Terms of Union of Newfoundland with Canada does not affect the constitutional rights of certain groups in Newfoundland. We therefore need only recognize the referendum and blindly ratify it”.

Like the hon. member for Mississauga South, I too will await the continuation of debate, in order to gain a greater understanding of the issue.

• (1755)

[*English*]

**Mr. Pat O'Brien (London—Middlesex, Lib.):** Mr. Speaker, I am pleased for the second time in this House to speak on this amendment to term 17. I suppose in a way we might call this an amendment to term 17 revisited. I am pleased, as other colleagues of mine have said, that in effect the Senate has given us an opportunity to correct a mistake that I feel this House made, a very important and glaring mistake, last spring when it passed the requested amendment to term 17.

I will first make reference to the member for Bellechasse who just spoke, a colleague from the Bloc, who mentioned that the opposition had not had a great number of opportunities to speak today. I am pleased that he did speak prior to my remarks. I note that I have heard precious little in the way of reservations from the official opposition. I have to ask myself why that is.

At least the last member who spoke did raise the possibility that this is not the way to proceed, that there could be a matter of minority rights here. The vast majority of the members of the Bloc have simply accepted the need to pass this amendment on the slimmest of margins, on a fuzzy question put to the people of Newfoundland, in my view. I think the Bloc has its own agenda for supporting such a course.

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For the sake of historical accuracy, and as a history teacher in a former life, I would like to inform the member for Bellechasse that in 1867 Catholic minorities in Ontario were not strictly francophone. Largely they were but at that time there were many thousands of Irish Catholics who were in the province of Ontario; some of them my forebears. Just for the sake of historical accuracy I would like to inform the member of that point.

The starting point of this debate from my point of view is does the school system of Newfoundland and Labrador need reform. I will not take long on that point. I had the opportunity in October to visit Labrador. The member of Parliament was good enough to invite me to visit his riding. It is clear that the school system in Newfoundland and Labrador is in need of reform, as several colleagues have said. Anyone who has informed himself or herself about the situation knows that is the case.

There were long negotiations held to that end. In my view, just as they were about to come to fruition those negotiations were cut short. It is my position that the solution for the school system problems in Newfoundland and Labrador ought to be found or arrived at by the Government of Newfoundland, by school authorities, by the people of Newfoundland themselves with a made in Newfoundland and Labrador solution. Surely if all parties involved are parties of goodwill, and I am sure they are, this amendment requested of the House of Commons for the second time would not be necessary. I feel it is not the best solution to the situation that exists in Newfoundland today.

The member for Bellechasse mentioned that some have the view that we must just close our eyes and pass this amendment as requested. I disagree with that. Many colleagues do.

I would like to quote the Minister of Justice on May 31 when he said these words about that point: "We ought to give great weight to the action taken by the province in question but we must not automatically pass a resolution at its request. We must form our own judgment and be satisfied that it is in the public interest to do so".

That raises the question of the public that is being referred to. Clearly the public in question is the Canadian public from coast to coast to coast. It is absolutely incorrect and shortsighted in my view for anyone—and we have heard that argument and we may again—to say that this is strictly a Newfoundland question and nothing else, that it is not relevant to other parts of country. That is absolutely incorrect or why are we speaking on this issue in this House today, following action taken by the other place last week.

This is clearly a national issue. As soon as Parliament is involved it is automatically a national issue.

• (1800)

I support the amendments made in the other place last week that have been introduced by my colleague, the member for Broadview—Greenwood today. I feel that these proposed amendments would facilitate the necessary educational reform in Newfoundland and, at the same time, maintain the existing minority rights which are so vital to the success of this nation. Either that, or we ought to go back to the negotiating table and let the people of Newfoundland solve this problem with a made in Newfoundland solution.

In my view, the question which is very important is this. What are minority rights worth if they can just simply be removed, whatever the means, without the expressed consent of the affected minorities? That point has been made several times by my colleagues, the member of Ontario and the member for Lachine—Lac-Saint-Louis. I was also very pleased to hear the comments of the Reform member for Delta earlier.

The Reform member for Edmonton Southwest quoted Thomas Paine in his remarks and made a very important point which needs to be a little more fully addressed. His point was: "Should it not fall to every generation to govern themselves and should they not be tied by decisions of previous generations?"

With that logic, the relevant point is that this generation of minorities in the province of Newfoundland and Labrador do not support the proposed amendments to their rights. This generation is objecting. I have heard no one contest the validity of that statement. Therefore, it falls to this generation of Newfoundlanders and Labradorians and Canadians to speak on this question. The issue of minority rights is no less relevant for this generation than it was for past generations when these rights were enshrined in the terms of union by which Newfoundland became the 10th province of Canada in 1949.

It seems that it is a day to quote great Americans so let me quote a great American leader, Martin Luther King Junior, when he said that "injustice anywhere is a threat to justice everywhere". We can take that point and expand on it. We can say "a threat to minority rights anywhere in Canada is a threat to minority rights everywhere in Canada". That is exactly what is at issue for me, having researched this issue as carefully as I could and having tried to listen to all points of view on this.

As a Canadian and as a member of Parliament that is exactly what we are discussing. There is no way that I can support the removal of minority rights anywhere in Canada without the consent of that minority first.

Several colleagues have made reference to the fact that education was very carefully protected by section 93 in the original British North America Act, 1867 and was again protected in the Constitution Act, 1982 and in the 1949 terms of union by which Newfoundland became the 10th province. Anyone who does even a cursory reading of the political history of this country will know



that there has been no more divisive issue than education, whether it is in your own province of Manitoba, Mr. Speaker, whether it is in Ontario or in Quebec. Anyone who has any knowledge of our political history will know that is the case.

Indeed, my colleague from St. Boniface gave a very eloquent explanation about the threats to minority rights that this action represents. Many members feel that is not the case, it is strictly a Newfoundland issue. I am not reassured by those members and I certainly do not share that view.

It is fairly straightforward for me. The history of this nation was founded on a respect for minority rights: linguistic rights, language rights and racial rights. It is a history of which we can be proud. The future of this nation will be founded on respect for minority rights or that future will be greatly imperilled.

• (1805)

The Reform member for Delta gave a very good explanation of the severity of the Manitoba example where in the 1890s Prime Minister Laurier faced the Manitoba school crisis. I can tell him that I drew that very concern to the Liberal caucus privately a long time ago now when I stated that I did not think we needed another schools crisis 100 years after the Manitoba school crisis. Would it not be a pity if this were passed lightly, and we would look back and rue the day that we had launched another schools crisis, this time in the province of Newfoundland?

As I said earlier, those who would draw the Senate into this are exhibiting very specious logic. It is simply irrelevant. Whether the Senate belongs as a part of our system, whether it should be elected or abolished, the point is this: in this case the Senate did its job.

The appointed Senate, which is what we have in Canada, did its job. It said to the House of Commons: "You have acted precipitously. You'd better consider that these minority rights are not being protected by your actions". It was very important that the Senate did that. This House should do no less.

I repeat that a threat to minority rights anywhere in Canada is a threat to minority rights everywhere in Canada, and that is simply something I cannot countenance. I support the idea of inserting the phrase "where numbers warrant". That would allow the educational reform which is badly needed in Newfoundland and Labrador to take place. It will also protect minority rights in a way in which they are not now protected.

I am from Ontario although perhaps I have a little extra interest in this issue since my maternal grandfather was a Newfoundlander, but I certainly do not claim to be a Newfoundlander. However, this

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is much more than a Newfoundland issue. It is a national issue, an issue of justice, an issue of minority rights.

Many colleagues have made reference to Senator Kirby who is a Newfoundlander. His family is a prominent Newfoundland family. He has made several very good points, some of which I would like to quote: "Therefore I reject the claim that the desired reform of the Newfoundland school system can only be achieved through a constitutional amendment. Indeed, the evidence suggests clearly that almost everything that is needed to reform the school system can be achieved without a constitutional amendment". That is also my feeling.

Either we shelve this issue and send it back to Newfoundland to solve with a made in Newfoundland solution, or now that it has come back to this House I will, and I hope I will be joined by a majority of my colleagues in this House, on careful reflection support the idea of inserting the words "where numbers warrant". This would allow for the needed educational reform and would still protect minority rights.

**Mr. John Cummins (Delta, Ref.):** Mr. Speaker, I want to thank the member for London—Middlesex for his speech. As he knows, no one should be more grateful for the opportunity to correct the mistake we made when we passed this bill last summer than the Minister of Justice.

On May 31 in addressing this motion the justice minister said: "We were much affected by the fact that even after the amendment there will still be denominational schools in Newfoundland and Labrador. They will still be constitutionally entrenched as an entitlement of the affected denominations—The government of the province of Newfoundland and Labrador has also tabled draft legislation by which it would be provided that unidenominational schools may be created where numbers warrant and where the parents choose that for their children".

The justice minister seems to be suggesting that after passing the amendments to this motion there will still be a constitutional entitlement where numbers warrant. There seems to be a contradiction between the position of the government and the reality as we see it.

Could my friend from London—Middlesex comment on that and on whether the government has somehow misjudged the effects of the bill?

• (1810)

**Mr. O'Brien (London—Middlesex):** Mr. Speaker, I appreciate the comments and the question from my colleague from Delta.

First, I believe that all hon. members, certainly including my colleague the Minister of Justice, are weighing the issue very

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carefully and that a free vote will be in their best judgment and following their conscience. I am certainly doing that and I believe all other members are doing the same.

My colleague from Delta has raised a very good point. Indeed in the minister's speech the words "where numbers warrant" as he has quoted are in there. I am not sure whether the justice minister was operating under the belief that was the intent, but it certainly does go along with the statement distributed by the Government of Newfoundland before the referendum in a householder sent to all the people of Newfoundland which had the exact same phrase "where numbers warrant".

My hon. colleagues from Delta and for St. Boniface, in citing the Newfoundland flyer, have raised very good arguments for supporting this amendment. I believe there should be no fear in supporting the inclusion of "where numbers warrant" in this motion.

[*Translation*]

**Mr. François Langlois (Bellechasse, BQ):** Mr. Speaker, following on my earlier comments, I have a question for the member for London—Middlesex.

Can he once again explain his point of view in this House? Why does he feel that the resolution before us infringes the constitutional rights of a class of persons in the Province of Newfoundland and Labrador?

I give notice immediately of a supplementary question, but it will be for the member for Humber—St. Barbe—Baie Verte when he speaks. I will ask him why he takes the opposite view, that the resolution before us does not affect the constitutional rights of a class of persons in the Province of Newfoundland. That will perhaps further the debate.

[*English*]

**Mr. O'Brien (London—Middlesex):** Mr. Speaker, I am the person who is answering the questions. I will not respond for my colleague from Newfoundland who was just mentioned. I think all hon. members are searching their consciences and doing what they think is best for Newfoundland and, I emphasize, for all of Canada. All of Canada is involved in this decision because of the precedent nature of what is being done.

Why do I feel that the amendment to term 17 threatens minority rights? For me, Mr. Speaker, it is as plain as the nose on your face. In 1949 the people of Newfoundland were convinced to join Canada, in part because of a guarantee of denominational schools in term 17. That minority down to this very generation has never willingly accepted the removal of that constitutional guarantee. To remove it against their will is extremely dangerous, is an injustice, and is something I cannot countenance. I hope it is something the House will not countenance.

**Mr. Dan McTeague (Ontario, Lib.):** Mr. Speaker, I will be very brief. I want to ask a question of the member for London—Middlesex. Subject to what the member for Delta has just said, he did not go on to make the real point that I thought might have been missing here and might be a linchpin in supporting the amendment of the member for Broadview—Greenwood.

The minister's statement of May 31 that: "denominational schools may be created where numbers warrant and the parents choose that for their children". He then went on to state: "In light of all of that we concluded that this is not an instance in which minority rights are being adversely affected by majority rule".

I believe the Minister of Justice may have been of the view that the province of Newfoundland was about to enact something to protect minority rights and therefore the Minister of Justice gave his tacit approval. Given that there may be this kind of confusion, does the hon. member not then believe that there is a possibility that maybe the House, including the government, will come to the belief that the protection of minority rights is important?

**Mr. O'Brien (London—Middlesex):** Mr. Speaker, it is just a few minutes ago that these words of the Minister of Justice have come to my attention. I regard them very seriously, as I know all my colleagues do.

• (1815)

I share the views of my colleague from the riding of Ontario. It may well be that the Minister of Justice and the government were operating under an understanding which was based on the written statements of the Government of Newfoundland distributed to the people of Newfoundland in a householder which included the words "where numbers warrant". It seems logical to me that we might expect that is the intention of the Government of Newfoundland. If indeed that is the case, then the House did err last June in what it passed and we now have an opportunity which we must not let pass to correct that wrong.

**Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, it is certainly a lively debate. It is very refreshing and interesting to have members of the same party debating an issue. It shows that the House of Commons is alive and vibrant and that the Liberal government does not take anything verbatim. It debates it internally and then puts motions on the floor to iron out good policy which is effective and in the best interests of all Canadians.

We are talking about term 17 which concerns denominational education in Newfoundland schools. I want to say first and foremost that I do not take any particular pleasure in standing and saying that change is necessary. Change means that we have to take a second look at how we do things.

I want to say to all Canadians that what we are doing here is in the best interests of all citizens. We are acting in the best interests

*Government Orders*

of citizens who want to be full partners in Canada and who want to participate in an education system which is first class, which promotes excellence and the spiritual values which they want to keep.

We are debating a particular clause in the term 17 amendment which has been put forward: "where numbers warrant".

I am a member of Parliament from Newfoundland. I would like to interject a bit of my own personal experience with the Newfoundland school system and the excellence which it promotes. Hon. members who have mentioned it this afternoon are quite right that Newfoundland has an education system and a desire to educate its young people which is probably above and beyond any other in the country.

We appreciate the value and the importance of a strong educational system. We also appreciate the fact that we have to make the system better. We are not prepared to put any young Newfoundlanders or Labradorians in harm's way while we go about that task.

We now find ourselves in a situation which will improve the educational system for our province. We are debating a particular section of an amendment which states "where numbers warrant". Let us talk about where numbers warrant.

Newfoundland has approximately 750 communities throughout the entire province, the majority of which have a population of approximately 350 to 500. Newfoundland has as part of its terms of union with Canada a section which says that denominational education is extremely important and that it will be respected. It is a value which Newfoundlanders share.

I return to "where numbers warrant". Here is a critical difference in what hon. members would propose versus what I would inform them. We are going to respect religious education in Newfoundland and Labrador. However, if we were to establish a religious school in every community of Newfoundland and Labrador, in all 750 communities, we would have to take into account about 15 established religions. There are a lot more religions with fewer members. I suggest they may be in the minority. There are no religious denominations which are in the minority in Newfoundland and Labrador because every educational institution, every elementary or high school is a religious school, a denominational school. There are no non-denominational schools in Newfoundland and Labrador right now. Everybody who goes to school in Newfoundland and Labrador right now goes to a religious school.

• (1820)

That means there are people in Newfoundland and Labrador who profess a particular faith but because the school in their community is not of their faith, they are not receiving any religious instruction

whatsoever in their faith. They are receiving generic religious instruction.

The hon. members who are presenting this amendment are prepared to say "where numbers warrant". Given the fact that we are entrenching religious rights in education where numbers warrant, if there is one person of a particular religious affiliation who is living in a province where religious schools, not religious education but religious schools are entrenched for everybody, it means they are proposing that a community of 350 people with 15 different religions should have 15 different schools. I think everybody in Canada realizes that there cannot be 15 schools with 15 principals and at least 15 teachers located in one community of 350 people, a community not unlike where I lived. It would create an absolutely uncontrollable financial burden.

We are talking about minority rights. It must be pointed out that everybody in Newfoundland and Labrador has to go to a denominational school whether or not they are part of that denomination because it is that denomination which established a school in their community. Whether they are Anglican or Pentecostal they have to go to that school, otherwise they will not be educated.

No one in this debate has talked about the students who have slipped through the cracks, the students who do not receive religious instruction in the faith of their choice. Nobody in the House has talked about the 50 per cent of Pentecostal students in Newfoundland and Labrador who, because they live in a community where there is no Pentecostal school, do not receive religious instruction taught by a member of their own faith. They receive the generic religious instruction.

A very pragmatic compromise has been reached which says that Newfoundlanders value religious education. We value religious instruction. A compromise has been reached that unlike today, in every school in Newfoundland and Labrador the students will be able to receive religious instruction from a teacher of the faith of their choice.

That is not the way it is today. If by fate of geography a student happens to live in a community where there is no majority of students who are members of a particular faith, as a minority in that community no religious instruction is received in the faith of the student's choice. The student would have to go to the religious school where another faith is being taught, sit there and take it in.

• (1825)

However the Newfoundland government has decided through consultation with the people that religious education is a value and a right worth preserving. That is exactly what it has done.

We have heard from some hon. members that it is a time tested philosophy that where numbers warrant we will be able to

*Adjournment Debate*

establish denominational schools. And I separate denominational schools from religious education. Under the current motion which is before this House, religious education is preserved. What we say we do not need is religious schools per se where we establish seven or eight different institutions in one community to accomplish the same goal, educating our young people.

Not one member in this House has absorbed the fact that it comes with a significant financial burden. How does a province like Newfoundland deal with that financial burden? How does a province like Newfoundland which through the deliberations of hon. members in this House has to deal with the fact that cash transfers to the provinces are being reduced? It would probably cost about \$300 million to establish schools in every community. It will be the Newfoundland government which pays that price.

A better solution is before us. It is a solution which takes into consideration the rights and the opportunities of all students in Newfoundland and Labrador to be instructed by instructors in the same religious faith as they profess, unlike today.

This issue has been held up in the other place for quite some time. It has been held up while a proposal has been put forward to make sure that French education is established in the new school system. However, as long as we debate this, we will not be able to enact the rights of French students to have instruction in the language of their choice because we are still hung up on and debating the fact that minorities are being hard done by. There are no minorities in Newfoundland. Everybody in Newfoundland and Labrador currently attends a denominational school, whether or not they are a member of that denomination.

No member in this House has spoken up and asked: What about the people who are not members of this particular denomination? How will they receive religious instruction in the future? Will they have to sit there and not participate in religious instruction of their choice as is currently going on? They are not talking about how much it is going to cost to establish a school in every community of the province. They are saying that they do not think the Newfoundland people have really thought this out, so they are going to think for them. I have not seen such an insulting point of view expressed in a long time in responsible government.

We have decided this issue. Look at the balance on how we decided this issue. We have looked at it from the point of view of the individual. We have looked at it from the point of view of all students. In the original terms of agreement when Newfoundland and Labrador joined Canada, we said that as a value our province respected religious education, not necessarily religious schools, but religious education. We do not really subscribe to the fact that we establish an institution. The denomination is what is important. The religious faith is what is important.

Under the current system every student in Newfoundland and Labrador will receive instruction in the denomination of their choice. That is sound public policy. That is respecting the rights of the individual. That is good government.

Unfortunately my time is up. In deciding on this issue, members should bear in mind that we have had a very good discussion. Good ideas have come forward and we are prepared to move on to be proud, dignified members of the Canadian Confederation. We will do so respecting the rights of individuals and respecting fiscal responsibility.

• (1830)

**The Deputy Speaker:** There are actually 10 minutes left for questions or comments. Perhaps if the member is here next time when the matter resumes we can have questions or comments then.

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## ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

### FOOD INSPECTION AGENCY

**Mr. Derek Wells (South Shore, Lib.):** Mr. Speaker, my questions are for the Minister of Agriculture and Agri-Food concerning the Canadian Food Inspection Agency.

As I have explained to this House on many occasions, there are more seafood processors in my South Shore riding than in any other riding in Canada. I am advised by organizations representing these companies as well as the organization representing members from the federal constituency of South West Nova that there has been no consultation on Bill C-60 in my constituency, and this concerns me greatly.

Whereas I understand that discussions have been held with the Fisheries Council of Canada, please be assured that this organization is only one of several industry organizations representing Nova Scotia seafood processors.

Consequently, I am asking the minister to give assurances that the small and medium size processing companies be given an opportunity to provide input before the legislation becomes law.

Seafood producers have brought three other important issues to my attention in recent weeks: increased distancing between industry and government, uncertainties associated with fee setting and service delivery, and privatization of services.

*Adjournment Debate*

The seafood industry in my riding perceives that the new agency, as proposed in legislation, will add more distance between the policy makers, regulators and industry itself. For the record, it is important to understand why industry is raising the issue now. Let me explain.

The decision to move DFO inspection headquarters from Halifax to Moncton for the maritimes region was seen by Nova Scotia processors as counterproductive with respect to servicing industry. It is difficult to understand why a division as vital to industry as the inspection directorate was moved out of the province and further distanced from the focal point of processing activity in Atlantic Canada.

Processors now fear that the new legislation which creates an advisory board to advise and report to the minister responsible for the Canadian Food Inspection Agency will result in further distancing between the seafood industry and government. It is believed that the advisory board will be a blue ribbon panel comprised of executives from the largest corporations from each of the sectors reporting to the Canadian Food Inspection Agency. I must advise the minister that it is imperative to broaden representation.

With respect to fees, the seafood industry is concerned that fee setting for inspection services remains the exclusive domain of government. It foresees that fees could be increased and new fees added without any procedure to control or audit this process. Industry is asking to incorporate into the legislation a mechanism which ensures fees are discussed with industry in advance of implementation. It would also like to see a procedure which provides for independent review and audit of the inspection agency activities.

A suggestion which merits consideration is to look at Iceland as a model. I understand that many inspection services are delivered by the private sector but the national government observes the system through routine auditing and reporting. I believe Canada, like Iceland, has a vested interest in ensuring that business is not restricted or held hostage by single service providers.

I would recommend therefore that the legislation be amended with provisions to give the seafood industry a reasonable level of assurance that partnership agreements will be considered only if

businesses will not be disadvantaged on the basis of size or ability to pay.

**Hon. Fernand Robichaud (Secretary of State (Agriculture and Agri-Food, Fisheries and Oceans), Lib.):** Mr. Speaker, I would like to respond to the concerns raised by some members of the seafood industry about the possible loss of expertise and advocacy for seafood at the federal level once the Canadian Food Inspection Agency is created.

Clearly it is very much this expertise that underscores the safety and trade ability of Canadian fish and fish products. We export over 80 per cent of our fish products today. Our exports are worth about \$3 billion a year and are in large part directly supported by the system and expertise in the fish inspection area.

[*Translation*]

Expertise, professional experience and advocacy for sea food must continue and will continue to be an integral part of the agency. Our departmental staff is trying to determine the best way to have access to these skills during the transition period prior to establishing the Food Inspection Agency and also in the longer term.

[*English*]

I expect the agency will work over the first year to develop the optimal organization for the future which will best serve industry and the public. Service to and interests of the seafood industry will be paramount in this process.

I would also like to confirm the minister of agriculture's intention to have strong representation of the fisheries sector on the ministerial advisory board of the agency.

[*Translation*]

We have been consulting industry groups on a permanent basis during this past year. We will continue to do so when the agency is ready to become operational.

[*English*]

**The Deputy Speaker:** A motion to adjourn the House is now deemed to have been adopted. The House stands adjourned until 10 a.m. tomorrow.

(The House adjourned at 6.36 p.m.)



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