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Speaker: The Honourable Gilbert Parent

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Monday, October 27, 1997

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

MARINE ATLANTIC

Mr. Peter Mancini (Sydney—Victoria, NDP) moved:

That, in the opinion of this House, the government should consider the advisability of taking into account safety concerns and local economic spin-offs before proceeding with any further privatization of Marine Atlantic services between Cape Breton and Newfoundland.

He said: Madam Speaker, I rise today on this issue because it is of considerable importance to the people in my riding who live in and around the port of North Sydney, an historic port and an area which I believe was once the fourth most important port in Canada.

Today, unfortunately, the towns of North Sydney and Sydney Mines are in a difficult economic situation for a number of reasons. Partly it is because of the dependence on the coal industry in the town of Sydney Mines. As a result of the decline in the coal industry there has been a decline in the port facilities and shipping in the town of North Sydney.

Of crucial concern is the link between North Sydney and Port au Basque, an historic link which has existed for close to a century when North Sydney was the gateway to Newfoundland.

I left Cape Breton early this morning. I would be remiss if I did not comment on the weather, which was sunny and clear and with no snow on the ground. As I had an opportunity to fly over the island, it afforded me a chance to look down on the town of North Sydney and the tremendous waterways and the ocean that form the coastline of Cape Breton. Historically that coastline has been a source of tremendous wealth and development, not only for Cape Breton but also for Canada. When the Europeans first came here they arrived on that coastline. In fact, the first fishing boats came to

North Sydney as early as the 15th century and began what was to develop into a tremendous trading port.

In 1834 the British based General Mining Association built the first coal shipping pier in North Sydney. It also built the first iron railway in North America which ran between Sydney Mines and North Sydney, allowing the mined coal to be transferred to the ports for shipment.

By 1850 North Sydney was a major, busy centre of activity and by 1880 there was a bank, a jeweller and the development of a town.

North Sydney was a major port in what was then the province of Cape Breton. There are those on the island who think perhaps we should return to those days. However, at that time we were still a separate province, not annexed by the province of Nova Scotia.

In 1885 North Sydney sought incorporation as the first municipality on the island. As I have indicated, in the 1870s it was the fourth largest port behind Montreal, Quebec and Halifax. In approximately 1889 it became the gateway to Newfoundland. It became the mainland terminal for ferry service to that province although it was not a province at that time. On June 30, 1889 the first ship left from Port aux Basques with 50 passengers and arrived in North Sydney.

• (1110)

That pattern has been repeated for 100 years. It is a pattern guaranteed to the province of Newfoundland under the terms of Confederation; that there would be established a transportation link to connect the island of Newfoundland to the mainland of Canada. The town of North Sydney prospered as a result, as did the town of Port aux Basques. Many sailors, many fishing and trading vessels made that port their home. In both communities there was the development of hotels and restaurants, ship supply stores and many merchants to provide for the needs of those sailors.

During World War I the port of North Sydney again played decisive role. We can still see the remnants of battalions. That repeated itself on the 1940s where North Sydney was an assembly port for the ships loaded at the "Saint River" ports before they crossed the ocean. In 1941 there were over 400 ships anchored in the port of North Sydney.

Private Members' Business

That brief historical outline will indicate the importance of shipping and the shipping trade to the town. It is no secret that over the last number of years, with the decline in the fisheries and with the decline in the coal industry, the town of North Sydney has suffered a tremendous economic burden. Despite that the people of the town are resolute. They have continued to thrive. Some of the businesses have been there for 100 years. They are family businesses. One bank remains committed to the town. The town has not prospered but it has endured and made the best of a bad situation.

There is tremendous uncertainty in that town today. Those who come from not quite as economically advantaged parts of Canada as others will understand that when there is uncertainty in a town like North Sydney, it has tremendous ramifications on investment and on the social fabric of the town. That uncertainty derives from whether Marine Atlantic will continue to be an economic presence in that town.

The reason for the uncertainty is many fold. In part there are rumours, as there always are in certain towns where there is one major employer, of downsizing, of privatization, of alternate routes. There is concern that the head office of Marine Atlantic, which is now located in Moncton, may become the centre for reservations which employ a number of people in the town, and there is a concern that there may be a decline in activity.

That kind of uncertainty spreads throughout the entire island. When I talk about the town of North Sydney it is important to understand that it is perhaps a 20 minute drive from Sydney which also benefits from any economic activity in that port.

The government has not clarified what the minister of transportation intends to do with the whole Marine Atlantic enterprise. I point to section 140(1) of Bill C-9 which may not seem terribly important to anyone who is not from North Sydney. The section allows the minister to enter into agreements with any persons, including the government of a province, in respect of the continued services of Canada's constitutional obligations, which is a direct reference to the ties to Newfoundland.

Section 140(1)(b) ensures "the continuation of services similar to those provided by Marine Atlantic Inc. before the transfer, sale or disposal on the terms and conditions that the minister considers appropriate, including by making financial contributions or grants or other financial assistance", and in section 140(1)(c) "the assets of Marine Atlantic Inc. that are transferred, sold or otherwise disposed of under subsection (2)".

In addition section 140(2) indicates "Marine Atlantic Inc. is authorized to transfer, sell or otherwise dispose of all or substantially all of its assets used in any major business or activity of the corporation, including the shares of a subsidiary". To the people of the town of North Sydney this heightens the concern they have surrounding the enterprise.

• (1115)

To illustrate the importance of the Marine Atlantic to the general area, let me indicate what was spent from 1995 to 1996 by Marine Atlantic in the town of North Sydney. I will not read the entire list, but I will read those in a community as desperate for economic growth as we are in Cape Breton: Ligan Builders Limited, \$36,000; Ojolic Associates, a local architect, \$35,000; Professional Upholstery, \$3,300; R&A Paper Products, \$31,700; Clover Produce, close to \$300,000, because it provides much of the foodstuffs for the ferry service that travels back and forth; Convention Cape Breton, \$17,000; Ryan Wayne Carpet Sales, \$63,000; Standard Office Supplies, \$11,400; and the list goes on to indicate the kind of impact the enterprise has on the community.

All these companies are small, locally run businesses in the towns of North Sydney and Sydney. They all employ three to four people from the community in solid jobs. The loss or the downsizing of Marine Atlantic would have a tremendous impact on the local economy.

When we have sought clarification from the government on what its plans are for Marine Atlantic so that at least the people in the community can make their plans, we have not received any clear message. I can cite correspondence between me and the minister and between my predecessor and the former minister wherein requests were made on the future of Marine Atlantic. The responses continue to be somewhat vague. I could illustrate that by reading an example into the record.

On March 20, 1997 the Canadian Auto Workers, which is the union that represents many of the workers, sought from the then minister of transport some clarification. The letter stated:

Rumours—cause much stress for the employees of Marine Atlantic. We, Mr. Minister, as the executive of the unions representing 1,300 Marine Atlantic employees in Atlantic Canada,—are asking you to respond to us as quickly as possible to advise us of the facts.

The response was anything but clear. It stated:

Notwithstanding the foregoing, it is expected that Marine Atlantic will continue to operate this service with the aim of reducing costs and increasing efficiency. Please be assured that you will be informed if there is any change of circumstances concerning the future of Marine Atlantic as an ongoing concern.

There was a commitment in the letter to maintain the constitutional requirement of service between Newfoundland and Cape Breton. However the matter of privatization was not clear.

I will read from a pamphlet given out by Rod Morrison, president and CEO of Marine Atlantic, to the workers. The date on it was some time after the letter to the minister. He stated in the pamphlet:

There is absolutely no truth to these damaging rumours and I want you to know the Government of Canada has not given me any direct or indirect indication that privatization is imminent.

Private Members' Business

He went on to state something that was important:

We have the best people, the best ships, the best technology and, with a continual commitment towards efficiency, I am satisfied we will remain as the operators.

Notwithstanding I wrote to the current minister requesting clarification and the response I received was:

As to the location of the—head office, MAI is currently examining all options and will put forward a recommendation in due course. Any proposed relocation will, however, be based on commercial considerations—

The people in North Sydney and Sydney Mines are under very real stress as a result of the unclear position of the government.

• (1120)

Last weekend when I was in my riding it was raised by two constituents. I was not in the town of North Sydney. These were people I met in Sydney while I was at a meeting there. They talked about the impact on their families. It is important for us to know exactly what direction the government will be moving in this regard.

Another aspect I have asked the government to consider in this motion is the safety impact. Currently Marine Atlantic has a good safety record, one of the best in North America, because there is a strong unionized workforce, a satisfied workforce, and it has been operating the transportation link for near 100 years.

In closing I ask the government to consider the advisability of taking into account safety concerns and the local economic spinoffs before proceeding with any further privatization of the service between Newfoundland and Cape Breton.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Madam Speaker, I consider it a privilege to address the motion put before the House by the hon. member for Sydney—Victoria. It asks the government to take into account the safety concerns and local economic spinoffs before proceeding with any further privatization of Marine Atlantic services.

Before I go any further, however, allow me to assure the hon. member and all other members of the House that safety is the government's top priority when it comes to transportation.

Economic growth and job creation are important objectives and solid reasons behind why the government is pursuing the commercialization of marine services and facilities. Marine Atlantic Inc., a crown corporation established back in 1986, has operated six ferry and coastal services since its inception.

These have included the constitutionally guaranteed ferry links between North Sydney, Nova Scotia and Port-aux-Basques, Newfoundland, and between Cape Tormentine, New Brunswick, and Borden, P.E.I. In addition, a convenient alternative to the highway was provided year round between Saint John, New Brunswick, and

Digby, Nova Scotia. Seasonal services were also operated between Labrador and Newfoundland; between North Sydney, Nova Scotia, and Argentia, Newfoundland; and between Yarmouth, Nova Scotia, and Bar Harbor, Maine.

In 1996 Marine Atlantic carried 2.8 million passengers, 965,000 passenger vehicles and 290,000 commercial vehicles. The company has also done an excellent job for many years. Marine Atlantic employees are to be commended for their efforts. Like most organizations, however, Marine Atlantic has been affected by our fiscal concerns and by the need for increased efficiencies.

The national marine policy announced in December 1995 called for Marine Atlantic to substantially reduce its costs and increase efficiency ensuring that the most effective and efficient use is made of tax dollars in the delivery of government services.

As part of the government's efforts to reduce the deficit numerous commercialization initiatives have been concluded with both the private sector and the province of Newfoundland. These have had a significant impact on the operations of Marine Atlantic.

I would like to provide the hon. member for Sydney—Victoria with the following update. In July 1995 Newfoundland accepted a one time cash payment of \$55 million in exchange for assuming responsibility for the provision of ferry services on the south coast of Newfoundland, previously provided by Marine Atlantic, and services between Jackson's Arm and Harbour Deep provided by a private operator.

In March 1997 Newfoundland also took over the remaining ferry services in Labrador provided by Marine Atlantic as well as assignment of the St. Barbe, Newfoundland, and Blanc Sablon, Quebec, ferry services in exchange for a lump sum payment of \$340 million. This service was provided by Marine Atlantic in 1997 under contract with the province. Future provision of the coastal service is under study by the province.

In the spirit of the national marine policy a request for proposals was issued by Transport Canada in July 1996 seeking commercial interests in assuming Marine Atlantic's Yarmouth, Nova Scotia, Bar Harbor, Maine, Saint John, New Brunswick and Digby, Nova Scotia, ferry services.

This resulted in the selection of Bay Ferries Limited of Charlottetown, P.E.I., to assume operation of these two services effective April 1, 1997. Under this agreement the federal subsidy will be eliminated in three years.

• (1125)

The opening of the Confederation Bridge on June 1 of this year replaced the federal constitutional obligation for ferry service between Borden, P.E.I., and Cape Tormentine, New Brunswick.

Private Members' Business

As a result of these different initiatives the subsidy paid to Marine Atlantic has been reduced. It will drop from \$122 million in 1993 to a forecasted \$25 million in 1999. That is a significant savings to the taxpayer. Equally important, and I know it is of great concern to the hon. member, it is a savings that has not come at the expense of service. Those who relied on Marine Atlantic two years ago continue to receive ferry service today either from the company or a private operator.

Marine Atlantic remains an important partner in Newfoundland's economy providing the constitutionally guaranteed service between North Sydney, Nova Scotia, and Port aux Basques and the alternative ferry service between North Sydney and Argentia.

The federal government has not received or requested any proposals to take over these remaining Marine Atlantic ferry services.

The member for Sydney—Victoria will be happy to learn that the federal government will continue to support all constitutionally mandated ferry services as well as those to remote communities. Such services need not always be provided by Marine Atlantic but they must be provided and they must be there in a reliable sense.

Transport Canada will continue to explore options to reduce the cost to the taxpayer of subsidized ferry services. It is expected that Marine Atlantic will continue to operate the Newfoundland services with the aim of reducing costs and increasing efficiency.

The government will continue to regulate ferries for safety. Any operator of ferry services, whether it be Marine Atlantic or someone else, must meet the stringent safety requirements set out by Transport Canada's marine safety branch. Furthermore in most commercialization initiatives it is likely that the same vessel would be used to provide the ferry service under a charter agreement.

Marine Atlantic has been able to achieve significant savings for the taxpayer. Subsidies have been reduced even as service has been maintained. Safety remains a top priority and all ferry operators must continue to meet the highest standards.

The federal government believes it has done an excellent job assisting in the transition to a more flexible and efficient arrangement for ferry services. We are therefore happy to support the private member's motion:

That—the government should consider the advisability of taking into account safety concerns and local economic spin-offs before proceeding with any further privatization of Marine Atlantic services—

Such concerns have received top priority since the day the national marine policy was announced almost two years ago. Hon. members can be assured that they will continue to weigh very heavily in all the government's policy decisions.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Madam Speaker, I too am pleased to speak on the motion today. It is a timely issue, particularly in light of the economic stresses and changes impacting citizens in Atlantic Canada over the last while.

It also allows us to examine the performance of the federal government on this issue and related issues. I congratulate my colleague from Sydney—Victoria for raising the issue today.

The motion states:

That, in the opinion of this House, the government should consider the advisability of taking into account safety concerns and local economic spin-offs before proceeding with any further privatization of Marine Atlantic services between Cape Breton and Newfoundland.

It is important because it addresses the ferry service between Cape Breton and Port aux Basques as well as the summer service between Cape Breton and Argentia, Newfoundland.

While the impact of the service on Cape Breton is substantial, for Newfoundland it is essential for the ferry to provide a critical link between Newfoundland and the rest of Canada.

● (1130)

Also, as has been mentioned, the federal government has a constitutional obligation. One of the conditions of Newfoundland entering Confederation was that there would be a year-round ferry service between that province and the mainland.

On a number of fronts this is very important both to Cape Breton and to Newfoundland. An efficient and economical transportation system is vitally important to our Atlantic provinces. In any analysis or discussion about the economic opportunities in that part of the country, a timely, cost efficient and effective transportation system does become a very critical issue.

The marine Atlantic ferry and coastal services are a vital component of the maritime transportation network. With the new economic development such as Sable Island gas, the Voisey's Bay development, Hibernia and other economic opportunities, these ferry services and the ability of citizens to access different parts of the Atlantic provinces quickly and easily will become more and more important.

It has been very interesting to see how this whole area of privatization of the ferry services has developed. As many people are aware, privatization has not just taken place in the Newfoundland and Cape Breton end of ferry services, but there has been significant change in the Yarmouth to Bar Harbour and Digby to Saint John legs of the ferry service. This has caused a great deal of concern to many of the people in that area and rightly so.

I noted just recently in the October 16 *Chronicle-Herald* a very disturbing headline, "East coast towns suffer as transportation links are lost". The big headline is even worse, "Yarmouth—A

dead area, according to a lobbyist". One can imagine for those Canadians who live in those areas how concerned they are.

We know that there are changes due to economic restructuring and positive changes as time goes on. Sometimes as some job opportunities are lost, others open up. Having said that, it is up to the government as the responsible party here to really examine the impact and planning that goes into these kinds of changes to minimize the negatives for the citizens involved. I think that is what my colleague from Sydney—Victoria mentioned in his motion and with which the government agrees, according to the government speaker, needs to be done.

It was interesting to talk to some of the people I personally know out in that part of the world and to get their comments on some of these privatization changes. I received a comment from a lady who was pretty pointed about things. She said, "In the current government's headlong rush to privatize, they have maintained consistency in the way they have handled all their other programs. Namely, they are consistent in their poor planning and in their failure to acknowledge long range considerations. They just do things and walk away from the consequences". That really sums up how a lot of people in Atlantic Canada feel about some of these changes.

Sometimes there is a bit of a characterization of my party, the Reform Party, as being just in favour of privatization of anything and everything at all cost. That is certainly not the case. One of the founding principles of Reform, the principles on which we think public policy should be formulated, is principle 17. We believe that the legitimate role of government is to do for people whatever they need to have done but cannot do it all or do as well for themselves individually or through non-governmental organizations.

● (1135)

If Reform were looking at this ferry service and how it could be best run, the first thing we would look at is what would best serve the interests of the people who are being affected by the service, who are using the service, who are the end users of whatever government does here. We would examine whether this is a service that cannot be done by people, either individually or through non-governmental organizations, as well as government could do.

If it were decided that this was a service that government could do better than any other organization, then we would make sure that was delivered. If it was decided in consultation with the end users letting the people who are affected speak for themselves instead of the made in Ottawa solutions that so often take place, then we would make sure that the move toward delivering the service in that manner through a non-governmental agency was again done in the best interests of the people with long term planning, with careful steps and with an acknowledgement of the need to minimize the impact on the people who are using it.

Private Members' Business

It is interesting when reading the headline "Yarmouth area dead" to remember that Yarmouth has not only lost its ferry service but it lost the rail service and the air service. Also the highway down to that part of the country is in severe disrepair in many areas.

One wonders if the headline were "Shawinigan area dead" whether there would be the same attitude of this government as there is to the headline "Yarmouth area dead". I suspect there would be a great deal of scrambling to make sure that the negative consequences for some parts of the country were a lot better looked after than they have been for the part of the country we are talking about.

The Reform Party has given a great deal of thought to ways and means to revitalize the economy of the Atlantic provinces. There have been a number of studies done in the Atlantic provinces themselves that point to the fact that the traditional approach of the old line parties simply has not worked at all in the best interests of Atlantic Canada.

The Atlantic Institute for Market Studies, itself based in Atlantic Canada, came out with a stinging report just a few months ago. It said that the traditional agencies of subsidy and political patronage that have been put into place in the past have actually been a real hindrance to economic growth and prosperity in that part of the country.

Our plan is based on a strong, vital transportation network as part of the plan to rejuvenate and revitalize the Atlantic economy.

We too support this motion. We feel it is an appropriate motion. We hope the government will take a long sober look at the best interests of Atlantic Canadians when making changes such as those the government has made in the past.

[*Translation*]

Mr. Yves Rocheleau (Trois-Rivières, BQ): Madam Speaker, I am pleased to act as a last minute replacement for my colleague from Beaufort—Montmorency—Orléans, the erstwhile Bloc Québécois transport critic. He would no doubt have been as pleased as I to comment on this motion by our colleague from Sydney—Victoria, which reads as follows:

That, in the opinion of this House, the government should consider the advisability of taking into account safety concerns and local economic spin-offs before proceeding with any further privatization of Marine Atlantic services between Cape Breton and Newfoundland.

I am, moreover, pleased that fate has given me the opportunity to speak on this subject this morning, since I had the pleasure as a tourist this summer to use the services of Marine Atlantic with my family. Its services are highly appropriate, highly competent, and very secure. This motion uses three terms which draw my atten-

Private Members' Business

tion: "safety", "local economic spin-offs" and "privatization", and I would like to speak a little on them.

When it comes to privatization, which I shall return to at the end of my speech, this must be handled with kid gloves, for if there must be privatization it must not mean a change for the worse.

• (1140)

When we are talking about a ferry that can accommodate over 1,300 persons, if I remember correctly, and 400 motor vehicles, an imposing ship, safety measures are self-evident. It was very very well maintained.

Failure to keep it so can lead to drama. There was such a drama in the North Sea, in the Mediterranean, with a similar ship. It was doubtless not properly maintained. There was negligence, whereas here in the maritimes the ships are well maintained.

So, from a safety standpoint, before we start talking about privatization, we should ensure that today's standards are maintained.

There is another area where caution should be exercised. I am speaking of benefits to the local economy. We can imagine that the government has taken care for some one hundred years—it was in 1889 that it took over the Port-aux-Basques to North Sydney run, and I have taken the trip between Port-aux-Basques and North Sydney and North Sydney and Argentia, a comfortable 14 hour trip—to do two things at once: provide a safe and adequate service to users and to promote regional economic development by encouraging local economic development.

If we put this service into the hands of private enterprise, we will have no guarantee in economic terms of the same interest, the same care and the same concerns or of any desire on the part of the new management to develop the local economy, which, as my colleague from Sydney—Victoria pointed out, is facing difficulties in the fishing and coal industries. As we all know, the maritimes are facing a very difficult period.

This is not the time to question a winning formula. The service is a good reliable one that provides obvious local benefits. More attention should be paid to it. When the government privatizes or jettisons a public asset, there is no guarantee that the resource will be better utilized or the service better provided.

As our transport critic told me on the phone this morning with regard to the motion, he hears more and more comments to the effect that services, maintenance or safety at the Quebec airports that were privatized—particularly in Mont-Joli, Sept-Îles and

Rouyn-Noranda—may not be at the level they used to be before privatization.

We must not become dogmatic. The current thinking in the western world is that the state must delegate more and more of its traditional responsibilities to all sorts of stakeholders. Yet, common sense dictates that responsibilities in the air, marine and railway transportation sectors should be those of the state, of the community.

There is currently a belief in the western world—and the Canadian government helps promote it—that the state no longer has any business providing these services. A debate is urgently needed to challenge the idea that the private sector is the solution to all our problems. Quite the contrary.

One can see that poverty is on the rise, that there is a globalization of misery. Instead of having increasingly civilized societies, we now have two-tier societies where the very rich make up 15% of the population. As I was recently told, in Chile, for example, and in Argentina, which have public health services on a par with those in Quebec and Canada, following all these free trade policies, all these pressures to promote globalization and freer trade, if one gets sick who does not belong to the select 15% club, it seems—and I hope I am wrong—one better bring his or her own sheets to the hospital. If you are hospitalized in Chile, the more family members you have to come and feed you the better. From what I hear, the health care systems in Argentina and Chile were as good as ours until they were undermined to a point that is a disgrace to countries that call themselves civilized.

• (1145)

So I am very pleased to be speaking to this issue this morning, because when you have a winning formula such as Marine Atlantic ferry services, which runs perfectly well, on time and safely, why mess around? Why run the risk of turning this over to any old Tom, Dick or Harry, who will, in all likelihood, think it is alright to maximize his profit and who will perhaps take chances with government inspectors, as we see too often, and possibly endanger the lives and safety of tourists visiting this lovely area of the maritimes, Nova Scotia and Newfoundland?

We therefore readily agree with this motion. We congratulate the minister from Sydney—Victoria for presenting it and, as the member for Trois-Rivières, I can say that I view it as part of a much larger movement that we must increasingly oppose because, the official rhetoric notwithstanding, this movement is not synonymous with real progress, but rather with an erosion of quality and all too frequently a maximization of profits, which is what we are seeing too much of right now throughout the world.

Government Orders

SITTING RESUMED

When we know, and this can never be said often enough, that 358 billionaires, according to a UN—not a Social Credit, but a UN—report, control 45% of the world's wealth, we have a problem that should be debated by all parliaments without delay, and perhaps by a rejuvenated United Nations, which could arrange a true debate on the development of our economies in general.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, I rise in support of the motion by my colleague for Sydney—Victoria. I believe the motion also has the support of our constituents.

It disturbs me when the government takes the path of privatization. There are many examples out there of what privatization has done to Canadian standards, for example Nav Canada's flight service and air traffic control.

Safety is still at a premium and I commend the government for maintaining the safety of aspects of it. We now have reports that Nav Canada wants to lay off 1,000 workers. Those who will be left within a year or two will be coming up for contract renewal and will be asked without a doubt to take further wage cuts and concessions.

My concern for the government and the working people in Atlantic Canada is that when we go the notion of privatization, instead of the government and the Canadian people becoming the shareholders, the shareholders are few, usually a company or certain individuals. The pressure on the individuals or the company to provide excessive dividends to their shareholders means that lower standards, wages and benefits have to accrue to the people who work in that environment.

My one concern besides supporting the motion is that the government also take into consideration the labour, financial and benefit standards of workers currently in those facilities, especially those in Atlantic Canada and Marine Atlantic.

I thank the government, the Reform Party and the Bloc for supporting my colleague's motion.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Madam Speaker, I rise on a point of order. We ask for unanimous consent to suspend the sitting until 12 noon, at which time we will bring forward government orders.

SUSPENSION OF SITTING

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed

(The sitting of the House was suspended at 11.50 a.m.)

• (1200)

The House resumed at 12 p.m.

GOVERNMENT ORDERS[*English*]**NEWFOUNDLAND SCHOOL SYSTEM**

Hon. Raymond Chan (for the President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.) moved:

That a Special Joint Committee of the Senate and the House of Commons be appointed to consider matters related to the proposed resolution respecting a proposed Amendment to Term 17 of the Terms of Union of Newfoundland with Canada concerning the Newfoundland school system;

That sixteen Members of the House of Commons and seven Members of the Senate be members of the Committee;

That the Committee be directed to consult broadly and review such information as it deems appropriate with respect to this issue;

That the Committee have the power to sit during sittings and adjournments of the House;

That the Committee have the power to report from time to time, to send for persons, papers and records, and to print such papers and evidence as may be ordered by the Committee;

That the Committee have the power to hear witnesses via video conferencing;

That the Committee have the power to retain the services of expert, professional, technical and clerical staff;

That the quorum of the Committee be twelve members whenever a vote, resolution or other decision is taken, so long as both Houses are represented, and that the Joint Chairpersons be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present, so long as both Houses are represented;

That the Committee have the power to appoint, from among its members, such sub-committees as may be deemed advisable, and to delegate to such sub-committees all or any of its power, except the power to report to the Senate and House of Commons;

That the Committee have the power to authorize television and radio broadcasting of any or all of its proceedings;

That the Committee present its final report no later than December 5, 1997;

That, notwithstanding usual practices, if the House or the Senate are not sitting when the final report of the Committee is completed, the report may be deposited with the Clerk of the House which is not sitting, or the Clerks of both Houses if neither House is then sitting, and the report shall thereupon be deemed to have been presented in that House, or both Houses, as the case may be; and

That a Message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deems it advisable, Members to act on the proposed Special Joint Committee.

Government Orders

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Madam Speaker, it is my pleasure to speak to this motion.

Unfortunately the Minister of Intergovernmental Affairs is not here to introduce the motion personally because of the weather conditions. He is in transit and has not arrived. However, it is his desire, with the unanimous consent of the House, to speak to the motion later in the day if that is possible.

[*Translation*]

I am pleased to rise in support of the motion to set up a parliamentary committee to review the proposal to replace the present denominational school system in Newfoundland with a single non-denominational public school system.

Over the years, a consensus developed around the need to modernize the school system's administrative structure. This consensus was confirmed by a referendum. We know, therefore, that Newfoundlanders and Labradorians strongly and democratically support this amendment proposal. In the September 1997 referendum, the proposal carried in 47 of Newfoundland's 48 electoral districts. Not less than 73% of voters said yes to changes proposed by the province's government.

In addition, analysis of the referendum results leads us to believe that the proposal has the support of denominational minorities. The people of Newfoundland voted on a clear and concise question and expressed the desire to steer the province's school system in a new direction.

As premier Tobin indicated, this referendum has produced a clear, strong and outstanding degree of consensus. I think it would be fair to say that, in the wake of the referendum, this consensus has expanded. The Newfoundland legislature unanimously voted in favour of the constitutional amendment proposal, in spite of the fact that some of its members had voted against on referendum day.

Indeed, every member of the legislative assembly who had noted no in the referendum eventually endorsed the resolution. One of them, namely the provincial Leader of the Opposition, explaining his decision, said: "The people of the province have spoken in a very clear, very definitive way, and we have an obligation here to respect the wishes that have been carried out in a democratic manner."

I believe that, given its commitment to the democratic process and to democratic values, this House should strike a parliamentary committee to examine the issue. Parliamentary committees are key elements in this process and the democratic tradition in Canada.

They give experts, groups and individual citizens an opportunity to express their views and help the people and their elected representatives better understand larger issues.

• (1205)

On an issue as important as schools, it is doubly important to hear a wide range of opinions at the federal level. Our children are basically our future. If we want Canada to remain competitive and to continue to be renowned around the world for its quality of life, we must make sure that our children receive the best education possible.

That is the challenge facing us. One might say there is no greater challenge for a country than ensuring that its children acquire the knowledge, abilities and skills required to excel in a world that is increasing complex and shrinking at the same time.

In addition, we have a moral obligation to give the best to our children. As Lutheran theologian Dietrich Bonhoeffer said: "What it does for its children is the touchstone of any society's morality." That is why this government is working with the provinces to end the scourge of child poverty. That is also why, when a society achieves a clear consensus about what the administrative framework for the education of children should be, governments have a responsibility to respond in an appropriate, measured fashion, in accordance with the established democratic procedure.

How do the people of Newfoundland want their school system to be organized? Well, as mentioned in the referendum question, they want a single school system where all children, regardless of their religious affiliation, attend the same schools where opportunities for religious education and observances are provided.

Newfoundlanders and Labradorians clearly did not vote to drive God out of their schools. Of course, non-elected church leaders will no longer have a special place in the new school system. Like the members of the legislature, who will have the overall responsibility for education, school boards will be elected by parents and other members of the public in Newfoundland and Labrador and will be accountable to them.

But this does not mean that religion will no longer be welcome in the schools of Newfoundland. On the contrary, there will be a mandatory provision guaranteeing that courses in religion will be taught in schools. And religious observances, such as saying the Lord's Prayer or displaying Nativity scenes, will be held when requested by parents, and members of the clergy will be permitted to visit schools.

However, according to legal opinions obtained by the Government of Newfoundland, children will not be required to attend

religious classes or to participate in religious observances if their parents do not wish them to do so. The whole idea of these reforms is to provide parents with greater control over their children's education.

These are the changes to the school system that were approved by the people of Newfoundland and their democratic representatives in the legislature. This is the new system which, according to them, will best meet the particular needs of Newfoundland.

• (1210)

This is a fundamental point. As the royal commission that looked into the province's school system at the beginning of the decade pointed out: "Perhaps more than any other institution, the education system is closely linked to the society and world that shape it and that it, in turn, will come to shape as well".

The Newfoundland school system should reflect the situation and needs of Newfoundlanders and Labradorians, just as the Ontario system should reflect that of Ontarians.

The fact of the matter is that Newfoundland always had a unique school system. For instance, it is currently the only system where all schools are denominational schools. The education reform was bogged down for years, but Newfoundlanders and Labradorians finally endorsed a set of changes that will ensure that their school system can satisfy their changing needs.

It is important to realize that the changes contemplated by Newfoundland do not set a precedent for any other province. Naturally, what works in Newfoundland and meets the needs of children in that province may not be adapted to the needs of children in Alberta, Quebec or the Yukon. In our federal system, each province may choose the school system that best reflects its particular situation and needs.

I am sure that the fact that the changes contemplated by the Government of Newfoundland do not affect in any way minority rights to education in other provinces will be raised and reinforced during the proceedings of the joint committee.

The Government of Canada indicated time and again that, beyond this, should any province seek an amendment to its terms of union or to section 93 of the Constitution, the federal government will want to see, as in this case, a reasonable level of support among the denominations concerned.

In Newfoundland, 72% of voters in regions as profoundly Roman Catholic as the Burin Peninsula and the Avalon Peninsula voted yes. While it is difficult to assess the level of support of the Pentecostal community because of how scattered it is, all four Pentecostal members of the legislative assembly endorsed the resolution to amend Term 17.

Government Orders

It should also be noted that, as I said, all schools in Newfoundland being denominational schools, every denomination, not only Roman Catholic and Pentecostal, will be affected by these changes.

The royal commission I referred to earlier noted that the school system in Newfoundland had been established in response to specific needs in very difficult circumstances and that its development these past 30 years had been characterized by adapting, adjusting and restructuring on the basis of changing times, conditions and priorities.

The people of Newfoundland and Labrador recently expressed the desire to see their school system continue to adjust to changing times and priorities.

Our federal system too has shown it is capable of adjusting to the changing needs of Canadians. Our federation has changed since 1867 in order to take up new challenges and to reflect new priorities. This federal government is working with its provincial partners on a number of fronts to carry on this modernization process. Much can be accomplished and was indeed accomplished through administrative agreements or through the exercise or non-exercise of powers, without changing one iota in our Constitution.

• (1215)

We must not make the mistake of thinking that the Constitution is or should be a static document. It is not. Rather, it is a living document that can be adjusted to reflect our changing times. The changes requested by Newfoundlanders and Labradorians would require a constitutional amendment, and the level of support shown for the proposal to amend Term 17 leads me to believe that such an amendment may be totally appropriate.

The proposed joint committee will provide an excellent forum where my fellow parliamentarians can decide for themselves the merit of the amendment proposal, which would enable Newfoundland to carry out in its education system reforms it has been wanting to carry out for a long time.

That is why I hope the House will approve today the setting-up of this committee. I invite my colleagues to support the motion before us.

[*English*]

Mr. Preston Manning (Leader of the Opposition, Ref.): Madam Speaker, I rise to address the motion before the House to appoint a special joint committee to consider matters related to a constitutional amendment concerning the Newfoundland school system.

I want to thank the parliamentary secretary for his explanation of the motion and the Newfoundland reforms. I note that he used the word reform numerous times in a positive vein. I would like to encourage him to keep up that habit. It is a good one to cultivate.

Government Orders

I would also like to begin by observing that the amendment to be considered by the committee pertains to the rights of provinces, the education of children, majority and minority rights. It is therefore not just a dry constitutional amendment, as the parliamentary secretary alluded to. It does deserve our full attention.

On October 1, I addressed the House in relation to the proposed amendment of section 93 of the Constitution Act, 1867 as it pertains to Quebec schools. There is a certain parallelism between this motion and the motion we addressed that day.

At that time I pointed out that the intent of this section, which we would ultimately be amending, is to recognize the exclusive jurisdiction of the provinces over education subject only to the proviso that the provinces not pass laws that prejudicially affect rights granted by law to any class of persons prior to the establishment of the federal union or the union of a province with Canada.

At that time, we proposed that the House apply three great tests to any constitutional amendment brought before it, including proposed amendments to section 93. Those three tests were the test of democratic consent, the test of the rule of law and the test of the Canadian national interest.

I would like to continue to urge the government to adopt these three tests as a national standard to be applied consistently to all constitutional amendments. The word here is consistently. For example, when Quebec proposes yet another referendum on the secession issue, which is a huge constitutional change, the federal government has a right, indeed an obligation, to make clear its views on how such a referendum should be conducted in order to meet the test of democratic consent.

The prime minister, for example, has said that such a referendum, to be legitimate, must involve a fair process and a fair question. We agree with that.

• (1220)

If those are the requirements for Quebec constitutional initiatives to meet the test of democratic consent, those should be the same requirements for other provinces. We should be insistent in this House that that high standard be adhered to in every case so we respect equality of the provinces and do not impose a lower standard of democratic consent on one province than another.

I now turn to the position of the official opposition on the proposed Newfoundland schools amendment which will be the subject of consideration by the committee being proposed by this motion.

The official opposition has communicated to interested parties in Newfoundland over the last number of months that it neither supports nor opposes a denominational school system for New-

foundland. We feel this is an issue the people of Newfoundland must determine for themselves by means of a fair democratic decision making process in accordance with the rule of law.

The position of the Reform caucus in Parliament with respect to any proposed constitutional amendment will be determined by applying these three tests which I have already alluded to. If we are satisfied the proposed Newfoundland amendment meets these three tests, our members would be inclined to vote in the House in favour of the proposed amendment. If we believe the proposed amendment does not meet these tests, we will suggest to the Newfoundland legislature that it make such changes as are required to ensure compliance with these tests.

Let me share with the House where we feel this amendment now stands in relation to these three tests.

The first is the test of democratic consent. When we applied the test of democratic consent we asked whether there was a clear majority result from the referendum on the proposed term 17 amendment, was the referendum process fair and was the referendum question unbiased.

It appears at this time that the term 17 proposals have passed the test of democratic consent. A larger majority, 73%, approved the proposals contained in the latest referendum than did the previous one. There was a large turnout, 53.1%, when compared with typical voter turnouts for such electoral events.

The referendum was conducted by Newfoundland Elections, a body separate from the government under the authority of the Newfoundland Elections Act.

Not all our members are convinced that the Newfoundland referendum was as democratic as it should have been. They will be seeking answers and will expect the special committee to seek answers to questions about the referendum itself, such as those raised by the Hon. Kevin Barry, a retired judge of the Newfoundland supreme court, in correspondence with a number of MPs.

Unless we are presented with more evidence to the contrary than we have received thus far, we are assuming the referendum met the test of democratic consent.

Second is the test of the rule of law. There is a question as to whether section 93(1) can be amended using the section 43 amending formula of the Constitution Act, 1982. I have dealt with this concern on a previous occasion and do not intend to repeat the arguments here. Suffice it to say the special committee should satisfy itself that this is the appropriate formula. Assuming it does so there is another more fundamental concern that can be raised and has been raised under the heading of the rule of law.

Term 17 is intended to serve as a replacement for section 93 of the Constitution Act, 1867. Reform MPs are particularly interested

in ensuring the Newfoundland educational reforms do not violate the letter or the spirit of section 93(1) which states:

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

Section 93(1) does not prevent Newfoundland from reforming its educational system or from implementing reforms that affect minority rights, but the rule of law, particularly the law contained in section 93(1), requires the Newfoundland government to demonstrate that its proposed reforms do not prejudicially affect the rights of those who desire a religious orientation in the education of their children.

I suggest that this interest in the religious orientation in the education of children is broader and deeper than the mere provision of non-denominational religious courses in secular schools and the permitting of religious observances supervised by a secular authority. It includes the right to have those courses and observances provided in an environment that truly reflects spiritual values. It is this broader right that many parents would like to see safeguarded.

• (1225)

We are aware that the minister of education for Newfoundland has obtained a legal opinion from a respected law firm stating that the proposed amendments to term 17 are legal, but we are also aware that the original term 17 amendment proposed by the Newfoundland government in 1995, which we were assured conformed to the rule of law, was subsequently found to be constitutionally suspect by the Newfoundland supreme court.

Many members of the official opposition are therefore not yet convinced that the latest Newfoundland amendment fully conforms to the rule of law. Our concerns would be alleviated if the government of that province were to obtain a ruling from the province's supreme court clearly establishing that its proposed amendment does not prejudicially affect rights protected under section 93(1) of the Constitution Act, 1867.

It is not in the interests of the people of Newfoundland, the Government of Newfoundland or the Government of Canada to permit any ambiguity to exist on this question. The last thing any of us want is for this amendment to proceed and for the educational reforms based on it to proceed only to discover later, by means of a court decision, that they are unconstitutional and must be changed again.

The intergovernmental affairs minister and the justice minister will know that section 93 of the Constitution act has been judicially

Government Orders

considered over 50 times in the past. Is it not in everyone's interest to get a clear signal from the courts in advance that the educational reforms proposed by Newfoundland conform to the rule of law in this important matter of safeguarding minority rights?

Third is the test of the Canadian interest. The actions of one province affecting majority and minority rights in education may set an important precedent regarding the educational rights of majorities and minorities in other provinces.

The parliamentary secretary said in his remarks that the Newfoundland reforms are not precedent setting. However, it is not a question of whether the educational reforms are precedent setting; it is a question of whether the treatment of minority and majority rights is precedent setting.

Because the Reform caucus is not wholly convinced that the latest Newfoundland amendment conforms to the rule of law, particularly as it relates to protection from prejudicial effects, we are not yet convinced that the Newfoundland amendment therefore meets the test of the Canadian national interest.

To summarize the application of these three tests to the amendment that will be considered by the committee to be established by this motion, in our judgment the Newfoundland schools amendment does not yet appear to have passed two of the three tests which Reform MPs have established as conditions for our support of such amendments.

If further evidence is presented to us and our constituents prior to voting on this amendment in Parliament which satisfies our concerns then we would be inclined to support the amendment. If no such convincing evidence is presented to us and our constituents and we remain doubtful then our inclination would be to vote against it.

Ultimately Reform MPs will be particularly influenced by the opinion of their constituents and whether those constituents are satisfied that the Newfoundland amendment is democratic, legal and in the national interest.

Finally, a word on amending the motion to make it better. That of course is one of the functions of the official opposition; it is not simply to point out the flaws in what the government is doing but to endeavour to make it better.

It is our intent to amend the motion establishing the committee to ensure that its deliberations include the application of the three tests which I have already mentioned. We also ask the House to amend the composition of the committee and its terms of reference.

When the joint special committee to consider the Quebec schools amendment was set up, Reformers and members from

Government Orders

various other parties in the House objected in principle to unelected and unaccountable members of the upper House participating on the committee. In the case of the joint special committee to consider the Quebec school amendment, we did not make an issue out of Senate participation because we had larger fish to fry.

Since that time, however, the government has shown an increased propensity to initiate in the Senate bills which we believe should be initiated in the House. This we find particularly objectionable.

• (1230)

Whereas it is apparently the government's position to enhance the role of unelected and unaccountable senators by referring more and more important matters to their attention, it is the position of the official opposition to restrain that role. Our amendment to the motion will therefore also include striking all references to senators and the Senate from the motion. My colleagues will elaborate further on this position in debate.

Also if a committee is being set up to receive advice from citizens and witnesses on the Newfoundland schools amendment, it seems self-evident to us that such a committee should hold hearings in Newfoundland. Our amendment to the motion will therefore also ensure that the committee is directed and empowered to do so.

I therefore conclude by moving the following motion. I move:

That the motion be amended:

By replacing the words: "Special Joint Committee of the Senate and the House of Commons" in the first paragraph with the words: "Special Committee of the House of Commons";

By adding immediately after the words: "concerning the Newfoundland school system;" the following: "more specifically, the matter of applying the following three tests for such a proposed constitutional amendment:

1. The Test of Democratic Consent,
2. The Test of the Canadian National Interest, and
3. The Test of the Rule of Law";

By deleting the words: "and seven Members of the Senate" in the second paragraph;

By inserting after the word "Committee" in the sixth paragraph the words: "be directed and authorized to hold hearings in Newfoundland and";

By replacing all the words in the eighth paragraph with the following: "That the quorum of the committee be nine members, whenever a vote, resolution or other decision is taken, and that the Chairperson be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present,";

By deleting the words "Senate and" in the ninth paragraph;

By replacing all the words in the twelfth paragraph with the following: "That, notwithstanding usual practices, if the House is not sitting when the final report of the committee is completed, the report may be deposited with the Clerk of the House, and the report shall thereupon be deemed to have been presented to the House"; and

By deleting all the words in the last paragraph.

The effect of these amendments is to remove the references to senators and the Senate from the motion; to ensure that the committee holds hearings in Newfoundland; and most importantly, to ensure that it subjects the Newfoundland schools amendment to the three great tests of democratic consent, the rule of law and the Canadian national interest.

The Acting Speaker (Ms. Thibeault): The Chair will take the amendment under advisement for a few minutes. Resuming debate.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Madam Speaker, I am pleased to rise today to speak on the motion, as amended by the Reform Party. I will come back later in my statement to this proposed amendment which defines the interests to be considered in a constitutional amendment process but which also seems to involve a very particular interest by the Reform Party in this matter. We will come back to this later.

Let us examine the content of the whole proposal, whether or not there is an amendment, as suggested at this time by the Reform Party. What is involved is the creation of a committee to review a motion that would amend section 17 of the Constitution, which is the agreement between Newfoundland and Canada concluded when Newfoundland joined the Canadian federation and which is the result of a genuine democratic process—I will come back to this later—which was followed in the case of Newfoundland.

What is at issue in the first instance? Section 17 provides for and guarantees the denominational status of the school system in Newfoundland. Since education comes strictly under provincial jurisdiction, people in Newfoundland agree today, but they decided on this already two years ago and twice during referendums, that they wanted to change their educational system in order to have a non-denominational system.

• (1235)

There will be a number of advantages. One is the modernization of their facilities. They will also be able to reduce the number of school boards, while not eliminating religious education entirely. However, this should be achieved at the request of parents. Religious education could continue within the schools. They would not be denominational schools as they are currently. The amendment Newfoundland is seeking would mean the amendment of section 17 of the Constitution.

This has all come about through a process, which began a number of years ago, but which was not given expression until hearings were held by a royal commission of inquiry. If I am not mistaken, it was in 1992 that Newfoundland made the proposal. Taking a look at how things progressed subsequently, a first

Government Orders

referendum was held in 1995 and resulted in a motion before Parliament. The referendum was carried, if I remember correctly, with 54% of the votes and a participation rate of slightly more than 50% of the population.

The amendment proposed by the Newfoundland government was subsequently contested before the courts, which rejected it. The Government of Newfoundland decided to hold a second referendum. It even expanded the terms of the reform and again turned to the people for their reaction.

The level of support was even higher the second time around, since the Newfoundland government received the support of 73% of the population, again with a participation rate of about 54%, or slightly over 50%. Twice, the Newfoundland government decided in a democratic fashion to amend its system.

Let us not forget that a similar process is taking place in Quebec—and I will get back to this—to protect, if you will, the denominational system of two specific regions, namely Montreal and Quebec City. I should point out that consultations took place, because when it comes to the constitutional amendment that will affect Quebec, Liberal members often claim no consultations were held, in an attempt to justify their desire to hold such consultations.

They are ill-informed about what goes on in Quebec. Yet, they have a number of members in our province and they should know that a summit conference on education was held in Quebec. One clear item on the agenda was how to make the required amendments to have a non-denominational school system in the Montreal region, which is primarily concerned, because the protection did not apply to the other regions in Quebec.

The Liberals seem to forget that consultations did take place. The reservations or positions expressed by almost all of the groups we are now hearing, in public venues or other forums, are already known because they did state their views at the time.

In politics, it often seems difficult to differentiate between consensus and unanimity. A lack of unanimity does not mean that there is no consensus. A “consensus” means that a majority of people or groups share the same clear desire to go ahead. We can see it here because when people are being consulted we often hear those who oppose the initiative, thus giving the impression there is an imbalance, but such is not the case.

Most groups—including the Quebec Conference of Catholic Bishops—stated their support for the new proposal made by the Quebec government to bring about a constitutional amendment which has the unanimous support of the National Assembly.

Let us go back to the case of Newfoundland. Following its second referendum, Newfoundland’s legislature unanimously decided to support the motion. MLAs who were opposed bowed to

the democratic verdict—and more power to them. In democracy, it is important to recognize the wish of the majority. And that is what they did.

• (1240)

The situation has every appearance of being one which could be resolved quickly and easily. But why create a committee? There is the question. We will not oppose the creation of a committee, although we have a number of reservations on that score.

It would be impossible not to have a committee in this instance when there is one in the case of Quebec. The government would have trouble justifying the length of time it is taking to approve the constitutional amendment for Quebec. We know very well that this committee came about because of lobbying by Alliance Quebec and other groups that are always feeling threatened and that wanted to be heard, that turned to Ottawa to protect them. Through political pressure, they succeeded in obtaining a process designed especially for them, and now we find ourselves having to do the same thing for Newfoundland. When the people have expressed their wishes democratically in a referendum and unanimously in their legislative assembly, what else can be learned from these consultations? Would the government be nasty enough to tell them “After all that, you will have to introduce more amendments and start the process all over again”?

After the committee has done its work, the conclusion reached will be that the amendment should be passed. So this committee is a bit of a sham. If that is not the case, then it is despicable of the federal government to keep lording it over the provinces as though it has the monopoly on wisdom and truth.

The exercise was gone through in Newfoundland and in the case of Quebec, but the federal government is still trying to keep a finger in every pie, with the support, furthermore, of the Reform Party today, in the sense that that party would like to add a clause about Canada’s interests to the conditions for deciding on the advisability of making amendments.

What is meant by Canada’s interests? We know very well where it is headed with that. What it has in mind when it talks about a referendum, and even when it talks about this issue, is not the situation in Newfoundland but the one in Quebec, the constitutional amendment in Quebec and a future referendum in Quebec. The Liberals are playing games here, and even more so on other issues, but that is part of the strategy for plan B, defining the rules, making sure the federal government has a role to play in the next referendum in Quebec.

And now, supported more than ever—and supported is not even the right word, as he is practically leading the onslaught—the leader of the Reform Party is giving a sense of direction to the

Government Orders

federal government, and it is following the path he has set out. Now, he is defining new criteria. He is even questioning the support he could provide. But where is the sense of democracy? In the case at hand, the people of Newfoundland have spoken, not just once but twice. They have spoken in full knowledge of the issues at stake.

Something else was said, which I feel obliged to explain here. There is always this notion constantly going around in Ottawa: the clarity of the questions. This makes me laugh, because I have read the press review of the first referendum held in Newfoundland. What did the opposition or those who were in the no camp have to say? "The question is not clear". I remember also having read that about other referendums, the ones in Europe on the treaty of Maastricht, for example: "The issues are not clear. The questions are not clear". That is just what happens when there is a referendum. If the people on the no side feel that things are not clear, then let them explain them. Does that mean that they are incompetent at making themselves heard and understood?

Behind all this is the hope that the 49.5% of Quebeckers who voted yes did so because they did not understand. We are unable to understand the issues, not smart enough to do so. That is what it means when they say the question was not clear, that people do not understand, that they spoke without understanding the real issues at stake, that they were taking the exercise of democracy rather lightly. That is a classic approach. The no side here is not the only one to do it. It was also the case to a certain extent in Newfoundland, in the first referendum. It is the case with just about any referendum held just about anywhere in the world.

There are lessons to be drawn from this. Newfoundland defined its own democratic exercise.

• (1245)

Furthermore, when the courts appeared before them as an obstacle on their path, once again the premier of Newfoundland, who happens to be a former federal minister, decided to go to the people. For him, the voice of the people was more important than the voice of the courts. Here again, this was a wise course of action.

Hopefully his former colleagues here will remember this, because it is evident that they wish to have courts and judges step in to define the process soon to occur in Quebec. Once again, there are interesting precedents in the case of Newfoundland.

Even the first time, when 54% of the people voted yes, and 53% of the population participated, so that in absolute terms it was about a quarter of the population that gave its approval, the government sincerely and clearly had the intention to proceed. Such was the case also with the federal government, as was seen with the motion in this House. Why is it that the democratic will of the people of

Newfoundland can be recognized in this instance, but not the democratic will of Quebeckers in other instances?

There is an issue that they have to deal with here. It is a fact that they are debating this in their caucus and that their party is divided on this at the moment. They could be seen the other night on television rising in committee to defend the interests of anglophones in Quebec who feel threatened and persecuted by the constitutional amendments that are on the way for the denominational system in Quebec.

It is a funny business. Imagine finding yourself in a situation that could repeat itself if the Reform Party decided to oppose Newfoundland's amendment too and the government having to turn to the Bloc Québécois to pass the constitutional amendments in the case of Quebec and perhaps even in the case of Newfoundland. The presence of certain Quebec sovereignists will compensate for the lack of political courage of certain Liberal members. This will clearly be the case with Quebec's constitutional amendment. The only way they can be sure at the moment that things will move ahead is to count on the massive and unanimous support of the people in the Bloc Québécois. As their majority is very fragile, this is their best assurance of being able to proceed.

Let us hope the Minister of Intergovernmental Affairs and the people lobbied by Alliance Québec and others will not back down. We will see. The next few weeks will enable us to judge.

They have a double challenge. If they fail, they will sadly once again have to admit their failure to substantially amend the Constitution to bring it up to date. The amendments are not as basic or as objectionable as all that. In the case of Newfoundland, it is democratically supported, and yet they are having an impossible time proceeding on it.

Just imagine if, one day, we were contemplating a division of powers, what sort of debate we would have. Imagine if we were to redefine power in Canada. Just imagine all the pressure, the division within the Liberal Party. Already we can see a lack of support for this sort of thing.

This is why this Constitution has been called a yoke. I am pointing this out, because people may have forgotten. The Liberals must always be reminded that the Canadian Constitution was patriated by a Liberal government, something for which they are still paying the price in Quebec. There is a blank line at the bottom of the document, because Quebec never signed it.

Liberals will say: "Lucien Bouchard will never sign the Constitution". But they should remember that, before Lucien Bouchard, René Lévesque, Pierre-Marc Johnson, Robert Bourassa, Daniel Johnson and Jacques Parizeau also refused to sign it. Six Quebec premiers, one after the other, have refused to sign the Constitution. The Liberals must live with this. Canada can hardly boast about its Constitution to the world when there is still a blank line at the

Government Orders

bottom because it was never signed by Quebec. Yet, our province is a key player, a founding people, as they said at the time. Such language was quickly dropped in favour of “a bunch of people who are somewhat unique”. This is where we stand now.

Since my time is almost up, I will move on to another issue. As mentioned earlier, we will support the establishment of the committee. We will do so, but I want to point out another strange idea, namely to set up a joint committee with our dear senators. These people, who are not representatives of the democratic process, will get involved in a process they already unduly impeded once in the case of Newfoundland. They will form a committee with members of Parliament.

• (1250)

I always have a problem sitting on a committee next to someone who does not represent anything, who is a friend of the Prime Minister or of a former Prime Minister, who shows up whenever he or she feels like it, who is definitely not a workaholic and who is not a symbol of pride, certainly not in Quebec and, I am convinced, not in several other regions of the country either. Our senators are no great source of pride.

When Canadians travel abroad, they do not boast about their country saying: “Come and see us. We have a great Senate that is part of our assets”. On the contrary, we are all somewhat uncomfortable because the Senate, this sad travesty, is costing us some \$50 million per year. I will not feel comfortable sitting on the committee next to or opposite a senator.

However, we sometimes have to put up with things we do not enjoy, and I will do so to speed up the process. As for the two constitutional amendments that are the subject of the debate, we will, as I said, help the government ensure that things move quickly and efficiently. It was not necessary to set up a committee, but we will live with the decision and hope the government will not get scared when a few opposition members express their views on either of these two closely related issues.

I feel there is reason to be concerned today with the attitude of the leader of the Reform Party who is starting to qualify his support in all sorts of ways, so that in fact it no longer is support, and who continues to pile the objections on to justify his opposition to the other constitutional amendment. We know very well what he is up to, and furthermore, he draws a very clear parallel with a possible referendum in Quebec sovereignty.

There is an overlapping of these issues and, as things move along, this will become increasingly obvious. It is clear that the Liberals are in a very uncomfortable situation because of this, and are having a lot of difficulty keeping order in their caucus. But we are here to tell them, and I am telling the parliamentary secretary

who is here, that at least they know that 44 members will compensate for the several Liberals who will run wild and disappear along the way, and that they will have difficulty getting support from the other parties.

I will end with this. We will have the opportunity to discuss this issue again in committee, as this involves a constitutional amendment under section 43, chapter 5, whereby the Constitution can be amended bilaterally by a provincial government and the federal government. If only one provincial government is affected in the matter, once the committee has finished its work, it will not be necessary to discuss this again in Parliament. So this is probably the last time I will be speaking on this issue here, I hope. I also hope that everything will proceed normally and that, by Christmas, all of this will be a debate of the past.

[English]

The Acting Speaker (Mr. McClelland): Before we proceed further, I would like to inform the House that the amendment of the hon. Leader of the Opposition is in order.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I rise to support the motion to refer this constitutional resolution to a committee. However, the NDP caucus reserves the right to listen and to pay attention to what goes on in the committee and to make a decision on how we will vote on the final outcome of the committee’s deliberation when the resolution comes before the House in the future, depending on what we perceive as the appropriate position during that process.

I do not think that it would be appropriate for all of us to make up our minds before the committee is even struck, although I know that is often the case with respect to ordinary legislation. In the case of this constitutional resolution there are a lot of things that need to be considered. There are a lot of conflicting values, conflicting priorities. There are conflicts between our respect for provincial autonomy and our respect for the democratic process as it is reflected in referendums. On the other hand, there is our concern about whether it is ever appropriate for minority rights to be overcome by a majority vote in a referendum. There are the matters that have been raised by others on the floor before I came to my feet having to do with the rule of law and whether this is in fact constitutional.

• (1255)

In that respect, I am very sympathetic to the view that perhaps this matter should be referred to the supreme court before it proceeds any further. I know the government does not seem to be inclined to do that. I recall other constitutional debates in the House where a reference to the supreme court was helpful and where the government was found to be wanting in its position.

Government Orders

I think particularly of the patriation package in 1981-82 where the matter was finally referred to the supreme court and the supreme court ruled that the government—at that time it was the federal government that was acting in a particular way—was acting in contravention of the conventions of Canadian constitutional change.

It might well be useful for all of us to know, rather than debating it endlessly, whether what the Newfoundland government proposes to do is constitutional or found to be so by the supreme court if it were referred to the court.

Just a little bit of history. Some members may recall when term 17 came before the House in the last Parliament, the official NDP position at the time was one in support of passing the resolution but that we were not unanimous in that regard. There were NDP members of Parliament who voted otherwise because they were concerned about many aspects of this change.

At that time some members of Parliament, not just in the NDP but other members of Parliament, shared the concern of the religious communities outside Newfoundland that this action might have a precedent setting effect, if not legally at least politically in terms of how minority or denominational rights could in future be changed.

There was a great deal of concern that, at that time, just the changing of these minority rights by virtue of a referendum might set unwanted precedents. It would seem to me that that concern is amplified in this case where the referendum and the subsequent constitutional resolution do not propose to change, but rather, to eliminate those denominational rights.

I would hope that this is something that the committee would take very seriously, whether or not this is, in fact, something of which we should approve as a Parliament. An interesting question that I would recommend to the committee—this is where the question of minority rights and democratic process interact—is where those minority rights reside. Do those minority rights, in this case, the rights of denominations to set up their own schools, reside in the churches as institutions or do they reside in the people who might send their children to these schools?

If the rights reside in the institutions and it is the Catholic church or the Pentecostal church or the Seventh Day Adventist church or any other church that has these rights, if it is the church's right to set up these schools then it seems to me that the outcome of the referendum is not as relevant.

If these rights reside in the people rather than in the institutions, then one has to look at the outcome of the referendum and ask a variety of questions. On the one hand one has to ask the question about the turnout which some have described as high but which in some respects is still low.

• (1300)

On the other hand and given that it is low, one has to ask the question why. If these denominational rights are being taken from everybody in Newfoundland because the vast majority of the population has the right to attend denominational schools, why did they not turn out in force to protect these rights? I asked myself this question.

Having met with representatives of the Catholic and Pentecostal churches, I think they make a decent argument that there is a small proportion of Pentecostal and Catholic schools in smaller communities that will be disproportionately affected by this amendment.

One still has to ask why the entire Catholic community in Newfoundland did not come out and vote to save the schools of their Catholic brothers and sisters. I have to ask that question. Perhaps there is an explanation for it.

The argument is that people demonstrated their willingness to support denominational schools by virtue of the great numbers that registered their children in denominational schools after the last change. Registering a child in school is a public thing, something the church and neighbours know about, that everybody knows about.

Voting or not voting in a referendum or a secret ballot is perhaps a more anonymous way of sending a message that one might not want to publicly send. This is another thing that occurs to me as I try to analyse the outcome.

At the same time it seems to me what we have or may have—is and this is something the committee would want to look into—is a case where certain groups had these rights under the constitution and the terms of union. These rights were changed by virtue of the last change to term 17. These groups saw fit, in the course of implementing those rights, to exercise their rights by taking the government to court on the constitutionality of the implementation of the previous change.

When they did that the response of the provincial government, as I understand it having been found by the courts not to be implementing the changes properly or constitutionally, was not to say that perhaps they could do it better or perhaps do it differently. The response of the provincial government was “You are exercising these rights in the courts. You are irritating us. You are getting in the way of our implementation. We have a solution. We will have a referendum and take away these rights from you altogether”.

It is not a stretch to imagine, without knowing the mind of the premier, that this could be characterized as a form of retaliation or bullying. I do not know but I can certainly see where some people may have a legitimate case for perceiving it as such. That is another concern the committee should look at in its deliberations.

Government Orders

I listened very carefully to my Bloc colleague. He was making an argument which assumed that there was no difference between an amendment such as the one before us to change something with respect to education and minority rights in Newfoundland and a constitutional change that would follow on a referendum in Quebec, the question which would pertain to the separation of Quebec and the destruction of Canada as we now know it. I do not accept the equivalency of these two amendments.

• (1305)

In the case of an amendment whereby Quebec would propose to separate from the rest of Canada and bring the rest of Canada and Canada as we know it into danger, there is such a thing as the Canadian national interest.

I would argue that this does not necessarily mean a sovereignist or separatist outcome of a Quebec referendum would have to be disregarded in the Canadian national interest. The response to a clearly worded question might be so overwhelming that it would be in the Canadian national interest to respect that particular outcome rather than try to keep Quebec captive in a country it no longer wanted to belong to.

I would certainly reject what I take to be the view of the Bloc in this debate. It finds one of the criteria in the Reform amendment, Canadian national interest, to be objectionable on first principles. I do not think that is something we can accept.

Having said all these things, we look forward to the deliberations of the committee. On the amendment by the Reform Party we may want to have somebody speak to that later today. We will see about that, but I do not see anything objectionable in much of what is contained in the Reform amendment.

Certainly the idea that the committee should go to Newfoundland is a worthy one and one we would want to support. I do not see anything wrong with the three tests the Reform Party wishes to embed in the criteria by which the committee is to judge the appropriateness of the constitutional resolution.

I do not see anything wrong with an amendment which separates the House of Commons from the Senate and which makes the point many of us have been trying to make. Some parties have been making it since 1933. It was a party called the CCF, a predecessor of the NDP. It is inappropriate and a blemish on the Canadian democratic process to have constantly intertwined with the House of Commons, whether it is in the form of a special joint committee or in any other way, this undemocratic appointed body at the heart of our democratic process.

If we were to run into this in the third world we would say "What a banana republic. They have all these guys appointed for life and they never have to face the electorate".

I do not know, Mr. Speaker, if you have ever been on an international delegation where you have had to try to explain this to people and say he is a senator or she is a senator. They immediately assume the American model of a senator where the senators have even more status than members of the House of Representatives because they are elected for longer terms, there are fewer of them, and so on. You say "No, that is not the case in Canada. They are appointed at age 42, 55 or 63 until they are 75". Trying to explain that is sometimes really tough, particularly when we are the ones who are leading seminars around the world to try to instruct people on the democratic process and at home we have the Senate. This is really embarrassing.

We should go beyond the point of being motivated simply by embarrassment or by our commitment to democracy. We should realize it is high time the Senate was reformed to make it elected and to make it a place where the regions of the country could have more clout at the centre and more meaningful and equal participation in the deliberations of our country.

I did not rise to make a speech on Senate reform, so I have to watch that I do not get off track.

• (1310)

I go back to saying that we support the motion to refer it to committee. We look forward to hearing witnesses in committee, watching the issue unfold and making sure that all things I have raised today are taken into account by the committee.

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, in his comments the hon. member referred to the amendments of Leader of the Official Opposition and his position.

In his comments the Leader of the Opposition referred to a court reference, whether the issue should be referred to the courts. I wonder if the hon. member could share with the House his thoughts on whether there should be a court reference. Or, should it depend on what the committee hears by way of expert legal and constitutional opinion?

Is the member prepared to accept the committee's decision on that, or does the New Democratic Party have a position with respect to the court reference?

Mr. Bill Blaikie: Mr. Speaker, I thought I said that referring it to the courts might be a good idea. In the absence of this happening before going to committee, it is obviously something the committee should look at.

We will take advice from whatever convincing arguments the committee has to offer collectively or what our member on that committee advises us in respect of the committee's deliberations on the particular topic.

Government Orders

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I have a question for our colleague from Manitoba.

During the course of his speech he referred to one of the amendments put forward by the Reform Party, namely the one on Canadian interest. He commented then on the Bloc member's response and concluded by saying that they certainly agree with that.

I did not know whether he was agreeing with the Bloc member's evaluation of it or the principle of Canadian interest. I would like him to clarify that for my benefit.

Mr. Bill Blaikie: Mr. Speaker, it must be Monday. I thought I made it perfectly clear. I thought the argument about things having to be in the Canadian national interest was a good one.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, let me first say that I am pleased to see that the particular resolution will be sent to a committee of the House. This is the second time in this sitting of the House that I have stood in my place to voice my profound concern for the resolution coming from the Newfoundland House of Assembly.

Just about a year ago the House passed a resolution to amend term 17 of Newfoundland's terms of union with Canada. The amendment at that time diminished the right of parents to have any kind of a meaningful say or role in the religious education of their children.

Today's proposed amendment sponsored by Premier Tobin and the current federal government will eliminate or wipe out forever—and I think that is what we have to be clear on—the right of Newfoundland parents to have any kind of a choice in their children's religious education.

Some people will argue—and it has been argued here today—that in both cases the resolution sent to the House enjoyed majority support of the people in Newfoundland and Labrador as expressed in a referendum. To these people I have to say that a referendum is a very blunt instrument with which to amend the constitutional rights of minorities. In any such battle the minority will lose by definition.

To add insult to injury—and I would like to concentrate for a moment on the referendum process—the Tobin government called the referendum in the middle of summer vacation, which is not against the law. He kept it short. It was only a 31 day period, which is not against the law either. He spent roughly about \$350,000 to \$400,000 on advertising his position extensively and did not advance even \$1 to the no side.

• (1315)

He allowed any citizen in any part of the province to vote anywhere at all in the province. He would not allow scrutineers to be present when the vote was being counted and he released the text

of term 17 only 16 hours before the actual vote was taken in the advance polls. That to me is a prime example of somebody wanting their cake and eating it too.

We have to ask what has brought this issue to Ottawa twice in a one year period. As I indicated earlier, there was a stormy debate on the Hill on this matter about a year ago. Premier Wells did hold a referendum and with a 54% vote he sent his amendment off to our nation's capital. That amendment to term 17 saw all schools being declared interdenominational with a provision for unidenominational schools if the numbers warrant it.

Earlier this spring all schools in Newfoundland underwent a school designation process. The parents of nearly 30,000 students voted to keep their children in a unidenominational Pentecostal or a unidenominational Catholic school system. That caused some concern among groups of people and led to a court challenge by a group of parents which ground the school designation process to a complete halt.

As tensions mounted on the issue, our new premier Mr. Tobin saw his chance to take advantage of the public mood and he held his own referendum. And it was very much his own referendum. He picked the time, he wrote the question and he made up the rules. The outcome was a foregone conclusion with 38% of the province voting yes on the premier's proposal.

I have been roundly criticized in my home province for continuing to speak up on behalf of these people who did not vote to give up their rights to have a say in the religious education of their children. The resolution we are dealing with in this House today has passed the Newfoundland House of Assembly unanimously. I do not think it is healthy in a democracy for fundamental constitutional change to be made in the air of parliamentary unanimity. This is especially so when we are about the business in this House of wiping out for ever and a day the constitutional rights of minorities.

When term 17 was last before this House, Cardinal Carter of the Toronto Archdiocese wrote to the Prime Minister. This is a good quote from the letter: "The amendment process under the Constitution requires your government to play the role of guardian of minority rights, and if your government rubber stamps an amended term 17, how can it in principle resist similar requests from voting majorities in Alberta, Quebec and Ontario?" He asks: "Would French language rights survive outside of Quebec if they were subject to a referendum?" He goes on to say again: "There is a natural reality that occurs because of population imbalance and that is why minority rights have to be protected in the Constitution of Canada".

It seems the cardinal felt there was a danger in altering minority rights in response to public opinion. His concerns are more than justified when we reflect on the atmosphere in which the referendum was held.

Government Orders

Under Premier Wells' amendment, if parents did not have sufficient numbers to set up a full fledged denominational school, they could at least avail themselves of a religious course particular to their own faith. Under the proposed amendment parents will be offered only a generic, state run, state designed religious course. It is basically a sociology course about religion. It will have no basis in Christian religion which is why there is such an outcry from some people on this issue.

• (1320)

The Canadian Constitution as well provides for the freedom of religion. However once this resolution passes, Newfoundland will be the only province in Canada where the state sets the religious education program. We all remember what former Prime Minister Trudeau said in the House that the state has no place in the bedrooms of our nation. In the proposed resolution the state is coming dangerously close to ensconcing itself in the churches of our nation.

Term 17 was placed in our terms of union in recognition of the very prominent role that the various Christian churches played in the development of education in Newfoundland. Term 17 has been amended twice already.

In the mid-eighties it was amended to include constitutional recognition of the Pentecostal faith. There was no fuss at that time because we were including a longstanding reality. In the two referenda since that time the Pentecostal groups have voted overwhelmingly to retain their rights in education. They are a minority. They represent only 7% of the population of Newfoundland. They have voted twice already to retain their rights in education.

Last year's amendment diminished denominational rights, but parents still had a right and they still had a choice with regard to the religious education their children would receive. Should we now one year later be eliminating that right and that choice altogether? Should last year's amendment not have been given a little time to settle into the social order? Should constitutional rights be subject to the ebb and flow of public opinion? The ultimate question is, is a constitutional right for minorities really a right if it can be altered or eliminated so easily?

These are questions which are not being widely asked in my province and I feel that I have a duty to raise them. I feel that this Parliament has an obligation to wrestle with these questions before the final vote is taken. I firmly believe that the latest amendment to term 17 is something we will live to regret in the long run.

Parents in the rest of North America are fighting for the right to bring religion back into the public schools. In Newfoundland we are about the business of kicking religion out of our school system. I am very concerned about this. People have indicated that I should vote with the majority on this issue when it comes time to vote in the House. That would certainly be the easy way out, but I do not think it would be right.

It is a good thing a joint committee of the House and the Senate is being formed to look at the resolution. I sincerely hope there will be an opportunity for the committee to go to Newfoundland to hear the no side, to hear the yes side, to hear all of the concerns that people have about this particular resolution.

I hope all members of the House will look at this particular resolution very carefully and will do some research on denominational rights in Newfoundland and Labrador.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Madam Speaker, there was an element in the reasoning of the hon. member from the Conservative Party that I had trouble following. I would appreciate it if he could explain it to me.

He seems greatly concerned with the fate of minorities, a praiseworthy attitude, but he seems to fear the precedent of a constitutional amendment which, he feels, would restrict the rights of a minority group, and he also feels that a referendum is not sufficient. Even if the majority wills it, it is not sufficient, as there must be constitutional protections somewhere. Taken to its extreme, following his reasoning, these protections would have to be in place perpetually, forever.

• (1325)

He quotes someone as saying: "For example, if a referendum were held on French language rights outside Quebec, one could assume these rights were threatened". But there is a fundamental problem. Are they telling us that minority rights are opposed by the majority? That would be assuming they are given any, but that the population is against those rights, which is extremely worrisome.

It means that Canadian public opinion might be opposed to the rights of francophones, which is the example he gave. And these are the same people who have just told us how they love us, and so on, and how they need our understanding, the love-ins and all that stuff. There is a basic contradiction here.

People in general, I am convinced, are in favour of minority rights. Quebec is a fine example, with its anglophone minority. If there were a referendum in Quebec on anglophone minority rights, I am convinced that the population would vote in favour. Why, then, use this argument and play out this debate against a backdrop of language minority rights, when this does not appear to be pertinent in the least?

There are people who want to modify an education system in order to create one that appears to them to be more modern, more in conformity to reality and to the needs of today. How can the two debates be mixed? Is he trying to tell us, when it comes down to it, that the majorities allow minority rights, but only unwillingly? This demonstrates a substantial underlying problem, and a pro-

Government Orders

found intolerance that appears to exist within the majority groups in Canada.

[*English*]

Mr. Norman Doyle: Madam Speaker, it appears to me the hon. gentleman is asking whether constitutional rights should be perpetually available to all minority groups even though it seems to be evident that they have relinquished these rights. People have asked me that question on a number of occasions. That is not the whole case in Newfoundland.

I keep referring back to the Pentecostal assemblies of Newfoundland which comprise only 7% of the population and which voted overwhelmingly to retain these rights in education. Is the hon. gentleman saying to me that even though they are a minority, even though they have their rights protected under the Constitution of Canada, that we can subject these people to the tyranny of the majority, if he wants to put it that way, and wipe out these rights at will? I do not think so.

If you are going to alter a minority right in this country, one of the responsibilities you have is to at least consult the groups whose rights are directly affected. In this instance these groups have not been consulted. They have had their rights subject to the majority without any consultation whatsoever. That is a grave concern. Minorities should be widely consulted when their rights are at stake but in this particular instance that has not been done.

Mr. Charlie Power (St. John's West, PC): Madam Speaker, to understand what we are doing, we are simply voting on a resolution to set up a joint committee of this House and the Senate to further study this issue.

I thank my colleague from St. John's East for sharing his 20 minutes with me. Under the strange rules of procedure, we know we are not going to discuss a lot in our 10 minutes but we do want to make our point. I assure you we will be taking a very active role in committee.

As the leader of the opposition has suggested, we would like to see the committee travel to Newfoundland to take presentations and to listen to the people most directly involved. I know we have a December 5 deadline and it does not provide very much time. The issue is crucial and important to many people in Newfoundland and I think we should have the courtesy of allowing the joint committee of the House of Commons and Senate to visit Newfoundland.

• (1330)

In 10 minutes it is pretty hard to discuss an issue that takes into account minority rights, majority rights, the responsibility of government to govern as it sees fit and to take into account religious rights and freedoms which may or may not be impinged

on by this whole process. One also has to take into account a group of people I do not often hear very much said about and that is the students of Newfoundland and Labrador.

The issue debated first by the government of Premier Wells and later by the government of Premier Tobin is on who controls what, who has the power and who has the authority. These matters have become all-encompassing for the individuals involved, both on the church side of the argument and on the government side. In many cases the persons who are lost are the tens of thousands of students in Newfoundland schools. They are the ones that first and foremost must be considered.

I agree with my colleague from St. John's East on certain of the points that have been made. I do not believe the referendum process was done fairly. It was not done the way it should have been done. The referendum was held quickly and in the middle of the summer. It was held in great haste because the public opinion polls of Mr. Tobin showed that this reform could be rushed through to get it over and done with. I do not think that was fair to the churches, to the parents or to many of the other participants in the program.

The result did get the objective that the government wanted at the time. It did get a reform vote that said 73% of those who voted were in favour of reform. They wanted the system changed. A lot of people did not vote. In our democratic system we really have to discount those because, as we often say, if you do not vote you really do not have a say. We cannot come back here and say in total only 54% of the people voted. This House of Commons could never be filled if those were the rules. No one would ever be elected. It is not just who voted, it is how they voted. We have to take that into account.

The referendum passed. However, one thing the referendum showed loud and clear was that a lot of people wanted change. They wanted reform. The other side of the coin was that Newfoundland, under the Liberals in 1989 of Premier Wells and later Premier Tobin had gone through very significant cost cutting measures in the Newfoundland education system.

People are very sceptical of a government that says "Give me this great new power so I can reform the system" when it spent nine years gutting the system, laying off teachers, closing down schools and raising the pupil-teacher ratio. It did not support the Newfoundland Teachers Association requirement for teacher re-training or for students to have access to decent equipment, which you now need in schools.

Newfoundland has many schools. My district has 800 students and 30 computers. That did not happen overnight. These 800 students in the high school system are expected to compete in this new information age. It simply will not happen. It is substandard.

Government Orders

Part of this might be the responsibility of the churches or their bureaucratic system and the waste that went on in the denomination educational system. The fact is they did not co-operate nearly as much as they could have or should have. We do have an integrated system in Newfoundland where Anglican, United and some other Protestant faiths work together. They have an excellent system of education. When that was established back in the 60s and 70s a lot of people thought an integrated system was going to be terrible for Anglican and United students. It did not happen that way. The teachers are still Christian, the community is still Christian and the teaching is done in a slightly different way.

The Government of Newfoundland deserves a significant amount of blame for the confusion. It did not say in one simple way what it wanted to reform toward. All it has done is find a way to lay off some teachers, balance the books, cut the deficit. But the government has not done what it wanted to do for education which was to reform it. The Newfoundland system is in significant need of help.

Everyone in the House knows what the Newfoundland economy is like. We have the highest unemployment rate and the lowest per capita income. Newfoundland is always at the wrong end of every scale. Education, a lot of us believe, is probably the only way matters can be resolved. It will not be resolved by putting more money into income supporting programs like TAGS in the long haul. We will not solve that problem by simply allowing Newfoundlanders to out migrate and become a problem in Calgary or in Toronto or somewhere else. We will not help Newfoundland society unless we give the Newfoundland students the tools to contribute and compete within Newfoundland.

• (1335)

That is really what the whole reform business is all about. It is about how we get a better school system. I have come to the conclusion, having looked at the referendum results of 73%, that the majority of Newfoundlanders are willing, albeit with some significant question marks attached, to give the Government of Newfoundland and Labrador the responsibility to deliver and implement a new education system.

For the benefit of all Newfoundlanders, it has to work. If it does not work, then an awful lot of Newfoundlanders are going to be very seriously handicapped in the future by not being able to earn a decent living, not having the educational tools to do it.

With no side voting 27%, it is a grave concern. Many of them are in my riding. Many of them have previous concerns about the trust they can place in any government, that is, the government in Newfoundland or the government here in Ottawa.

In my case, I am willing, as I think most Newfoundlanders are now ready to give them the benefit of the doubt, that a new system has to be implemented in Newfoundland, but it has to be a new system that is significantly reformed.

If anybody is going to be on the hook after the amendment and the resolution are passed by the House of Commons and the Senate, it will be the Government of Newfoundland and Premier Brian Tobin. If a better system cannot be delivered, if a higher percentage of people do not finish high school, if the university participation rate is not higher, if the unemployment rate is still high after the education system is reformed, it will be a terrible shame to all those persons involved, in particular the Newfoundland government.

I just hope there is a willingness in the Government of Newfoundland to forget the idea of deficit reduction at all cost. That deficit reduction means our schools are going to be much less better served. If it is just going to be deficit reduction, laying off more teachers, then this reformed school system in Newfoundland, I assure all the people in this House of Commons, will not serve our people any better.

It is important for everyone in the House of Commons to realize that every Newfoundlander wants to contribute to Canada. However, they cannot contribute unless they have the tools so to do. One of those fundamental tools in our modern society has to be an excellent education system.

As a former teacher, I am convinced that we can have a better education system. It is most unfortunate that we have to come this route to get it. One advantage is that we are here, in a democracy and basically we have a chance—as the member for St. John's East and I disagree on this issue—to come here to express our ideas, our values and our viewpoints. We will make the decisions and live with them as best we can. At least we can do it that way.

I can only say again that I am voting in favour of the resolution because I think it will give a better school system to the students of Newfoundland and Labrador.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, my question is for the two hon. members for St. John's East and St. John's West.

As my colleague from Winnipeg mentioned earlier, this is a concern of such very great importance not only to Newfoundland but across the country. Yet a few years back the same question was asked of the people of Newfoundland.

The Pentecostal and Catholic organizations got together and mobilized their forces and came within a few percentage points of defeating the original motion. This time the question was asked again and received overwhelming support of those people who voted.

Of an issue of this importance—now I am receiving all kinds of letters and all kinds of phone calls regarding this—why did the people not get out this time and vote? So many people stayed home. I would like those people from Newfoundland to answer tell

Government Orders

me why people stayed home and did not vote on this very critical and very important issue.

Mr. Charlie Power: Madam Speaker, there are several reasons for it. Partly it was the summer. Having education reform or something like that in the middle of July and August when many people are on holidays, travelling outside the province is difficult. We had the Cabot 500 celebrations where there were a tremendous amount of volunteers involved. Many were parents and teachers and there were school board activities.

I think the timing of it, having it on September 2, gave little or no input certainly made it difficult. The other part is that we are just so sick and tired of it.

• (1340)

It has been an ongoing debate in Newfoundland. I taught school in the early 1970s and it was there then and long before that. People just got tired of it. The people of Newfoundland are beginning to realize that this information age is going to pass us by if we are not careful. So let us get on with the reform.

A lot of people have just said that it is going to happen anyway. Let us just do it and have it over with.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Madam Speaker, I would like to ask the hon. member a couple of questions.

I had the opportunity of travelling in Newfoundland and I spent some time in the schools there talking to the students as well as teachers. This is a great concern in Newfoundland, as the hon. member has said. It is so much a concern that I am troubled about the committee having a time limit of December 5. That really scares me when we are going to make a decision pertaining to a province which was guaranteed a lot of things when it joined Confederation, yet none of it has taken place.

I will say in all sincerity, that if there is one province in the country that has really been taken advantage of since Confederation it is the province of Newfoundland. When I see a time limit of December 5 being put on a committee that is going to study how education be furthered in one of our provinces, it causes me great concern. I wonder if the hon. member would address that for me.

Mr. Charlie Power: Mr. Speaker, I think there would be a pretty enthusiastic group in Newfoundland if we were to suspend the House in January and members came to Newfoundland and renegotiated the terms of the union. We would be pretty delighted to take back fisheries management and give the government health care and education and a few other things that we find it difficult to afford.

The whole business is very serious and I for one would be more than happy to see the deadline of December 5 extended somewhat, not ad infinitum, but until another time. Maybe a practical suggestion would be that when the House is not sitting in January and part of February to take some time and go to Newfoundland and do this thing properly. Certainly I think the people of Newfoundland would benefit from it and the whole House of Commons would as well.

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Madam Speaker, it is a pleasure to rise on a matter on which I last addressed the House on May 31, 1996.

We are dealing with an issue of constituent power. That is basically the constitutional amending power and to some extent it is terra incognita, or better said, the law in the making because there have been so few precedents to date that what we do creates the precedents of future conduct.

I did make several observations that are perhaps worth repeating. I will not forget, by the way, the useful intervention by the Leader of the Opposition because I think that deserves some special comment in light of what has happened since the debate in May 1996.

On the issue of what this amendment stands for, I think it can be established as a constitutional duty of the federal government to respond with all deliberate speed to requests by provinces made under section 43 of the Constitution Act of 1982, for changes in the Constitution. Section 43 relates to what we might call bilateral amendments to the Constitution. They concern the federal government as Canada and the government of one province only. It might be said that by definition the significance of an amendment made thereto is limited to the federal government for Canada and the province concerned. It does not bind other parties.

Since this was a matter of some concern to people in provinces other than Newfoundland 18 months ago, and many of us including myself were visited by very distinguished religious and other authorities, I felt it necessary to make some comments which I will repeat again.

This proposal for amendment relates to a request by Newfoundland for change of term 17, of the terms of the union of 1949 and it is limited to that. It has no legal implications for other provinces.

Second, as a matter of constitutional interpretation, the Supreme Court of Canada gives a deference in the interpretation of the Constitution to what are called the travaux préparatoires, the parliamentary debates. They have a significance they do not have in relation to ordinary legislation and I built into my own statement my reasons for voting 18 months ago that I was voting on an amendment limited to Newfoundland, and I would recommend to

Government Orders

other members to do the same. This would help create the precedent that this does not apply to other provinces where other considerations apply.

• (1345)

There are legitimate considerations in all provinces, in Ontario obviously, but in British Columbia where the issue of funding for schools including church schools is a relevant political issue.

As a further matter I would also say that there have been significant changes here since the matter was first presented 18 months ago and this House voted overwhelmingly to approve it. The matter originally approved by this House went to the Senate and the Senate did not act with all deliberate speed. It took perhaps a certain amount of time longer than I think the constituent process envisaged. It then went to hearings by the Senate which I commended, by the way, to a number of people who had written to me as a chance to have their views expressed. It also went to the Supreme Court of Newfoundland and a single judge gave a ruling. It was at that stage that the premier of Newfoundland called for a referendum.

I said I would comment on what the Leader of the Opposition has proposed. I have said to him at times only half in jest that I feel these parts of his thinking may be borrowed from some of my earlier writings. I know the Leader of the Opposition is opposed to a non-elective legislative chamber. I think it is hard to deny the question that the constitutional legitimacy of a legislative body depends on its being elected.

Nevertheless I think we should recognize that the Senate and the Senate committee in this case, which was a strong committee, performed a useful and constructive role in the months that followed on this House vote.

When the premier of Newfoundland appeared in Ottawa to defend this measure 18 months ago some asked him if there had been full consultation and could he give them assurances here because they are getting representations from voters in Newfoundland and people in other provinces. He undertook to have discussions and consultations with them. I think that was an important undertaking. I read this again into my address in the House of Commons so that it would be a matter of record that under the principles of constitutional comity it would be understood that the premier approaching for a constitutional amendment under section 43 might find it proper to give undertakings of this sort which could in a sense become constitutionally binding.

What I am simply saying is that the extra time, including in this the Senate role, I think has been helpful and we come to this matter again 18 months later with a very substantially augmented case.

I think these figures, because they have been passed over perhaps rather too obliquely, are startling. There is an overwhelming majority, 73% of the Newfoundland population, that has approved this measure in a province-wide referendum vote. That is

an astonishing figure for referenda. It goes even beyond the majority that rejected the Charlottetown accord throughout Canada.

If we say what is the significance of a referendum, we can go to the Prime Minister of Great Britain and we will see that this is participatory democracy in action. It is so much becoming part of constitutional thinking that it would take a good deal of courage to say let's write off the 73%.

Let me go a step further and say that 47 of the 48 Newfoundland electoral districts have voted to support this measure. That is an astonishing figure, let us face it, in terms of any of our votes in any of our own provinces.

Let me look at the breakdown which has been made for me of the votes analysed constituency by constituency in an attempt to determine the particularity of the vote. In the St. George's Bay region, which is 74% Roman Catholic, 59% of the population voted yes.

• (1350)

In the Burin peninsula, which is 48.5% Roman Catholic, 72% voted yes. That is an astonishingly high percentage. In the Avalon peninsula, which is 48.5% Roman Catholic and Newfoundland's most heavily populated region, 72% voted yes. That again is a remarkable figure.

When we go to the Pentecostal vote in the four electoral districts where Pentecostals are most heavily concentrated, the resolution carried with majorities of 57% to 64%. If we are looking for participatory democracy, if we are looking for popular consultation, I would defy anybody to find a more startling affirmation of public support.

These are matters in this contemporary era that Prime Minister Blair of Great Britain calls the second modern period which have implications not merely for the economy but also for the political processes. There is, I think, a clear support for what is normally our duty in acting on a request under section 43.

It seems to me that the federal government, unless there is a direct conflict with the charter of rights or some other constitutional fundamental provision, is bound to act on a provincial request. When we get this support in terms of the popular majority, it seems we are bound to act.

The Leader of the Opposition did raise the issue as to whether this should be discussed or considered by a joint Senate and House committee. As I say, I have sympathy with the viewpoint of the paramouncy of the elected House. I would simply say that we have already had the opportunity of the Senate participating in this process. In my view it was not necessarily surprising that the particular senators delegated to that committee before were exceptionally talented people. I think their role has been constructive and useful. There is a body of accumulated experience and I see no

Government Orders

point in disturbing it at this stage, although I understand the point of the Leader of the Opposition there.

Back again to this issue, I think it is necessary to reaffirm the point we have basically made. This is a proposition limited to a change to term 17 of the terms of union of Newfoundland with Canada.

Second, we are normally bound as a federal government to act on a resolution presented in good faith under section 43 by a provincial legislature unless there are overwhelming constitutional reasons to the contrary. We did not see those 18 months ago and I do not see them today.

Third, the support of the people of Newfoundland, expressed in the only way in a constitutional democracy it can be expressed, through a vote, is overwhelming. I do not see that we would be justified in rejecting it.

On the implications for other provinces, as I have said, I read into my own vote, and I commend to others to do this, a limitation to a particular constitutional amendment proposed under section 43. This is without prejudice to a position that I and others may take on a request from Quebec for an amendment or a request from other provinces. However, I see no implication here for perfectly legitimate political requests or demands that religious groups in other provinces may make for various actions by their government, whether it be in the form of state aid to education of religious schools or otherwise. Those must be fought on their political merits within those provinces and they are not affected by what we are doing today.

Are there any other matters here? I would take note of the fact that I believe the premier of Newfoundland has discharged, in good faith, the undertaking he made that he would consult with religious groups within the province. I think he has acted in good faith on that. I am impressed by the guarantees that he is giving here that religious education will be made available in the province in what will become non-religious schools.

He has also carefully read the constitutional precedents and none are better developed than those before the United States supreme court. He has built into that guarantee guarantees of the rights of parents of children who might wish to opt out of their religious instruction.

• (1355)

I think there has been a great deal of thought given to this by Newfoundland. I think it indicates the value of the constituent processes, the bilateral nature of the dealings. Newfoundland has listened to objections that were made here by members of this House on both sides who may have supported the measure but had some objections to the way it was being done but who may have voted for it nevertheless.

The premier has responded well. I think we should take this as an example of good faith on his part and we should respond equally to that.

I will be voting for this measure. It has been considerably improved over the measure which I voted for before.

I am also impressed with the extra degree of constitutional legitimacy it has by the very overwhelming vote that the Newfoundland people expressed in democracy's most direct way, the direct voting of the people.

[Translation]

Mr. Ghislain Lebel (Chambly, BQ): Madam Speaker, I want to reiterate my great admiration, past and present, for the member for Vancouver Quadra, who was an emeritus professor of law. He has been quoted in all Canadian faculties of law.

I have some questions, however, about the sort of nuance he is introducing when he says that we are now debating the particular case of Newfoundland. I get the feeling he would perhaps have reservations when it came time to discuss the particular case of Quebec and the amendment that province is seeking.

I would like the member for Vancouver Quadra to tell us if he has any reservations and if they are the result of the Reform Party approach? Could he be influenced by the Reform Party in this regard? I would like him to be a bit more specific.

Mr. Ted McWhinney: Madam Speaker, I would like to thank the hon. member for his question, which is, as usual, an intelligent one. He is looking for an answer.

My observations, my nuances if you like, were more to do with a few other provinces, not the Province of Quebec. I already have an opinion on the amendment favoured by the Government of Quebec, but I would like to make it clear that I am in no way suggesting here that I would like to make a distinction between the two cases.

[English]

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, I would like to ask the hon. member a very decided question. It is a question which I believe is fundamental to human rights.

I can take my car to a shop and have it fixed. Even though the repairs are covered by the British Columbia government run insurance company, I can choose the car dealer. I can choose my doctor for myself and members of my family, even though it is a government funded health care system.

Does he agree that we should have also the fundamental right to choose for our children how and where they should be educated? If there is a defence of that right of free choice, should there be a financial penalty attached to exercising that right?

Mr. Ted McWhinney: Mr. Speaker, on this particular issue we have all the rights guaranteed by the charter of rights and an amendment put forward by a province cannot run counter to the charter of rights.

On the issue left open, and I was particularly referring to issues raised by certain provinces in relation to the Newfoundland question, it seems to me completely open, if and when we adopt this amendment, to raise the issue of the provision of provincial aid, for example, for education in church schools and other provinces. That is an issue to be fought out within the political processes there, but there is no negative implication from a vote here.

[Translation]

The Speaker: It being 2 p.m., we will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

• (1400)

[Translation]

JACQUESVILLENEUVE

Mr. Guy Saint-Julien (Abitibi, Lib.): Mr. Speaker, Jacques Villeneuve, who comes from Quebec, won the 48th edition of the world championship, becoming the 26th driver in history to do so.

The Prime Minister of Canada did not miss the opportunity to congratulate the 26-year-old driver, who has set an example for all Canadians. We are proud of him and know that this victory is the result of the hard work and determination of a driver and his entire team.

On behalf of all my colleagues, I congratulate Jacques on this great victory, which will propel him on to other feats, of which we will all be equally proud.

* * *

[English]

WAR MEDALS

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, on Saturday an extraordinary Canadian, Mr. Arthur Lee, stood up for his adopted country by boldly acting to save the war medals of poet Lieutenant Colonel John McCrae.

Chiselled on the walls of the House of Commons are the words of the poem *In Flanders Fields* penned by John McCrae over 82 years ago:

To you from failing hands we throw the torch
Be yours to hold it high.

Mr. Lee singlehandedly accomplished what the Liberals could not or would not. Mr. Lee saw value while the Liberal minister of

S. O. 31

heritage saw none. An important vestige of Canada's war history is now preserved.

I ask the House and gallery to recognize Mr. Lee's deed, to recognize his passing of the torch to the safety of our museums.

The veterans of Canada applaud his efforts.

* * *

DAVID SHANNON

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, David Shannon from my riding of Thunder Bay—Atikokan is without a doubt one of the most courageous Canadians I have ever met.

He has never allowed a spinal cord injury to prevent him from pursuing his lifelong goals. David, an actor, a lawyer and a community activist, recently completed a cross Canada tour on his wheelchair. His trek began on April 1 in St. John's, Newfoundland, and was completed on October 14 in Vancouver, British Columbia.

During the journey David made public appearances, presented his one act play, promoted the role that Canadians in wheelchairs make to our communities and raised over half a million dollars for spinal injury research.

Canadians are proud of David Shannon's accomplishments.

* * *

[Translation]

JACQUESVILLENEUVE

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the people of Berthier, Villeneuve country, where the new world champion started out, and where the memory of his father Gilles is still alive, followed the European Grand Prix held in Spain with great emotion.

After an exciting race, and a victory that was as spectacular as it was dramatic, Jacques Villeneuve, the Quebecker, the boy from down home, became the World Formula 1 champion. In my part of the country we have long recognized Jacques' talent, his brilliance and his straight-forwardness. But with this victory, this great victory won with class, honesty and exemplary sportsmanship, the entire world has become aware of his great talent.

Jacques, all of Quebec is proud of you. You stuck to your race for the championship with your usual tenacity. Jacques Villeneuve, the great driver, has won not only the world championship, but the hearts of all Quebeckers.

Bravo, Jacques, and thank you for this championship.

* * *

[English]

INUIT AND ABORIGINAL ART

Mrs. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, following my statement in the House last Wednesday the parlia-

S. O. 31

mentary gift shop has agreed to take its fakelore from its shelves. This is an important step toward promoting authentic Inuit and aboriginal art in this great country of ours.

Much work still remains in promoting authentic Inuit and aboriginal art. Regulations must be in place that will ensure fakelore is properly labelled as imitation or fake.

My office will be undertaking this project with the help of artists from across Canada in coming months.

* * *

ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, based on questions, the Leader of the Official Opposition does not understand the climate change issue and is creating unnecessary anxiety. This can be a win-win issue.

We can reduce emissions by shifting to greater use of cleaner natural gas. We can reduce emissions by making buildings energy efficient. We can reduce emissions by developing energy efficient transportation policies. We can reduce emissions and reduce production costs through energy efficiency. We can reduce emissions and create jobs through the development of alternative and renewable energies. We can reduce emissions by removing costly subsidies for oil sands.

Over 2,000 leading Canadian and American economists have declared there are many potential policies to reduce greenhouse gas emissions for which the total benefits outweigh the costs.

• (1405)

We can reap considerable economic benefits and help reverse global warming. We can control emissions and help clear the air without slowing our economy. It takes imagination and determination. In Canada we have a lot of both.

* * *

[Translation]

JACQUESVILLENEUVE

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, yesterday Jacques Villeneuve became World Formula 1 Champion.

He is the first Canadian to win this great honour. His father's untimely death robbed him of the opportunity to win this prize. I had the opportunity to participate with Gilles in a competition on a circuit in Canada. He was a formidable driver, as his son is now.

Congratulations to the people of Berthierville, in Quebec. Congratulations to Canada. Congratulations to Jacques Villeneuve, the new world champion.

[English]

CANADA POST

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, the Liberal government believes that a strong Canada depends on a strong and economically vibrant rural community. Rural post offices contribute to the fabric of our nation. I am proud to state that the government has kept its promise to stop the closure of rural post offices.

According to figures reported in the *Western Producer* there are 19 more rural post offices operating in Canada today than in 1993. Before that time the Conservatives abandoned over 30% of our rural post offices.

The Liberal government is standing up for rural Canadians and we will continue to do so. Canada has the best postal system in the world because it serves the needs of Canadians wherever they live.

* * *

RIGHTS OF CHILDREN

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, the social problem of child labour challenges people of conscience around the world. A solution is not simple because in some countries the child worker's income is vital to the family's survival.

Canada's strategy focuses on children's rights, the right to health and the right to education. Our CIDA funding targets primary schooling and child care and seeks to strengthen the position of women in society.

Today in Oslo at the International Organization of Labour Conference, Canada joins 39 other countries in drafting an agenda for action by the international community in order to protect children from harmful and exploitative forms of child labour.

Let us all hope that Canada can build another consensus as positive for children as the one we are now forging on land mines.

* * *

TRANS-CANADA HIGHWAY

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, the 288 kilometres of undivided portions of the Trans-Canada Highway in Saskatchewan has this year claimed nine lives and in the past four months 38 serious injuries have occurred on the undivided sections.

The government is shirking its responsibilities. It refuses to initiate a national highway program. It refuses to return a reasonable share of the excise fuel tax. These refusals are directly related to some of the deaths and injuries on the untwinned portion of Saskatchewan's Trans-Canada Highway.

When motorists approach Saskatchewan on the number one highway there should be signs saying "Drive with extreme caution. This highway receives no federal funding".

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[Translation]

NATIONAL GEOGRAPHIC

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, Ian Darragh's article in November's *National Geographic* offers a bunch of clichés on Quebec, including political uncertainty and partition.

But the worst of it is that *National Geographic* runs down Quebec's economy and presents a catastrophic view of Montreal. With Quebec's economy growing 2.9% faster than those of the United States, France and Italy and with Montreal becoming the North American high tech capital, we might wonder about this journalist's intellectual rigour.

However, we stop wondering when we discover that he is a consultant with the Ottawa-Carleton Research Institute, an organization promoting the economy of the Ottawa-Carleton region. It is clearly a conflict of interest that the famous magazine must surely have been aware of.

* * *

QUEBEC PREMIER

Mr. Nick Discepolo (Vaudreuil—Soulanges, Lib.): Mr. Speaker, on the weekend, the Quebec premier said that he would not hesitate to use the notwithstanding clause to restore the referendum act in its entirety.

• (1410)

As the House may remember, the Liberal government in Quebec City used this clause in language matters. In 1996, the current premier of Quebec disapproved of this option, saying that he believed in democracy and that, by honouring all the obligations, he would be able to face himself in the mirror in the morning knowing he had not suspended the application of fundamental rights.

Rather an odd message from the premier of Quebec. This approach seems acceptable to him only when his own government is contemplating it. Are we to understand that the premier of Quebec advocates a two-tier democracy? Is he really facing himself in the mirror or is he looking in the rear view mirror?

S. O. 31

[English]

HUMAN RIGHTS

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I rise today to speak out in solidarity with an Edmonton man, Mr. Ekrom Kolay, who is in his sixth day of a hunger strike in support of imprisoned Turkish member of Parliament Leyla Zana.

Zana, the first Kurdish woman elected to the Turkish parliament, was jailed with other MPs in 1994 for speaking out against the brutality and violence of the Turkish government against the Kurds and the destruction of their villages.

I appeal to the Government of Canada to call for the release of Leyla Zana, winner of the 1995 European Sakharov peace prize, and to urge the Turkish government to enter into a dialogue with the Kurds that respects their right to self-determination and fundamental human rights.

Too many writers and journalists have been jailed and murdered. Too many innocent Kurds have been jailed, murdered and tortured. Now is the time for peace and reconciliation.

* * *

REMEMBRANCE DAY

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Mr. Speaker, with Remembrance Day fast approaching I would like to pay tribute to Canadian veterans of the world wars, the Korean war and the UN peacekeeping missions.

Canada has a proud military tradition but it too often goes unrecognized. That is why I was very impressed to see businessman Arthur Lee pay \$400,000 to return the medals of John McCrae to McCrae House in Guelph.

As mentioned earlier in the House, McCrae was the poet and World War I veteran who gave us the haunting war poem *In Flanders Fields*.

Mr. Lee, an immigrant, said his generous act was a way to repay Canada for opening its doors to him.

I call on all Canadians to draw inspiration from Mr. Lee's example and in some way repay those brave soldiers who have kept the doors of freedom open to all of us.

* * *

WAR MEDALS

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, Canada has another hero today. His name is Arthur Lee. Mr. Lee took it upon himself to go to Toronto to the auction this weekend and bid on Lieutenant Colonel McCrae's medals.

After a lengthy bidding process, his bid of \$400,000 purchased the medals. He will be donating the medals to the Guelph museum where the rest of McCrae memorabilia has been preserved.

Oral Questions

The Minister of Canadian Heritage should take note that Canadians are very proud of their heritage and that they are prepared to do anything to protect it. It was the minister who should have looked after making sure these medals were put in the museum.

Canadians are proud of Mr. Lee for what he has done to save Canada's heritage. I suggest that he be invited to the House where he can be thanked publicly and given special recognition for protecting our heritage.

On behalf of myself, my colleagues and all our people in the House and the millions of Canadians out there, we thank you, Mr. Lee.

* * *

REFORM PARTY OF CANADA

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, I will start by telling you how proud I was the first day I sat in the House. I felt that regardless of my party my colleagues and I were here to create laws and directions for Canada. We would make Canada a better place for all Canadians regardless of religion or region.

I was and am excited at this prospect. Often I disagree with my colleagues in opposition. However I believe they are expressing their hearts in a way they feel is best for their constituents and in most cases Canada. I commend them.

Recently I have become disillusioned at the actions of the Reform Party. Enough is enough. Reform members continue to describe in graphic detail the most heinous of crimes for no other reason than grandstanding. I say shame.

I remind my colleagues that expressing the details of tragic violent acts on national TV only makes the victims relive these atrocities over again. Exploiting people's tragedy only hurts the victims.

Canadians will not take it any more. The Reform Party and their leader should be ashamed.

ORAL QUESTION PERIOD

• (1415)

[English]

ENVIRONMENT

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the way the Liberal government is cooking up this deal on emissions is starting to remind Canadians of how Mulroney cooked up the Meech Lake deal. The process is the same. A few heads of state get together in a room. They agree to some emission deal. It is top down, it is rushed and worst of all, Canada agrees to sign before getting agreement from the key players back home.

This approach did not work for Mulroney on the Constitution. Why is the environment minister creating an environmental Meech Lake accord?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, as I have said many times before, the government is committed to legally binding targets that we will sign onto with other annex I countries in Kyoto, Japan. With respect, the government is also working in a serious style of negotiation with all of the partners in this country who, after Kyoto, have to be involved in putting in the measures necessary to meet our targets. We do this with respect in our negotiating process.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, it would seem to me that if you are taking a common sense approach to negotiating an environmental deal, you do a few common sense things first. You get an agreement from the provinces, the industries and the consumers at the front end. You get an agreement in Canada about appropriate levels, about what costs are acceptable and how to implement. Then you take this made in Canada deal to Kyoto and you sign the treaty only if it meets or exceeds your criteria.

My question for the environment minister is, is this common sense approach not preferable to the top down, cart before the horse, Meech Lake approach the government is taking?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I would like to ask the Reform Party what its own position is on this very serious global issue. Is it going to continue to put its head in the sand and say that there is no problem?

This is an issue which implicates the future for our children and our grandchildren. In its own Reform document the Reform Party says it supports ensuring that all Canadians dwell in a clean and healthy environment. When are you going to start standing up for—

The Speaker: My colleagues, I invite you please to address your remarks to the Chair.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, Reform's approach has been for years to balance environmental and economic concerns. The way to do that is to go to the Canadian players first and get an agreement. You get an agreement on levels. You get an agreement on costs. You get an agreement on implementation. Then you take the made in Canada agreement to Kyoto and negotiate with the international players and they sign if they get agreement.

Why does the minister not take that approach in that sequence? Why does she start at the top, say she is going to sign something and then come back and persuade the Canadian players to get an agreement?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I, other ministers in our government and our officials have held many, many meetings over the years with officials and other parties to this important negotiation. With respect, the Reform Party cannot even listen to its own critic about its position.

Oral Questions

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, in response to the environment minister, I would like to make my position abundantly clear. I oppose a gas tax. I oppose an energy tax. I oppose an environment tax. I even hate the GST.

I would like to ask the minister, why will the environment minister not do the same thing?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, the government is open to looking at many alternatives with our partners in dealing with this important issue which affects all Canadians.

I suppose the critic opposite is suggesting that he is responding to his own quotes where he says "You have to look at the whole package of where you are going to go, where you want to be. Yes, environmental taxes even may be part of the equation if they are dedicated".

• (1420)

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, let me say it again. The Reform Party will strenuously oppose any new tax the Liberals bring in, thanks to Kyoto. No gas tax, no energy tax, no environment tax, no green tax at all, no tax period.

Why will the minister not stand in her place today and tell Canadians that the Liberals will not raise taxes because of their backroom deal in Kyoto?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, this issue is much more important than the scare mongering of the Reform Party on the issue of taxes.

I would like to ask the Reform Party what they are going to do, what are their own suggestions about dealing with greenhouse gas emissions.

* * *

[Translation]

LINGUISTIC SCHOOL BOARDS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, rumours are flying about the government's support for the section 93 constitutional amendment.

The Minister of Intergovernmental Affairs promised to act quickly so that the Government of Quebec could go ahead with this reform.

Can the Minister of Intergovernmental Affairs tell us if the government intends to require all Liberal members to vote in favour of this amendment?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there is no doubt about the government's support for this initiative. As for whether the Prime Minister intends to insist on party discipline or whether he will

allow a free vote, only the Prime Minister can answer this question in due course. But it is a government initiative proposed in this House, and it is the government's intention, of course, to proceed.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, one of the principles underlying oral question period is that the government is accountable and must answer. If the Prime Minister is not here, it does not mean the government ceases to operate.

I therefore ask the Minister of Intergovernmental Affairs to tell us if the government intends to require all Liberal members to vote in favour of this amendment and not to engage in doubletalk with statements to the effect that the government is favourable, but that members are being allowed to vote as they wish and that it does not recognize the unanimous request of the Government of Quebec.

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Government of Canada supports the constitutional amendment passed unanimously by the National Assembly. We think it is important to have a parliamentary committee, particularly as there was not one in the National Assembly. We think that the amendment should be approved because it is good for Quebec and because there is consensus. A committee is doing its work and members should quit their politicking.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

In 1993, when New Brunswick needed a constitutional amendment to make French and English the province's official languages, the Prime Minister, who was then the leader of the opposition, demanded that Liberal members show solidarity in supporting New Brunswick's request.

Does the minister intend to make the same recommendation to the government, to ensure Quebec's request for an amendment meets with success?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it is important to remember that the first time New Brunswick's request was debated in this House, the small number of Bloc Québécois members who were here at the time refused to support it, thus preventing us from having the unanimous consent necessary to make the change before the election. The Bloc Québécois opposed the request.

An hon. member: It is not true.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the Bloc Québécois wanted a recorded division to force everyone in this House to show his or her true colours and we got it.

My question is for the Minister of Intergovernmental Affairs. Are not the current hesitations of the government an indication that the various interest groups and lobbies are getting their way and are

Oral Questions

beginning to weaken the unanimous consent of the National Assembly?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, Quebec is a pluralistic society whose people hold various views.

The federal government reviewed the issue and concluded there was a consensus for a measure that would be appropriate for Quebec society. The committee is doing its work and we will await the results.

* * *

• (1425)

[English]

TAXATION

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of Finance.

Nova Scotia's premier is back in Ottawa. This former Liberal member of Parliament is now telling anyone who will listen that he left federal politics to try to undo the damage caused by four years of disastrous Liberal policy.

Can the finance minister confirm that he will today discuss with the Nova Scotia premier ways to undo the damage of cuts to education, undo the damage of cuts to health care and undo the damage being caused to Nova Scotians by his blended sales tax?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, indeed today I will be meeting with the premier of Nova Scotia. He is coming here with a number of items to discuss with myself and with other members. I look forward to this particular discussion.

The premier of Nova Scotia, long time a member of this House, is an outstanding Canadian. He has a very clear vision of the future of Nova Scotia. We will do everything we possibly can to make sure that Nova Scotia continues to progress.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, they may actually get somewhere in this pre-election flurry.

When he was an MP the Nova Scotia premier voted for the blended sales tax. He now admits that the BST is hurting Nova Scotians. The Prime Minister on the other hand is busy gloating that he has worked the bugs out of the BST, that it is a great tax.

Will the finance minister be meeting with the Nova Scotia premier to reminisce about the days when they were BST boosters together in the Liberal caucus, or will he instead get down to business and undo the BST and the damage it is causing to Nova Scotians?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the harmonized sales tax is supported by the chamber of commerce and all of the small and medium size business groups in Nova Scotia precisely because it has lowered taxes for consumers,

because it has lowered their administrative costs and it is enabling them to create jobs.

I am very surprised that the leader of the NDP, who has some experience in Nova Scotia, would not support the premier of Nova Scotia who is an outstanding Canadian, an outstanding representative of Atlantic Canada, and who is here to do his best by the province. What the leader of the NDP ought to do is to support him in his desire to improve—

The Speaker: The hon. member for Sherbrooke.

* * *

FISHERIES

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Last Friday in Vancouver I met with representatives of the Community Fisheries Development Centre, the Coastal Community Network and the United Fishermen and Allied Workers Union. All of these groups said to me that the government's Mifflin plan for the fishery was an unmitigated disaster, that the government is not listening and that if the government has a plan for the fishery, they have no idea what it is.

Can the government tell us today what its plan is for the fishery on the west coast?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, this government is fully supportive of the fisheries on both coasts of Canada and the inland fisheries as well.

This government has been very clear in the past that it is not the attitude of those supported by the colleague of the hon. member in the other place that advances the Canadian fishing industry, or anything else for that matter, in this country.

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, the groups that I met with on Friday are not interested in the minister's hot air and rhetoric about this issue. What they want to know is what the government is going to do. It is their livelihood that is at stake.

Can I suggest something constructive to the government and to the Deputy Prime Minister? At the APEC summit that will be held in November in Vancouver, the Prime Minister will meet with President Clinton. Will they give a mandate to the two envoys, Mr. Ruckelshaus and Mr. Strangway, to report to them at that time so that they can bring a solution to this very important issue for the livelihood of fishermen on the west coast?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, it all depends on whether a proper, good, effective report is ready.

Later this week both Messrs. Strangway and Ruckelshaus will be in Ottawa to meet with officials to brief us on their progress. They have undertaken an extensive consultation. We want to know how far they have been able to come with recommendations. It will

depend on where they are at. That will determine when and where we then present those reports to the President of the United States and the Prime Minister.

* * *

ENVIRONMENT

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the Minister of the Environment talks about this deal that she is going to sign in Kyoto and is rather confused yet about her policy.

I suggest that a policy she might take to the table there is to first get an agreement from the provinces and those people who are going to be affected in Canada. She should get an agreement in Canada if she is trying to get a deal that is good for Canada. Then she can take that deal to Kyoto and see if they will sign it.

• (1430)

My question for the Minister of Environment is simply that if she is truly committed to the environment, why will she not try this approach to get Canadians on side and try to sell the deal there?

Whose side is she on, Kyoto's or Canada's?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, this government is on the side of Canadians. This government is on the side of the environment. This government is on the side of doing something about the very serious issue of climate change and we will continue to negotiate with all the Canadian partners who will help us to achieve our targets.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, for all the talk about being so committed to Canadians and the environment, the minister is going to Kyoto to have them tell her the agreement she is going to sign. That is absolutely backwards.

Why will this minister not go to Kyoto and tell them what is good for Canada? Why will she not get a deal that Canadians will accept before she goes there, not have it rammed down their throats when she gets home?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, Canada is an active participant in the negotiations for a deal that will be signed in Kyoto. We are there representing the best interests of Canada. We are there trying to make sure that we get annex I countries signing on to a deal in Kyoto. That is what is important if we are going to deal with the issue of global change.

Oral Questions

[Translation]

OUTAOUAIS ALLIANCE

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, my question is for the Minister of Canadian Heritage.

While francophone groups are fighting for French to be respected in the Pontiac region, a federally funded group of anglophones, Outaouais Alliance, is proposing that merchants defy the signage requirements of the Charte de la langue française.

Since Outaouais Alliance has suggested that anglophone businesses defy a law of the Government of Quebec, is it the Minister of Heritage's intention to immediately withdraw its federal funding for 1997-98?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): It is certain that the Government of Canada is not in favour of a group refusing to respect provincial or federal language legislation.

Now, in connection with the words of the hon. member opposite, this is the first I have heard of this matter, and I will look into it and get back to him very soon.

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, is the minister aware that, by funding Outaouais Alliance under these circumstances, she is promoting civil disobedience?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, certainly any encouragement to disobey the law is wrong. Although the Government of Quebec sometimes questions federal legislation on certain matters and is, for instance, questioning election legislation, all political parties and all political actions must respect the law.

We hope that the Government of Quebec is going to respect the Supreme Court decision on signage, and we hope that Outaouais Alliance will do so as well.

* * *

[English]

THE ENVIRONMENT

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, the Minister of the Environment knows that the science community is divided on the issue of global warming. She knows that there is no consensus as to the extent of the problem, the cause of the problem or the best solution.

My question to the Minister of the Environment is which particular scientists, whose studies has she used to form the basis of Canada's position at the Kyoto Conference?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, there are thousands of respected scientists around the world who are telling us all that this is an issue we have to be

Oral Questions

concerned about. Their science tells us that human introduction of greenhouse gases into the atmosphere is changing our climate.

The Canadian Association of Petroleum Producers is placing ads in the paper, and I will table this. If I may quote, on the issue of greenhouse gases: "Scientists are divided about climate change and whether man made emissions are a major cause. But we think it's better to be safe than sorry".

• (1435)

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, this government has a troubling history of ignoring good science. The Liberals in the past have twisted the studies of the fisheries and oceans and health departments to suit their own particular agenda.

The question is not whether we should not deal with the greenhouse problem, the issue is will this minister release publicly to the public the particular studies that formed the basis of the Kyoto position or would she prefer—

The Speaker: The hon. Minister of the Environment.

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, there are all kinds of science in support of the international community's signing an agreement in Kyoto, Japan. To carry on with a quote from the Canadian Association of Petroleum Producers: "But we think it is better to be safe than sorry. The world should act now to control carbon dioxide emissions".

The Insurance Bureau of Canada states there appears to be very clear scientific evidence that global warming increases severe weather. That increasing severe weather is causing the industry hundreds of millions of dollars every year.

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[Translation]

MINISTER OF INTERGOVERNMENTAL AFFAIRS

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, my question is to the Minister of Intergovernmental Affairs.

The Minister of Intergovernmental Affairs stated over the weekend before Liberal supporters, and I quote "That there were too many Lucien Bouchards in the world in countries that are not democratic".

Could the Minister of Intergovernmental Affairs explain to us what he means by this surprising sentence "There are too many Lucien Bouchards in the world in countries that are not democratic"?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I thank the member for giving me the opportunity to repeat in this House what I said Friday night in Kamloops, as can

be read in the transcripts. Please excuse my English; it won't be very long.

[English]

Do you know how many groups in the world give themselves collective identity? Experts say that it is between three thousand and five thousand. There are not two hundred states in the United Nations. So don't let—in this beautiful country of Canada—don't let the Lucien Bouchards win with a separation. Because there are too many Lucien Bouchards through the world who would create a mess in this country—in Africa, Asia, in many places in the world—if we say that there is no future for the co-habitation of—

[Translation]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, the Minister of Intergovernmental Affairs says exactly the same thing we are saying.

The minister has always said that he wanted a rational debate on the issue of a Quebec sovereignty. Does he not think that stating that there are too many Lucien Bouchards in the world constitutes dangerous, irresponsible and even hateful language?

[English]

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, "—if we say that there is no future for co-habitation of cultures, synergy of cultures within the same state. That the sole solution is a separation of cultures. This is a wrong idea. I don't want this wrong idea to win in my country".

* * *

CANADA PENSION PLAN

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, this weekend Premier Klein said that Alberta may consider dropping out of the Canada pension plan and set up its own citizens retirement fund. Who could blame him?

The more people look at the Liberal CPP changes, the less they like them.

Did the minister really expect people to stay in a plan that offers only a measly 1.8% return?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the hon. member knows, the return is substantially higher than that. It is in fact a return which will be commensurate with any other pension plan given the fact that it will be administered at arm's length.

The former minister of finance, the treasurer of Alberta, Mr. Dinning, was one of the leaders and a very constructive force in the development of the Canada pension plan along with the other provinces.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, it is not only Alberta that is less than impressed with this scheme. B.C. wants nothing to do with it. Saskatchewan says to forget it. Quebec never did join.

Oral Questions

How long will it be until the only one left in this pyramid scheme is the minister?

• (1440)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, again, the hon. member does have a responsibility to Canadians and to this House to get her facts straight.

The difference of opinion between Saskatchewan and British Columbia and the other eight provinces was that those two provinces wanted to see the rates go up higher and less moderation of benefits. Quebec has precisely the same plan. It was set up at the very beginning and it is putting through exactly the same changes in terms of premiums as we are.

The fundamental fact is that Alberta took a leadership role along with the other provinces when we put this together, and they have signed on to the deal. The hon. member simply has a—

The Speaker: The hon. member for Repentigny.

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[Translation]

CANADIAN INTERNATIONAL TRADE TRIBUNAL

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, my question is for the Minister of Finance.

On July 22 of this year, the Canadian International Trade Tribunal ruled favourably on the Shan swimwear company's request for a removal of duties on European fabrics so that it could compete on an equal footing with Israeli manufacturers.

Is the minister going to help this company by assuming his responsibilities, standing up to the opposing lobbies and giving effect rapidly to the trade tribunal's ruling?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the member is well aware, the Canadian International Trade Tribunal has now received additional information and, since it is an independent body, has asked to review the file. The information came from other manufacturers located in Quebec.

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[English]

KENYA

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, my question is for the Secretary of State for Latin America and Africa. Canadians read of violent crackdowns on political demonstrations in Kenya.

In light of upcoming elections could the secretary of state tell us what Canada has done to make clear our support for free and democratic elections for the Kenyan people?

[Translation]

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, I thank the member for Etobicoke—Lakeshore for her serious question.

[English]

All Canadians along with the member share concern about the violence that occurred in Kenya and are very anxious, as is the government, that it not occur again.

I was in Nairobi last month where I discussed election issues with a number of officials in the government, including MPs from all parties. There is a basis for hope that the elections when they are held, which must be before the end of December, will be violence free and will be free and proper.

* * *

CANADA PENSION PLAN

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, Canadians have seen their standard of living eroded in the last few years primarily because of tax increases. We know the government has said absolutely no to tax relief but it has said a big yes to tax hikes in the form of the \$700 increase to CPP premiums, double that if you are self-employed.

So what are Canadians supposed to do? Are they supposed to eat a little less every month to save some money? Are they supposed to skip their mortgage payments, maybe take the kids out of hockey?

Will the finance minister tell Canadians, with the highest personal income taxes in the G-7, just where the money is supposed to come from for the \$700 CPP tax hike?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, once again, one really has to look at the adequacy of the research department for the Reform Party. The fact of the matter is the net worth of Canadian households is up. The fact is what the Reform Party has not done is tell the Canadian people what it would do with the very large liability that is owed to those Canadians who are currently retired or those Canadians who are currently working and putting money into the Canada pension plan.

As things currently stand there are only one or two alternatives. Either Reformers are suggesting a 13% premium versus 9.9% or they would renege on the commitments to Canadians—

The Speaker: The hon. member for Medicine Hat.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, we just want to thank the minister for that firsthand report from fantasy land. I do not blame him for being a little ashamed about that 1.8% return under his own plan.

Oral Questions

For many people this is no laughing matter. They are going to have to dramatically cut their own standards of living to pay for the minister's Ponzi scheme. He has ruled out substantial tax relief in the short run.

Again, where does he expect people to get the money from to pay for his plan? Where are they going to get the money?

• (1445)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, this is an important debate for Canadians.

What the Reform Party is talking about doing is destroying the Canada pension plan. Its members have a responsibility to tell Canadians, those who are currently contributing to the plan, those who rely on it, what Reform will do with about \$600 billion liability.

Reform members have a responsibility to put their cards on the table and not engage in a bunch of fearmongering.

* * *

EDUCATION

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, the Minister of Finance will know that the Harris government has turned its back on the province's students, creating havoc in the provincial educational system as a result of draconian cuts to the funding of education.

Would the minister not agree that it is the federal Liberal government that is responsible for the mindset of tax cut downloading that is hurting Ontario's students today?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member, a member of Parliament with considerable experience, will know that there were reductions in transfers, in Ontario's case, of close to a billion dollars. That is 25% of the \$4.9 billion cut that the Conservative Government of Ontario has brought in and, as a result of which, is closing hospitals and shutting down schools.

That is precisely the difference between ourselves and the Reform Party. Of course we want to cut taxes, but we are not prepared to cut health care. We are not prepared to cut education. We are not prepared to—

The Speaker: The hon. member for Kamloops.

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I could not agree with the Minister of Finance more. As a result of the mindless decision to cut taxes in the province of Ontario, the result has been the complete abandonment of its young people who are students who want to study.

Will the Minister of Finance stand up and show that he stands behind what he actually says, speak out against the Harris government and join us on the picket lines tomorrow to stand shoulder to shoulder with the students and teachers of this province?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member knows full well that the government is not going to engage in commenting on what goes on in individual provinces.

The fact is that to the best of my knowledge, when the Government of Saskatchewan was shutting down hospitals we did not make a lot of comment about that. Perhaps we should have.

There is one thing that we will do. We are going to protect Canadians. We are going to protect low income Canadians. We are going to invest in the things they want.

That is why the line in the sand is drawn between this side of the House and that side of the House. We are going to protect the basic social fabric and the values—

The Speaker: The hon. member for Cumberland—Colchester.

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HIGHWAYS

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, my question is for the Minister of Transport. The Prime Minister recently wrote me a letter, trying to explain the convoluted, screwball, highway toll deal in Nova Scotia.

I appreciate the Prime Minister's effort but he is all wrong, including the statement that says \$60.9 million was provided by Atlantic Highways Corporation. In fact, it did not provide that. They are getting paid it. They are not putting it in. The Prime Minister also said that it was a public-private partnership, which it is not.

If the Prime Minister and his staff cannot understand this convoluted deal, how can the people of Nova Scotia understand it?

My question for the Minister of Transport is—

The Speaker: Second question.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, in respect to the convoluted deal, my question is still will the minister announce today a federal-provincial agreement to replace that?

Also, will the minister address the fact that the chief investigator of the federal competition bureau and the auditor general are reviewing the issue.

The Speaker: The hon. Minister of Transport.

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, unlike the member's question, I will give a non-convoluted answer. No.

*Oral Questions***PENSIONS**

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, my question is for the Minister of Finance.

With respect to the Canada-U.S. tax treaty, over 80,000 seniors receiving the U.S. social security pension have seen their incomes drop by more than 25%. Many of these are low income seniors.

What is the government doing to get this money back into the hands of those who need relief now?

• (1450)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the member for Durham has been a fervent advocate of changes to the Canada-U.S. treaty, as indeed have a number of other members in the House, changes which would bring needed relief to tens of thousands of low and middle income Canadians. As he also knows, and as the House knows, our bill is currently on schedule and will be before the House in due time.

Although the bill is not yet on the floor of the U.S. Senate, we have heard encouraging news. The U.S. Senate foreign relations committee has recommended to the Senate that it pass the—

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THE ENVIRONMENT

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, today the joint environmental review panel released its decision on the routes of the Sable Island gas pipeline: through New Brunswick, Nova Scotia and not Quebec.

Will the government commit today to letting this impartial decision stand and promise not to let Liberal politics weigh in any decision?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the joint panel report was released at about noon today. The government has obviously only just received it. We are in the process of reviewing all of its recommendations, some 46 in total.

It is our intention to give the report very careful consideration and respond within the appropriate timeframe. We want to ensure that whatever decision is taken is taken on a sound, proper, legal basis.

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[Translation]

SINGER RETIREES

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

In 1987, 600 retirees from the Singer company sought their pension fund from the federal government. Today there are only 350 of them and their average age is 82.

Because this is a matter to be handled humanely and not technically or legally, would the minister not agree to the proposal made by the Singer retirees of calling on Claude Castonguay to act as mediator, particularly since Mr. Castonguay is prepared to—

The Speaker: The Minister of Human Resources Development.

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I understand very well the concerns raised by the former employees of the Singer company, but, as the hon. member knows, the Singer case is now before the courts.

I would repeat what I have already said to the member. The government properly managed the money it was responsible for at the time. What it cannot do is assume responsibility for a plan it was not responsible for. The member will understand that the financial consequences for the government would be considerably greater.

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[English]

PUBLIC SERVICE

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, my question is for the Deputy Prime Minister.

At a meeting this past weekend of the Professional Institute of the Public Service its president, Mr. Hindle, said that the pride of the public service will never be restored as long as it is run by paternalistic managers who do not treat workers as equals and who keep them from speaking out on politically sensitive issues. He also stated that mismanagement of Canada's fisheries illustrates how public service managers keep employees from speaking the truth.

When will the Liberal government remove the suppression or gag order from scientists who work in the fisheries and oceans, health and environment departments and allow the truth to come forward—

The Speaker: The hon. government House leader.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, in answering on behalf of the minister of fisheries, no attempt at all has been made by the government to suppress the views of scientists.

The scientists have a structure by which to respond collectively to individual issues as they are raised. There is no effort at all to suppress the views of scientists. That is false.

*Oral Questions***SEARCH AND RESCUE**

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, Canadian search and rescue did a fantastic job last week. Canadians should all be proud of what was accomplished. But how many ships have to sink before the government realizes that helicopters are not about partisan politics but about saving lives?

On Friday the minister told the House the capabilities of the new helicopters were limited. During the weekend some of the manufacturers went on record as saying they could have done the job.

Who understands the capabilities of these new helicopters, the manufacturer or the minister of defence?

• (1455)

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the people who know the best are the fine dedicated men and women who are part of our search and rescue operation. They do a terrific job in saving lives. They know the kind of equipment they need. They know the kind of aircraft they have in addition to helicopters. They also know any of the helicopters that are being suggested do not have the range that was involved here.

Mr. Speaker, the hon. member talks about not making it partisan. It is unfortunate and ludicrous that they try to exploit this most unfortunate case.

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THE ECONOMY

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we have just been advised that the Toronto and New York stock exchanges have shut down to avoid a major collapse of the equity markets.

Would the minister like to comment on this and advise the House of the government's position on restoring stability?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Leader of the Opposition knows there has been market turmoil in the Asian markets for a period of weeks. In fact last week the situation deteriorated and then came back.

As far as Canada is concerned—in fact as far as North American markets are concerned—our fiscal situation has improved substantially. I am very confident that the structural reforms that are required in Asia to prevent contagion are in place and I feel very confident about the situation in North America and in Canada specifically.

FINANCE

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, my question is for the Minister for International Trade.

Some critics have claimed that the multilateral agreement on investment would remove Canada's ability to place restrictions on foreign investment.

Can the minister tell the House how the MAI will affect Canada's right to control foreign investment in this country?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, essentially the fundamental goal of the MAI negotiations currently under way in Geneva is to ensure non-discrimination for foreign investment, investment in Canada as well as investment overseas by Canadians.

Second, it is to uphold the standards and laws of one's own country. That is why every country is permitted to put forward exemptions and that is exactly what Canada will do in order to promote and protect her interests.

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[Translation]

CANADIAN INTERNATIONAL TRADE TRIBUNAL

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, earlier the Minister of Finance told us that he had new information following the decision handed down on July 22. As is the practice of the Canadian International Trade Tribunal, all witnesses were heard prior to July 22 and the final decision was rendered on July 22.

Will the minister comply with the decision of the Canadian International Trade Tribunal?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the tribunal sets its own rules. The tribunal advised us that it had received additional information and it requested more time to review the situation.

* * *

[English]

PENITENTIARIES

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I have the minutes of the Joyceville inmate committee for August 26. Canadians will be outraged to hear of the acting deputy warden's support for some "type of payment plan" to inmates in trouble with drug and gambling debts.

Does the solicitor general believe that drug loans help to rehabilitate inmates?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Of course not, Mr. Speaker.

THE ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, last week the United States announced its position on greenhouse gas emissions for the Kyoto conference on climate change. Canada is the only G-7 country that has not made its position public. It is unacceptable that the government is not prepared for an international treaty that is less than two months away.

• (1500)

Will the minister make public prior to the Kyoto conference Canada's position on greenhouse gas emissions? Will the minister guarantee the full support of her provincial counterparts? If so, does a strategy to implement the—

The Speaker: The hon. Minister of the Environment.

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, the Government of Canada will make its announcement on targets and time lines when it feels it is appropriate.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the members of the Committee on Foreign Affairs, Defence and Security from the Senate of the Czech Republic.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[English]

CRIMINAL CODE

Mr. Jay Hill (Prince George—Peace River, Ref.) moved for leave to introduce Bill C-266, an act to amend the Criminal Code (alcohol sensing ignition controls for automobiles).

He said: Mr. Speaker, first I would like to thank my hon. colleague from Crowfoot for seconding the bill.

Alcohol is involved in more than 40% of all traffic fatalities. As Mothers Against Drunk Driving noted last week, on average 4.5 Canadians are killed each and every day in alcohol related crashes. Even when their licences are suspended many impaired drivers continue to drive, endangering more lives.

This private member's bill promotes the use of ignition interlocks in the sentencing of drunk drivers. If they cannot start their car because they have been drinking, they will not be on the road killing innocent people.

Government Orders

It has been demonstrated that the use of interlock reduces the rate of reoffending by up to 70%. That will save a lot of Canadian lives.

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

* * *

[Translation]

PETITIONS

CANADA LABOUR CODE

Mr. Yves Rochelleau (Trois-Rivières, BQ): Mr. Speaker, I am pleased to present a petition signed by some 600 Quebecers who are calling upon Parliament to take action so that part II of the Canada Labour Code can be amended to make it mandatory to reassign any pregnant worker if her health or the health of her unborn child is threatened and, in such cases, to provide for preventive withdrawal from work with pay.

This petition is signed by people from almost all of Quebec's regions.

* * *

• (1505)

[Translation]

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mr. McClelland): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

NEWFOUNDLAND SCHOOL SYSTEM

The House resumed consideration of the motion and of the amendment.

The Acting Speaker (Mr. McClelland): Members will recall that at the termination of the debate before question period the hon. member for Vancouver Quadra had seven minutes remaining on questions and comments.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I just had a private conversation with the member for Vancouver Quadra and he is now prepared to answer the question I asked just before question period started.

I am eagerly anticipating the answer with respect to the freedom of parents to choose education for their children and not to suffer a financial penalty for making that choice.

Government Orders

Mr. Ted McWhinney: Mr. Speaker, I had begun to answer the question and question period arrived so my answers were a little elliptic. I am happy to add to them.

The situation in Canada is different from that in the United States. In particular our charter of rights is different from the American bill of rights. I think we can resume the position as follows.

There is no constitutional separation of church and state in Canada. Therefore it is perfectly open for any province within the constitutional provisions to make provision for financial aid to church schools or other schools. That is a political choice of the province. There is no constitutional barrier to that.

As to the issue of parents' rights, it is within the rights of parents to ask for religious exercises in schools. That was again a decision for the province and the provincial instrumentalities which include municipal bodies and eventually school boards. The matter essentially is that there are no constitutional fetters. It is a matter of the political choice of the electors and their elected representatives.

I hope that answers the question the hon. member posed. It is an important question. I realize in this general debate on the Newfoundland amendment, and I suspect the Quebec amendment to come, there are matters of this sort that are a concern to citizens of the country. I have received representations and questions on them myself.

For that reason I thank the hon. member for aiding the cause of enlightenment.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, I would like to ask the hon. member for Vancouver Quadra if there is no constitutional separation of church and state in Canada where the protection for denominational schools is. Is it under section 93?

Mr. Ted McWhinney: Mr. Speaker, the only constitutional protections that exist are under section 93 as such. I should have said when there is no separation of church and state as in the United States. There is no official religion here as there is in Great Britain. The only formal constitutional guarantees are in section 93.

We will be called upon in the next few weeks to rule on the question in relation to Quebec and its request for a constitutional amendment. It is essentially a matter of the political will. There are no barriers other than the barriers in the political processes of persuading one's citizens to adopt a particular course.

Mr. Ken Epp: Mr. Speaker, since the hon. member opposite has said that it is a matter of political will I have another question.

It seems to be a fundamental right of parents to make choices with respect to how and where their children are educated. If they

were not taxpayers I suppose we could simply say it was public policy, public money, and not their money.

• (1510)

Essentially 100% of these parents are also taxpayers. They pay into the education pot. Why can they not take money from the education pot to which they have contributed and make a free choice on how their children are educated?

Does the member suppose the Liberal Party will ever demonstrate the political will to grant this most fundamental human freedom?

Mr. Ted McWhinney: Mr. Speaker, I would have to reply to the hon. member that we have a federal system and a constitutional division of competencies. That is a question more properly addressed to the provincial legislature in his case or to provincial legislatures generally.

It is within the free will of the provincial legislatures to make these arrangements. There is an increasing sophistication in provincial legislatures and a realization that within the cost of education there has to be some greater pluralizing of the educational system.

I would say he should go directly to the provincial legislature. The problems are not constitutional. They are matters of political choice.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, it is with pleasure that I address the debate today on term 17 and the Newfoundland educational system.

It is extremely important for all of us to look at what a Canadian constitution is and to decide whether it is an historical document with no relevance to today's society. Should it be a document that evolves with the changes in our society, stays up to date with the times and changes with the needs expressed in different communities?

The motion before the House refers to term 17 and the Newfoundland agreement of coming into Confederation. It deals with denominational schools and whether or not they should be run by the churches as opposed to the state.

This situation has occurred over the years and was brought into question in 1992 by the Williams Royal Commission on Education that reported to the government with recommendations for change.

Discussions were entered between the government and the churches to try to come up with some kind of consensus. They were unable to do so.

Because of this situation then Premier Clyde Wells of Newfoundland attempted to reach a compromise position in 1995 with the churches and the government by introducing a constitutional amendment to term 17 which altered but did not eliminate denomi-

Government Orders

national rights. On September 5, 1995 the people of Newfoundland voted in a referendum on the following question:

Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational education system? Yes or No.

Of the 384,734 voters on the list 52% of them cast ballots. The result was that 54.8% said yes. They felt that there should be some changes to term 17.

On October 31, 1995 the Newfoundland House of Assembly passed the resolution to amend term 17. In June 1996 the House of Commons passed the motion. In July 1996, after holding committee meetings from June 18 to July 10, the Senate committee issued its report recommending amendments to the resolution. In August 1996 amendments to the school act and the education act were proclaimed replacing the 37 denominational school boards with 10 interdenominational boards.

When I looked at that and at the population of Newfoundland with 37 denominational school boards it seemed like an onerous system. In Vancouver, Surrey and Richmond, each city has a school board. In essence, we are talking about 1.5 million people in the greater Vancouver area with less than 10 school boards. I would think that perhaps it makes some sense for that to have happened.

• (1515)

In 1996 the Senate voted to amend the resolution. In December 1996 the House of Commons passed the original resolution for a second time. A new Schools Act and Education Act came into force in January 1997.

One thing we have to acknowledge is that Newfoundland has done something that Quebec has yet to do. When Newfoundland decided that it was going to bring these kinds of changes to the school system, whether or not it had the support of the people, it had a referendum. It knew that if it was going to be supported by the people, by the citizens of Newfoundland, that it would have to go out and sell the idea. As I said a little earlier in my comments, 54% of the people of Newfoundland said yes.

What happens is that people challenge and this was no different. After the Schools Act and Education Act came into force there was a challenge to the way the province of Newfoundland was going to administer it. In May 1997 the Catholic and Pentecostal churches issued a statement of claim and application for interlocutory relief in the Newfoundland supreme court. In July 1997 Mr. Justice Leo Barry granted an injunction.

I think it is necessary for us to understand that the injunction was not against amending term 17 but it was against the changes to the Schools Act as a result of the changes to term 17. I would hate to see in Canada that we would feel that a constitution cannot be changed. It is important for me to make the clarification that the courts were not saying we could not change the Constitution. They

were merely addressing how the changes to the Constitution were being processed through the Education Act.

Newfoundland, in realizing that there was a problem in its constituency, did another honourable thing. It went back to the people and said that it wanted the people to tell it whether they agreed with what it was trying to do.

In September 1997 Newfoundland put another question to its people which was very clear: Do you support a single school system where all children, regardless of their religious affiliation, attend the same schools where opportunities for religious education and observances are provided, yes or no? The result of that referendum was 73%.

It is very important to use three tests as to whether or not the Constitution should be amended. It is very important if we accept the fact that they are changing a living document which can be amended, to understand or accept whether the people are behind the changes, the people who will be affected by them.

Does the change have the consensus of the population? I think Newfoundland has gone to great lengths to find that consensus and it has met that test.

The second test is whether they are legally able to do that. Something we will see over the next few years is whether there is a consensus that Newfoundland has the right under the law to make those kinds of changes to term 17.

One of the final tests has to be as to whether it is in the national interest. Is the change that is taking place going to be in the best interests of the citizenry? Is it going to protect the minority populations that will be affected by it? Is it going to recognize that sometimes when we do things for one province it has an effect on other provinces in Confederation?

• (1520)

As a country, we must always look at whether this amendment to part of the Constitution which may only affect one province will have any effect on other provinces in a way that would not have the support of the people in the other provinces. Is it going to be a precedent when dealing with constitutional issues down the road? We have to look at the three different areas that might be affected through constitutional change.

I suggest to individuals who are concerned as to whether or not there was a proper consensus of the population, I would like to think that with two resolutions that clearly indicated what the province was intending to do with the support of the majority of the population that they could feel comforted that it did have a consensus. Within the rule of law if there is a problem concerning whether or not there is a legal right, it will be challenged in the courts and it will be decided very clearly.

Government Orders

The third question on national interests is perhaps a little harder to deal with. That is a question we will have to set our minds to. The committee that will be formed by the House of Commons will have to set its mind to the question of whether this is in the national interest.

The amendment that was introduced earlier today by the Leader of the Opposition deals with whether it should be a joint committee and whether the hearings should take place in Newfoundland. It is time the Senate be relegated to the position it is in, a house that has no support because it is unelected. How is it possible for an unelected body to be making these serious recommendations on changing a constitution when it is not accountable to anybody? It is a system that may be outdated and should be looked at being changed, as is term 17 of the Newfoundland school act.

The other issue is whether we can justify dealing with term 17 in Ottawa. How is it possible for the people of Newfoundland to feel they have been taken seriously, that they are being given every opportunity and an equal opportunity to meet with committee members to have their positions heard if they are expected to travel to Ottawa? In this situation the committee should be holding its hearings in Newfoundland where the parents live. The committee should make sure Newfoundlanders have the full opportunity to present their position before the committee.

Once again the government is dealing with a very serious issue, amending the Canadian Constitution, and it has set a deadline. The committee must report back by December 5. When we talk about constitutional matters that have great importance to our country, although I believe it should be a living breathing document, we cannot make decisions in haste without fully reviewing all the aspects of legality, consensus and national interest. I would hope the government would allow ample opportunity for that process to take place before it forces a report back in this House.

[*Translation*]

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I am pleased to introduce today a resolution to allow a bilateral amendment to Term 17 of the Terms of Union of Newfoundland with Canada.

The Terms of Union of Newfoundland are part of the Constitution of Canada. Section 43 of the Constitution Act, 1982, provides that an amendment may be made to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces. Such an amendment may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

• (1525)

On September 5, the Legislative Assembly of Newfoundland adopted unanimously a resolution authorizing certain amendments to Term 17 of its Terms of Union with Canada, which apply to Newfoundland only. This amendment will have no legal impact on the educational systems or religious minorities of other provinces. In accordance with established procedure, the Speaker of the Legislative Assembly of Newfoundland forwarded to the Clerk of the Privy Council a certified copy of the resolution, which was received on September 8, 1997.

[*English*]

Our role and responsibility as parliamentarians is to consider the proposed amendment and to decide whether to approve it. As I have already indicated on several occasions, the Government of Canada supports the proposed amendment which will allow Newfoundland to proceed with major reforms to its education system.

Following many years of rancorous and divisive debate in Newfoundland over the role of the churches and religion in education, it is the government's view that the proposed amendment strikes a workable balance. In Newfoundland the proposed amendment appears to enjoy a high level of consensus, including a reasonable degree of support from affected minorities. The government bases its assessment in part on the House of Assembly's unanimous endorsement of the amendment resolution and on the result of the provincial referendum in which 73% of the voters approved a proposal to reform the education system.

Nevertheless the Government of Canada is of the view that any attempt to alter entrenched minority rights should be marked by processes that are fair and thorough. To this end, the government is striking a special joint committee to examine Newfoundland's resolution to amend term 17.

It is our belief that the hearings will help to enhance public input and understanding of the proposed amendment. Moreover the committee's work will aid Parliament in making its independent assessment on the facts of the case and on the merits and appropriateness of the proposed amendment.

As hon. colleagues will recall, this is the second time in less than two years that Parliament has been asked to consider an amendment to term 17 of Newfoundland's terms of union. While this situation may seem unusual, the Constitution does not set any limits on how often legislators may seek constitutional amendments. It is up to Parliament and the provincial legislature to which the amendment applies to determine the appropriateness of each proposed constitutional change.

To understand fully the circumstances which have given rise to this second amendment proposal, it is necessary to briefly review the provisions of term 17. It is also helpful to examine the

Government Orders

intensive efforts that have been made over the past seven years to reform the education system in Newfoundland.

In lieu of section 93 of the Constitution Act 1867, constitutional authority for education in Newfoundland was set out in term 17 of the province's 1949 terms of union with Canada. Term 17 granted six denominations the right to operate their own publicly funded schools. In 1987 term 17 was amended to extend denominational school rights to the Pentecostal assemblies. These seven denominations operated four separate school systems: the integrated school system of Anglican, Presbyterian, Salvation Army and United churches; the Pentecostal school system; the Roman Catholic school system; and the Seventh Day Adventist school system.

In 1990 the Government of Newfoundland and Labrador appointed Dr. Len Williams, a former teacher, principal and president of the provincial teachers association and current university professor, to chair a royal commission on education reform. The commission was asked "to obtain an impartial assessment of the existing education system and to seek an appropriate vision for change".

• (1530)

The 1992 report of the Williams royal commission recommended the reorganization of the education system in Newfoundland and Labrador to permit government to administer the system in a more efficient manner. The commission proposed the creation of a single interdenominational school system encompassing the four separate denominational systems in operation at the time.

Initially the Government of Newfoundland sought to achieve this change through non-constitutional negotiations with denominational leaders. When nearly three years of discussions failed to achieve an agreement the Government of Newfoundland sought institutional reform through a constitutional amendment to term 17 of its terms of union.

But the amendment that Newfoundland sought, and which was authorized by this House and proclaimed by the Governor General on April 21, 1997, represented a compromise. The amendment would not have eliminated all single denominational schools. The amendment was designed to provide the Newfoundland House of Assembly with additional powers to organize and administer public education through a system of interdenominational schools, while retaining the rights of Roman Catholics and Pentecostals to unidenominational schools under certain conditions. These conditions were to be set out in provincial legislation that was equally applicable to all schools, either unidenominational or interdenominational.

However, the attempt to legislatively implement the new term 17 under a revised schools act was successfully challenged in the

Newfoundland supreme court. On July 8, 1997, Mr. Justice Leo Barry granted representatives of the Roman Catholic and Pentecostal churches a temporary injunction halting the entire educational reform process. In Justice Barry's view, the new schools act favoured interdenominational over unidenominational schools. Therefore he found that a trial judge would likely find that the legislation was contrary to the amended term 17, which required that interdenominational and unidenominational Roman Catholic and Pentecostal schools be given equal treatment.

As even Mr. Justice Barry acknowledged and anticipated, the injunction resulted in a "significant disruption" for teachers, principals and students who had been reassigned to different schools on the basis of the new school legislation. It also resulted in the reopening of some schools and the rehiring of some teachers who had been laid off following certain school closures and resignations. For the Government of Newfoundland and citizens who thought the divisive of education debate was behind them, the injunction raised many questions and a great deal of uncertainty about the future structure of the school system.

The Government of Newfoundland filed an appeal, but did not pursue the matter. Instead, on July 31, 1997, Premier Tobin announced in a province-wide telecast that he would hold a referendum on September 2 to secure a mandate to amend term 17 once again. Premier Tobin explained that for five years the provincial government, schools boards, teachers' associations, the churches, parents and students "have all been engaged in what seems to be a never ending debate about how to reconcile the need for reform of our education system with the rights of the denominations in the education system".

While not referring specifically to the injunction blocking educational reform, Premier Tobin argued that "During the last five years, we have seen every attempt to reconcile these two ideas, education reform and denominational rights, end in more confusion and more conflict". Consequently, Premier Tobin decided to go to the people once again to seek a mandate for an amendment to term 17. The proposed amendment, which we are asked to consider, is to create a single, publicly funded and administered school system. The brief text of this term 17 amendment which only contains three clauses, is plain and clear and states that:

• (1535)

(1) In lieu of section 93 of the Constitution Act 1867, this section shall apply in respect of the Province of Newfoundland.

(2) In and for the province of Newfoundland, the legislature shall exclusive authority to make laws in relation to education, but shall provided for courses in religion that are not specific to a religious denomination.

Government Orders

(3) Religious observances shall be permitted in a school where requested by parents.

This proposed amendment, which constitutes a major restructuring of Newfoundland's education system, is supported by a substantial majority of the province's population and enjoys a fair degree of support from affected minorities. In addition, the House of Assembly gave the unanimous approval on September 5.

In considering this amendment the government has sought to ensure that its process is thorough and gives due respect to affected minorities. Members will recall that the issue of minority rights was not central to the government's consideration of the previous term 17 amendment. The old term 17 granted certain rights to seven denominations representing 95% of the population. However, following the amendment to term 17, the integrated group, Anglican, Presbyterian, Salvation Army and the United Church became one majority class of persons comprising 52% of the population. The Roman Catholics became a sizeable minority of 37%, the Pentecostal are a minority of 7%.

Given this amendment's effect on minority rights, a mere 50% plus one referendum majority would not have been sufficient nor adequate in measuring the degree of consensus among affected Roman Catholics and Pentecostals. But the referendum did not result in a narrow majority: it was an overwhelming majority of 73%, which provided evidence of minority support. The proposal carried in 47 of Newfoundland's 48 electoral districts.

Voter turn out was 53%, but given the high probability that opponents of the education reform proposal were most likely to vote, the results sent a clear message that there is substantial support for this amendment.

An analysis indicates that in heavily Roman Catholic areas the proposal was supported by a majority. The St. George's Bay region, which is 74% Roman Catholic, voted 59% yes. The Avalon peninsula, which is 48.5% Roman Catholic, voted 72% yes. Coincidentally, the Burin peninsula is also 48.5% Roman Catholic and it also voted 72% yes. Approximately 75% of all Roman Catholics in Newfoundland and Labrador reside in these three regions.

It is difficult to assess accurately the exact degree to which members of the smaller Pentecostal community supported the proposed amendment. However, in the four electoral districts where Pentecostals are most heavily concentrated the resolution carried with majorities of 57% to 64%.

Moreover, on September 5, the four members of the Pentecostal faith who sit in the Newfoundland House of Assembly and represent districts with significant Pentecostal populations, joined

their colleagues in unanimously supporting the resolution to amend term 17.

Indeed, in assessing the proposed amendment, parliamentarians should accord due respect to the fact that all of the members of the House of Assembly voted in favour of the resolution to amend term 17. This included all Catholic and Pentecostal members who had campaigned for the no side and voted no in the provincial referendum.

• (1540)

The overwhelming support the amendment received in the referendum and the House of Assembly represents a clear consensus that appears to include a reasonable measure of support from the affected minorities. Parliament should interpret this as a clear signal that the population of Newfoundland and Labrador wants to proceed expeditiously to reform its education system in a manner that is fair to all.

In the midst of the confusion that resulted following the injunction halting the implementation of the 1997 term 17 amendment and after years of debate over educational reform and the role of the churches, Newfoundlanders want to move on. The results of the referendum and the unanimous vote of the House of Assembly indicate that it feels the proposed amendment strikes a fair and workable balance that allows reform to proceed.

The proposed term 17 clearly states that education is a matter of exclusive provincial jurisdiction. However, the amendment will not take religion out of the schools. The new term 17 contains a mandatory provision that guarantees that "courses in religion" must be taught and "religious observances" must be "permitted in schools where requested by parents".

Correspondingly, the term will not require children to attend religious observances or classes if their parents object. This interpretation is supported by the legal opinion of two eminent lawyers, the well-known constitutional expert, Mr. Ian Binnie, and former federal justice minister, the Hon. John Crosbie.

The government acknowledges that the Newfoundland and Labrador Roman Catholic bishops and the leadership of the Pentecostal church have concerns about the new amendment. However, we feel the Government of Newfoundland is demonstrating a spirit of openness with regard to a continued role, albeit non-constitutional, for the churches.

In anticipation for the term 17 amendment's adoption, the Newfoundland department of education has begun setting up a consultative process for developing the new religious education curriculum. Although there is no requirement to do so, the department of education has indicated that this process will seek representations from the province's various denominations.

Government Orders

[*Translation*]

In conclusion, should another province wish to propose changes to the conditions of its union or to section 93, it will be incumbent on Parliament to look at the facts and to assess the validity and appropriateness of the proposed amendment. Parliament will also carefully determine whether the amendment enjoys reasonable support from those concerned.

In the case before us, the Government of Newfoundland and Labrador duly authorized, under section 43, an amendment to Term 17 which will only apply to that province.

The Government of Canada believes the amendment is justified. We feel it enjoys adequate support from those concerned, including minorities, and we believe it deserves Parliament's support and approbation. However, the joint committee and all parliamentarians will have to conduct their own assessment of this amendment, which will allow Newfoundland to implement the necessary reforms to its education system, as it has been hoping to do for a long time.

[*English*]

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, my question is for the hon. Minister of Intergovernmental Affairs.

As the consensus in Newfoundland has been by referendum and the consensus for the Quebec application is by the legislative assembly, why is the Government of Newfoundland not prepared to obtain a ruling from the provincial supreme court on this matter to clarify the issue?

Hon. Stéphane Dion: Mr. Speaker, I am not sure what issue he is talking about. I do not find the question to be precise enough.

Mr. Peter Goldring: I am sorry, Mr. Speaker. My question for the hon. minister is why has the Government of Newfoundland not sought to obtain a ruling from the provincial supreme court to clarify this issue?

[*Translation*]

Hon. Stéphane Dion: Mr. Speaker, I understand the question.

• (1545)

[*English*]

I do not understand the problem the hon. member has.

Section 43 applies, so it is a bilateral amendment. Is that the point? If the point is that it is a bilateral amendment, there is no problem with that. I was surprised to hear the Leader of the Opposition say that section 93 is involved. By no means does section 93 have anything to do with this. It is section 17.

The first sentence in term 17 is: "In lieu of section 93 of the Constitution Act, 1867, the following term shall apply in respect of the province of Newfoundland".

It is section 17, not section 93.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, I have a short comment before putting my question to the Minister of Intergovernmental Affairs.

Since this morning, Reform members seem to get the Quebec and Newfoundland issues mixed up, not realizing that section 93 is not involved, contrary to what they have been saying all day. The two issues are different from a procedural point of view.

Obviously, Reformers would like a referendum to be held in Quebec on this issue. However, there is a consensus on this issue, which even the federal government deemed adequate to move forward. I remind Reform members that it is not only sovereignists who feel there is an adequate consensus.

My question to the minister is this: Given that Newfoundlanders said yes twice—both times through a democratic process involving consultations and a royal commission of inquiry—why establish such a committee? We will not oppose it, but one wonders. Why set up a committee?

Could it be that, following the work of the committee, the government may find it necessary to make amendments, changes, etc., or is everything already decided anyway? The people have spoken. Why set up a committee and particularly, as I said this morning, a joint committee that will include our dear senators, whose legitimacy is being questioned by everyone? So, why set up a committee after the people have already clearly voiced their opinion and are, for all intents and purposes, waiting for us to move forward?

Hon. Stéphane Dion: Mr. Speaker, first of all, the member is quite right. Each province must be considered individually. But the same principles must be applied to all.

In the case of the Government of Canada, there are two principles. First, is the proposed amendment good for the province in question? Second, does it have enough support, including by the minorities affected? The Constitution obliges us as parliamentarians—in a sense this is what we are paid and elected by our constituents to do—to make up our own minds and to examine these two issues. That is why there must be a parliamentary committee.

The second reason there must be a parliamentary committee, and the case of Quebec is an illustration, is that even when there is a consensus, and a fairly clear one, there are always some people who are worried. When no one will speak with them, they worry even more. It is better to speak with them, hear what they have to say and see that their point of view is made widely known, as was

Government Orders

done by the newspapers in Quebec on the weekend, so that provincial legislators can see how they can finetune their policy so that things will go well in the province, because consensus is not the same thing as unanimity.

Mr. Pierre Brien: Mr. Speaker, since we are comparing the two cases, you will forgive me if I correct certain facts.

These groups, in the case of both Newfoundland and Quebec, have already been heard. Here in Ottawa, they are talking as though there had never been any consultations regarding the constitutional amendment affecting Quebec. There were the États généraux sur l'éducation and consultations on Bill 109. So the groups that come here are not expressing new and different points of view. You want the provincial governments to hear these arguments, but I do not think there is anyone who has heard a single new thing with respect to either the case of Newfoundland or that of the Government of Quebec. It then becomes a pretext.

It is always a bit of a paternalistic attitude that the folks in Ottawa must form their own opinion. The people of Newfoundland have expressed their point of view, and they clearly had one opinion. There were several years of discussions with the groups concerned, and the reason the government held a referendum was because it was unable to come to an agreement with these groups. Almost everything there is to say has been said. How does the government think we are going to reach different conclusions? On the contrary, this even weakens the consensus somewhat because the two concepts of consensus and unanimity are being dragged in.

• (1550)

Is the government's process not going to weaken somewhat the existing consensus, which are strong both in the case of Newfoundland and in that of Quebec?

Hon. Stéphane Dion: Mr. Speaker, it is not paternalism in the least, it is federalism. Federalism is defined as a system in which public power is not concentrated in a single order of government, thus better protecting the freedom of citizens. The democratic federations are evidence of this.

We, the Canadian Parliament, have the responsibility of looking at what has occurred. The hon. member tells me it is unlikely the judgment brought down unanimously for the province of Newfoundland—this being the case we are addressing today—can be changed. The government agrees fully that it is unlikely, but we still cannot be remiss in our duty to look at this very closely.

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, I have just heard the minister say that we must protect citizens' rights. But a parliament must also, unquestionably, respect citizens' wishes. In

order to understand his argument better, I would like to propose a totally opposite scenario to him.

Let us imagine that the conclusions of the committee, the formation of which is referred to in the motion before us, were contrary to the intentions of the people of Newfoundland as expressed in the referendum. What should we conclude about our parliamentary system and about a federalism that no longer respected the will of the people?

Hon. Stéphane Dion: Mr. Speaker, this is an extremely hypothetical example.

Since we are dealing with hypotheses, let us assume that one province, with a very strong majority, were to turn up with a constitutional change that was clearly discriminatory toward a minority in that province—and I am not in the least singling out New Brunswick with this, it being a bilingual and profoundly democratic province—but let us assume that sometime in the next few decades a government with a bad idea were to say to us “We've had enough of official bilingualism in New Brunswick, and we have a clear majority behind us in this”. We would still ask them what the Acadian minority in New Brunswick thought about this.

Despite a clear majority, the Government of Canada—probably a Liberal one—would say “You will not even get that past the first door of this Parliament, because there are minority rights that have to be respected”.

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, I am a bit surprised by the minister's responses to my two colleagues' questions, particularly on the subject of minority rights.

I am surprised at not having heard anything from him since his arrival here on the assimilation of francophones in Manitoba, for example, or the assimilation of 72% of the francophones in British Columbia. I am also very surprised that he did not rise in response to remarks by a member of his party, the member for Vaudreuil. He spoke in committee, but did not rise in the House when the member for Vaudreuil said “I want anglophones in Quebec to have the same rights as francophones in Manitoba, Ontario and British Columbia”. This kind of argument does not hold water, given the rights enjoyed by the anglophones in Quebec.

If francophones in the rest of Canada had only 10% or 15% of these rights, they would be in heaven. And in a committee struck by this minister and this government, for remarks such as these to come from the mouth of a member from Quebec, the member for Vaudreuil, all I can say is this is what these empty committees lead to. In Newfoundland, 73% of the population and a royal commission have shown that this is clearly what they want. And clearly this committee will come to the same conclusion reached in Newfoundland. Otherwise, everything would be topsy turvey.

Government Orders

The central government is the offspring of the provinces, rather than the reverse. So the provinces should be telling the central government what to do. They must tell the central government: "We are transferring jurisdictions over to you". But the federal government has no business interfering in provincial jurisdictions. There is a will that was clearly expressed.

• (1555)

Once again, I agree with our party critic. We will not object to the establishment of the committee, so that this is not interpreted as our being opposed to the motion *per se*. But it is nonetheless ridiculous to spend time and money to sit and discuss rights and democracy with unelected senators, with remnants of colonialism.

I do not see any need to go to the great dormitory to come to an honest and appropriate decision. We could do without these hon. sleepyheads, as a now retired senator used to call them before becoming one of them.

I repeat, there is no need for such a committee since there is a clear and unequivocal will. And if the government had wanted to do the right thing, the responsible thing, it would have tabled a motion and we could have moved on, instead of wasting time and money when the people have clearly expressed their will.

The same is happening with the Quebec resolution. When I see a minister, an academic from Quebec, question a unanimous resolution passed by the National Assembly, after the consultations that have taken place, after the anglophone minorities were consulted, after anglophone members from Quebec said they were satisfied following the changes they themselves proposed. Here is a minister from Montreal, who, while having some experience and knowing that the entire Montreal intelligentsia realizes that this resolution should have been passed 30 years ago, is wasting our time and, for partisan purposes before the election, refused to bring in a motion to settle the matter. I can see the minister leaving. I cannot blame him. Sometimes the truth is hard to take.

Instead of bringing in a motion, he focused on the election, and today he is referring the matter to committee. What do we hear in these committees? Stupidities and idiotic comments such as those made by the members for Vaudreuil and Mount Royal. This is a fine kettle of fish. The government decided to strike such a committee, but when the minister goes around with his committee's picnic basket, he does not realize that ants are getting into the basket and that, moreover, these ants are Liberal Party members.

We hear extremists make all sorts of idiotic comments and present arguments not based on any principle or consultation. Such is the threat posed by these committees, particularly expanded committees, with senators, or members of the other place as we say here, who want to give us lessons in democracy. The world's most

undemocratic institution sits next to us, and this government is giving it importance in two ways: first, by having senators sit on so-called joint committees and, second, by appointing new senators when others retire.

There is only one way to deal with the Upper House: it must be abolished. Conduct a poll and hold a referendum. You will see what the public thinks. In Quebec, 92% are in favour of abolishing that institution. The only way to get rid of the Upper House is by attrition, as we did in Quebec. I believe it was the Bertrand government which made a pact with the Quebec Senate. It stopped appointing new senators and told those who were there "Go home. You will get paid for the rest of your life. After all, you only come here for that pay cheque". They were absolutely useless. This is a cancer we must get rid of.

• (1600)

This upper House is a hotbed of patronage, and this is something that the Liberal Party specializes in, patronage, financing, rewarding buddies, this is what the Liberal Party stands for. You keep the operation open and when you have a chance you put in another buddy, as was done for the latest appointments, for example.

However, while considering this issue here, with this debate on the creation of this useless committee, we have at least the opportunity to ask the following question: When the people of Newfoundland approved the referendum with a 54% majority and then when judges, not from the Supreme Court this time with their Santa Claus costumes, but judges from the Superior Court ruled that the question was not appropriate, what did the Government of Newfoundland do? It told them where to go and it held another referendum. What does the federal government do? It says: "There was a second referendum and the yes side won again so we will agree to create a committee and put a resolution before the House to have it approved".

But have you noticed that when Quebec is involved, people refer to the Supreme Court? In this case, even if there is a referendum in Quebec, people say: "In this case this is not acceptable". If there is a referendum on sovereignty, people will say: "This is not acceptable". In the case of Newfoundland, it told its Superior Court where to go and it held a referendum.

Personally, I prefer to tell the minister and his government colleagues that when there is a referendum with a clear yes for sovereignty, nobody, but nobody will prevent a people from going forward, especially not judges from the Supreme Court dressed in Santa Claus costumes and appointed by the Liberal Party.

This debate at least gives us the opportunity to show to all Quebecers that if they want to assume responsibility for themselves by voting yes in a referendum, the federal government will

Government Orders

have to submit to their will, like Newfoundland has just done. It did not appeal the ruling of the court. It said "We are having another referendum". And bang, the government finds itself forced to respect that desire.

I wonder, when I hear what is being said in the House today, if the suggestion does not need to be made that, when this committee's work is over—which I hope will be as soon as possible—and when it comes back to this House, if we could not talk of the rights of francophone Newfoundlanders, and make a little comparison between the rights of the francophone Newfoundlanders and the rights, the treatment—a source of great pride to us—of the anglophones of Quebec. The anglophone minority in Quebec is the best treated minority in the world, and Quebecers are proud of that.

And we will continue to be proud after sovereignty, when we will still be cited as an example throughout the world for the way we treat our anglophone minority, for our anglophone minority in Quebec has played an important part in our development as a nation. I cannot say the same for the treatment reserved for the francophone Newfoundlanders, the Franco-Manitobans. If we review the history of the provinces, when most of the Canadian provinces were founded, francophones outnumbered anglophones. Today, because of legislation passed in recent years, the past 20, 30, 40 or 50 years, legislation forbidding francophones from having the same rights as anglophones, the rate of assimilation has been so strong that it is still 72% in British Columbia and 60% in Manitoba, and francophones who speak French in the home are virtually non-existent in the western provinces. They were a majority when these provinces came into being.

• (1605)

At the end of our proceedings in committee, we could perhaps tell Newfoundland to provide its French speaking population, in its regulations, practices and school boards, the same rights English speaking Quebecers have in Quebec. I dream of the day when the federal government and the other provinces in Canada will have enough determination to sign a reciprocal treaty concerning the rights of anglophones in Quebec and of francophones in the rest of Canada.

Ask French speaking people in the rest of Canada, in your provinces, whether they would support a motion in this House granting them the same rights English speaking Quebecers are enjoying. They have English primary schools and high schools and comprehensive education in English from kindergarten to university. They have three universities when they make up only 10% of the Quebec population. Mr. Larose, in his testimony before the committee, listed all the benefits English speaking Quebecers have in Quebec. As a majority and as a government, we are proud to give them those benefits because they are full-fledged members of Quebec society. We are proud. How nice it would be if French speaking Canadians could say the same.

The Minister of Intergovernmental Affairs seems to like committees a lot. Let me suggest one to him, a committee on minority rights in Quebec and Canada. Let us review these rights province by province. Some people here will be ashamed because, as happened a couple years ago, the French speaking minority had to go to school in sheds, with kids having to go to the outhouse. Things have been that bad for some French speaking Canadians. We have been talking about that. Some of them are treated that way. We could compare, and then talk about bilingualism and about the two official languages of this great Canada. We would see what the real situation is like, and how serious the assimilation problem is.

Therefore, this committee should be as short-lived as possible. As a matter of fact, it should not even have been struck; however, it must be because of the minister's public commitment to do so, thus wasting a lot of time and money. The government has probably run out of ideas, as it usually does when it comes to interesting issues, such as how to deal with unemployment, use the employment insurance surplus, develop a policy to eliminate the deficit, review the cuts to social programs in order to remedy the situation since the economy is improving. Rather than dealing with these things, it keeps on talking about the Constitution. It is the world gone topsy turvey. All the federal government wants to do is talk about the Constitution and strike constitutional committees, instead of dealing with the issue in one day, when Newfoundland has made its wishes clearly known.

• (1610)

I hope this committee will be short-lived and that it will also be seen as an opportunity to ponder the rights of francophones outside Quebec.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I would like to congratulate my hon. colleague from Richelieu for his speech delivered with his usual dynamism, which provided a very insightful look at our institutions.

As you heard, he very aptly described the other House, which is called the Senate and which should not be called the Senate—a collection of dinosaurs that costs Canadians millions of dollars, an undemocratic institution, as my colleague from Richelieu so ably pointed out.

I would like to ask him, more specifically, what logic he sees in the operation of the Senate and in the head of Senator Beaudouin. I hope we can name him, for I want to make sure we understand one another. What kind of logic does he detect in the head of the ineffable constitutionalist Beaudouin, who is now a richly rewarded and oh-so-objective senator, who continues to appear as an expert on the CBC with all of its objectivity, who covered himself in shame the other day in the face of the alleged consensus, as he put it, in Quebec on the amendments to be made to the Constitution in order to set up a system of education based on language rather

than religion, and who said that a referendum was required? There is no consensus in Quebec, a referendum is required.

In Newfoundland they had a referendum and the government is once again stepping in to slow the democratic process and set up a joint committee to study the problem. I do not understand the logic of these people. I would like to know whether my colleague from Richelieu understands it. They want us to hold a referendum and when we have one, it is still not enough.

Where is democracy in Parliament, in this government, in Canadian institutions, which are becoming increasingly spineless and which are increasingly branding Canada as a country with no ethics?

Mr. Louis Plamondon: Mr. Speaker, I wish I had a clear answer to give my hon. colleague. I share the concerns of the hon. member for Trois-Rivières.

He mentioned the dinosaurs—oops, sorry—the senators. Dinosaurs and senators. When I travelled through my riding last week, someone told me a story about senators. It went like this “How does a senator wink? By opening an eye.” It is odd, but it describes them well.

About a year ago, I passed by a senator’s office as I was walking down a corridor. It was 10 a.m. and the senator was at his window. I stopped and said “Stop looking out of your window, senator, or you will have nothing left to do this afternoon”.

That is the image we have of these dinosaurs, as you called them. One of the dinosaurs you referred to would like to give us lessons in democracy. That takes the cake. A member of the most undemocratic institution in the world wants to give lessons in democracy to a province, or a legislature, that legitimately obtained a democratic mandate from the people.

Two referenda were held in Newfoundland. That is still not enough. He comes and tells us “You in Quebec, your consensus—” Our consensus is based on a unanimous resolution passed in the National Assembly, where three political parties are represented: the ADQ, the PQ and the Liberal Party. I estimate that half the Liberal Party members are anglophones and individuals from the various ethnic backgrounds that enrich the people of Quebec. These members unanimously proposed, after consulting their communities, a number of amendments, which were approved by the National Assembly following further consultations at the time of the États généraux on Bill 109.

• (1615)

So, we held the necessary consultations and all of a sudden an old dinosaur from the other place told us: “Is this a democratic process?” And he adds that when we hold a referendum on

Government Orders

sovereignty, and we will, he will not feel bound by it. He is saying: “Hold a referendum, but if it goes through, we will not feel bound by the decision. However, if it does not go through, we will say that it was proper, that democracy is protected”.

Mr. Pierre Brien: It only works one way.

Mr. Louis Plamondon: It is a one-way democracy.

In response to the hon. member for Trois-Rivières, I ask myself the same questions on the institution, on those who are part of it, and on the government’s true intentions in setting up a committee. Today, it announced the setting-up of a committee which, when you think of it, will only rehash the same old arguments that were raised for months in Newfoundland, before finally arriving at an almost unanimous conclusion. And the same goes for Quebec, where the National Assembly was unanimous.

So, why set up committees? It is probably—and I ask myself the same question as the hon. member for Trois-Rivières does—to pass the time, because the government has no political will to truly lead the country, to advocate new directions for the economy, and to ensure that the injustices created by the cuts it imposed on the provinces are corrected.

[English]

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, it is a pleasure as a young member of Parliament from Newfoundland to participate in the discussion on the amendment to term 17. I would like to emphasize a couple of points.

While we speak of the amendment to term 17 in the House, we are also speaking to all the Canadian public. We do so through the televised debates in the Chamber.

I will be sharing my time with the hon. member for Lac-Saint-Louis.

There are certain points which the hon. member opposite raised which cannot go unchallenged. It would be unfair not to challenge them.

It was suggested that the francophone community of my province of Newfoundland and Labrador enjoys second class status, that it has accepted second class status, as alleged by the hon. member. He alleges that it is content with that position. I am here to report to the House of Commons this afternoon that the francophone community of Newfoundland and Labrador is very much alive, vibrant and very assertive about its position in our society. It has done so with great power, great conviction and great pride.

I am proud to report to the House this afternoon that the francophone community will be participating in the school board process. It will enjoy the privileges and rights of its own school

Government Orders

board. That is something which is very specific and unique to the francophone community. It is in celebration of the fact that it has a very special culture, a very special language which deserves recognition within the policy of school board governance.

The francophone community also enjoys its own newspaper. In the riding of the hon. member for Burin—St. George's there is a francophone community that flourishes. It is very much alive. It is not second class to anyone, as suggested by the hon. member opposite. It is very much alive and very proud. They are very much willing to participate in strengthening their culture. I salute the francophone community of Newfoundland and Labrador.

• (1620)

The current debate is on the amendment to term 17. In this House we enjoy certain privileges, one being the privilege of debate. I am proud that the privilege of debate was extended to the people of Newfoundland and Labrador in this argument.

A referendum was held in the province of Newfoundland and Labrador and it has been stated on several occasions that the debate was very clear, the referendum was very clear. The conclusion of the referendum was a change was requested by the people of Newfoundland and Labrador.

We have a situation where we are going to change the school system of my province to what the wishes of the people are. I am pleased to continue with this particular debate among my colleagues in this House and in the other place so that we can ensure speedy passage, a thorough thoughtful passage, because that is exactly what the people of Newfoundland and Labrador want us to do.

Saying that the other place has no part in this debate I think is fundamentally wrong. Our Constitution recognizes the other place, recognizes its existence. Therefore a unilateral decision to say that we should not join in discussion with the other place is wrong. It is important that we take into consideration all parliamentarians' points of views. In saying that, I take into consideration some great members of the other place.

I speak of none other than the hon. Jack Marshall, a member of the other place who very much protected the rights, privileges and responsibilities of all Newfoundlanders and Labradorians. He was an outspoken advocate of the rights of veterans and did a very good job. I am not prepared to say that his role was in the least bit insignificant. Quite frankly it was very significant. The people in my riding as well as those in the riding of Burin—St. George's understand that. I am sure if he were still a member of the other place he would be anxious to join in this debate and would provide a fruitful discussion and would add considerably to the context.

As a Newfoundlander educated in the very school system that we now debate, and as a Roman Catholic educated in the system that we now debate, I support the change. I support the amendments fully. I think it is time Newfoundland and Labrador be the recipient of a modern education system in line with the wishes of the people.

I feel strongly that this is about the protection of rights. I feel strongly that all citizens of Newfoundland and Labrador should be afforded all those protections. I will give a specific example.

In my province there are approximately 1,100 to 1,200 communities. Every community has a school. Not every community has 20 schools representing all the major religions that are vested within the province but all communities have at least one school. Some have three. Some communities with small population levels have a number of schools.

Where a denominational right exists, if you are a member of that community but you are not a member of the denomination which holds the school in the community, under the current system that we are suggesting we should amend you will be instructed in a religious denomination which is not your own faith. I have been through that system and I have seen young men and women of other religions, future leaders of our country, instructed in a faith not of their choice. It is not because of anything we are doing in the House today, but because of the old system. That is exactly what happened.

• (1625)

If you happen to be a member of the United faith or the Pentecostal faith in a community which only had a Catholic church, then you were either instructed in Catholicism or you did not go to school. That quite frankly is not befitting of a modern day society.

Religious instruction will be entrenched. There will be religious instruction for those who wish to participate. That is a fundamental right. What will also be fundamentally guaranteed is that those who do not want to be instructed in a religious faith not of their choice will not have to be subjected to that. From the point of view of this House that is a very important consideration.

Part of a modern democracy is making sure that in the case of a community where the majority is of one particular faith, that for some reason the minority is not required that they get either no education whatsoever or religious instruction in a faith not of their choice. That is just a simple point I would like to add to the debate.

As someone who grew up in the system, someone who believes in the need for change and will be supporting it strongly, I encourage members opposite to think once again about the constitutional provisions that provide for debate by the Senate, to support this change and to do so in an expeditious fashion.

Government Orders

[Translation]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, I have a comment before my question. The member has said he thinks it perfectly normal to have senators—he named one—, for they can be important individuals, distinguished citizens and so forth.

That is not the question. The question is: Who do they represent? I repeat, and I said this earlier in the House, that I am going to be uncomfortable on the committee to see people around me who are not elected, who have been appointed by the Prime Minister or by a former Primer Minister, because they are sometimes there so long that it is not necessarily the one now in office who appointed them. These people do not represent any democratic values and will be questioning democratic decisions—I am coming to my question—that were taken on two occasions in the case before us.

Does he not find it abnormal that a committee is being formed when we could simply pass a motion, since the issue has been debated several times in his province? It could be wrapped up this week and approval given to the constitutional amendment as requested by the people in his own province.

[English]

Mr. Gerry Byrne: Mr. Speaker, the question asked by the hon. member opposite is if I find it abnormal or unusual. The simple answer is no. The Canadian parliamentary system allows for two houses. Joining forces to hear testimony from expert witnesses in one forum is very efficient. It is very honest and it is very straightforward. I have absolutely no problem with it at all.

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, under section 93 the Constitution requires that in Newfoundland or anywhere else in the country for that matter, the rights of the minority dissenting group are not to be prejudicially affected when changes are made.

The denominational supporters have been offered only a very sanitized, sterilized, neutered, generic, no name brand of religious class in place of the religious instruction that they were accustomed to in the past. Because they are basically offered a sociology of religion course, that does not equate to the provisions made for them in the past. It seems that there is a negative and prejudicial effect for the Roman Catholic and Pentecostal church adherence. How are their interests not prejudicially affected?

Mr. Gerry Byrne: Mr. Speaker, notwithstanding that it was the minority itself that chose a change, the hon. member opposite raised the issue that section 93 applies here.

● (1630)

I would caution that term 17 is a fundamentally unique amendment. It is part of the terms of the union between Canada and Newfoundland. It is an agreement that affects only the province of Newfoundland and Labrador.

While education is a provincial jurisdiction, term 17, as it was formerly worded and as we are debating in the House, was a limitation on provincial responsibility or provincial right. We are changing that term and section 93 does not apply.

[Translation]

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, earlier, the member said he did not consider francophones as second class people and he is right, as was another of my colleagues who was misquoted when he said that the perception of people is that, when they see how francophones have been treated, they have the impression they were treated as second class people.

In Quebec for example, the rights of anglophones are well respected, we are a model for the rest of the world. For instance, an English speaking person from Quebec can be elected and sit in the House of Commons or the National Assembly. Three Equality Party members spoke only English and they sat in the National Assembly. I am a francophone, I speak only French and I sit here. Could a Newfoundland member speak only French, as the member speaks only English, and still be allowed to sit in the House of Commons? Could he get elected?

[English]

Mr. Gerry Byrne: Mr. Speaker, absolutely.

The Acting Speaker (Mr. McClelland): 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 Mississauga West, Airports; the hon. member for Frontenac—Mégantic, Closure of a B.C. Mine; the hon. member for Davenport, Law of the Sea.

[Translation]

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, first of all, I think this is a crucial debate. The basic issue is the fundamental rights of minorities. So, the basic question is the following: Before replacing constitutional rights with legislative rights, what process should we follow? I think that is the question before us today.

By the way, I have to point out the surprising differences between the comments made by my hon. colleague from Humber—St. Barbe—Baie Verte and those made by the hon. member for Richelieu, who spoke just before him. On the one hand, my colleague made a reasonable, sincere and positive contribution to this crucial debate about minorities and their vested rights.

Government Orders

Meanwhile, what did we hear from the hon. member for Richelieu?

Mr. Louis Plamondon: The truth.

Mr. Clifford Lincoln: That the committee currently holding hearings and hearing a lot of witnesses about the repeal of section 93 of the Constitution is wasting its time. That it has heard nothing but rubbish and nonsense. That the justices of the Supreme Court—

Mr. Louis Plamondon: You got that right. It is all rubbish and nonsense.

Mr. Clifford Lincoln: Mr. Speaker, that just goes to prove what I want to say, that these people cannot take part in an honest and open debate. Their describing the justices of the Supreme Court as people dressed up like Santa Claus shows the respect the Bloc Quebecois has for the eminent justices of our Supreme Court. That is the tone of this debate.

That is precisely why we need parliamentary commissions. We need parliamentary commissions, because we are dealing here with the vested rights of minorities who have the right to be heard and to ask for a comprehensive debate on their rights.

• (1635)

The Bloc Quebecois would like to see this pushed through because the three parties in the Quebec National Assembly voted unanimously in favour of the resolution placed before them. I would point out to the members of the Bloc Quebecois that this same resolution denies the existence for Quebec of the 1982 Constitution, which they themselves invoke in creating linguistic school boards.

So the minorities will have to trust a government which says "You are protected under section 23 of the Charter of Rights and Freedoms, but at the same time we do not recognize that Charter". These are the same people who have referred to the Supreme Court justices as wearing Santa suits. That is why we need parliamentary commissions here.

In the case of Newfoundland, at least its government will have had the courage to hold two referendums in a row. Let us recall the debates that went on about term 17—

[*English*]

A lot of us said "Let's be careful. Let's use extreme caution when you talk about constitutional amendments". Maybe we should have had a longstanding parliamentary commission when term 17 was first debated.

That is not what we did. We pushed it through quickly. What happened? When it got to Newfoundland, the Supreme Court of Newfoundland said "No, no, don't go ahead with the school boards", which caused a second referendum to take place.

I know 73% of those who voted declared that they were for the changes proposed by the Government of Newfoundland. That means also on the other side, and I appreciate all that my colleague has said.

Of course we need reform in the school system. Of course all of us are for reform in the school system, but what we should worry about—I don't say that our answers will be any different—fundamentally is that 27% in Newfoundland, and those people in Quebec who come before us at the parliamentary commission and say "Let's use more caution. Let's take more time". Instead of that, we have declared that on November 7, for Quebec for all intents and purposes the committee stops its work, and December 5 for Newfoundland.

I have taken part in many pieces of legislation, both in the National Assembly of Quebec and here, where we took months to look at legislation. I remember the CEPA hearings on the environment which took over a year to decide whether we were on the right track or not.

Yet somehow we trivialize constitutional amendments. We take them for granted. If a majority here or a majority there decides, then it must be right.

The fundamental reason for constitutional protection is not to protect majorities who can change laws whenever they want. It is to protect minorities who cannot change those laws. That is why we need those parliamentary commissions. That is why we need senators, because the fact is that senators are far less partisan than our Houses, whether it be in Quebec or Newfoundland or here.

That is why we need depth in our parliamentary commissions, to hear as many people as possible, to take more time if necessary, to pause, to use caution before we change the constitutional provision which, once gone, can never come back because the minorities can never reinstitute them. The majority will always rule.

That is the point I want to make today. I want to ask that we treat these constitutional amendments, whether they be in Newfoundland or in Quebec, by taking all the time necessary. I must admit very frankly that in Newfoundland much more care has been taken to involve people than was the case in Quebec. If another week will go by, another month will go by and another year will go by, this will not change the world.

That is the spirit. I never interrupted the gentleman. That is the spirit. That is the spirit of the Bloc Quebecois. They cannot tolerate another opinion. They cannot tolerate an opinion that is not theirs, and they talk about democracy. They talk about extremists in the parliamentary commission that is hearing Bill 93. I will suggest that the public will judge from the debate here where extremism is. I suggest it is not on this side. We want a fair debate. We want an open debate. We want a constructive debate. All we say is that constitutional provisions are there to protect acquired rights, fundamental rights and minority rights. Let us take whatever time

is necessary to listen to people to make sure once and for all that we are on the right track.

• (1640)

[*Translation*]

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, I would like to point out to the hon. member that if you sow discord and attack members opposite, you should not be surprised to be repaid in kind.

I would also like to say that in 1792, when the British Crown created the first Upper House, its members—we now call them senators—were appointed, not elected, and their only role was to oppose the decisions of the Lower House on behalf of the British Crown.

Things have not really changed. The Upper House, the Senate, is here to oppose the measures that the establishment, and I would say the financial establishment of Toronto in particular, does not like. It is here to oppose the decisions of elected representatives and to make sure that the government does not have to abide by the public will.

Now, I have a question for the hon. member. When we strike a committee, I believe we give it the power to recommend in favour or against. Would my colleague agree if the committee were to return with a negative recommendation on the amendment requested by Newfoundland? How could he explain to his colleagues from Newfoundland that the will of the people would not be respected, when they clearly indicated the decision they wanted the House to make? In other words, are we going to have a kangaroo committee or a committee which might decide against the people of Newfoundland? I am anxious to hear our colleague's answer.

Mr. Clifford Lincoln: Mr. Speaker, I believe that the Minister of Intergovernmental Affairs has answered the question very clearly. A committee will be struck to assess the matter, it will report to the House, and the House will decide after due consideration. This is how it is done in every committee. The committee will hear the stakeholders. It will review the matter, it will report to the House and the House will decide accordingly. The decision rests with us here.

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, the hon. member who has just spoken has taken exception to some of my comments.

I would remind him that he was once a member of the National Assembly, and I find it odd to see a member from Quebec who sat in the National Assembly, who experienced the quality and the greatness of the democratic debate there and of the consensus that develop occasionally and who knows that it is only rarely that an unanimous resolution can be achieved, question the consultations that these members from Quebec carried out in their ridings to reach a consensus.

Government Orders

But he does not know what consensus is, because when he was in the National Assembly and when his premier, Mr. Bourassa, introduced Bill 178 which met the expectations of both anglophone and francophone communities, he and a couple of his colleagues voted against the consensus that existed in Quebec, and for this he was no longer welcome in his own Liberal Party and he had to come here to beg for a job, perhaps eight or ten years before he actually got elected to this House.

• (1645)

However, it is typical of the Liberal Party to pick up people like that. The proof is that there was Mr. Harper who sat here, Mrs. Carstairs was named to the Senate. Clyde Wells will most likely be appointed one day to the supreme court. This year, they have a new batch: the members for Abitibi, Bourassa and Anjou, they are the Liberal Party's new batch.

Mr. Clifford Lincoln: Mr. Speaker, I do not wish to stoop to the level of the member for Richelieu. What he is saying makes no sense.

I voted in the National Assembly according to my conscience. Most of the time, I voted for my party. I also voted against it many times. I have done so here. I will continue to do so. I will vote according to my conscience. I will do so whenever my conscience demands it. If that bothers the member for Richelieu, too bad.

[*English*]

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I will be sharing my time with my colleague from Compton—Stanstead.

There is a need today for religious denominational schools like I have probably never seen in the last 25 years. We just have to come into the House of Commons and take a look at what has happened here. We cannot say the Lord's Prayer for the first time in 131 years in the House of Commons. I am really appalled that has happened here. When that was going to happen I was on call-in shows from British Columbia to Newfoundland about the fact that the word God was being taken out of the prayer of the House of Commons as well as not saying the Lord's Prayer.

I got a call from the hon. member on the government side saying: "Elsie, we are going to put "God" back in the prayer tomorrow morning". And I said thank God for that.

Just take a look at our young people and the pressures they are under today. I took my two sons out of the regular school system in Saint John, New Brunswick. I am Protestant but I put my sons into the Catholic school because they had the teachings there that were needed. The peer pressure in our society today is unbelievable. I am appalled to think that we would even talk about not allowing our denominational schools, our Catholic and Pentecostal schools in Newfoundland to exist.

Government Orders

I believe that all of us in the House of Commons have received correspondence from the Hon. Kevin Barry, a retired judge of the Supreme Court of Newfoundland. I am going to refer to the Hon. Mr. Barry's correspondence because he spells it out just the way it is.

He is saying that the new amendment proposed by the government would provide for religious courses which it would compose itself from whatever sources it deems appropriate. He says the only condition it would have to observe in so doing would be that the content of such courses must not be specific to any denomination. In effect, with that sole limitation the government would then be in complete charge of religious education in schools.

We know this country was built on good Christian values. We have respect for all cultures. That is why we open our doors here in Canada, for people to come from all over the world, and we expect them to respect our culture as well, which was built on Christianity.

According to the Hon. Mr. Barry, there would be no obligation on the government to consult with leaders of the principal denominations or any of them. For Catholics religious education for their children in school is a vital part of their educational development and it has been part of the school system in Newfoundland for the past 200 years. To eliminate it because 38% of the population voted for a questionable saving in the cost of education would be a very grave injustice to the parents who wish to educate their children in a denominational school. It was never intended by our forefathers that democracy would be used to crush minority rights in this way.

• (1650)

In the course of the Newfoundland government's campaign, the government had declared that religious education would still be available after the passage of the amendment. Let me say that this could be no more than a pious hope on its part since term 17 as amended provides absolutely no such guarantees.

The fact is that if the proposed amendment becomes law, government will have the exclusive authority and control over religion in all schools without obligation to consult any outside party as to its content.

Just take a look at us right here. Government decided to move in and we cannot say the Lord's Prayer in the House of Commons. What is going to happen in the school system?

Although the government received many requests for a judicial interpretation of the text of the amendment before the referendum vote, it steadfastly refused to consider it.

It keeps referring to the fact that it is going to save money and that it is going to be a better school system. As far as I understand it and have been told, the Newfoundland school system, as it exists

today with the denominational schools and the other public school system, rates third across the country. They cannot do much better than that unless they come up to second and first. If we leave them alone in the system they probably will.

The government declared as one of its reasons to abolish denominational religious education in schools that its standard of pre-university education was intolerably low. When we have a referendum and this is what we are telling the people, that it would be greatly improved by getting rid of church influences in our schools, I pray that we will have more church influences in society in the future. I mean that.

I look at the pages who are here today and the young people I see on the streets. I look at the young people who are lost in my own city. They need to have church influences. As I started to say at the very beginning, they need it more now than in the last 30 years.

The truth is that the standard of education for schools in Newfoundland ranks the third highest in all of Canada. The government also informed the public that the cost that denominational schooling adds to the general system of education is intolerably high. We have been informed that the cost of education on a per capita basis in Newfoundland is the lowest in Canada.

We have been hearing from our people that they are going to save money. We heard from Premier Tobin that this is why we have to do it. Yet the cost of their education on a per capita basis is the lowest in Canada the way it is now.

From the day it announced the referendum, Premier Tobin's government utilized public moneys and resources to finance and support its campaign to abolish denominational education. At the same time, it denied any requests from the other parties for funding to assist them. It campaigned as though the referendum was a political election. It did not permit any scrutineers to be present in the ballot booths during the voting process, during the counting of the ballots or to oversee the measures taken for the scrutiny of the ballot boxes. I have never heard tell of this before. No, sir. That is a very serious situation.

While I am not aware of any allegations of fraud or improper dealings with the ballots, it is an old saying that justice must not only be done but must also appear to be done.

I am very concerned, just like the hon. Kevin Barry is, and many other people. Educated and intelligent people over there can see that this is going down the wrong road. It is going in the wrong direction. I am in favour, as we are here, of having a committee. Senators should be on it because they have people there to assist them.

I appeal to all members in this House to not let this happen. Do not go in this direction. Think about the children. Put them before

Government Orders

politics and before anything else and keep the denominational schools in Newfoundland.

• (1655)

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, I am torn on this issue because my background is both as a Catholic and a democrat. I wish that Catholics in Newfoundland had turned out at the polls in numbers requisite to be able to stop this. However, that being said, democratic consent was sought on this issue.

Issues have been raised in terms of whether or not there were scrutineers at the polls. Unlike general elections, there were no people representing specific parties and there were no stipulated interest groups. As a result, it was very difficult to determine which people would act as scrutineers.

I am not impressed that the Government of Newfoundland did this during the summer, allowing only a 31-day writ period. Nonetheless, the people of Newfoundland have spoken. As a democrat it is difficult for me to stand in the House today and say this provincial initiative should not be supported because the people of Newfoundland did indeed vote for it.

I would like to propose the following. I know this is not the question that the people of Newfoundland had an opportunity to vote on, but I wish it had been the case. This question was asked today within our caucus. Why should a parent not be free to choose where to educate their child without financial penalty?

I am drawing attention to the idea that funding should follow the student, as in a voucher system. Religious based schooling should not be ended to bring in monopolistic, cookie cutter public education under a single board. Indeed, I wish the people of Newfoundland had been presented options, a whole bunch of choices, rather than being presented with a cookie cutter.

Does the hon. member believe that vouchers and direct school funding would have been a better scenario?

Mrs. Elsie Wayne: Mr. Speaker, the hon. member said that there were no political parties involved and that there was no politics involved. Politics was involved, as we stated, concerning scrutineers.

Also, if we take a look at the system that was put in place, the people of Newfoundland were not given an opportunity to digest what was happening to them. They had only 16 hours before the advance polls from the time the question was put before them. There is no place in the world in which we would let that happen.

There has to be a better system. Perhaps the system suggested by the hon. member is the better system.

We have denominational schools and a Roman Catholic school in my city. The provincial Liberal government wants to close the denominational schools. I fought to keep them. We had only one

girls Catholic school and one boys Catholic school. It is a boys and girls Catholic school now. We also have one Evangelical school. That is all we have, but the government wants to close them too.

I am really worried about the direction in which we are going. I have to say that what they are proposing is wrong. We have to, all of us, take a look at it for the sake of the children of this country.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I rise in the House today to speak to the motion put forward by the Minister of Intergovernmental Affairs. The motion is to strike a special joint committee of the Senate and the House of Commons to consider matters related to the proposed amendment of the terms of union of Newfoundland concerning that province's school system.

The special joint committee will be instructed to consult broadly and review such information as it deems appropriate with respect to this issue. The committee is to be composed of 16 members of the House and seven members of the Senate and must present its final report no later than December 5, 1997.

Reformers recently supported a motion to strike a special joint committee to study a proposed constitutional amendment to the Quebec school system. However, we had reservations about that process. We were concerned about the extremely short timeframe the committee had to conduct its review and to report its findings. We also believe it was absurd to have senators who have no democratic legitimacy sitting on the committee.

• (1700)

However, despite these points of concern, the members of this side of the House were generally supportive of the establishment of a parliamentary committee to study the proposed resolution on the Quebec school system. Similarly, while we have corresponding concerns regarding this special joint committee, we generally support the establishment of another parliamentary committee to study the proposed amendment regarding the Newfoundland school system.

A large number of people in Newfoundland have been demanding a non-denominational school system for that province for more than three decades. During that time two royal commissions have studied the issue. There have been endless negotiations and debate, several court rulings and one constitutional amendment, and now two province-wide referendums on the school system.

Many commentators have noted that a single denominational system will be less costly and more efficient. The Premier of Newfoundland has estimated that the system will save \$25 million per year. Clearly this is a very important issue. The proposed amendment deals with the Canadian Constitution which is the fundamental law of this land. In this case Parliament has been

Government Orders

asked to constitutionally amend the 1949 terms of union that brought Newfoundland into Confederation.

The Reform Party believes strongly that education is a matter of provincial responsibility and that provincial jurisdiction over education should be respected and enhanced. Therefore, we neither support nor oppose church run or non-denominational schools for Newfoundland. We believe this is an issue that must be decided by Newfoundlanders by free and democratic processes and in accordance with the rule of law.

The principal interest of the federal Parliament in educational reform is primarily that such reforms do not prejudicially affect the rights of minorities which Parliament has an obligation to protect. As the other speakers from my party have stated, we believe Parliament should discharge these responsibilities by making any constitutional amendment proposed by a province, such as the one that will be considered by this special joint committee, subject to these three tests: democratic consent, the rule of law and the Canadian national interest.

Let me quickly review the three tests we feel must be satisfied if this amendment is to gain the support of the Reform Party. First, was there a clear majority of Newfoundlanders that supported the constitutional amendment through the results of a province wide referendum? Was the referendum process fair? And was the referendum question unbiased? The amendment was approved by majority in two separate referendums with the second referendum having an overwhelming majority of 73%. The turnout of 53% of eligible voters was fairly high when compared to other similar referendums. The referendum vote was conducted by Newfoundland Elections, the government's arm's length agency established to ensure fair and democratic elections. Therefore it appears that term 17 amendments have passed the test of democratic consent.

Second, is there compelling legal evidence such as an upper court ruling that certified the constitutional amendment itself conforms to the rule of law? Term 17 of the 1949 terms of union is intended to serve as a replacement for section 93 of the Constitution Act concerning education and applies exclusively to the province of Newfoundland. Therefore, it can legitimately be amended by the provincial legislature and the House of Commons passing identical resolutions in accordance with section 43 of the Constitution.

Section 93 does not prevent Newfoundland from reforming its educational system or from implementing reforms that affect minority rights. But the rule of law requires that the Newfoundland government demonstrate that its proposed reforms do not prejudicially affect the rights of those who desire a religious orientation in the education of their children.

We have been informed that Newfoundland's minister of education has obtained a legal opinion stating that the proposed

amendment to term 17 is legal. However, the original term 17 amendment proposed by the Newfoundland government in 1995 was found to be constitutionally questionable by the Newfoundland supreme court. Therefore, we are not entirely convinced that the latest term 17 amendment fully conforms to the rule of law. Our concerns might be alleviated, however, if the Newfoundland government was to obtain a ruling from that province's supreme court establishing that the proposed amendment does not prejudicially affect the rights under section 93 of the Constitution act.

• (1705)

Third, is there clear evidence that this educational reform does not prejudicially affect rights previously granted to the citizens of that province and in no way damages minority rights in that province or any other province? As with the proposed constitutional amendment regarding the Quebec school system, the manner in which this matter is handled may set an important precedent for other provinces with respect to educational reform as well as minority rights. Because we are not convinced that the latest Newfoundland amendment adheres to the rule of law, we are also not convinced that the term 17 amendment meets the test of the Canadian national interest.

I would like to close with an appeal to any common sense that exists in the government to allow a free vote on constitutional amendments, such as the one before us on Newfoundland term 17.

While claiming there is strong consensus for a linguistic school system in Quebec, the federal intergovernmental affairs minister has ducked the question whether there should be a free vote in Parliament on the constitutional amendment. The government has been successful in paying lip service to the principle of free votes for members of the House, but it has failed to put its words into action. Free votes have been few and far between. One of the few times members have been actually allowed a free vote was on the previous vote on the Newfoundland school question.

We encourage the government to make a clear and unequivocal public acknowledgement of the precedents set by the previous Newfoundland amendment for both the Quebec amendment as well as the vote that is now required on the Newfoundland constitutional amendment. Such a declaration of support for the principle of free votes would remove the constraints of party discipline from members of the House and allow government backbenchers to vote without falling out of favour with the party leadership.

I can assure members that on matters as important as changes to fundamental law of the land, Reform MPs will be particularly influenced by the opinions of their constituents and whether Canadians are satisfied that the amendment in question is democratic, legal and in the national interest.

Government Orders

In conclusion I ask, what will guide the MPs from other parties in these matters, the will of their constituents and the Canadian national interest or the heavy hand of party discipline?

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, this is quite a topical issue when we look at the news today and see what is happening in Ontario. I want to put a few comments out for thought. I also agree with my colleague from Calgary West when he speaks of a voucher system.

I, too, believe in the democratic process. The people of Newfoundland have spoken and we have come up with this three part test. I also would encourage a free vote in the House.

I recognize how important education is to all of our children. We are setting trends for what could follow across other provinces. We need to provide the best possible education we can for our children.

This comes close to home for me. In British Columbia, we face numerous challenges and problems within our public school system. I have studied very carefully the next door province of Alberta which has both the public school systems. It has the Catholic public school board and the other public school boards. The taxpayers are given the option of choosing where their tax dollars go. They have some choices for their children. By doing so, they hold the school boards and the schools accountable.

Again it follows along the lines of if someone provided the student or the child with a voucher, the schools and the school boards would have to be accountable because they want to attract those vouchers to their schools.

I believe in the democratic process. The people of Newfoundland have spoken, provided they have satisfied these three tests. I am not convinced they have totally done that but it is something we have to be having a hard look at. We need to look beyond December 5. It is something that is of provincial jurisdiction, but it is something we must all be thinking about for the sake of our children and their future.

• (1710)

Mr. Peter Goldring: Mr. Speaker, I too believe that it has the appearance that democratic consent has been met by having a referendum in Newfoundland to test the question. I have some concern about whether a majority can overrule minority rights and this is a minority rights issue. I believe that good effort has been made for democratic consent.

The test not put forward has been the test of the rule of law. That is one test that should be implemented as soon as possible to clarify areas of doubt in the democratic consent as well as whether it affects Canadian interests. It should have a test for the rule of law.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, my question is for the Reform Party. The hon. member mentioned earlier that in his opinion 53% was a fairly good turnout for a vote of this nature.

I asked the members for St. John's East and St. John's West earlier why they felt there was such a low turnout for such an important question. The response from the representatives from St. John's East and from St. John's West was that it was during the summertime, during the Cabot celebrations and many people felt that because there was unanimity by the members of the legislature in Newfoundland was the reason the turnout was low.

Does the hon. member honestly believe that 53%, under those circumstances during that time, is really a high turnout for such an important issue?

Mr. Peter Goldring: Mr. Speaker, the referendum was well advertised. It was well known that it was being conducted. The low numbers of turnout are just that.

It had been well advertised. It may have been in a period of time, summertime, when it is difficult for people to acknowledge or respond to it. But by being advertised, we believe democratic consent has been given by having the referendum process.

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, I would like to touch on the question by the hon. member's colleague on the use of a voucher system or an educational system that makes use of empowering the user and the inherent logic in that.

I wonder, as a former educator though I may be engaged at that at the moment, does he not think or not recognize that there is a danger that the education system, by engaging in a bidding war and the marketing activities necessary to attract vouchers, might take resources away from the fundamental reason that these systems exist? I do not see this type of activity aligning itself too closely with what is going on in the classroom. If resources are scarce, is there not a danger that we might, through the funding mechanism, be forcing education systems into activities that are not in the best interests of the students?

Mr. Peter Goldring: Mr. Speaker, I believe that having a voucher system may enter an element of fairness by levelling the field and making it more fair for the different denominations to have their own education system. I would not find that to be a problem or creating undue competition. It would possibly improve the system.

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I would like to pursue that question further. If you pursue the voucher system and all the students who receive this decide to transfer to another province, how will that catastrophe be responded to?

Government Orders

• (1715)

Mr. Peter Goldring: Mr. Speaker, I would consider that to be a hypothetical situation. I think we are here to debate the Newfoundland resolution which is before us.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, my hon. friend on the other side brought up this voucher system question. I know it is a little bit off the topic, but by empowering the students who are going to use the service, a minimum standard curriculum could be provided. I believe this would give a much better quality of education because it would be market driven and it would be up to the institution to provide the best service.

A parent may have five or six choices and would pick the institution which was most suitable and which would provide the best education. A dollar value should not be placed on the voucher. It is to provide a service. It would make the schools or institutions very competitive. Again it is such an important issue.

My colleague from Calgary West suggested that should have been part of the choice given to the people of Newfoundland. We are setting a trend for the rest of the country. It is such an important issue that we should really think it through so that we provide the best alternatives for our children.

Mr. Peter Goldring: Madam Speaker, I concur with my colleague that the voucher system would have been an important element to have in this resolution, or to propose to the people of Newfoundland. I agree it would certainly add an element of fairness to the educational system in Newfoundland.

Mr. David Price (Compton—Stanstead, PC): Madam Speaker, I want to begin today by reading to you from the column by William Johnson which appeared in the Montreal *Gazette* last week. In it he wrote:

Removing constitutional rights from a minority is a serious undertaking. Ottawa showed its contempt last year by trying to ram through Parliament the amendment to Newfoundland's Terms of Union as it affected religious control of the school boards. The result was a constitutional mess, and Parliament will have to deal again with the issue of Newfoundland's schools.

Well here we are again for a second time in as many years dealing with the issue. Members of the House of Commons did not travel. They did not even hold hearings. The government rushed it to judgment and the result was, as Mr. Johnson noted, a constitutional mess.

[Translation]

I am new here and I would certainly not want to make snap judgments. I do not wish to insinuate that the Liberals are heartless and that they are acting with no regard for others. I do not wish to insinuate that the Liberals are not doing a good job in keeping an eye on the provincial authorities and allowing them to do their jobs as they must. And I particularly do not wish to insinuate that the

Liberals have mishandled the Constitution in a cavalier manner. That would be to make judgments and that is not my purpose.

[English]

What I do know is that the other place did hold hearings. Members of the other place travelled to St. John's. The Senate wrote an outstanding report. The chair was Senator Sharon Carstairs.

This government called a snap vote late one afternoon to dismiss the work and the will of another house of Parliament. In fact I am told that voices from every part of the Chamber were yelling "disperse, disperse" when the Speaker was informing this House of the message from the other place. This House did not take the time to listen, to consider and today this is the result. It is back before us again.

If we are going to do something, we should do it well. If we are going to amend our Constitution, we should do it right. If we are going to remove minority rights, we had better be certain that the affected parties are heard from. It is their right and our duty.

• (1720)

I want to take the time now to speak to the amendment put forward by the Reform Party. I am currently sitting on the special joint committee to amend the Constitution with regard to Quebec schools. The players are different but the same important debate remains: the protection of minority rights.

I spent one week on this committee but I have to tell this House and the Reform members who sit on this committee with me that I value the role the senators have played so far. The other place does more than provide sober second thought. The other place provides expertise. Whether it is the Constitution, human rights or education itself, the other place shares with a committee experience that is far reaching.

What we are speaking of is amending Canada's Constitution. This is serious business. Reform should understand how serious this is and should support the other place's role.

On March 3, 1896 Sir Wilfrid Laurier made what some consider his best speech. He spoke in defence of minority rights in Manitoba. At second reading of Bill 58, the Remedial Act, Wilfrid Laurier, who was not yet prime minister, asked, "Is the government impelled by the desire of doing justice to the minority?" He continued, "In a community with a free government in a free country like this, upon any question involving different conceptions of what is right or wrong, different standards of what is just or unjust, it is the part of statesmanship not to force the view of any matter but to endeavour to bring them all to a uniform standard and a uniform conception of what is right".

None in this House approach Sir Wilfrid Laurier's eloquence and leadership, but today's Prime Minister need not be eloquent. He need only ask himself whether an amendment to term 17 is

Government Orders

necessary to achieve the provincial government's stated intention of reforming the educational system.

Sir Wilfrid Laurier knew so long ago that rights are aimed at limiting and domesticating state power in attenuating its outcome. Does this Prime Minister understand what Laurier understood?

In contrast to the Unitarian point of view in which the ends justify the means, human rights offer an ethical approach setting constraining limits on authority. As expressed in a letter dated May 27, 1996 from Archbishop Francis J. Spence, president of the Canadian Conference of Catholic Bishops, to the Prime Minister, the primary responsibility of the Government of Canada is not the reform in Newfoundland's education system, which all parties agree is necessary, but the protection of minority rights under our Constitution from the arbitrary action of the majority.

The Constitution and the charter can either be worthless pieces of paper or very real and binding instruments of guidance. A true standard. Whether these documents will be one or the other does not depend on governments alone. It is up to all of us to determine how seriously these guidelines will be taken, how they will be implemented and made real.

It is necessary to recall these documents that guide Canadian society and try with new energy to ensure that the government acts according to their spirit. Governments must accept the indivisibility of human rights and respect constitutionally entrenched minority rights.

The Newfoundland terms of union are enshrined in the Canadian Constitution. Premier Tobin appears to no longer respect those terms. The Prime Minister appears to accede to a historical approach to public policy making. Together they appear disrespectful of the rule of law and delicate balance that must accompany a state's intrusion into a matter expressly outside its jurisdiction.

Has the will of the popular majority been a safe haven for safeguarding the rights of the minority? No it has not. Nor indeed has the majority's will always been when one considers the history books and the many clashes between minority and majority.

This is precisely why Reform Party's policy of blind adherence to government by referendum is seldom in the true public interest and hardly ever in the interests of legitimate minority interests. There are some issues that legitimately require majority action and others which lie outside the proper arena of majority determination.

• (1725)

Majority rule implies a great deal about civil rights, such as free speech, free assembly and free association. I might add that the

word majority means major part, and so connotes the presence of other parts in one as several minorities.

Some would say that minorities constitute the margins of society. Others would say that minorities are the practical manifestations of a society's ability to accommodate and provide safe alternatives.

Rather than build on Canada's proud heritage and respect for minority education rights by extending rights, perhaps to the francophone minority in Newfoundland, Premier Tobin and the Prime Minister have actively pursued a diminution of minority safeguards.

His Eminence G. Emmett Cardinal Carter in writing to the Prime Minister on May 21, 1996 said: "I am disappointed, like many Canadians, because I took you at your word and the Liberal Party is a party of principle and a champion of minority rights".

I take no pleasure in drawing to the attention of the House the following curious examples of political leadership. On March 12, 1993 just before an election, the then premier of Newfoundland made a statement in the House of Assembly: "In response to the church leaders' concerns that implementing certain recommendations of the royal commission report would jeopardize their traditional rights, government has assured the leaders that it is not seeking change to the Constitution that would remove the constitutionally protected rights of classes of people specifically provided for".

Canada's great advantage over other nations is our tradition of diversity which was born of the historic necessity of English and French speaking Canadians working together and which has blossomed into a basic respect for the multitude of cultures which make up Canada.

The Canadian tradition has been one based on the obligations of history and respect for cultural, religious and ethnic minorities. That tradition is in a certain degree of peril with this latest incursion into the Constitution to strike down the valuable education rights of the religious denominations in Newfoundland.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, today we are debating again the Newfoundland schools issue. It is an issue which the government seems to slip in and foist upon the House without due notice. I must say it certainly caught me by surprise that it was going to be discussed again today. I find that most disturbing because I think that the issue itself is an issue of significant importance not only to Newfoundland but also to Canadians from coast to coast.

This morning my leader gave an outstanding speech on this matter in the House. We would do well to listen to the cautions that he raised.

He suggested three things. He proposed three tests which should be considered before any constitutional amendment is passed by

Government Orders

the House. The three tests which he suggested are the test of democratic consent, the test of the rule of law, and the test of the Canadian national interest.

I would first like to take a look at the test of democratic consent. He asked questions about that. Was there a clear majority result from the referendum respecting the term 17 amendment? He asked if the referendum process was fair and if the question was unbiased. I have a lot of problems with the whole process.

I would like to read into the record some of the problems that Harold Flynn, president of the Newfoundland and Labrador Catholic Education Association, printed in an advertisement in the Ottawa *Citizen*. He noted that the government's conduct during the referendum compromised the democratic process. He said: "We urge you to consider all the facts before making a decision". The first point that he asked us to look at was this.

• (1730)

The first point read:

The proposed amendment will bring about profound social change in Newfoundland, and deprive denominational minorities of the same religious education rights that are currently enshrined in the Constitution.

I will get on to this point later in my speech but he has raised an important point, the legality of the issue. The second point read:

The referendum was announced only on July 31, leaving too little time for thoughtful analysis and informed debate.

The next point read:

The text of the proposed Constitutional amendment was not presented until August 24, precluding an opportunity to consider its merits and implications.

Another point read:

Government spent significant amounts of tax dollars to promote the YES side, but refused public funds to those with different views.

Those points he raised question the validity of the process used. It is important to note that if we are to conduct referendums; if we believe in the referendum process; if we want the referendum process to solve certain issues whether the issue be capital punishment, the abortion issue or so on; and if we are to use the referendum process, we must ensure the process is run fairly and there is no bias built into it.

By allowing for as little time as was allowed for in this vote it precluded thoughtful analysis of the issue and precluded honest debate. The fact that the government financed one portion of the debate is not healthy in a referendum process. If the government is proposing a referendum it should leave the discussion of the issue

and the financing of the matter to the citizens. It is wrong for the government to involve itself in the debate in that manner.

The next point read:

Government has allowed voters to cast their ballots outside their electoral districts, increasing the opportunity for electoral abuse.

And the next read:

Government refused to allow scrutineers at polling stations, denying advocates an opportunity to observe the voting process to ensure that it was fair and democratic.

Mr. Flynn went on to note:

We regard the Canadian Constitution and its safeguards as a sacred compact. We believe the procedure to change it must be equally sacred—especially when they affect minority rights and referendums.

By exploiting this referendum "mandate", the provincial government plans to subordinate the rights of religious minorities to the tyranny of the majority.

I could not agree more with what Mr. Flynn noted in this talk.

The last point he raised is another point raised by the Leader of the Opposition this morning, the test of the rule of law. It is important to address that issue. Inherent in that test of responsibilities is that the government has to protect minority rights, and it is something that it has not done.

In addressing that particular issue I think it is worth noting section 93(3) of the Constitution in particular:

Where in any province a system of separate or distinct schools exists by law at the union or is therefore established by the legislature of the province, an appeal shall lie to Governor General in Council from any act or decision of the provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

That statement puts a heavy burden on the government. It means that the government cannot change the Constitution with regard to education rights willy-nilly. It must reflect carefully on its responsibility.

When Newfoundland entered into Confederation in 1949 the terms of the union gave special protection to the Newfoundland denominational schools. The protection given in term 17 of the terms of union was in addition to the general protection of denominational schools given in section 93 of the Constitution of 1867, what has always been known as the British North America Act.

• (1735)

The amendment of the Constitution of Canada proposed by the Government of Newfoundland before the House today would remove the special protection negotiated in 1949. More than that, it would exempt Newfoundland from the general protection found in section 93. That section applies to all Canadians.

This amendment would remove the protection available to all other Canadians. In one fell swoop Newfoundland would go from giving the best protection to its minority denominational schools to giving the least.

Section 93 makes the federal government a guarantor of minority denominational schools, which means the federal government has a responsibility in the matter of minority denomination schools. This Parliament has responsibility to protect minority denominational education. It cannot simply allow the Constitution to be changed in that manner.

Beyond that particular point of law is the next point addressed by the Leader of the Opposition this morning: how this would affect other Canadians. This point is important.

Ted Byfield in a recent column in *The British Columbia Report* noted that it is one of Canada's current ironies that the kinds of schools the Government of Newfoundland is desperately trying to institute and make compulsory people in other parts of Canada are trying just as desperately to escape.

A series of questions have to be asked here. Who will educate my children? That is a key question. Who will be responsible for educating my children? Will it be the government, the teachers' union, a committee of the school or me, the parent? Who will be ultimately responsible for educating that child? Who will ensure that the values I teach my child at home will not be undermined when I send my child to school?

Newfoundland wants to move toward a public school system, a government run school system that tries to say somehow or another it can teach values without teaching them, that somehow it can instil in my children the kinds of values I want them to take into life, and that it can do it without doing it. That sounds almost contradictory but that in fact is what it wants to say.

I think that is wrong. I have a particular set of values that deals with things important to me. Those things might be my views on the abortion issue. They might be my views on same sex marriages. They might be my views on any one of a number of things.

When my child goes to school my values should not be undermined. The religious values I may want to teach my child are not contrary to the laws of the land. They are values that have long standing in the community, at least 2,000 years. They are values I hold dearly.

In saying that I am not setting myself up as some kind of paragon of virtue. Far from it. The only perfect man died 2,000 years ago. You and I know that quite well, Mr. Speaker.

What I am saying is that I try in the best way I can to instil in my child some values that I think worth while. I do not want to send my child to a school where those values would be undermined.

Government Orders

In the province of British Columbia that can happen and that bothers me greatly. In Newfoundland's current system there is choice within the community. One can pick a Catholic school, a Pentecostal school or one of the unified schools. I think that choice should be expanded.

• (1740)

The supreme court recently heard a petition from some fundamental Christians in Ontario who wanted to have some government funding to support their schools. That was denied. I think denying that is wrong.

Parents should have the ultimate authority on how they spend their money, on how they educate their children. That authority should be issued to them with a voucher. They should have the right to pick the school they want to educate their children in. There should be no questions asked.

It bothers me greatly to see the legislation before the House. In my view the government is treating lightly its responsibility to protect denominational schools under the Constitution. Not only that. It is trampling on my rights and the rights of the citizens of Newfoundland to educate their children as they see fit.

I raise another point. I feel somewhat reluctant to do it but I will do it anyway. It has to do with the trend in our society, the news media in our society and other factors in our society. I feel somewhat awkward raising the issue. I do not want someone asking who this guy thinks he is. As I said before I do not pretend to be perfect, but it bothers me greatly to see the continual beating up the Christian community has taken by the media and by the government in bringing forward the bill.

I could cite example after example, which I will do. The first example of government beating up on the Christian community is the bill. It is as clear to me as the sun rising in the morning that the bill is somehow simply denying people the right to have their children educated the way they see fit, and that way may be the Christian way. It bothers me that is true.

We could skip out to British Columbia to take a look at what has happened with the British Columbia College of Teachers. It is denying Trinity Western University, a fundamentalist Christian university, the right to train teachers for the public school system. Trinity Western University requires that its students take an oath to abstain from homosexual activity and to abstain from premarital sex, in other words to support a clearly Christian agenda.

According to the college of teachers, the taking of that oath should disallow that university from training teachers because teachers who have made a commitment to living up to these Christian ideals are somehow unfit to teach in the public school system of British Columbia.

Government Orders

I think that is absolutely outrageous. It bothers me greatly to think that could happen in this country. If that were a Muslim or a Sikh university I do not think we would see that action.

There is another example of this beating up of the Christian community reflected in the bill. It is the comments of the new host of the popular CBC Radio talk show *Morningside*. He said "The Catholic Church is the largest criminal organization in the world after the Mafia". Michael Enright is the host who took over from Peter Gzowski.

• (1745)

I cannot fathom for an instant how a man could make that kind of comment, an outrageous statement like that, and then be allowed a place on a radio station in Canada, and not only that, a publicly funded radio broadcast. It is absolutely unbelievable that statement was made, and yet it happened.

The way the CBC conducted itself during this debate, it forgot for example that the first hospice for AIDS patients in the world was founded in New York by Mother Teresa. CBC does not mention that.

Canada's national newspaper, when it reported on Mother Teresa's death, spent most of its column beating up on her rather than acknowledging that this woman had lived a truly Christian life and tried to help people who were suffering.

It beat up on her for a number of issues. It beat up on her because she was opposed to abortion and it beat up on her because she espoused the beliefs of her church and practised them like most of us could not begin to.

The CBC did that. The *Toronto Globe and Mail* did that and during the debate on this Newfoundland schools issue, the CBC twice aired the show *The Boys of St. Vincent*, a program which had to do with problems that occurred in the Catholic school system, in the boarding school system in Newfoundland.

I know it happened. You know it happened. Everybody knows that happened, but there is an issue here that seems to be forgotten. When somebody steals from the collection plate, you don't blame the church. You blame the individual who stole.

What the CBC wants to do is when something goes wrong, it wants to blame the church. That is reflected in this bill. The key fundamental problem with this bill is that it denies parents the right to educate their children the way they want to.

Fundamentally it denies the Christian community in Newfoundland the right to educate its children and to see that its views and beliefs are not undermined by the school system. I am talking about fundamentalist Christians, I am talking about Catholics, I am talking about the Christian community in Newfoundland. That is

what this bill is about. It undermines that very right. That is why it is wrong.

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, during the course of the afternoon we have heard on numerous occasions the fact stated that there was something in the way of a better system in Newfoundland, that various church groups were dragging their feet and slowing up the system so that this could be occurring.

I want to dismiss some of those myths and refer to some of those things that are actual fact from the Newfoundland situation. Time and again it has been asserted by people that the Roman Catholics, Pentecostals and others were seeking to frustrate the process of educational reform, how necessary it was and yet being blocked by these obstinate people.

Premier Tobin made that point on numerous occasions, that they were trying to prevent this from occurring. The truth is that those groups, the Pentecostals, the Roman Catholics, willingly embraced reforms that came along.

They entered into dozens of joint service arrangements and consolidated and closed scores of schools. They co-operated with the government in the reduction of school boards from the original 267 down to the present number of only 10.

Today 90% of Newfoundland communities have a single school system and only 10% have more than one system, so considerable changes have occurred with regard to reform over the last while.

They have no objection to the government operated provincial school construction board. They accept that school bus reform is necessary, that school councils will serve a useful purpose, that school boards may be fully elected.

For many years governments in that province have set the curriculum. They have trained and certified teachers, and until it unwisely abolished them, they also set and corrected public exams.

• (1750)

What do these groups want to protect? They have not been standing in the way of reform. They simply want the right, as has been stated by many others here, to bring up their children, send them to schools where their own faith values are pre-eminent. That is a bit of a prelude.

I want to pass on to the test which was mentioned by our leader this morning, the test of democratic consent, and offer some suggestions as to where it may be suspect or found to be lacking with regard to the whole matter of democratic consent. Was the question a fair one? Was it clear?

Members may be aware that this question was developed by the Newfoundland government's public relations firm and was one of several potential questions subjected to some mini polling and

focus groups to try to massage it to the point where it came up with a question that would ensure a certain outcome of the vote.

The question also referred to a preference for a single system where all children would attend and where religious education is taught. Of all the children in Newfoundland, 90% are presently in that kind of system. Therefore Roman Catholic, Pentecostal and integrated children have access to a program in their own faith if there is sufficient demand. That was the question and the people believed they were voting yes to preserve this system.

On July 30, 1997 single school system was defined by the premier as a Christian school system. One month later, seven days before the actual vote, one day before the advance polls, a single school system had been redefined as a public, non-denominational school system and religious education had become not necessarily Christian but general. In the three days before the Labour Day weekend there was insufficient time to address the fact that the question now meant something entirely different than originally.

The question fails to address the real issue. Voters want some constitutional rights of parents to choose separate schools removed. It is my belief that this was not a fairly worded question. There were some shenanigans which took place in the last days which did not give people time to properly address the question before them. As a result they voted in favour of a prior question stated.

Mr. John Cummins: Mr. Speaker, I want to thank my friend for that comment. I think he has hit the nail on the head, that there was a lack of clarity in the question asked.

Again, if we are going to promote the idea of a referendum in this country, especially if we want to use a referendum to change the constitution and if this is a minority rights issue we have to be double certain that the referendum is conducted in a fair and honest way and that the question asked is clearly understood.

The whole issue goes beyond simply a referendum. The heart of the matter is the responsibility the government has to protect minority rights. The question here is larger than a bilateral change of the Constitution between the federal government and Newfoundland. When section 93 is changed, we are talking about a change that will affect Canadians elsewhere. It will have an impact on the separate school system in Ontario and across the country. That is a key issue. The government cannot treat this matter lightly. It has to be doubly certain that what it does will not undermine our Constitution and the faith that we should have in it.

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, I have been listening to the debate and the question I have for my colleague is whether he visited Newfoundland and spoke to people there. It is my understanding that 53% of the population participated in the

Government Orders

vote, a majority of the population. Of those who voted, 73% voted in support of the change.

We also know that within the legislative assembly it was a unanimous vote. Even those who have constituencies where they represent the minorities who have expressed concerns about the change supported it.

• (1755)

I would ask the members who are speaking in opposition to this if they went to Newfoundland, as I did, and asked the people in Newfoundland how they felt about this. If the member did not, how could he possibly object to a legislative committee hearing that will allow people to come forward and express their views? I believe that is the appropriate course of action.

Mr. John Cummins: Mr. Speaker, the fact of the matter is yes, I have been to Newfoundland on many occasions. Yes, I have talked to people from Newfoundland on this matter.

However, the fundamental issue that my friend across the way is ignoring is the conduct of the referendum itself. The fact that the turnout was 53%, more than half the population, in a sense is appalling because it is not a huge turnout. Why that is I do not know. What I do know is that the referendum was not fair.

By the way, the first referendum was most appalling. In fact, the government gave out information, made commitments in the brochures and whatnot that it sent out in support of its position which were clearly untrue. That again is appalling. It is appalling behaviour on behalf of the government and it gets to the fundamental issue here. If we are going to use referendums we had better make damn sure that we conduct those referendums properly and that we ask clear questions.

We in this House cannot criticize referendums which take place in Quebec if fuzzy questions are asked. We have had the experience in Newfoundland and supported it unfortunately.

When we talk about conducting referendums, the issue goes far beyond this one matter here. It goes to the bigger issue of another referendum in Quebec.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is a pleasure to speak to this motion today and the amendment, particularly, brought in by the leader of the Reform Party earlier this day.

I would like to comment a bit about the process that we are now entering into. It is interesting for me to listen to the party that has made quite a truck and trade with the referendum issue now not only endorsing the referendum idea but also pointing out the cautions and care that must be taken when one uses referendums.

Often during campaigns and when the blood is running fairly hot and furious, people will say that the Reform Party wants a

Government Orders

referendum every other Thursday. It wants to decide everything under the sun by referendum. That of course has never been the role or the proposed role that the Reform Party has had in mind when we talked about the use of referendums. We have always said that referendum is the best and most exact way to go to the people for their input on legislation and in order to let them have a direct say in a direct democracy way.

However, that does not mean that we can run roughshod over minority rights. That does not mean that it should be a sloppy question. It does not mean that governments should use their considerable power and ability to spend money to try to stack the vote, to get the vote out or to do all kinds of unusual things, last minute changes and amendments. All those things have been brought up on this side of the House today as precautions, things that when one uses referendums one has to be careful with. It is not something where we want someone with a sparkle in their eye and a good glib line to come out and just say maybe we can swing the country over this way and do something outrageous. That was never the intent.

I hope that people are paying attention to the fact that referendums, properly used, are a very good indicator of the people's will. However, the key is the proper use, the judicious use of the question itself and the whole thing that surrounds it. That is why we have these particular amendments that we are dealing with today. That is why we say that this should not go forward unless it has proven the test of the democratic consent. In other words, was the question fair? Was adequate notice given? Were both sides or all sides taken into account when the question was put?

• (1800)

The reason we say that and want this in the motion is because we were assured by the Newfoundland government that this was all done during the first referendum. Yet there were some problems. People said it was not that clear. It was not all that it should have been. Maybe it did not pass the rule of law.

That is why we have put these three amendments today. We want to make sure the democratic consent has been properly handled. We do not want a rubber stamp that says send it to the House and it will do as we say. Let us examine the whole thing. That is why it is in this motion. By all means send it to committee and let us examine it. We do not reject it outright, but we want to examine it in its entirety.

We also want to make sure that the rule of law has been followed. The rule of law protects minority rights from the sort of thing I have been talking about. It makes sure that somebody through with a good line and a promise to save you a dollar does not run roughshod over the rights of others. "Just vote for this and I can guarantee it". It gets passed quickly and people come back later and say "My goodness, which rights did we trample on? What have we done here?"

Once that amendment is made we have something that is very difficult to change, as it should be. We want to make sure that if it is changed it passes the rule of law. That is why we want and would have preferred to have had the Newfoundland government refer this to the supreme court for a ruling before it proceeded. It should determine if it prejudicially affects the interests of minorities, not just an opinion of a legal firm. We would have liked to have had the court say "Yes, we have examined this and the rule of law has been carefully guarded with regard to minority rights".

We are not convinced that a Senate-House of Commons committee is the best place to hear this. Increasingly the government has tended to use the Senate to introduce bills. Four or five bills have been introduced in the Senate. We are quite annoyed that the Senate is hearing bills which should properly come through this place, the place of the common people.

A motion like this that gives added legitimacy to the Senate, when its legitimacy is probably at an all-time low, is a mistake. That is why in the amendment we suggest that it should be placed here before the people in this common house in order to discuss the issues of the common people. It should not be sent to the house of lords where they have an appointment for life and a pension to boot. We find that offensive.

The true democratic act is to put it before the people who are accountable to their constituents. The people who are accountable are the members of this House. They are not in the other place where the only accountability is to the party which sent you there. That is not accountability. That is a parking spot. This is why we would rather have this changed to bring it before the House for resolution.

We would also like to see a free vote on this. It was mentioned by an hon. member opposite that it passed the Newfoundland legislature unanimously. That is encouraging. I am sure the committee will take that into account. I can guarantee that it will not be unanimous in this place. Members of all parties will carefully weigh this before they vote yea or nay for a variety of reasons, some of which have been brought out by the member from Delta—South Richmond and others who have pointed out flaws in the system.

The very least we should be entitled to on an issue of this magnitude is a free vote. We cannot be all powerful and all knowing. We are not the great and wonderful Oz. We are people who bring different points of view to the discussion. We have had different discussions with people from Newfoundland and other groups that are concerned. We should be encouraged to have a free vote on all sides of the House so that we can get a true perspective of our constituents' feelings, if they have strong feelings, as well as those of the people of Newfoundland.

Government Orders

• (1805)

I hope people understand a little better from the debate today what a referendum process should look like. There are various foibles or landmines, as it were, which can happen during the referendum process.

A referendum does not solve all problems. It is part of a process of several steps in gaining democratic consent, looking after the national interest, protecting the rights of minorities and protecting the rule of law. This amendment is supposed to do all of those things. I believe it will do it very well.

I encourage all members, in a free vote, to support the amendment, move on to the main motion and send this off to committee where we can do a better job, not only here, but as the amendment indicates, we will be able to travel to the province of Newfoundland to deal with it there, with the people who are most affected. Let us not just talk about it here, let us go to the people who will be affected by this and hold public hearings to get their input.

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, I have a tough question for my hon. colleague. I wonder if he finds it strange that both the Liberals and the Tories find all sorts of problems with the propriety of the referendum. They say there were problems with the democratic consent and that the Government of Newfoundland far outspent its objectors.

I think back to the 1992 Charlottetown accord. The federal government at that time outspent objectors 13 to 1 and yet lost the referendum.

I would like my hon. colleague to comment on the fact that the Liberals, and especially the Tories, are questioning the democratic consent and the propriety of a referendum in which the government severely outspent its objectors.

Mr. Chuck Strahl: Mr. Speaker, sometimes members of the Reform Party have a certain satisfaction at having been on the right side of the Charlottetown accord. There is a certain satisfaction in knowing that we were on the right side of the democratic consent. The people of Canada, if they are given enough time and information, and in some cases a political vehicle, will decide on the right side.

It was a wonderful thing during the Charlottetown accord to see people for probably the first time in a lifetime actually discussing the Constitution of the country. It was a beautiful thing. It was the first time in my life that anyone had said: What about this provision? What about the Senate? What is its role? How can it be improved? What about the number of seats? Should certain provinces have a veto?

It was a wonderful thing to openly discuss that without any fear. It was a wonderful way to get public input and to educate people. It was a good process. Those were the days.

I have a couple of questions with respect to the referendum which was held in Newfoundland. Why were there two referenda? We were promised that the first one would be the referendum to end it all. Everything was done properly. Why then did we need the second referendum? It is not a matter of referenda until we get the answer we want. It has to be done right at the outset.

We are not saying it should not be referred to and examined by a committee. That is the question that should be asked in committee. That is the question that should be taken to the people of Newfoundland for consideration. That is the question on which we should have a free vote. It is not that it is right or wrong, but it is a question that deserves to be put.

As has already been mentioned by an hon. member, after all of the publicity and all the brow beating, only 53% of the people came out. I wonder why that is. I am not from Newfoundland, so I do not know. I would like to travel there to find out. Was there a problem with the process? Perhaps not. Perhaps everyone is happy with it. In that case we probably will hear that in spades when we travel to Newfoundland.

• (1810)

In something as delicate as the future of how their children will be educated, I question that only half the people thought it was important enough to cast a vote. That is why the question was raised on this side of the House. That is why our amendment deals with this idea of going to the people, checking it out in committee by asking all these questions that have been laid out in the amendment so that we can do it properly, do it right and do it only one time instead of coming back and rehashing it again.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, I would like to make two points relating to my friend's comments. The first one is that opposition to or support for a particular point of view in a referendum cannot always be bought and sold.

The classic case in point was in British Columbia during the Charlottetown referendum where Rafe Mair influenced a great number of people with his comments on that issue. I think it would be very difficult to put a value on it. But the concern that we have is that if the government is getting in there, supporting somebody on one side or the other, that it is unfair and that is just not the way it is supposed to be.

The other point that my colleague from Fraser Valley made is worth repeating. It is the notion of a free vote on this matter. That is very important. If we are going to make constitutional change we do not want any hint that somehow or other the result happened

Government Orders

because of a political deal, that it was a backroom deal by the political elite.

The issue must be a free vote. We must insist on a free vote. In a matter of this kind we have to stand up and let our constituents know just where we stand on it. We should not be hiding behind a party whip.

Mr. Chuck Strahl: Mr. Speaker, the observations of my colleague from Delta are right. I just hate to come right out and say it. Referendums cannot be bought easily but referendums can be massaged, depending on how it is put to the people, the timing of the vote, the wording of the question, last minute changes, release of new information, all those things. One could jack that around, especially the time factor, if one does not give the time required.

Overall the referendum process is a good way of getting a barometer of people's feelings on a particular issue. They need information, the pitfalls and so on to make sure that the referendum is fair and above board.

One of the reasons I think the member from Delta is concerned about a free vote is because a little too often people are shuffled off from this place. They go to become premiers of the Atlantic provinces, where the cards and the chips are called in at that time.

The caution here is, why is it when members are part of the government side, they then go on to the happy hunting ground, taking their pension with them and become maritime premiers. We have had three of them now. They continue to roll back here. They continue to say "How is it going, how is the old boys club, is there anything else we can do for you? I will tell you this. You give us the HST and we won't complain. You give us a billion dollars and we'll shut up". All that stuff starts going on. Pretty soon we question even something like this referendum result. After all, it was the former fisheries minister who wandered off and became the premier, but I wonder if he is still tied in any way to the government side?

• (1815)

It is speculation on my part but I do wonder. That is one of the reasons why many of us say let us go to the people of Newfoundland and ask them directly. We will not just ask the premier. We will get opinions from the people who are sending their children to these schools and we will take them at face value.

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I rise on a point of order. Following discussion among representatives of all the parties in the House, I believe you will find consent for the following motion. I move:

That at the conclusion of today's debate on the amendment to government business No. 5, the Speaker shall put the question on the said amendment, a recorded division shall be deemed requested and deferred until the expiry of government orders on Tuesday, October 28, 1997.

That on Tuesday, October 28, 1997, immediately following the recorded division on the amendment to government business No. 5, the Speaker shall put the question on the main motion, without further debate or amendment.

(Motion agreed to)

The Acting Speaker (Mr. McClelland): Resuming debate. Has the member on his feet spoken to this this afternoon?

An hon. member: Yes, Mr. Speaker.

The Acting Speaker (Mr. McClelland): Has the other member on his feet spoken to this today?

An hon. member: Only three times, Mr. Speaker.

The Acting Speaker (Mr. McClelland): The Chair recognizes on debate the member for Saanich—Gulf Islands.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, I just want to make one observation. Sitting in the last row you can see all the rows in front of you on the other side of the House. It was encouraging this afternoon to hear the last eight speakers all agree. I hope that people on the government side of the House will take notice of that.

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, I want to express my satisfaction and great delight with the Reform Party whip for this motion for a free vote, which I think is quite in order for this magnitude of a decision in respect to the amendment and the main motion.

I wonder if the whip on the government side would be open to the suggestion of a free vote. I hope others on this side would too. I think it would be fair and in the best interests of Canadians if they pushed the matter of a free vote on the amendment and the main motion.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, I would like to know why the whip for the government does not stand up and answer the question. It is a perfectly simple question yet he is sitting in his seat.

The whip for the Reform Party has asked for a free vote on this matter. He said it is a matter that people should vote on their conscience. There are some differences here. It is a critical issue, a constitutional matter, and people should know where their MPs stand on it. I think we should expect the same of the government party.

On this critical issue there should be a free vote and members should be able to vote as they wish.

Mr. Bob Kilger: Mr. Speaker, I rise on a point of order. I do not want to engage in debate with my colleagues opposite on the matter of a free vote. I believe that question arose during question period and the matter was ably addressed by the government House leader. They can refer to *Hansard* and get an adequate response.

Adjournment Debate

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): Pursuant to the order made earlier the question on the amendment by Mr. Manning is deemed put and a recorded division deemed requested and deferred until tomorrow at the end of government orders.

(Divisions deemed demanded and deferred)

• (1820)

Mr. Bob Kilger: Mr. Speaker, I rise on a point of order. In that same spirit of co-operation, I believe you would find consent to see the clock as 6.30 p.m., which would allow the House to proceed to the proceedings on the adjournment motion.

The Acting Speaker (Mr. McClelland): Is there unanimous consent to see the clock as 6.30 p.m.?

Some hon. members: No.

The Acting Speaker (Mr. McClelland): There is not unanimous consent.

Mr. Chuck Strahl: Mr. Speaker, I rise on a point of order. I just want clarification from the whip. Perhaps he could assure me that the people who are on the late show are here to both answer the questions and ask them.

Mr. Bob Kilger: Mr. Speaker, my understanding is that all those participating in the adjournment motion are present and ready to proceed.

The Acting Speaker (Mr. McClelland): The Chair would ask the chief government whip to reintroduce the request.

Mr. Bob Kilger: Mr. Speaker, I seek the consent of the House to see the clock as being 6.30 p.m. and moving on to the proceedings of the adjournment motion.

The Acting Speaker (Mr. McClelland): Is that agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved

AIRPORTS

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, about three weeks ago I asked a question in this House of the Minister of Transport with regard to what are commonly referred to as the curfew hours operating at Pearson international airport.

My question was can the minister confirm that there are guidelines restricting the hours of operating at Lester Pearson international airport and can the minister assure the citizens of Mississauga that the government will not allow the GTAA to unilaterally change these hours. I would like to point out the fundamental reason for asking that question.

This past summer, there were some tests conducted by the GTAA that were referred to in the media as secret tests. They were tests of planes flying in the hours that would generally be considered restricted hours, say between the hours of 12.00 am and 6 a.m.

These tests were conducted without any prior notification of the residents, the city or myself or anyone else. The purpose of the tests was to see if the noise actually did bother people at that hour of the night. I can say that it did. The results were quite conclusive and the people were upset that tests were done in what was seen as somewhat of a clandestine fashion, a secretive way.

The reason that I asked the minister the question, to the parliamentary secretary who is here to respond to this concern, is that the citizens of Mississauga have had a longstanding relationship obviously with Pearson international airport.

The concerns about increased traffic, increased noise, the lack of proper hush kitting on some of the older jets that are coming in, the concerns around the increased traffic in the area of cargo are very real for the citizens.

While I clearly recognize the significance of Pearson international airport as an economic engine within the GTAA, an employer, a taxpayer, a job creator, there is no question that it is a significant facility within the GTAA and within the city of Mississauga.

There must also be recognition by the people at the GTAA, by Mr. Turpen, by the entire staff and the board that there has to be some way to live in harmony with the citizens who reside within the boundaries of the city of Mississauga, particularly in the area around the airport.

My reason for asking the question and my concern is to ensure that the citizens can live with some reasonable assurance that there will not be an increase in night flights and that the curfew area or the restricted operating area will be respected by this government.

Perhaps the parliamentary secretary can also address the concern of the expanded cargo coming into Pearson with some reference to the usage of the Hamilton airport and other facilities around the GTAA to ensure that we do have an economic infrastructure that works solidly within the community, to the benefit of the business community, but at the same time allows the citizens to have a reasonable night's sleep during those hours.

• (1825)

I believe you are motioning that my time is up, Mr. Speaker. I would ask the parliamentary secretary to respond with particular emphasis, if he could, on the area of the increase in—

Adjournment Debate

The Acting Speaker (Mr. McClelland): The Parliamentary Secretary to Minister of Transport.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, my short answer to the hon. member for Mississauga West would be yes. The constituents in his riding, in Mississauga and the greater Toronto area, can rest comfortably. There will be no unilateral changes to the night flight hours.

May I give some detail to the hon. member. The government has been taking positive steps to bring Canada's transportation system in line with our nation's needs as we move into the 21st century. These actions have been designed to promote safety, efficiency, affordability, service integration, innovation and commercialization.

The national airports policy is a major initiative that has shifted the federal government's role in airports from owner and operator to landlord and regulator. Among the responsibilities transferred to the new airport authorities is the responsibility for the management of noise in the vicinity of the airport and to provide a forum for consultation with the local community on matters of aircraft noise within the community.

The federal government maintains an oversight role in noise issues by keeping the final approval authority for the mandatory noise operating restrictions and noise abatement procedures published in the *Canada Air Pilot*.

These regulations and procedures are not guidelines but are mandatory and have the force of law. Airport authorities including the Greater Toronto Airport Authority cannot unilaterally change the published night flight restrictions, but they do have the authority to grant exemptions and extensions on the same basis as was practised by the department prior to the transfer of responsibility to the GTAA. The department does not intend to change these restrictions at this time.

With respect to exemptions and exceptions, as owner and operator of the airport Transport Canada previously managed a regulatory regime which permitted exemptions to normal hours of operations. This was to allow for the unforeseen circumstances such as weather delays, air traffic control delays, some delays as a result of mechanical problems and emergencies, and for some operational or other reasons when quieter aircraft were used.

[Translation]

CLOSING OF THE BC MINE

Mr. Jean-Guy Chrétiens (Frontenac—Mégantic, BQ): Mr. Speaker, next Saturday, November 1, LAB Chrysotile, a limited partnership led by Jean Dupéré, will close the 110 year old BC asbestos mine in Black Lake.

Three hundred workers will lose their jobs; 82% of them are over 50 years old, and 36% are over 55. These 300 workers have an average of 27 years of experience at the mine.

This mine closure is catastrophic for the Thetford and Black Lake area and for the whole MRC. It must be understood that 300 layoffs in Thetford and Black Lake is the equivalent of 7,000 layoffs in Montreal.

Three weeks ago, the BC mine workers committee met with the assistant deputy minister of human resources development for the province of Quebec, André Gladu. On behalf of the Minister of Human Resources Development, he proposed three active measures to the committee, namely targeted wage subsidies, training courses and what was formerly known as self-employment assistance.

You have to admit, as I do, that these three measures are definitely not enough to help our workers. It is not realistic considering the age of these workers. It is not realistic also because of the current economic context in the asbestos industry.

• (1830)

The objective of the economic recovery committee, the objective of the federal member is to provide for, to plan an improved POWA, a program that the human resources development minister himself abolished on March 31, 1997. In May, for five weeks, the community of Thetford Mines saw no less than nine ministers and the Prime Minister. They did not really come to visit the region as tourists. They came very regularly, so often in fact that their limousine drivers became familiar with all the short cuts to the asbestos region.

It is strange; the human resources development minister has been as silent as the grave since we have needed him on the issue of asbestos. Consequently, I wish to inform him officially that on Wednesday, two days from now, about a hundred mine workers will be here, in the House. If the minister cannot go to Thetford, the Thetford workers will come to him. But it is still quite surprising that, during the election campaign, he found time on two different occasions to come and beg for their votes.

We are not asking for active measures for our mine workers, but for an acceptable preretirement package since—

The Acting Speaker (Mr. McClelland): I am sorry to interrupt the hon. member. The Parliamentary Secretary to the Minister of Veterans Affairs has the floor.

[English]

Mr. George Proud (Parliamentary Secretary to Minister of Veterans Affairs, Lib.): Mr. Speaker, the Government of Canada has been working to assist the affected workers of the British Canadian mining plant for quite a while.

Adjournment Debate

When the mine temporarily shut down in 1995, representatives of HRDC did everything possible to help affected workers, including becoming involved in the implementation of a joint reclassification committee.

At the time, approximately 50 workers took advantage of this work stoppage to start their own company and to avail themselves of training opportunities, thus improving their employability. These workers have not returned to work at the mine.

Even though the plant closure is imminent, representatives from the department have been working to address this for a long time now and are meeting the needs of affected workers.

This government appreciates that losing one's job is not easy, especially when someone has held their position for decades, as is the case for most of the British Canadian Mining plant workers. However the Government of Canada wants to assure them that everything will be done to help them get through this difficult time.

To prove this, an important meeting between representatives of HRDC and those of the company and the union was held at the end of September to clarify what we intended to do. Particularly, HRDC has assured concerned mine workers that it would show flexibility in the delivery of the following active employment measures.

One is using targeted wage subsidies. Thanks to self-employment, employment insurance eligible participants who have a viable idea to start their own business can be eligible for financial assistance, planning assistance and for continued support while they set up their business. The mesures uniques de formation consolidates all the training purchase measures, including the fee payer component.

As members can see, the Government of Canada has not let the British Canadian mine workers down. For example between 1990 and 1992 HRDC provided funding assistance of almost \$3 million to help maintain employment at this mine.

I want to assure the House and all others that the government is and will remain sensitive to the needs of the workers.

LAW OF THE SEA

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, after advocating and working hard for years, Canada was one of the first nations to sign the law of the sea in 1982 yet we still have to ratify it. Meanwhile fish stocks all over the world, including cod on our east coast and salmon on the west coast, have been decimated by overfishing.

The government has committed in the red book to ratify. The joint committee reviewing Canadian foreign policy recommended ratification in its 1994 report. In 1994 and 1995 the Minister of

Foreign Affairs said in the House that ratification was imminent. But on April 29, 1996 the Minister of Foreign Affairs linked the ratification of the law of the sea convention to the precondition of ratifying another agreement on highly migratory and straddling fish stocks.

It seems to me that this tactic is flawed because the ratification of the law of the sea is the necessary first step to restore Canada's credibility. Once our credibility is restored, the straddling stock agreement may gather the momentum it is lacking now.

• (1835)

Here are the reasons in favour of ratifying the law of the sea first:

One, the law of the sea contains strong provisions for marine and fishery conservation that are far reaching, including provisions that set the stage for our efforts to conserve straddling stocks.

Two, the law of the sea contains sustainability principles and their application to oceans, such as the precautionary principle; the polluter pays principle; the principle of adjacency, which is the one that communities closest to the resource have not only a right to the resource, but also an obligation to nurture it.

Three, at present because we have not yet ratified the law of the sea, Canada is left out of important organizations and talks related to fisheries management and conservation.

We all know there are two major threats to marine ecosystems. One is overfishing and the other is the impact of human activities such as oil spills, destruction of estuaries and coastal zones, industrial air pollution, and the production of nutrients, pesticides and other materials that run off the land and pollute the oceans. The law of the sea deals with these problems whereas the agreement on straddling stocks deals with them only incidentally.

In addition, article 66 of the law of the sea sets out the state of origin concept for anadromous species, which Canada effectively argued in the recent west coast dispute. Interestingly, Alaska is now complaining about Russian interception of Alaska bound salmon using the same argument. This opens new avenues for Canada to generate the support of other nations also worried about interception and honouring quotas.

To conclude, it is worth mentioning that at the recent summit of the sea conference in St. John's, Newfoundland, participants drafted the summit of the sea challenge which included, as one may guess, a call on the Government of Canada to ratify the law of the sea.

On October 1, I asked the Parliamentary Secretary to the Minister of Foreign Affairs when Canada will ratify the United Nations convention on the law of the sea. Unfortunately he did not have time to complete his answer. Tonight I hope it is a positive one. The time has come for Canada finally to ratify the law of the

Adjournment Debate

sea, considering the fact that 1998 is the international year of the ocean.

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I thank the hon. member who has worked so hard on the law of the sea and environmental issues.

The timing of Canada's ratification of the United Nations convention on the law of the sea must be placed in the context of Canada's broader policy regarding high seas fishing. The Canadian government remains committed to the ratification of the convention. Canada has signed the convention and as such is committed to respect its object and purpose. Before ratifying the convention however we need to ensure that an effective international high seas fisheries enforcement regime is in place to protect fish stocks which straddle Canada's 200-mile fishing zone and the adjacent high seas.

Canada is currently engaged in a number of initiatives aimed at putting such a regime in place, the most important of which is early Canadian ratification and entry into force of the UN agreement on straddling and highly migratory fish stocks. This agreement fills gaps left in the law of the sea convention relating to high seas fisheries management. It considerably strengthens the convention's provisions on the conservation and sound management of straddling fish stocks. Canada played a leading role in the negotiation of this agreement and its ratification is our immediate priority.

The Canadian government is also continuing its relentless efforts to reform and strengthen the Northwest Atlantic Fisheries Organization, NAFO. We are determined to prevent any future abuse of the NAFO objection procedure which led to overfishing of NAFO quotas. We are also developing a strategy to ensure the construction of a comprehensive enforcement regime in the NAFO regulatory area beyond 1998. This is essential to the viability and sustainability of the many important groundfish stocks in the northwest Atlantic.

We are also examining the usefulness and feasibility on the one hand of negotiating bilateral fisheries enforcement agreements with flag of convenience states and on the other of seeking provisional application of the straddling stocks agreement prior to its entry into legal force, on a reciprocal basis with like-minded countries.

Although Canada has not yet ratified the law of the sea convention, we continue to play a very active role in multilateral fora dealing with law of the sea issues.

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.39 p.m.)

CONTENTS

Monday, October 27, 1997

PRIVATE MEMBERS' BUSINESS

Marine Atlantic

Motion	1123
Mr. Mancini	1123
Mr. Keyes	1125
Mrs. Ablonczy	1126
Mr. Rocheleau	1127
Mr. Stoffer	1129
Mr. Keyes	1129

Suspension of Sitting

(The sitting of the House was suspended at 11.50 a.m.) ...	1129
--	------

Sitting Resumed

The House resumed at 12 p.m.	1129
-----------------------------------	------

GOVERNMENT ORDERS

Newfoundland School System

Mr. Chan	1129
Motion No. 5	1129
Mr. DeVillers	1130
Mr. Manning	1131
Amendment	1134
Mr. Brien	1134
Mr. Blaikie	1137
Mr. DeVillers	1139
Mr. Blaikie	1139
Mr. Epp	1140
Mr. Blaikie	1140
Mr. Doyle	1140
Mr. Brien	1141
Mr. Doyle	1142
Mr. Power	1142
Mr. Stoffer	1143
Mr. Power	1144
Mr. Stinson	1144
Mr. Power	1144
Mr. McWhinney	1144
Mr. Lebel	1146
Mr. McWhinney	1146
Mr. Epp	1146
Mr. McWhinney	1147

STATEMENTS BY MEMBERS

Jacques Villeneuve

Mr. Saint-Julien	1147
------------------------	------

War Medals

Mr. Goldring	1147
--------------------	------

David Shannon

Mr. Dromisky	1147
--------------------	------

Jacques Villeneuve

Mr. Bellehumeur	1147
-----------------------	------

Inuit and Aboriginal Art

Mrs. Karetak-Lindell	1147
----------------------------	------

Environment

Mr. Caccia	1148
------------------	------

Jacques Villeneuve

Mr. Hill (Macleod)	1148
--------------------------	------

Canada Post

Mrs. Ur	1148
---------------	------

Rights of Children

Ms. Brown	1148
-----------------	------

Trans-Canada Highway

Mr. Bailey	1148
------------------	------

National Geographic

Mrs. Lalonde	1149
--------------------	------

Quebec Premier

Mr. Discepola	1149
---------------------	------

Human Rights

Mr. Robinson	1149
--------------------	------

Remembrance Day

Mr. Provenzano	1149
----------------------	------

War Medals

Mrs. Wayne	1149
------------------	------

Reform Party of Canada

Mr. Bonwick	1150
-------------------	------

ORAL QUESTION PERIOD

Environment

Mr. Manning	1150
Mrs. Stewart (Northumberland)	1150
Mr. Manning	1150
Mrs. Stewart (Northumberland)	1150
Mr. Manning	1150
Mrs. Stewart (Northumberland)	1150
Mr. Gilmour	1151
Mrs. Stewart (Northumberland)	1151
Mr. Gilmour	1151
Mrs. Stewart (Northumberland)	1151

Linguistic School Boards

Mr. Duceppe	1151
Mr. Boudria	1151
Mr. Duceppe	1151
Mr. Dion	1151
Mr. Brien	1151
Mr. Boudria	1151
Mr. Brien	1151
Mr. Dion	1152

Taxation

Ms. McDonough	1152
Mr. Martin (LaSalle—Émard)	1152
Ms. McDonough	1152
Mr. Martin (LaSalle—Émard)	1152

Fisheries

Mr. Charest	1152
Mr. Boudria	1152
Mr. Charest	1152
Mr. Axworthy (Winnipeg South Centre)	1152

Environment

Miss Grey	1153
-----------------	------

Mrs. Stewart (Northumberland)	1153
Miss Grey	1153
Mrs. Stewart (Northumberland)	1153
Outaouais Alliance	
Mr. Plamondon	1153
Ms. Copps	1153
Mr. Plamondon	1153
Ms. Copps	1153
The Environment	
Mr. Schmidt	1153
Mrs. Stewart (Northumberland)	1153
Mr. Schmidt	1154
Mrs. Stewart (Northumberland)	1154
Minister of Intergovernmental Affairs	
Mrs. Debien	1154
Mr. Dion	1154
Mrs. Debien	1154
Mr. Dion	1154
Canada Pension Plan	
Mrs. Ablonczy	1154
Mr. Martin (LaSalle—Émard)	1154
Mrs. Ablonczy	1154
Mr. Martin (LaSalle—Émard)	1155
Canadian International Trade Tribunal	
Mr. Sauvageau	1155
Mr. Martin (LaSalle—Émard)	1155
Kenya	
Ms. Augustine	1155
Mr. Kilgour	1155
Canada Pension Plan	
Mr. Solberg	1155
Mr. Martin (LaSalle—Émard)	1155
Mr. Solberg	1155
Mr. Martin (LaSalle—Émard)	1156
Education	
Mr. Riis	1156
Mr. Martin (LaSalle—Émard)	1156
Mr. Riis	1156
Mr. Martin (LaSalle—Émard)	1156
Highways	
Mr. Casey	1156
The Speaker	1156
Mr. Casey	1156
Mr. Collette	1156
Pensions	
Mr. Shepherd	1157
Mr. Martin (LaSalle—Émard)	1157
The Environment	
Mr. Stinson	1157
Mr. Goodale	1157
Singer Retirees	
Mr. Bachand (Saint-Jean)	1157
Mr. Pettigrew	1157
Public Service	
Mr. Stoffer	1157
Mr. Boudria	1157

Search and Rescue	
Mr. Price	1158
Mr. Eggleton	1158
The Economy	
Mr. Manning	1158
Mr. Martin (LaSalle—Émard)	1158
Finance	
Mr. Assadourian	1158
Mr. Marchi	1158
Canadian International Trade Tribunal	
Mr. Sauvageau	1158
Mr. Martin (LaSalle—Émard)	1158
Penitentiaries	
Mr. Cadman	1158
Mr. Scott (Fredericton)	1158
The Environment	
Mr. Herron	1159
Mrs. Stewart (Northumberland)	1159
Presence in Gallery	
The Speaker	1159

ROUTINE PROCEEDINGS

Criminal Code	
Bill C-266. Introduction and first reading	1159
Mr. Hill (Prince George—Peace River)	1159
(Motions deemed adopted, bill read the first time and printed)	1159
Petitions	
Canada Labour Code	
Mr. Rocheleau	1159
Questions on the Order Paper	
Mr. Adams	1159

GOVERNMENT ORDERS

Newfoundland School System	
Motion No. 5	1159
Mr. Epp	1159
Mr. McWhinney	1160
Ms. Meredith	1160
Mr. McWhinney	1160
Mr. Epp	1160
Mr. McWhinney	1160
Ms. Meredith	1160
Mr. Dion	1162
Mr. Goldring	1165
Mr. Dion	1165
Mr. Goldring	1165
Mr. Dion	1165
Mr. Brien	1165
Mr. Dion	1165
Mr. Brien	1166
Mr. Dion	1166
Mr. de Savoye	1166
Mr. Dion	1166
Mr. Plamondon	1166
Mr. Rocheleau	1168
Mr. Plamondon	1169
Mr. Brien	1169
Mr. Plamondon	1169

Mr. Byrne	1169
Mr. Brien	1171
Mr. Byrne	1171
Mr. Vellacott	1171
Mr. Byrne	1171
Mr. Plamondon	1171
Mr. Byrne	1171
Mr. Lincoln	1171
Mr. Plamondon	1172
Mr. Lincoln	1172
Mr. Plamondon	1172
Mr. Lincoln	1172
Mr. de Savoye	1173
Mr. Lincoln	1173
Mr. Plamondon	1173
Mr. Lincoln	1173
Mrs. Wayne	1173
Mr. Anders	1175
Mrs. Wayne	1175
Mr. Goldring	1175
Mr. Lunn	1177
Mr. Goldring	1177
Mr. Stoffer	1177
Mr. Goldring	1177
Mr. Jordan	1177
Mr. Goldring	1177
Mr. Pagtakhan	1177
Mr. Goldring	1178
Mr. Lunn	1178
Mr. Goldring	1178
Mr. Price	1178
Mr. Cummins	1179

Mr. Vellacott	1182
Mr. Cummins	1183
Ms. Caplan	1183
Mr. Cummins	1183
Mr. Strahl	1183
Mr. Anders	1185
Mr. Strahl	1185
Mr. Cummins	1185
Mr. Strahl	1186
Mr. Kilger	1186
Motion	1186
(Motion agreed to)	1186
Mr. Lunn	1186
Mr. Vellacott	1186
Mr. Cummins	1186
Mr. Kilger	1186
(Divisions deemed demanded and deferred)	1187
Mr. Kilger	1187
Mr. Strahl	1187
Mr. Kilger	1187

ADJOURNMENT PROCEEDINGS

Airports	
Mr. Mahoney	1187
Mr. Keyes	1188
Closing of the BC mine	
Mr. Chrétien (Frontenac—Mégantic)	1188
Mr. Proud	1188
Law of the Sea	
Mr. Caccia	1189
Mr. McWhinney	1190

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