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Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, December 8, 1997

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)

[*English*]

DIVORCE ACT

Mr. Paul Szabo (Mississauga South, Lib.) moved that Bill C-218, an act to amend the Divorce Act (marriage counselling required before divorce granted), be read the second time and referred to a committee.

He said: Madam Speaker, it is my honour to rise in the House of Commons today to speak about the Canadian family in regard to Bill C-218, an act to require mandatory counselling prior to granting a divorce.

There is a growing feeling that the Canadian family is in crisis and that the enormous consequences affect each and every one of us on a daily basis. The conflict between individual rights and the collective interests of society has created a menacing minefield of life in which our children must grow.

For many we have become a no fault society which not only tolerates irresponsibility, but often condones it by resisting preventive measures which may be viewed as encroaching on individual rights.

Where rights exist, are there not also responsibilities? Should there not be consequences if we fail or do wrong? Is it acceptable to just continue to rationalize our problems by blaming it on low self-esteem?

Canadians enjoy one of the most envied standards of living in the world, however, we cannot ignore the fact that success does not come without social pressures which may undermine the very foundations of that success, which include the family.

While these statements may provoke defensive reactions, we must resist simple, dismissive rationalizations to complex issues. We must recognize and set aside our personal biases. We must be

open and responsive to the evidence of objective assessment. We must not ignore the fundamental truth that healthy children make strong families and, ultimately, a strong country.

• (1105)

There is only one definition of family which all of us have in common. It is a child with their biological mother and father. It is a unique relationship which has no substitute and in that context family is a fact, not an option.

Our society exists and sustains itself because of family. As such, any threat to the security of the family unit must also be considered as a serious threat to our social well-being. As members of Parliament we encounter a broad range of issues, many of which are relatively straightforward in terms of their implications. Child poverty is an example. Invariably, however, we find that resolving these implications are far more complex when one considers all the relevant factors.

As such, we often find that a comprehensive solution with a multiplicity of preventive and remedial approaches is necessary. We also find that the root causes of problems are not absolute, but rather they present risk factors affecting the occurrence of problems.

For example, a poor family can have a healthy, well adjusted child. Therefore, although poverty may not necessarily cause poor outcomes of children, the probability is higher than for well-off Canadians. As legislators we must therefore assess the probabilities and likelihoods of problems occurring, analyse the complexity of contributing factors and develop initiatives with an appropriate balance between prevention and cure. This strategy is particularly relevant in family issues.

Let's consider some of the problems facing the Canadian family. Child poverty continues to be a major challenge which is certainly complex. The starting point, I believe, should be to admit that the term "child poverty" is a political term intended to evoke sympathetic feelings. The fact is that child poverty is family poverty and therefore solutions must necessarily be delivered through the family.

Lone parent families represent only 14.5% of all families in Canada but account for 46% of all children living in poverty. In most of those instances, the poverty was manufactured or created by the family breakdown. Two can live cheaper than one, but the financial consequences of undoing that union are almost always

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devastating to all concerned. In contrast, only 11.5% of children in two-parent families live in poverty.

The growing incidence of child abuse, both physical and mental, also continues to be of serious concern. If a child is hungry, functionally illiterate, depressed, aggressive or unloved, is that not the result of parental abuse? The majority of such abuse occurs in dysfunctional or broken families.

Youth crime has angered many Canadians because of the escalating seriousness of the kinds of offences. Tougher penalties are often called for, but we cannot ignore the fact that 70% of young offenders come from broken homes.

Physical, mental and social health outcomes of children have also become an emerging issue. Research on brain development in the formative years has discovered that the foundations for rational thinking, problem solving and general reasoning are all established by age one. It is generally accepted that the quality of parenting during the first three years of infancy is the most critical period in which you influence the long-term outcome of children. Since the largest percentage of family breakdowns occurs in the first five years, this fact represents a serious threat to childhood outcomes.

Teen suicide has increased tenfold in the past decade and the tragic reality is that we all must share the blame. Seventy-five percent of teens who commit suicide come from broken homes. The same can be said about drug, alcohol and substance abuse by our youth.

To drop out of high school is to opt out of a chance for a healthy, secure future. Our current drop-out rate in Canada is approximately 30%. Drop-outs have an unemployment rate in excess of 25% and represent over 50% of youth unemployment. High school drop-outs are Canada's poor in waiting and over 70% of them come from broken families.

Following the family breakdown with children, a whole host of aggravating problems arise, including custody support and visitation disputes. Since over 85% of court rulings award custody to the mother, defaults on support payments are devastating to women and their children.

Another serious problem flowing from the family breakdown is the high incidence of domestic abuse and homicide. When the relationship breaks down, it is not over. The fighting often continues for years. According to justice department statistics, 17% of homicides in Canada are divorced persons and yet divorced persons only represent 5.2% of our population.

Needless to say, when the family breaks down, bad things can and do happen. It reflects a social poverty, an erosion of values which also contributes to the widening gap between rich and poor. The me first social experiment has failed miserably and children are the forgotten victims like so much road kill. Not all children of divorce are doomed but in about every way we have to measure

such things, children are the victims of the divorce. They are the ones that are hurt.

• (1110)

Divorce may be common but the consequences thereof are not. The findings of recent studies are very disturbing. Here are some observations. Even when there is general agreement, divorce is one of the most stressful events of life that hurts not only the parents and children but also the grandparents, other relatives, friends, neighbours and co-workers. Canada has one of the highest divorce rates in the world, having increased tenfold since the mid-1960s to over 75,000 per year. Forty-five per cent of children will see their parents divorced before those children reach their 18th birthday.

Divorce trials can cost over \$100,000 and the court system has literally become a forum for revenge. One in four children do not live at home with their biological parents. Children of divorce are three times more likely to experience both poverty and insecurity. Forty-one per cent of children of lone parent families experience some form of conduct disorder such as anxiety, depression or aggressive behaviour. Children in lone parent families are also twice as likely to repeat a grade or have other problems in school. About 25% of divorces end up in custody disputes. Children of broken families account for 70% of young offenders, 75% of teen suicides and 80% of adolescents in psychiatric care.

Bill C-218 calls for mandatory counselling prior to legal granting of a divorce. For many it provokes the snap reaction coined by Justice Minister Pierre Elliott Trudeau in 1967 that the state has no place in the bedrooms of the nation. If the issue solely impacts mutually consenting parties with no consequential impacts on others, then I agree.

However, consider the issue of sexual orientation. The state respects the rights of individuals to make choices. When it became clear that such choices had become the primary cause of a disease without a cure, which would result in a slow and painful death, government had to act. The risk of long term suffering and death was so certain it was like playing Russian roulette with a bullet in virtually every chamber. The long term cost to our health care system had also reached hundreds of millions dollars and it is growing expeditiously. That is why we now have so many governments sponsored programs, to caution those at risk, to conduct research to find a cure, to help those who are dying without hope and to safeguard others from contracting the disease.

Undeniably these problems are rooted in the bedrooms of the nation. Who in this place would deny that the government is intervening. Who would deny that it is the right thing to do.

Based on the foregoing the criteria for action by government should be two reasons. One, there is reason to believe that the impacts affect others beyond the principal parties. Second, that there is a high risk or threat to the lives, the health or the fiscal and social well-being of Canadians. In my view, the issue of family breakdown clearly meets the criteria for government action. It is

also a complex problem which requires a broad range of approaches, including both preventative and remedial.

The purpose of Bill C-218 is not to promote reconciliation. I repeat, not to promote reconciliation, although that is always an option available to the couples. The purpose is first to ensure that where children are involved a viable parenting plan is in place. Second, it is to ensure that post-breakup acrimony is mitigated.

Let me elaborate. There is little disagreement that where children are involved the real victims of family breakdown are those children. In many respects it can be considered a form of child abuse in that the child is deprived of a stable, loving family home with both mother and father. The priority therefore should be to mitigate the negative impacts of breakdown. A viable parenting plan is vital. Issues to be resolved include custody arrangements, child support, visitation rights and other financial settlement issues.

In a contested divorce both parents are represented by lawyers. If we accept that children are the true victims of family breakdown, then who is representing the interests of the children? Counselling may provide that vital intervention that will ensure that the interests of the children come first. Some may suggest that counselling at a time of divorce is too late and that approaches such as premarriage programs would be more appropriate.

• (1115)

The fact remains that most marriages face serious problems sooner or later. Premarriage counselling is a helpful start but you have to continue to work on the relationship virtually every day. When we consider that almost 70% of divorced persons remarry within five years, counselling will also play a useful role in understanding what happened and why so that future relationships will benefit from that experience.

When Bill C-218 was given first reading, Michael Harris of the *Sun* newspaper chain wrote a story which ridiculed the bill, decrying when it's over, it's over. In reality however one set of problems is replaced by another and the fighting can go on for years. The post breakup acrimony not only can lead to domestic violence but the negative impact on children can be very damaging and long lasting. Research has shown that children can be so emotionally damaged by their parents' behaviour that they may have difficulty making commitments in forming families themselves.

In focusing on divorce, Bill C-218 deals with a small part of the issue of family breakdown. According to Statistics Canada there are over one million common law relationships in Canada. Since

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they account for 60% of domestic violence, break down 50% more than married couples and only last an average of five years, the problem obviously is much larger and more complex than can be addressed by this legislation alone.

For over two years the city of Edmonton has run a parenting after divorce program which provides court ordered mandatory counselling. The results have been so positive that the province of Alberta is considering province wide implementation. As well there are 14 U.S. states with similar programs and similar results. The participants regularly admit that they did not realize how much they were hurting their children. Marriage mentoring, covenant marriages and mediation sessions are also emerging programs motivated by similar concerns.

In conclusion, today I am calling on the government, members of Parliament and all Canadians to take action. Specifically I ask the Prime Minister and the cabinet to act on the recommendations of the National Forum on Health by developing programs and policies which are dedicated to protecting and investing in children to strengthen the Canadian family.

Second, I am calling on all hon. members of Parliament to inform themselves about the issues and to develop and promote their own family related initiatives or legislation to bring national attention to the risks facing the Canadian family.

Finally, I call on all Canadians to invest in the well-being of our children to work harder on strengthening the Canadian family. Since strong families make a strong country, we all have a vital role to play.

* * *

BUSINESS OF THE HOUSE

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I rise on a point of order. I think you will find that there is unanimous consent for the following motion. I move:

That, notwithstanding any standing order, with respect to government business No. 6 on December 8, 1997, the House shall continue to sit until no member wishes to speak, whereupon the question shall be deemed to have been put and a division requested and deferred to the expiry of the time provided for Government Orders on Tuesday, December 9, 1997, provided that, during this debate, no dilatory motion nor quorum call shall be received and provided that, if it is necessary for the purposes of this order for the House to sit after the ordinary time of adjournment on December 8, 1997, there shall be no proceedings pursuant to Standing Order 38 on that day.

The Acting Speaker (Ms. Thibeault): Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

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(Motion agreed to)

* * *

DIVORCE ACT

The House resumed consideration of the motion that Bill C-218, an act to amend the Divorce Act (marriage counselling required before divorce granted), be read the second time and referred to a committee.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I would like to thank our colleague from Mississauga South for bringing this bill forward as well as for many of the comments he has put on the record today.

It is unfortunate that this bill is not a votable bill. I think there is a feeling and a thought moving through all caucuses in this House that all private members' bills ought to be votable bills so that we not only hear the concerns of private members as expressed through their bills but also that we have a right to vote and represent the views and concerns of our constituents on these important matters brought forward by private members. Those are my opening comments on this bill that the hon. member has brought forward.

• (1120)

I have looked at the bill and am wondering about its constitutionality and its cost. The greatest pressure placed on any family is economic pressure. If there are not enough dollars to go around, it will weaken the other dynamics within a family and lead to frustration, irritation, confrontation and eventual disintegration of those emotions and feelings that keep a family together. In looking at how we can strengthen the family let us begin there first.

If this government wants to strengthen the family, let us look at how we can do it economically. When 50¢ of every dollar that the mother or father brings home goes to taxes in one way or another, that is an enormous attack on the economic viability of that family. What can we do in that regard? After we take money from them, do we direct money back to those who are experiencing difficulty, those living in poverty or below what we call the poverty line?

We have a disaster in this country in this particular area. Not only are we paying taxes at the highest rate in this country's history, but we have also borrowed and spent \$600 billion. Yet all of these children are living in poverty. The hon. member is absolutely correct when he states that we cannot talk about children living in poverty. It is families and communities that are living in poverty. We must address that and look at the causes of it.

One of the single greatest contributing factors to family breakdown is when there is not enough money to meet the family's

requirements at the end of each month, to pay the phone bill, the power bill and perhaps the mortgage. This is what causes the stress.

As far as poverty is concerned, I think many members of my age, and I go back quite a ways, were born in poverty compared to what we have today. I was born in a log house with a sod roof without the benefit of a doctor or a nurse. Three of my eight brothers were also born under those conditions. We lived in poverty. We did not have power. We had an outside sewer system, if I can call it that. We did not have central heating.

A few years ago I asked my mother, who is still living in Saskatoon, what she saw as the greatest advancement over the years. She thought for a moment and said central heating. I asked her why she would say that because I thought it would be something else. She said, "You do not know what it was like to wake up in the middle of the night in a house frozen solid with three babies in diapers and having to light a fire to heat the frozen milk and to change diapers under those conditions".

How we survived I really do not know. Do you want to talk about poverty? You bet we lived in poverty but we made it. Every one of my brothers and I made it. Why? Because of the love we had from our mother and father even under those conditions. We were looked after. They made great sacrifices and we knew they cared for us.

We had a justice system hanging on the wall. We knew when we did wrong but it never affected our sense of justice. Later we knew that justice system hanging on the wall was there because it was an expression of dad's love for his children. He wanted us to stay away from the lake that had just frozen over because he did not want us to fall through. He did not want us playing with matches. He did not want us doing all these things that could place our lives at risk. We knew that and that was an inherent feeling.

• (1125)

Yes we had great difficulty. But I do know this. My father never paid personal income tax until I was 15 or 16 years old. I remember the first time I saw him sitting at a table struggling to fill out the new form called the personal income tax. When my father took his grain or his cattle to market, he kept 100% of that dollar he brought home and he put that into the family. It kept us going. He was able to meet the economic requirements of our family to a degree, although it was certainly nothing like we enjoy today.

I remember seeing a television program where a single mother living below what they call the poverty line was being interviewed. I remember the television program showing the conveniences they had. There was central heating. There was television. There was a fridge. There were electric lights. If we had that back in my day, we would have thought we were living in heaven. To turn on a coloured television set, to have central heating when we got up in the middle of the night and to go to an indoor bathroom and not

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freeze and not have to get dressed to do so would have been a wonderful thing for us.

Marital breakdown is a problem and I commend my colleague opposite for bringing this bill forward and at least focusing the attention of members of this House upon this very serious matter. Let us look at the cause of marital breakdown. I say the number one cause is actions by government at all three levels. That is what weakens the economic stability of the family. When the money runs out before the end of the month or before the next paycheque, it is a serious matter.

We were getting letters from the letter deliverers and their families asking us to do whatever we could to end the postal strike. Why? Because they went two weeks without a paycheque. How were they going to meet their commitments at the end of the month just before Christmas? When we see these kinds of initiatives by people in responsible positions further attacking and weakening the economic stability of the family, certainly we have reasons to look at what is happening along with the effect of what is happening.

Marital breakdown in this country can be attributed to some of the things that we as responsible people do, whether it is within this House, within a union, or wherever it might be.

We see in Edmonton for goodness sake that the union and management could not get together and save 800 jobs. What happened? They went on strike and for reasons that are not all that clear, they have lost their jobs because the company shut down.

I commend the hon. member for bringing this issue forward. I wish as I stated earlier that this were a votable matter so that we as elected representatives of the people could express our support for this bill by way of a vote. I would like it to go before committee and have it examined in other areas. The area of counselling, who will pay for that? Will the family have to pay for that? It will be another drain on the economic resources of the family.

There are all those questions I would like answered about the bill but regardless, I still feel that this is an initiative that is to be commended. It is directed at a very important area of society, that is, what is happening to our families, and how we can maintain the strength of the family and give our children the greatest opportunity to receive love from a mother and a father and keep that family together so that we have strong, healthy, self-reliant children growing into adulthood.

[*Translation*]

Ms. Caroline St-Hilaire (Longueuil, BQ): Madam Speaker, I am pleased to speak in this House on Bill C-218, an Act to amend the Divorce Act. The purpose of this bill is to introduce a requirement for marriage counselling before a divorce is granted, for the purpose of exploring the possibility of reconciliation.

• (1130)

I must admit that I find it hard to speak out against virtue, but I shall come back to that in greater detail in a few moments.

Let us start with a historical overview of the Divorce Act. It is not all that long ago that women could get a divorce if they could prove their husbands had committed incestuous adultery, rape, sodomy, bestiality, bigamy or adultery combined with cruelty or abandonment of the marital home.

Only in 1968, with the coming of the Divorce Act, were men and women both enabled to cite these reasons for divorce. The act still had its shortcomings, however. It was therefore improved in 1985 in order to reflect the recommendations of the Law Reform Commission of Canada's 1976 report on family law. The 1985 Divorce Act changed the recognized grounds to include breakdown of a marriage. This new measure made the procedure simpler by reducing the hostility with which the traditional adversarial procedure was charged. It also made it easier to find more constructive solutions to the differences that arise at the time of a divorce.

As one can see, the Divorce Act has not stopped adjusting to the new realities of society, but there is always room for improvement or, better still, for transfer of powers to the provinces. Nevertheless, a divorce is never an easy thing on the human level. When people separate, a part of their lives goes up in smoke. So, legal proceedings must be as effective as possible.

Each of us knows someone who is divorced, and the difference between someone who has gone through a bitter divorce and someone who has reached an amicable settlement is palpable. Then there are the effects on the immediate family, especially on the children, who are the main victims of a difficult divorce.

After a spectacular leap in the 1980s, the divorce rate has become relatively stable in the 1990s. The changes in 1985 permitting the failure of the marriage to be the sole grounds for divorce prompted the spectacular leap, which led, in turn, to an increase in the number of remarriages.

The latest report by Statistics Canada indicates that the divorce rate has remained relatively stable in the 1990s. Some find reassurance in the fact that, even though the risk of divorce is higher since the 1970s, two marriages out of three continue until the death of one of the spouses. This is reassuring nevertheless.

In 1987, 96,200 divorces were granted. In 1995, there were only 77,636. According to Statistics Canada, one marriage in 100 ended in 1995. It expects that 31 per cent of couples married in 1991 will divorce. If marriage counselling is really to be introduced, there is no point waiting for divorce proceedings to do something. Data indicate that the risk of divorce rises quickly in the first years of the

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marriage reaching its peak in the fifth year. In 1990, nearly four couples in ten divorced shortly after their fifth anniversary.

With figures like these, our concern should be to have good divorce legislation. In this respect, according to Professor Julien Payne, good divorce legislation must achieve three main goals: first, to facilitate the dissolution of marriages irredeemably doomed to failure by reducing to a minimum the pain, humiliation and hardship; second, to promote a fair distribution of the financial consequences of marriage breakdown; and finally, to ensure that reasonable provisions are made for the education of the children of the divorcing parents.

Family law is a jurisdiction that is shared between the provinces and the federal government. Under the Constitution Act, 1867, while the federal Parliament is responsible for divorce matters, legislative powers regarding property and civil rights are assigned to the provinces.

Clearly put, this means that the separation of non-married couples is a matter of provincial legislation, and divorce a matter of federal legislation. How ridiculous. Why accept such overlap of jurisdictions when the entire divorce procedure could be transferred to the provinces? The truth is that the federal government simply has no place in that area of responsibility. One could argue that, under subsection 92(13) concerning property and civil rights, the provinces are the ones that should have jurisdiction in the area of divorce.

In fact, Quebec is already prepared to take on this responsibility. An entire section of the Civil Code is devoted to this subject but it has not been implemented simply because we do not yet have jurisdiction. But I am an optimist and I hope that the day will come when we do and when the federal government will finally withdraw from this area.

• (1135)

The bill brings me to the whole issue of family law and, more particularly, family mediation.

Quebec has a comprehensive policy on free family mediation, and I think the sponsor of this bill was inspired by it. However, our province provides for much more than mere marriage counselling. In fact, members of this House must recognize that Quebec has become an expert on family issues.

If Canada wants to rely on our expertise, fine. It can only benefit the rest of the country if the federal government adopts some of our policies. I simply want to point out that, if the federal government is going to adopt Quebec's ideas on separation and apply them to divorce, it should instead transfer the responsibility for divorce to the provinces and make it an area of provincial jurisdiction.

In conclusion, it is high time Ottawa recognized Quebec's expertise in family law and changed its approach accordingly.

[English]

Ms. Maria Minna (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.): Madam Speaker, I am pleased to speak about Bill C-218 which would amend the Divorce Act to require spouses to attend marriage counselling before divorce can be granted. It would provide that prior to granting a divorce the court must satisfy itself that the spouses in the proceedings have been advised by a prescribed marriage counsellor with a view to assist them to achieve a reconciliation.

I will examine more closely the intent and effect of this proposed bill. There is a lot of concern expressed these days about the institution of marriage and the rising divorce rate. There is no doubt that rapid social change in recent decades has had an impact on family life. The Vanier Institute has reported that the marriage rate has declined by 39% in Canada over the last 25 years. Statistics also indicate that in 1995 the overall divorce rate for Canada was 262 divorces per 100,000 population.

Parliamentarians must ask this important question. What should divorce law and procedure seek to do to respond to these new realities? As far as possible the law should support the institution of marriage and require divorcing couples to meet their responsibilities and obligations. Couples should be urged to consider carefully the consequences and implications of ending their marriage. However, there must be mechanisms to enable people who are unhappily married to reorganize their legal obligations when the marriage breaks down.

Some very basic questions must be asked about this bill. The first is whether mandatory marriage counselling is something the Government of Canada should be imposing on all couples who file for divorce. There are some implications associated with mandatory legal requirements. There is a danger these requirements can become a real barrier to access to the legal system. Reconciliation counselling is to be a requirement imposed on everyone.

I believe there is a corresponding obligation to have counselling services and programs in place at the local level to operationalize this provision. This would be a very costly obligation that would require the support and co-operation of all the provinces and territories to ensure that affordable services would be available nationally.

I am sure that many people agree marriage counselling can be a good thing. It enables couples to work together to understand and preserve their relationship. It can help couples to look at their problems and to explore whether and how these problems can be resolved. For some couples marriage counselling may be useful.

However, like most types of counselling, its usefulness will be directly related to the willingness of the parties involved to participate in the process. To be successful both parties have to

enter the counselling in good faith. I am not aware of any research that proves the effectiveness of counselling services in the reduction of the divorce rate.

Practically I must seriously question how many divorces will be prevented by forcing parties to counselling after one or both of them has taken the serious step of deciding to commence the divorce process. It is important to note there are already references to reconciliation in the Divorce Act. Section 9(1) imposes specific duties on every barrister, solicitor, lawyer or advocate who undertakes to act on behalf of a spouse in a divorce proceeding. These duties include drawing to the attention of their clients the provisions of the act that have as their object the reconciliation of spouses. They must discuss with their clients the possibility of reconciliation and they must inform their clients about marriage counselling or guidance facilities that may be able to assist them in achieving a reconciliation.

• (1140)

This is a duty imposed on all legal advisers, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so. In other words, couples who go to a lawyer to get a divorce are already made aware of reconciliation counselling and urged to make use of it.

Mandatory marriage counselling to reconcile couples who already have decided to divorce is not the right approach. It is also not the only approach available. In my view, the key concern of the government and the law should be to assist the children. Everyone would agree that by far the most serious impact of divorce is the effect it has on children. Research suggests that it is not the divorce itself which results in the negative consequences to the children but rather the parental conflict, the bitterness and hostility of the parents which negatively impacts on children's lives.

I suggest that the better approach would be to realistically acknowledge that couples should be allowed to end the relationship if they reach the point where it is not sensible to continue. Rather than imposing marriage reconciliation attempts, the government's focus should be on supporting parenting education programs. These courses focus on providing information about how children are affected by divorce in order to assist divorcing parents to develop appropriate post-divorce parenting arrangements for their children.

I understand that there are many parenting educational programs already available. The seminars include material about the effects of separation and divorce on parents and children. The emphasis is on explaining the impact of parents' behaviour on children at that very vulnerable point in their lives.

General legal information is also provided, information about dispute resolution alternatives, parenting and scheduling options.

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Also, information is available about the financial responsibilities of both parents and about how to calculate child support.

These courses are currently being financially supported by the federal government through the recent child support initiative.

The reports are that they appear to be very successful. Participants consistently give the programs high ratings on evaluation. Family law lawyers, mediators and family counsellors report that parents appear to be more conciliatory after taking part in the course.

There are things that can be done to address the concerns that Canadians have about divorce. However, I do not believe that Bill C-218 is one of them.

Ms. Louise Hardy (Yukon, NDP): Madam Speaker, I am pleased to speak on Bill C-218 and I commend my colleague opposite for bringing forth the idea that we need policies to promote healthy families and, hopefully, happy families.

Bill C-218 is not the way to go about saving a marriage. Marriage counselling imposed by law rather than by the conscious decision of a mature couple will not work. It will increase the cost of divorce because it is fair to assume that the government will not allocate counselling resources.

It is also important to think about the cultural implications of counselling which may not fit with the way first nations people deal with their family problems. Also, in remote areas counselling is not available. It is not easy to get any kind of formal counselling in the city of Dawson. It is certainly not available in Old Crow. There are informal support networks, but there would not be counselling available to those people should they be in the process of divorcing.

The other aspect is that nobody takes divorce lightly. They do not approach it on a whim. There have usually been years of struggle before a couple will separate and go through the process of divorcing. Many couples separate and never go through a formal divorce process.

There are many causes behind marriage breakdown. The economic and social policies of governments are major factors. I would certainly agree with my other hon. colleague that financial stresses are incredibly damaging to families. If we want to address that issue we would need to approach it from the aspect of our high unemployment rate and try to make a difference there.

Cuts to the Canadian social safety net and the massive restructuring of our economy have created unemployment and lower living standards. Uncertainty, fear, declining incomes and increasing disparities have been created which affect negatively the well-being and psychological stability of our family unit.

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The good thing about this debate is that it recognizes the family unit and the place it has within our economy and our society. It is essential that we recognize the unpaid work of mothers and the unpaid work of fathers. All the men I know who get up at 5 and 6 o'clock in the morning to run hockey and soccer programs are the people who work very hard to keep families strong.

• (1145)

We need a multifaceted approach if we want to protect our children. We have to make sure that maintenance money goes where the child is. Whether that child is with a grandmother, an aunt, a great aunt or someone else in the family, maintenance payments should follow the child. They are for the benefit of the child. Positive parenting programs should be put in place in time to keep families together and to help people deal with the stress of raising children.

I was home for 15 years but it was at a time when our culture changed. Grandmothers, aunts and uncles were not around to help me with raising four children. It was very stressful to do on my own. In my mother's generation a whole neighbourhood of women helped each other to look after their children. That does not exist, which makes parenting very stressful. Full time parents need breaks. We need to recognize that and address it in policies dealing with families.

There would be less marriage breakdowns if the government developed a more balanced policy to economic growth, employment and development. It should not base everything on the concept that the open market will look after families, because it will not. That is not the market's concern. It is the concern of governments and of cultures. We need a fair distribution of wealth, better access to education and training, and better perspectives for the family as a whole.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I thank all hon. members who took the opportunity to speak to Bill C-218, an act to amend the Divorce Act to require mandatory counselling prior to granting a divorce.

I have failed to properly communicate to members of Parliament the intent of Bill C-218. Two members of Parliament stood to lay out eloquent arguments why Bill C-218 was not the way to go to save a marriage, to reconcile a marriage. Bill C-218 has nothing to do with reconciling marriages, absolutely nothing. It is clearly not the reason for counselling.

The bill has two purposes. The first is to make sure a viable parenting plan is in place in which children are involved after the divorce occurs, after the family breaks down. The second is to deal with the issue of post-breakup acrimony, domestic violence and homicide.

Throughout my speech I attempted to lay out some of the consequences of family breakdown in Canada. I concluded through my research that children were the real victims of divorce.

Although the member of the New Democratic Party suggested that the bill was no way to reconcile a marriage, she went on to suggest that we had to make sure child support payments go where they should go. What better way than through an intervention by counselling to ensure that every party understands what should happen.

The member of the Reform Party raised an interesting issue. He suggested that there might be a constitutional issue here. I raise for the attention of all members that currently in Edmonton the courts regularly order mandatory counselling to deal with custody disputes. This program has been ongoing for two years. It has been so successful that the province of Alberta and its minister of justice have said he is hopeful it will become a province-wide initiative.

• (1150)

On the basis of what is already happening in Canada I can only conclude that constitutional concerns are not relevant in this case. However it raises a broader question about whether our constitution is dedicated solely to individual rights or whether there is room in that constitution for the rights of children who cannot exercise their rights, who have no control over their rights.

In divorce proceedings the mother has a lawyer, the father has a lawyer, but who represents the interest of children? Divorce is really a form of child abuse. Counselling would provide, as all members have said, that vital intervention which would ensure the interest of children in fact comes first.

The Reform member also mentioned votability. I too regret that. However that is our process. Let us deal with it rather than lament the fact.

On the issue of Quebec suggesting that this is provincial jurisdiction, the fact remains that the marriage rate in Quebec is lower than any other province. The rates of spousal abuse, family breakdown and other problems associated with family breakdown are higher in Quebec by a large factor over any other province. I do not suggest in any way that the Quebec model should somehow be followed.

I conclude my comments by thanking hon. members for putting their views on the floor. It is very important to hear a broad range of interventions. I thank all hon. members for their thoughtful comments.

[*Translation*]

The Acting Speaker (Ms. Thibeault): The hour provided for consideration of Private Members' Business has now expired and this item is dropped from the Order Paper.

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The hon. member for Simcoe North on a point of order.

[*English*]

SUSPENSION OF SITTING

Mr. Paul DeVillers (Simcoe North, Lib.): Madam Speaker, I move that the House suspend until 12 noon the commencement of Government Orders.

The Acting Speaker (Ms. Thibeault): Does the hon. member have the consent of the House?

Some hon. members: Agreed.

(The sitting of the House was suspended at 11.52 a.m.)

• (1200)

SITTING RESUMED

The House resumed sitting at 12 a.m.

GOVERNMENT ORDERS

[*Translation*]

**AMENDMENT TO THE CONSTITUTION OF CANADA
(NEWFOUNDLAND)**

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

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

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

SCHEDULE
AMENDMENT TO THE CONSTITUTION OF CANADA

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

"17. (1) In lieu of section ninety-three of the Constitution Act, 1867, this Term shall apply in respect of the Province of Newfoundland.

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

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

CITATION

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

He said: Madam Speaker, I am pleased to begin the debate on the resolution to amend Term 17 of the Terms of Union of Newfoundland with Canada. Any amendment to our Constitution is an important issue.

Thanks to the hard work of those colleagues in the House and in the Senate who examined the proposed amendment, the federal Parliament is in a position to contribute to the reform of the school system of Newfoundland and Labrador in a way that will maximize chances for children of that province to get a good education. We should all be proud of that.

The proposed amendment would replace the separate school system currently in place in the province—which is an exclusively denominational system—with a single public system, in which all children, regardless of their religious faith, would attend the same schools.

The amendment also states that the Government of Newfoundland and Labrador "shall provide for courses in religion that are not specific to a religious denomination" and shall permit "religious observances in a school where requested by parents".

Before continuing, I would like to congratulate the members of the committee for their great work. They devoted a lot of time and energy on a very complex social and moral constitutional matter. Through their efforts, many citizens and groups from Newfoundland, Labrador and across Canada had the opportunity to express their views on the amendment.

You will also see that the work of the committee has demonstrated the desirability of the proposed amendment. Its proceedings further confirmed the wide range of support for the amendment in Newfoundland and Labrador and also provided evidence of reasonable support from affected minorities. In this respect, the government's initial point of view was confirmed.

Therefore, after having given a brief outline of the history of this amendment and explained why it is necessary, I will limit my observations to the main concerns raised during the committee hearings, including whether term 17 as amended will be compatible with the Canadian Charter of Rights and Freedoms, with the International Covenant on Civil and Political Rights, and whether the proposed constitutional amendment has adequate support from the affected minorities.

A few words on the background. To fully grasp the importance of the proposed amendment, we must first of all consider the history of the denominational school system in Newfoundland and Labra-

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dor and the attempts that were made to reform it. The 1949 Terms of Union enshrined a school system that is exclusively denominational. Many religious groups had the right to establish, operate and manage their own public schools. Therefore Newfoundland was unique in Canada because there were no non-denominational public schools.

The latest attempt to integrate the province's schools was in 1992 following the Williams Royal Commission. That commission recommended in its final report a fully integrated school system. When discussions with the churches to implement this recommendation failed, the Government of Newfoundland and Labrador attempted to reform its school system by amending term 17. That amendment was proclaimed on April 21, 1997, and represented a compromise which maintained the role of the churches in education and which did not seek to eliminate all denominational schools.

However, the attempt to implement the new term through a legislative mechanism was successfully challenged in the Supreme Court of Newfoundland. Mr. Justice Leo Barry pointed out that the legal problems arose from the Schools Act and not from the amendment itself, and granted to the representatives of the Roman Catholic and Pentecostal churches a temporary injunction which completely blocked the school reform.

• (1205)

In Newfoundland, this led to considerable confusion and much uncertainty about the future structure of the school system. The Newfoundland government was forced to conclude that it could not go ahead with the compromise inherent in the amended Term 17.

Accordingly, Premier Tobin decided to again seek a mandate from the public to amend Term 17. The purpose of the amendment now before the House is to create a single, publicly funded school system.

On October 27, the government introduced a resolution in the House to amend Term 17. On November 5, it introduced a similar resolution in the Senate. Although the government feels that this amendment deserves our support, we think that any mechanisms used to abolish the constitutional rights of minorities should be fair and exhaustive.

This is why we created the special joint committee to study the proposed amendment. The committee held broad public consultations, during which it heard from 49 groups and individuals. Last Friday, the committee reported to both Chambers and indicated in a lengthy report that the consensus in Newfoundland and Labrador is that the federal Parliament should support the amendment. The committee reached this conclusion after considering this complex issue from many angles and examining the testimony.

[English]

The proposed amendment responds to Newfoundland's long-held desire to reform and integrate its education system.

By completely removing the churches from the administration of public education, the amendment gives the house of assembly the power to fully manage and integrate the province's schools. This will surely enhance students' educational opportunities by eliminating the province's requirement to continue funding and operating small unviable schools.

In his testimony before the special joint committee provincial NDP leader Jack Harris welcomed the fact that the amendment would "maximize available resources to provide the best education possible to our children, regardless of the religious faith of their parents".

Grassroots parent groups such as Education First and the Newfoundland and Labrador Home and School Federation told the committee that by establishing a single education system the amendment would curb or eliminate the need to bus children to denominational schools in other communities.

Under the proposed amendment all children would have the right to attend their own local school and, as the provincial teachers' union was pleased to note, no school would have the right to hire or fire teachers based on their religion.

However the amendment will reform and enhance education in a manner that does not prohibit religious education or observances that have been an important and historical element of the province's school system. It is also important to note that the amendment will not require children to take religion courses or to participate in religious observances if the parents object.

The province's commitment to preserve the right to religion courses and religious observances in public schools may help to explain why the amendment received such an exceptionally high degree of support in the referendum and the house of assembly. The province made it clear from the start that religion courses would not be specific to any particular denomination.

During the committee's deliberations this assessment was confirmed by Ms. Gale Welsh from the Newfoundland and Labrador department of justice. Ms. Welsh noted that the wording of the referendum question and the proposed term resulted from a series of events and consultations that have transpired over many years in the province.

As the committee's report notes, the amendment's provisions for religion courses and observances raised concerns among some witnesses such as Ms. Anne Bayefsky, an expert in constitutional law. Ms. Bayefsky and some other legal experts had questions about the proposed term's compatibility with the Canadian Charter of Rights and Freedoms.

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• (1210)

For example, they suggested that the proposed term 17, because it permits religious observances in a school, may contravene the charter's freedom of religion and equality rights guaranteed in sections 2(a) and 15.

This argument is based on Ontario Court of Appeal decisions ruling that observances such as the Lord's Prayer and nativity scenes cannot be held in public schools, even if provisions are made for opting out. Witnesses argued that these charter concerns would also apply to provisions for religion courses set out in subsection 2 of the proposed term 17, which requires the Newfoundland legislature to provide for courses in religion that are not specific to a religious denomination.

As I indicated to the committee, the government does not share this view, first because it would be incorrect to conclude that the Ontario Court of Appeal rulings, which have not been tested in the Supreme Court of Canada, would necessarily apply to the implementation and operation of the proposed term 17.

Legislative jurisdiction for education in Ontario is set out in section 93 of the Constitution Act, 1867, which, unlike the proposed term, does not make explicit provisions for religion courses and religious observances in public schools.

Second, if enacted, term 17 will become part of the Constitution of Canada. Thus it will be shielded by the well established principle that one part of the constitution, let's say the charter, cannot be used to invalidate or repeal another part of the constitution. As a result, the provisions in subsections 2 and 3 will enjoy a measure of charter immunity.

As I mentioned, subsection 2 deals with religion courses and subsection 3 directs that "religious observances shall be permitted in a school where requested by parents".

The principle that one part of the constitution cannot invalidate another is grounded in supreme court case law and was clearly stated in connection with educational rights in the 1987 reference case on the amendment to Ontario's education act. On that occasion the supreme court explicitly stated:

The role of the Charter is not envisaged in our jurisprudence as providing for the automatic repeal of any provisions of the Constitution of Canada, which includes all of the documents enumerated in section 52 of the Constitution Act, 1982.

Section 52 establishes that term 17 as part of the Newfoundland Act and any amendments to it are part of the Constitution of Canada.

With respect to section 93 the court stated:

This legislative power in the province is not subject to regulation by other parts of the Constitution in any way which would be tantamount to its repeal.

This principle, which was reiterated in the Adler decision last year, would apply with equal force to the proposed term 17.

Some have suggested that because this amendment of term 17 would take effect after the enactment of the Constitution Act, 1982, of which the charter is a part, it would be subject to the charter even though the original term 17 which predated the Constitution Act, 1982, was not. This argument is not supported by the plain language of the constitution.

Section 52, which determines what comprises the constitution, makes no distinction between whether a part of the Constitution has been enacted before or after 1982. Indeed, subsection 52(2)(c) clearly specifies that any amendment to an act which is itself part of the constitution is also part of the constitution. Once something is included it is as legitimate a part of the constitution as any other, regardless of when it was adopted.

The issue of the proposed term's compatibility with rights set out in the international covenant on civil and political rights was discussed by various witnesses during the committee's public hearings.

• (1215)

In particular, some witnesses cited potential violations of the right to freedom of religion under article 18.

The first three paragraphs of article 18 pertinent to freedom of religion in the context of choosing and practising religion are designed to protect individuals from religiously based discrimination. There is nothing in proposed term 17 that would hamper an individual's freedom to choose or to practice their religion.

The fourth paragraph deals more directly with education. It speaks to the liberty of parents "to ensure the religious and moral education of their children in conformity with their own convictions". This liberty has never been interpreted in a manner that would imply that the state is required to fund denominational schools.

The committee's report notes that the Newfoundland and Labrador Human Rights Association also concluded that proposed term 17 was consistent with international declarations and the covenant. Moreover, Ms. Anne Bayefsky added that the term's proposal to remove public funding for denominational schools did not violate rights to religious freedom set out in the covenant.

In addition, as I explained in my December 1 appearance before the committee, the covenant's protection of freedom of religion does not prohibit states from offering non-mandatory religion courses.

The United Nations human rights committee, which is responsible for administering the covenant, has published a general comment on article 18. It says that article 18 permits religious

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instruction, even instruction that is specific to one denomination, in public schools. However, provision must be made for non-discriminatory exemptions or alternatives where requested by parents.

I note that proposed term 17 specifies that the government shall provide for courses in religion that are not specific to a religious denomination, but nowhere does it say that children must attend them.

In addition, the Government of Newfoundland has indicated on several occasions with the committee that children will not be required to take religion courses or to participate in religious observances if their parents object. Therefore I conclude and maintain that the term is in compliance with the covenant.

Legal counsel for the Newfoundland government has made similar arguments and the committee's report concluded that it is evident that subsections 17(2) and 17(3) were carefully crafted to respond to complex historical, political and legal criteria.

Regarding consent of the affected minorities, the Canadian Constitution is the fundamental law of the country. As such, any amendment of the Constitution should be undertaken with great care. We must be even more prudent when we amend the Constitution to revise or remove rights than we are when we add rights. Changes affecting a minority deserve even greater prudence.

In interpreting whether there is sufficient support to move ahead with this amendment of term 17, we are proceeding on the principle that the level of support required for a significant alteration of entrenched rights or freedoms is directly related to the nature of the right or freedom in question.

It is critical in this assessment to consider what rights are actually being affected. Let us be clear. In the case of term 17, we are not talking about the freedom of religion or freedom of speech, which are fundamental freedoms explicitly protected as such in the Canadian charter and many other international covenants.

What we are facing in this case is not a fundamental right. We are talking about an entitlement resulting from a uniquely Canadian political agreement dating back to the time of Newfoundland's union with Canada.

I must admit to some surprise at seeing the official opposition state in its dissenting opinion that Parliament would somehow be setting a precedent in drawing a distinction between such fundamental rights as freedom of religion and the right to have publicly funded denominational education. We are setting no such precedent. A distinction already exists both in law and in practice.

• (1220)

There are many different rights and freedoms. The issue of what is and what is not a fundamental right has been studied by courts and international organizations, and some general consensus has emerged. This consensus is reflected in international documents

such as the universal declaration of human rights adopted by the United Nations, the European covenant of human rights and equivalent measures adopted by various regional organizations such as the Organizations of American States and the Organization of African States.

Section 2 of the Canadian charter identifies what Canada has recognized as fundamental freedoms as follows: freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; freedom of association.

While there are different categories of fundamental rights, even in the Canadian charter, public funding of denominational education is nowhere to be found in any scholarly analysis of the definition of fundamental rights.

Canada's supreme court has ruled on the denominational guarantees in section 93, similar to those of term 17. It concluded in *Adler v. Ontario*, 1996: "As a child born of historical exigency, section 93 does not represent a guarantee of fundamental freedoms". An earlier supreme court judgment said: "While it may be rooted in notions of tolerance and diversity, the exception in section 93 is not a blanket affirmation of freedom of religion or freedom of conscience and should not be construed as a charter human right or freedom".

All this is not to imply that the denominational rights in section 93 or term 17 are unimportant. This is by no means true. But we must be clear about what is at stake here and we must judge the required level of support in a way that is proportionate to the affected right.

I emphasize that amending term 17 for Newfoundland sets no precedent, legal or otherwise, for other provinces. The federal Parliament must take into account the specific context of each case before it. This principle lies at the heart of federalism which is designed to ensure that policies of each province fit that province's specific needs and realities.

The situation in Newfoundland is not the same as that in other provinces. Thus, while upholding the principle that publicly funded denominational education rights are not equivalent to the fundamental freedom of religion, I affirm that any future decisions by Parliament on this matter should be made according to the specific context of the case in question.

As I have explained throughout this process, the Government of Canada based its decision to proceed in this case on a number of factors and considerations including the referendum results. Our analysis of the results is not based on improbable statistical assumptions but on what appears to have happened on polling day. It indicates that in heavily Roman Catholic areas the proposal was supported by the majority.

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It also indicates that Catholics constitute nearly 50% of the population and the majority—25 out of 48 or 52%—of the province's electoral districts, and that the proposal carried in all but one.

Assessing the degree of support of the amendment among the small Pentecostal minority was much more difficult. As I explained during my second committee appearance, even Doctor Melvin Regular, executive officer of the Pentecostal education committee, readily admitted in his testimony that there is really no way of knowing how the members of his community actually voted.

The only thing we can know with any certainty is that in the four electoral districts with the largest Pentecostal populations, the amendment proposal carried with average majorities of 60%.

• (1225)

As I have said before, given this amendment's impact on minority rights, a mere 50% plus one referendum majority would not have been sufficient in measuring the degree of consensus among those affected.

Furthermore, no majority on its own in a referendum can justify the abolition of fundamental rights. However, this is not a case of fundamental rights. The referendum did not result in a narrow majority. It was an overwhelming majority of 73%, which provided evidence of minority support.

Finally, the house of assembly voted unanimously to approve the proposed amendment. This included all Catholic and Pentecostal members, as well as the leader of the opposition, Mr. Loyola Sullivan, and the NDP leader, Mr. Jack Harris. In the one democratic institution that speaks for all Newfoundlanders and Labradorians there is no division or uncertainty.

As the Government of Canada has argued and as the report of the special joint committee has confirmed, it would be difficult to justify a rejection of Newfoundland's proposal given the obvious merits of the amendment and the strong and widespread support for it.

Because minority rights are involved we have proceeded with all due caution and consideration, but at the end of the day we believe this is a positive change which is desired by the people of Newfoundland and Labrador, and that desire reflects a reasonable degree of support among the affected religious minorities.

I know that opponents of amending term 17 are sincere in raising their heartfelt concerns about this reform. I also know that the Government of Newfoundland and Labrador is sincere in wishing to include the province's Roman Catholic and Pentecostal leaders in developing a new religion curriculum and in setting up the new school system.

The Government of Canada expects that all parties in Newfoundland will act responsibly and fairly in implementing this important reform.

I hope that the excellent work of the committee will reaffirm in the minds of my colleagues that we should take the opportunity provided to us with this proposal from Newfoundland to show that the Constitution of Canada and its institutions can respond to the needs of Canadians. I hope that together we will help to ensure that the children of Newfoundland can get the best education possible and that they will have true equality of opportunity as we move into the 21st century.

I hope all members of the House will join me in voting yes to this amendment.

Mr. Preston Manning (Leader of the Opposition, Ref.):
Madam Speaker, I rise to address the question of the Newfoundland schools amendment and in particular the motion before the House to utilize section 43 of the Constitution Act, 1982 to amend the constitution. The purpose of this amendment is to replace the present term 17 of the Terms of Union of Newfoundland with Canada with a new term 17.

The effect of this amendment is to replace the denominational school system of Newfoundland with a single public school system where all children, regardless of their religious affiliation, will attend the same schools. Stated another way, the effect of this amendment is to extinguish the denominational rights provided in the present term 17 and replace them with the provisions and rights contained in the new term 17, namely the provision of a single, publicly operated school system, the provision for courses in religion not specific to a religious denomination, and the rights of parents to request religious observances in schools.

Before getting into the details I would like to express two sentiments which will govern everything I have to say on this subject. First I want to express, on behalf of the members of the official opposition, our good will toward the people in the province of Newfoundland and our sincere interest in their desire to improve their educational system.

We all know the enormous difficulties that Newfoundland has faced and the economic hardships that have been caused by the collapse of the fishery, one of the basic primary industries of that province.

• (1230)

Alberta MPs like me can identify with this because our parents lived through a period when our province was flat on its back due to the collapse of its primary industry, agriculture, during the great depression. We can also identify with the recent good news from Newfoundland that after an enormous front end capital investment and the application of great technical ingenuity, the first oil is now flowing from Hibernia.

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It was primarily oil and gas which transformed the economy of my home province. I want to express the hope that the development of this resource will mean the dawning of a new day for the province of Newfoundland and a stream of revenue that will enable it to finance the social services, including the educational services, required by its people.

I also want to say that the members of the official opposition fully respect Newfoundland's jurisdiction over education. We know that education deals with Newfoundland's most precious resource, the lives of its children. We therefore wish Newfoundlanders well in whatever educational reforms they decide to undertake and whatever the future may hold.

The second point is that as members of the federal Parliament, we should define our principles and choose our positions carefully when we are dealing with constitutional amendments. Over the next number of years this Parliament could very well be faced with major constitutional challenges, not just from the continuing secession threat from Quebec, but demands that will arise from various parts of the country for major changes in our constitutional arrangements, changes affecting the division of powers between the federal and provincial governments and the balance between majority and minority rights.

Everything we do and say in this area of constitutional law can be taken as political, if not a legal, precedent in future situations. We should therefore look down the road as to the precedent effect of anything we propose or adopt in relation to the Newfoundland schools amendment.

When we define positions on majority and minority rights with respect to this amendment, we should think through how those same positions would relate to other situations where majority and minority rights are constitutionally affected.

When we define positions and make statements about what constitutes democratic consent for a constitutional proposal from Newfoundland, we should think through how that same principle would apply in other situations where we require democratic consent. For example, I have noted with interest the language used by the Minister of Intergovernmental Affairs in providing his definition of the principle of democratic consent. In his presentation to the special joint committee on November 18, 1997 he said:

Given this amendment's impact on minority rights, a mere 50 plus one referendum majority would not have been sufficient nor adequate in measuring the degree of consensus among those affected. But the referendum did not result in a narrow majority: It was an overwhelming majority of 73%, which provided evidence of minority support.

This is all well and good, but I note that it is a slightly different conception of democratic consent from what was taken by the

government in 1996 when the previous Newfoundland school amendment came before the House. The referendum that preceded that amendment carried by only 54%, but on that occasion the government considered that a big enough majority to satisfy the requirement of democratic consent. The government will want to strive for consistency on this point because inconsistency on the principle of democratic consent will not go unnoticed by us or by others.

I also noted with interest just a few minutes ago the pronouncements of the minister on whether denominational or confessional rights are fundamental rights under the law. It is maintained by many that denominational or confessional rights are not a fundamental right. This is primarily the view of the secular and legalistic mind and the courts and the minister hold and defend that view. But to the religious mind for those whom matters of faith and conscience are supreme, confessional rights are seen as an extension of freedom of conscience and freedom of religion. Therefore they are in some way fundamental.

The minister argues that the right to confessional schools in Quebec is not a fundamental right. Therefore, by logical extension the right to linguistic schools in Quebec is not a fundamental right. I would be very surprised if the majority of Quebecers do not regard the right to linguistic schools as a fundamental extension of their right to freedom of speech and expression.

• (1235)

This matter of what is fundamental and what is not in its broadest sense therefore very much depends on your orientation and your deepest values.

Hon. members will forgive me if I take a moment, as the first speaker for the official opposition on this motion, to briefly sketch our understanding of the background behind the constitutional amendment requested of us by the government of Newfoundland.

If I sketch the background here—and I know this is very familiar to those who have been following this issue but not as familiar to those who have not in detail—then subsequent Reform speakers will not need to repeat it and can deal directly with more important details and matters of principle.

We also want to state our understanding so that other members, especially the members from Newfoundland, can correct us if we misunderstood or misinterpreted the background in any way.

I have read the background to term 17 provided by the minister and by the special joint committee as to the origins of the original term 17 and I find them deficient on one very important point. It was a point which I was reminded of by former Premier Wells when he was in town last week.

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That point is that term 17 was included in the original terms of Union primarily to meet a political, not a legal or a constitutional requirement. When Newfoundlanders were debating whether to join Canada in 1949, one of the principal arguments of those opposed to the union was that union with Canada would destroy Newfoundland's unique denominational educational school system. To take that argument away, Joey Smallwood and others proposed the original term 17 in the terms of union to provide a constitutional guarantee of the continuance of that unique educational system.

That original term 17 read as follows:

17(1) In lieu of Section 93 of the British North America Act, 1867, the following term shall apply in respect of the province of Newfoundland: in and for the province of Newfoundland the legislature shall have exclusive authority to make laws in relation to education, but the legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes or persons have by law in Newfoundland at the date of union and out of public funds of the province of Newfoundland provided for education.

A) All such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the legislature for all schools then being conducted under authority of the legislature; and

B) All such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the legislature, such grant being distributed on a non-discriminatory basis.

The language used in this original term 17 is borrowed from section 93 of the British North America Act of 1867 which said in part:

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.

I am indebted to the minister and to others for pointing out that section 93 itself does not apply to the province of Newfoundland and, hence, no amendment to term 17 can strictly be said to violate section 93. Term 17 in all its forms is said to apply "in lieu of section 93 of the Constitution Act, 1867."

The original term 17 guaranteed the denominational school rights of seven specific religious groups. In 1987 it was amended to include another denomination, the Pentecostal Assemblies of Newfoundland, in the denominational schools system.

As members will know, in 1992 after two years of study, the Williams royal commission recommended the reorganization of the school system in Newfoundland and Labrador to permit the government to administer the system in a more efficient way. The

commission proposed the creation of a single interdenominational school system encompassing the four separate denominational systems then in operation.

In June 1995 the government of Newfoundland sought the approval of the people to amend term 17 of the terms of union in order to proceed with these restructuring plans. A referendum was held on the following question: "Do you support revising term 17 in the manner proposed by the government to enable reform of the denomination educational system? Yes or no?" The result was approved by 54.4% of those voting. The proposed amendment of term 17 altered the rights to denominational schools in Newfoundland but did not extinguish them and endeavoured to reconcile them with the demands for a more updated system. It was a compromise solution.

• (1240)

On December 4, 1996, the House of Commons, of course, passed a resolution to amend term 17 as proposed, and that revised term 17, the term currently in place reads as follows: For the written record, I would like to have this current term 17 recorded in this place in *Hansard*, but to save the time of the House I would seek the consent of the House to dispense from actually reading the entire section and have it recorded in *Hansard* as read.

The Acting Speaker (Ms. Thibeault): Does the hon. member have the consent of the House?

Some hon. members: Agreed.

Mr. Preston Manning:

Term 17—1995

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

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

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

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

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

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

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

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

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

The Newfoundland House of Assembly then passed a new schools act and a new education act which allowed the province to reduce the number of school districts to 10 and to appoint interdenominational school boards.

Twenty-seven denominational school boards were then dissolved and 10 new interdenominational school boards assumed full responsibility for the administration of the system. Sixty schools province wide were identified for closure at the end of the 1996-97 school year.

But in May 1997, and members will be familiar with this, the Pentecostal Assemblies and representatives of the Roman Catholic church initiated legal action to challenge the Newfoundland legislation and to seek an injunction to stop boards from implementing school designations and from closing certain schools.

In their legal action, the plaintiffs did not challenge the constitutionality of the amended term 17. Rather, they challenged the way it had been put into practice under the Newfoundland legislation.

The court subsequently granted the injunction on the grounds that denominational rights could only be made subordinate to rules set out in law or regulation which were uniform and which were not so restrictive as to make exercise of the right virtually impossible.

The judge found that there was a case to be argued that the Minister of Education's guidelines gave so much discretion to the school boards that the rules were not being applied uniformly and that the directives regarding the amount the province would pay for such costs as busing were in practice so constraining on the right that they amounted to denying the denominations their rights under the revised term.

The granting of this injunction brought the reform process to a halt and disrupted the plans for the 1997-98 school year and it provoked a political reaction rather than a legislative response from the Government of Newfoundland.

On July 1, 1997, Premier Tobin announced that another referendum would be held on September 2 to further revise term 17. It was now proposed to extinguish denominational rights granted by the term 17 amendment of 1995 and to replace them with the amendment we have before us. That amendment, of course, reads:

17.(1) In lieu of section ninety-three 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 have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

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

On September 2, Newfoundlanders voted in the second referendum on the question: "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?"

On September 3, the Chief Electoral Officer announced the results, that 73% of those who voted in the referendum had voted yes to the question and 27% voted no.

In October of this year, on a motion by the Minister of Inter-Governmental Affairs, this House established a Special Joint Committee of the Senate and House to consider the amendment which is before us. That committee has prepared its report recommending support of the resolution.

Reform members of the committee filed a minority report raising particular concerns with respect to the treatment of majority and minority rights under the proposed amendment, but making no specific recommendation other than that members voting freely on this resolution take their concerns into account.

And so it is by this long, torturous route we come to today's debate and a decision by Parliament on an issue with which Newfoundlanders have been wrestling now for many many years.

Members of the House will know that the official opposition believes that constitutional amendments should be subjected to three great tests; the test of democratic consent, the test of the rule of law, and the test of the Canadian national interest.

We contend that these tests are broad enough and deep enough to handle any constitutional change, including those of the most radical variety. In other words these are the great principles that would guide a Reform government in dealing with any constitutional change or challenge from educational reform amendments to a secession attempt.

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• (1245)

We are especially pleased to see that the government has also adopted these three tests as a standard with the intergovernmental affairs minister beginning his testimony before the joint committee on November 18 with these words: "Specifically, I will explain how the amendment conforms to the legal requirements of the Constitution, has merit and is in the interest of Newfoundland and Canadians, and enjoys substantial democratic support, including a reasonable degree of support among minorities".

We should strive in our application of these three tests to be consistent. These therefore are exactly the same tests which we applied to the Quebec schools amendment, although when applied to different facts and a different situation the application of these tests may lead to different conclusions. Allow me then to briefly discuss the application of these tests to the Newfoundland schools amendment.

First, the test of democratic consent. Do a majority of the citizens affected by the proposed constitutional amendment approve of the amendment? On major amendments we believe that this test should be conducted through a referendum. In the case of the term 17 amendment before us, I am persuaded that the amendment passes this democratic test. The principle behind it was approved by 73% of those voting in a provincial referendum.

I know there are members who have questions about the manner in which the Newfoundland referendum was conducted, the appropriateness of the question asked, the time period and the resources available to proponents on each side of the issue. These are legitimate questions. But it seems to me that after years and years of debate on this subject the people of Newfoundland knew what they were voting on when they approved the 1995 term 17 proposal by a majority of 54% and that even more knew what they were voting on in the second referendum which was approved by a majority of 73%.

I am also persuaded that Newfoundlanders are aware that this issue involves not only educational reforms but the difficult subject of extinguishing, granting and balancing majority and minority rights. I therefore believe that this Parliament should be very careful in presuming that its judgment on any of these matters is somehow superior to that of the people of Newfoundland.

Second, we want to satisfy ourselves that the proposed constitutional amendment and the amendment formula utilized conform to the rule of law. It is apparent that term 17 applies only to Newfoundland and therefore from a strictly legal standpoint can be amended under the bilateral formula contained in section 43. In fact it has already been amended twice under that formula.

As a general principle I would prefer that provincial governments submitting legally controversial amendments obtain a court reference first, affirming the constitutionality of what is proposed so that we do not run the risk of going through this entire process only to have the results upset on constitutional grounds.

I do acknowledge that our confidence in the legal opinions provided to us by Premier Tobin in 1996 was shaken when the injunction was granted by the Newfoundland Supreme Court to halt the implementation of the reforms proposed under the Newfoundland legislation. It is my understanding however that what led to the court challenge was not the constitutionality or the legality of the amendment but the way in which it was implemented under the Newfoundland legislation. I am therefore prepared to acknowledge that the amendment before us conforms to the rule of law.

That brings us then to the test of the Canadian national interest. Majorities have an interest in minority rights. Each of us may be a part of some majority in a particular situation but each of us may also find ourselves if not at present then in the future in a minority position. We may be part of an ethnic majority but part of a religious minority. All of us therefore have an interest in the protection of minority rights whether or not we are a member of the particular minority in question.

With respect to education, the Constitution of Canada makes it very clear that education is under provincial jurisdiction. But the spirit and intent of section 93, much of which was imported into the original term 17, is that governments assume political responsibility for ensuring that powers are not exercised in a way that prejudicially affects rights previously granted.

We are also aware that the actions of one province affecting majority and minority rights in education may set important precedents regarding educational rights of minorities and majorities in other provinces. We are not speaking here simply of legal precedents but also of political precedents which are very important.

• (1250)

It is with respect to the impact of the proposed Newfoundland schools amendment on rights previously granted that I have concerns. It is in fact in this area that our caucus has had its greatest concerns. It is this aspect of the amendment which has been the principal focus of our internal discussions.

So interested and concerned have we been on this matter that not only have we endeavoured to absorb the testimony and the findings of the special joint committee and the representations to the ministers to that committee, but we also sponsored a special debate of our own on this issue. The question debated was: Does the Newfoundland schools amendment prejudicially affect rights

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previously granted to persons desiring a religious orientation in the education of their children?

To argue the yes side, we invited Joseph Hutchings, a partner in the firm of Poole, Althouse and Associates of Cornerbrook who handled the supreme court challenge of the Newfoundland Schools Act resulting from the 1995 term 17 amendment. On the no side we invited Clyde Wells of the law firm of O'Reilly, Noseworthy in St. John's. Mr. Wells of course is the former premier of Newfoundland and the premier to first consult the people of Newfoundland on educational reform through a referendum.

It is not my intention to reproduce here the pros and cons of the arguments raised by these two gentlemen, but I do want to thank them both for contributing to our understanding of this issue and to express my disappointment that other members of the House who were invited to this debate did not take full advantage of it.

I now come to the nub of the argument with respect to whether the Newfoundland schools amendment passes the test of the Canadian national interest, particularly with regard to its impact on rights previously granted to classes of persons.

On the one hand, the original term 17 in 1949 specifically entrenched denominational rights by specifying that the legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common amalgamated schools or denominational colleges, that any classes of persons have by law in Newfoundland at the date of the union.

Term 17 as amended in 1995 also in clause (a) upheld denominational rights by stating that:

Except as provided in paragraphs (b) and (c), schools established, maintained and operated with public funds shall be denominational schools, and any class having rights under this term as it read on January 1, 1995 shall continue to have the right to provide for religious education, activities, and observances for the children of that class in those schools.

If we then look at the term 17 currently before us, we find that these denominational rights are extinguished and they are in effect replaced by three things: one, the exclusive authority of the province of Newfoundland to make laws in relation to education, which presumably is intended to give expression to the public desire in Newfoundland to exercise a right to have public schools; two, the right to provide for courses in religion that are not specific to a religious denomination; and three, the right to religious observances in a school where requested by parents.

Presumably if the people of Newfoundland voted so strongly in favour of replacing denominational schools with a single public school system, a significant majority must prefer the right to a

public education system over the right to maintain a denominational school system.

There is little question in my mind that the two other rights established by this amendment are of questionable value, especially to parents desiring a religious orientation in the education of their children.

The provisions for courses in religion that are not specific to a religious denomination and the right to religious observances in a school where requested by parents are hardly adequate substitutes for the right "to provide for religious education, activities and observances for children in denominational schools" as guaranteed by the 1995 term 17 amendment.

As the Evangelical Fellowship of Canada pointed out in a brief dated November 18, 1997 and prepared for the special joint committee:

The provision of religious education classes and religious observance is insufficient to accommodate the faith based approach to education. This was recognized by the Supreme Court of Canada in *Tiny Separate School Trustees v. The King* in which it was stated:

The idea that the denominational school is to be differentiated from the common school purely by the character of its religious exercises or religious studies is erroneous. Common and separate schools are based on fundamentally different conceptions of education. Undenominational schools are based on the idea that the separation of secular from religious education is advantageous. Supporters of denominational schools, on the other hand, maintain that religious instruction and influence should always accompany secular training.

• (1255)

With respect to the right to religious observances in a school where requested by parents, there is a justifiable fear expressed by some that this provision will be simply overridden by the charter.

To counter balance this apparent weakening of rights to religious based education are the following assurances given by the Government of Newfoundland and in part by the Minister of Intergovernmental Affairs.

The minister assures us that parental rights are strengthened by this amendment. In his presentation on December 1 to the committee, he said in fact that parents have more power under the proposed amendment than they ever did before. Parental rights, it was argued, are strengthened: "They have the power to elect school boards, to enrol their children in the school of their choice, the the power to withdraw them from classes where there is instruction that they do not wish for their children. They have the right to request religious observances in school and the right not to have their children forced to attend those observances".

He also assured us that part 3 of this amendment is immune to charter challenge. I believe he repeated that again today. In his December 1 presentation to the joint committee, he said: "If enacted, term 17 will become part of the Constitution of Canada.

Thus it will be shielded by the well-established principle that one part of the Constitution—that is the charter—“cannot be used to invalidate or repeal another. As a result, the provisions in subsections (2) and (3) will enjoy a measure of charter immunity”.

He then went on to give the supreme court references with particular reference to the 1987 reference case on the amendment to the Ontario Education Act which supports this conclusion: “With respect to section 93, the court said that this legislative power in the province is not subject to regulation by other parts of the Constitution in any way which would be tantamount to its repeal”.

Clearly, the value of the rights granted under this new term 17 therefore is very much dependent on the weight that Newfoundlanders attach to these assurances given by the minister in this Parliament and by the Government of Newfoundland in that province.

The value of these rights is very much dependent on the way in which the Government of Newfoundland fulfils its educational reform obligations. The value of these rights is also very much dependent upon the extent to which parents exercise them and the manner in which the denominations endeavour to exercise their influence under the new regime.

I believe that many Newfoundlanders are aware of these considerations, that they have debated them longer and more deeply than we in this House and took them into account in voting on the referendum.

My personal concern about the impact of this amendment on rights is substantial but not substantial enough to outweigh my desire to respect the wishes of the people of Newfoundland as expressed in their referendum. I will therefore with these reservations vote in favour of the Newfoundland schools amendment. In saying this, I fully appreciate there will be a free vote and that colleagues in this House, including members of my own caucus, will attach a different weighting to these principles and conclusions with respect to democratic consent, the rule of law and particularly the effect on rights, and that the weighting they attach to these factors may well lead them to vote against the amendment rather than in favour.

In conclusion, there are three other observations I would like to make concerning this amendment, its effects on denominational rights and the obligations of the Minister of Intergovernmental Affairs and the Government of Newfoundland.

First of all, I want to make clear that the Newfoundland schools amendment is fundamentally different from the Quebec schools amendment and the application of our three tests leads to a different conclusion in each case.

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As much as I am sympathetic to the desire of Quebeckers to reform their education system, I voted against that amendment because it was not ratified by the people it affects through a referendum and because it replaced constitutional guarantees of rights previously granted with inferior guarantees contained in provincial statutes that can easily be changed.

In the case of the Newfoundland schools amendment, the amendment was ratified by a popular referendum, and while certain rights are being extinguished and other rights are being granted, the new rights granted are constitutionally guaranteed.

• (1300)

I want to say a word to parents in Newfoundland whose principal interest in this whole issue is securing a religious orientation in the education of their children and who are likely to be gravely disappointed if parliament approves the motion before us. Many members of the House identify with their concerns and aspirations for their children, and I am certainly one among them.

My wife Sandra and I have five children, now aged 17 years to 29 years. Our children have attended over 20 different schools in three different cities in Alberta, including protestant and catholic public schools, protestant and catholic separate schools, and a private denominational school.

As practising Christians we have preferred to have our children educated in schools with a spiritual orientation where faith is valued, even if we have sometimes opted out of the specific religious instruction in a school. We have preferred schools offering a faith oriented education to those schools where the entire orientation is secular and either indifferent or hostile to faith.

Having said that, I believe there are some hard lessons to be learned from the denominational schools experience in Newfoundland over the past number of years, which should guide in dealing with the new regime and which are applicable to the rest of us living in other jurisdictions where similar challenges will be faced in the years ahead.

The first lesson is that if and when denominational groups have partial or full control of an educational system, it is extremely important that we fully champion freedom of conscience and religious expression for all members of the community and not just for those in a particular denomination. It is not necessary to agree with another person's religious convictions in order to uphold their right to hold and exercise those convictions.

The foundation of denominational educational rights, I maintain, is freedom of conscience and religion; but if we only champion the expression of that freedom for ourselves and our denomination and not for all, the public will see our interest in denominational education as a narrow sectarian interest and will be unsupportive.

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Moreover, when denominational groups are partially or wholly in charge of an educational system, it would seem imperative that we champion, expand and cultivate the rights of parents and the accountability of those systems to parents. Denominational systems that are run from the top down, with parents playing only a peripheral advisory role and the real power resting in the hands of denominational leaders, do not have good prospects for surviving in the long run any more than top down political regimes have a long term hope of surviving in the political arena.

If the denominational groups in Newfoundland had been seen as champions of freedom of conscience for all Newfoundlanders and champions of parental rights, the removal of denominational rights would have been seen as an interference with fundamental rights, and there would have been much less public support for that option.

The second lesson we can learn and that denominational interests in other provinces can learn from the Newfoundland experience is that by trying to keep too much we can lose much of what we had. Obviously the term 17 provided for in the 1995 constitutional amendment, which preserved denominational rights but endeavoured to integrate them with other provincial concerns, would have been preferable for parents desiring a religious orientation in the education of their children to what would be provided under the current term 17.

However it was denominational interests themselves that challenged the implementation of the preferable term 17. This challenge, while temporarily successful in the courts, in the legal arena, provoked a political reaction in the form of the second referendum. This challenge was obviously perceived negatively by the public that voted more strongly in the second referendum in favour of the government's plan and against any recognition of denominational rights.

It is an ironic reminder of the truth of the New Testament parable about the servant to whom our Lord gave one talent of silver and who, for fear of losing it and in an attempt to preserve it, buried it in the ground instead of using it to multiply his resources. Alas, in the end that servant ended up losing even that which he had.

• (1305)

I assure those parents in Newfoundland desiring a religious orientation for their children that this amendment, no matter how it is disposed of, does not extinguish their rights and concerns from the mind and conscience of members of Parliament like me.

I conclude by identifying the obligations which the passage of this amendment by the federal parliament places on the Government of Newfoundland.

With 27% of those voting in the last referendum being opposed to the proposed educational reforms, it seems to me that the Government of Newfoundland has a big job to do in making sure

that its educational reforms work to the advantage of all Newfoundlanders.

The whole issue of how to reform educational systems without prejudicially affecting rights previously granted, particularly the rights of minority groups, would be immeasurably enhanced if provincial educational reformers would include in their packages a proviso granting parents the right to designate school taxes to the school of their choice and an assurance that the approved list of available schools would include as wide a range of educational and value options as is practical in the jurisdiction.

Some hon. members: Hear, hear.

Mr. Preston Manning: I appreciate the applause. It is not the place of this parliament to say what educational reforms should be pursued by any province. That is in the realm of provincial jurisdiction. However I can say, as I believe many other members on both sides of the House would say, that had that proviso and that assurance been in the package of educational reforms presented by the Government of Newfoundland, support for this amendment would have been greater and more clear cut.

With that proviso and assurance the government would have been on much stronger ground to argue that while rights previously granted would be affected by the reforms, they would not be prejudicially affected.

The Government of Newfoundland now has a special obligation to make the more limited rights provided in this amendment meaningful to those to whom they are most important, in particular the right to have religious courses in non-denominational schools and the right to religious observances.

Since courses about religion are no a substitute for the embrace and practice of religion, much rests on the meaningfulness of the third right contained in this amendment, namely that religious observances shall be permitted in the school where requested by parents.

We have been assured by representatives of the Government of Newfoundland and by the federal Minister of Intergovernmental Affairs that this provision is sufficiently strong to prevent requests by parents for religious observances in Newfoundland schools from being overruled by the charter of rights and freedoms.

If this proves not to be the case, members of the House will have grounds for declaring that we have been misled. More important, a significant portion of the Newfoundland population will have grounds for arguing that they have been misled and will have grounds for expressing their disapproval in no uncertain terms at the ballot box in future federal and provincial elections.

I look forward to the representations of other members on this important issue.

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[Translation]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, I will take my turn in speaking on the motion before us, concerning amendment of section 17 of the Constitution, which relates to the Terms of Union of Newfoundland. This motion will enable the people of Newfoundland to modify their education system as defined by them. Since they initiated this change several years ago, culminating in a referendum a few months ago, we shall today be supporting this motion in order to allow Newfoundland to move ahead with this as promptly as possible.

I am going to place this constitutional amendment in its context. Then I shall move on to speak of the work in committee and of the one submission to the committee which left me confused, and still does, that of the Government of Canada, by the Minister of Intergovernmental Affairs. I must say that it opened the door to an analysis in committee which moved the committee members to question the level of support. We have heard the speech by the leader of the Reform Party just now; Reform will support the motion, after having taken the time to thoroughly analyze all of their recriminations relating to the very basis, or the potential scope, of the amendment. All of this was a result of what the government's representative, the Minister of Intergovernmental Affairs, had to say.

• (1310)

We have to understand right off that term 17 makes specific provision about Newfoundland's union with Canada. It accords constitutional rights to various religious communities in Newfoundland, which enabled them to manage their school system. In 1987, through the same constitutional amendment procedure, the rights were extended to the Pentacostals. The result was a school system that was run by religious denominations.

In practice what that means is that there are actually four school systems in Newfoundland. There is the integrated system, the Pentecostal system, the Roman Catholic system and the Seventh Day Adventist system. The integrated system includes the Anglican, Presbyterian and United churches and the Salvation Army. So this is what we were faced with, and let us look at what it means in practical terms.

In some regions in Newfoundland there is a single religious community essentially. In such cases, there is little debate. There are other places, such as urban areas and cities where there are two or three secondary schools of different denominations within a very small radius, and the children attend school according to their religion. In some instances, there are schools near them, and they have to go to a school that is further away, because the school close by is not of their religious denomination. There are teachers who cannot teach in certain schools because they do not belong to the same religious group. There are certainly some very able people

who experienced difficulties because of this, and we have all heard about the fact. Hiring was not based on one's qualifications but on the religious group one belonged to.

Newfoundland is the only province that did not have a public education system but rather a system belonging to different religious denominations. How did the people challenge this system? They used different means. In 1992, a royal commission submitted its report and suggested that considerable changes should be made to Newfoundland's school system. Later on, there were extensive negotiations between the government and various denominations in order to find an arrangement to reorganize the school system. The first choice was not to adopt directly a constitutional amendment. People sought to achieve a balance, to find a way to reorganize the school system.

After lengthy and unsuccessful negotiations, in 1995, the government came up with a compromise that was submitted to the population. That referendum was approved by 54% of the population. Later, there were court challenges and an injunction was requested. The Government of Newfoundland closed some schools, reorganized its school system, and parents supported by special interest groups succeeded in obtaining an injunction.

The Government of Newfoundland did not choose to argue on the substantive issue. It decided then to redesign its proposal and to go to the people a second time; another referendum was held on September 2, 1997, and this time it received the support of 73% of the population. The government therefore decided to refer to the people in order to move forward and to avoid getting involved in a very lengthy legal battle, which would have delayed implementation of a reform that people had wanted for a long time. This was obvious from the level of support expressed by the people of Newfoundland twice, during two referenda.

What was the question asked at that referendum? I will read it to you. The question was: "Do you support the establishment of a single school system where all children, whatever their religion or religious affiliation, attend the same schools while having access to courses in religion and to religious observances?" So the objective was not to throw religion out altogether nor to eliminate courses in religion, but instead to ensure that the school system would be managed by the government. It is the Government of Newfoundland that will make the decisions on the structure that will be implemented, on parent committees and everything else, so that from now on it will be a public system and no longer a denominational system.

• (1315)

The question was basically whether the people wanted the denominational system to be maintained or instead wanted a public system. This debate gave the people an opportunity to express their views and, on September 2, they made a decision.

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On September 5, the Legislative Assembly of Newfoundland unanimously passed a motion to go ahead with the constitutional amendment requested. I will come back to this because the Pentecostal members' support can be interpreted a number of ways; the Pentecostal community is probably one of the minorities whose support for the proposal was weakest, at least as far as we could see in committee. I will come back to this later.

Now, I move to the Bloc's support. We expressed support for this proposal in this House from the outset, even before it was referred to committee. Why? We thought it was quite obvious. It concerns education, which is under provincial jurisdiction. Support was expressed as part of a democratic process, and the people of Newfoundland decided what they wanted to do.

In that sense, it seems to me that the role of the House of Commons is to adopt this motion, unanimously I hope, thereby respecting the wish of Newfoundlanders. The government saw fit to establish a committee to study it and so on. We did not think this was a necessary step that would add anything. As it turns out, we did not hear much that we had not heard before. There is always a risk with holding hearings: people want to start the debate all over again. Opponents made their case again hoping that Parliament would finally agree with them. There was a campaign, there were opportunities for people to express their views.

In the chronology of events, I forgot to mention that there was also a provincial election held in Newfoundland. The government of the day never made any secret about its intentions and was re-elected. It too went through the democratic process. Granted, this was not the only issue in the provincial election, but still those opposing the proposal had numerous opportunities to come forward.

As for the conclusion reached by the committee, I am very pleased to see that the committee did not venture beyond making a recommendation to the House of Commons and to the other place to adopt the resolution. It did not get into the kind of overly political analysis the Reformers and perhaps the minister would have hoped for regarding every conceivable potential implication on other aspects of federal-provincial and constitutional relations. I know some were tempted to do so, but the committee's level of consensus might have been lower, since there were already dissenting opinions from Conservative senators. The process might be delayed somewhat by the Senate, which would be unfortunate. Still, while we may have to wait for the Senate once again, it will merely slow down the process.

I told you earlier about the Bloc's support and about potential hurdles; the Senate is one of them. Another one is the possibility of legal challenges. Witnesses, and also some people during the last campaign in Newfoundland, mentioned the possibility that certain

aspects might be challenged in court. People can do it regarding all sorts of issues. There is a legal system in place for this, but it does not justify not going ahead with what is proposed to us.

There is a clear distinction to be made here. The constitutional amendment is one thing, but it will up to the Government of Newfoundland to decide how it will organize its school system. We cannot say, as some Conservative senators—among others—might be tempted to do, that there may be challenges, that we have to be careful, that we should draft the amendment differently, look for alternatives, etc., because, in the end, it will all depend on how Newfoundland implements its school reform. Of course, if there is non-compliance with the Constitution or the charter, then it is a different matter. But, as the minister explained, the constitutional amendment as such will not contradict any provision in these acts. Similarly, the charter will not contradict what is in the Constitution.

However, the part of the government's statement that concerns me and that opened the door to a debate is that of the support of most of the minorities or of support by minorities.

• (1320)

There are a number of denominational groups involved. When the level of support is examined riding by riding, it seems fairly clear that it was very high everywhere, without always being a majority. While it received the support of a good number of people, that support was visibly lower in areas where there were more Pentecostals. Many people came and presented all sorts of arguments, but there is no way of knowing exactly how they voted. That having been said, every indication is that opposition in the Pentecostal community is quite strong.

Once the criterion is reasonable support from the minorities, we have something that is completely subjective. Earlier in the House, the minister came back to this as well, saying that the level of support from the minorities affected depends on the nature of the right involved. That is subjective. There are two things about this that are subjective. He naturally has his definition, based on sources, of what constitutes a fundamental right and what does not.

In this regard, however, I must point out to him that his view differed widely from that of his new constitutional colleague, the Leader of the Reform Party. The two do not share the same view of what constitutes a fundamental right. He says that, when there is freedom of religion, then it follows that running the school system on a religious basis is an extension of the fundamental right of freedom of expression and of religion. But there is a difference of opinion. And there may be many.

There is therefore a view of what constitutes a fundamental freedom and what does not. Even if there were a definition right

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now, that does not mean it would not change with time. When the Newfoundland issue is approached with a criterion such as reasonable support from the minorities concerned, the door is thrown wide open to debate. This does not strike me as a very desirable or good approach. Nor was it the approach taken by the Government of Newfoundland.

For that government, it is a choice between a public and a denominational school system, and 73% of voters opted for a public system. I think this is where the greater logic lies. If one starts with the premise that the support of minorities is required, there is no logic in proceeding if support from one of the minorities is missing. This is why Reformers, Conservatives and all opponents from Newfoundland have such serious reservations.

In the rest of the brief, there were a few other aspects more or less along the same lines. One sentence stated that, according to the Government of Canada, the proposed amendment was given a favourable reception by an appreciable majority of the population, and enjoys reasonable support by the minorities directly affected. We shall return later to the words appreciable majority, and the notion of reasonable support by the minorities directly affected.

The statement is then made that the resolution was approved unanimously by the Legislative Assembly. Here again, prudence is advisable. Three days after the referendum, four Pentecostal MLAs voted unanimously in favour of the amendment proposed to the Legislative Assembly. The fact that some Pentecostal MLAs supported the motion after the referendum cannot, by extension, be taken to mean that the Pentecostal community did the same. At that time, the members of the legislature had their own reasons, and they needed to take their political affiliation into consideration, how the rest of their political party was acting, and so on.

They also represented ridings, and had to take the opinion of their constituents into account. If the majority of their constituents had been in favour of the amendment suggested, but that the Pentecostals were not the majority in a riding—they are one group of the population, but not sufficient in numbers to form a majority in the riding—it could very well happen, therefore, that the majority of Pentecostals voted against, but overall the riding was in favour. The MLA therefore finds himself in a situation where he is forced to ask himself how he can best represent his constituents. He has his own personal convictions, but he is also there to represent his riding. We must therefore take care not to generalize or to divert attention from the fact that there was a considerable degree of dissatisfaction in the Pentecostal community.

• (1325)

This is the sort of approach we have to take when we want to look at the level of minority support, when we want to break down

the vote or look at support for this referendum by denomination. And it gets more complicated.

The minister had a lot of things besides the situation in Newfoundland in his head when he came to testify. His arrival in politics was motivated essentially by, as he said last night, the Quebec question, and I am sure he had that in mind when he wrote the following: "Given the effect of this amendment on minority rights, a simple majority of 50% plus one in the referendum would be neither sufficient nor satisfactory". It is strange having the Minister of Intergovernmental Affairs make such a statement before the committee studying Newfoundland's school system. I will refresh your memory. Barely two years ago, the House of Commons passed on two occasions, because the Senate took a very long time on the constitutional amendment, a constitutional amendment with respect to Newfoundland, which had just held a referendum that had received the support of 54% of the population.

Although they are now saying that a simple majority of 50% plus one is not enough, 54% was considered to be enough at the time. So the federal government is faced with a problem of logic. I understand their great concern, like that of their constitutional colleagues in the Reform Party, over the possible impact of recognizing 50% plus one.

So, today they are saying "Phew. A good thing the second one passed in 1973. Now we can include it in our presentation. We can include it now, which we could not have done the first time."

Time is passing, and I would have liked to talk to you about a number of other things. In conclusion, you have to be careful when you try to mix up two things, as the Minister of Intergovernmental Affairs is doing in this case. He has opened the door to allow many people to express their opposition and to avoid considering the real issue, which is that the people of Newfoundland indicated what they wanted and did that through a democratic process.

And I must mention in the minute and a half that I have remaining that the people who were against the proposal came up with arguments such as "The question was not clear." It seems to me that I have heard that somewhere else before. Living in an area where the people were consulted on several occasions, we have often heard this. When the level of support was not as expected, for example in the case of the federalists in Quebec, when 49.5% of the people voted yes, they said "But they did not understand." The people in Newfoundland reacted in very much the same way.

I know that we will be able to come back to this, and I will conclude by saying that we will support and respect the will of the people of Newfoundland, with the hope that the members of the other parties will show the same willingness when the case of Quebec will be considered.

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Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I am happy that the leader of the Reform Party, the leader of the official opposition, and also the Bloc Québécois agree with the government to support the amendment.

I would like to comment on what the hon. member said on three points. What the Government of Canada is saying is that there should always be a balance between the extent of a change and the extent of the support it receives. In the case of a relatively moderate change, as with the first referendum on term 17, the majority need not be as great as in the case of a much more extensive change affecting minorities, as we have here. So these are the things that should be balanced.

Second, I have invented nothing as Minister of Intergovernmental Affairs. The issue of minorities has always been on the table. It is being raised in Newfoundland, it was raised during the first amendment and it is being raised with the second amendment.

Members and senators voted against the first amendment. The Senate itself voted against it because of this issue of minority rights. The Government of Newfoundland, in the brief it presented on November 18, 1997, deals with the issue of majorities and minorities, of the rights of minorities and also of the support of minorities. This is an issue that is unavoidable. If it had been clearly demonstrated to us that the Pentecostal Church was for the amendment, there would have been much less debate and difficulty. If it had been clearly demonstrated to us that they rejected it outright, there would have been much more debate and greater difficulties.

So this issue is before us. And since it is my role to ask a question to the member, I ask him this: Does he believe that democracy is tyranny by the majority?

• (1330)

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, yesterday I heard the Minister of Intergovernmental Affairs say that he was anxious to get back to teaching. We see today that he already has a question prepared for asking his students some day. Moreover, my wish for him is that he can get back to where he says his strongest preference lies as soon as possible.

In my opinion, the fundamental rule in a democratic society is the following: respecting the wish of the majority. I would like to go further with this. I recall hearing the minister open a debate with the question "What, for example, would happen if New Brunswick held a referendum calling for abolition of the language rights of francophones?" He said he would padlock the doors of Parliament, that he would be in the forefront of those opposing it, and that the

government would never consider such a thing. Perhaps he could do so. Yet the fact remains that there would be a major problem if one province had such a desire, one that had been expressed and measured in a democratic exercise.

I am convinced, if the opposite position were taken, if a referendum were held in Quebec on anglophone rights—regardless of context, regardless of whether or not we had a Bill 101 in favour of the development of French—there would be a massive vote by Quebeckers in favour of the language rights of anglophones. Moreover, that was included in what was submitted to the population last time.

If the majority wants to oppress its minority, which is what he says this comes down to really, that will happen regardless. Do you sincerely believe that, if they express this in a democratic exercise, they will not express it in their everyday lives? So there is another kind of problem, one of tolerance, which involves significant problems. Respecting the rule of the majority therefore, in my point of view, does not lead us to a dangerous situation.

I am convinced that he will want to continue the debate and I am prepared to continue it at any point with him, on the basis that the majority decision is a desire clearly expressed by the people, and at that point a government has a duty to take this into consideration and to act responsibly in such situations.

Hon. Stéphane Dion: Mr. Speaker, well I hesitate to continue the debate because it is going round in circles. Almost all texts on democracy and almost every democracy I know of have constitutions and charters for the very purpose of protecting minorities.

It often happens that referendums, even when there is a majority, are not followed by legislation, because the majority often appears uncertain about the change contemplated. When the change selected involves not adding a right, but rather taking one away, and the right affects certain categories of citizens more than others, extreme care must be taken and questions asked in terms of the majority and the minority.

I agree with the hon. member that we must not lean too far in the opposite direction and give the minority tyranny. A balance must be struck according to the importance of the right at issue and the support that is measurable.

I repeat what I said. Should New Brunswick ever approach Parliament to abolish official bilingualism, which is recognized in the Constitution, without the support of the francophone minority, the amendment would have no chance of success, whatever the majority in the New Brunswick legislature or among the anglophone population of New Brunswick. It is a question of minority rights. Things must be viewed this way, and I am sure that if the hon. member gives it some thought he will agree.

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Mr. Pierre Brien: Mr. Speaker, this is not the first time we disagree, but I would like to give him again the example of anglophones in Quebec and of linguistic rights.

Hon. Stéphane Dion: He is adding another right, it is not the same.

Mr. Pierre Brien: No, no. The removal of rights in a referendum exercise is being discussed. I am sure that Quebecers would be against removing what the Quebec anglophone community has now. I am sure it is the same thing in the New Brunswick. So I think these things are completely hypothetical because the values people have—

Mr. Michel Bellehumeur: This an academic debate.

Mr. Pierre Brien: Yes, it is a very academic debate. But let us come back to the case of Newfoundland. If we follow the minister's logic, we should be against this amendment because obviously members of the Pentecostal Church are opposed to this.

The issue to be resolved is whether this is a fundamental right or a less than fundamental right, and whether we can withdraw a right from a minority if it is a bit less fundamental than what we consider to be fundamental. But where can all this lead us?

I can understand the people who are concerned that the minister is making a judgment on the definition of what is fundamental by stating that appropriate support is required from the minorities, by trying to state what the debate should be in Newfoundland. I am sorry, but when he quoted the minister from Newfoundland, when he was asked the question directly, he always said that as far as he was concerned, 73% of the people had voted for the project. He never started with 32, 38, 27, with assumptions and everything else. He said that according to him the issue was the following: a public system or a denominational system, and the majority had expressed itself.

• (1335)

I invite the minister to be a bit more straightforward when dealing with the cases he is referring to, to be specific in his comments and to be careful not to be always obsessed with his idea of meeting the commitment that he had already taken before the referendum. We must remember that it is he who said that he wanted to make Quebec suffer. We can see by what he is doing today that he is applying what he said at that time.

Hon. Stéphane Dion: Mr. Speaker, since we will be working together for the next two days, I will not respond to the slander that we have just heard.

However, I ask the member to show us if he can any international legislation that recognizes as a fundamental right the control of publicly funded schools by churches. I would like him to show us

any international charter or any charter in a democracy that does not include the freedom of worship as a fundamental right.

Mr. Pierre Brien: Mr. Speaker, that is the argument that the minister wants to bring into this debate. We have never thought along these lines. He should be speaking with his colleague from the Reform Party, his new constitutional colleague with whom he is working hand in hand. I invite him to have good discussions with him.

Earlier, I heard the leader of the Reform Party say that, according to them, this was an extension of a fundamental right. According to me, that is not the issue. The issue is the choice between a public system and a denominational system, and the people chose a public system. They have chosen it with a majority, they have expressed this in a consensus during two referendums, in a report by a commission, in provincial elections, and with everything else. According to me, this should be sufficient, and it is based on such support that, hopefully, a resolution should be unanimously adopted by this House to respect the will expressed by the people of Newfoundland.

[English]

Mrs. Michelle Dockrill (Bras d'Or, NDP): Mr. Speaker, I stand in support of the recommendation regarding the proposed amendment to term 17 of the Terms of Union of Newfoundland with Canada, a constitutional amendment, a change to the very foundation of the house of Canada, a house we in this Chamber must build stronger and more magnificent every day.

The special joint committee has studied the question with great care on behalf of Parliament. Today we have the result of that study in the form of the recommendation before us. The committee recommends that we make the changes to term 17 requested by the Newfoundland House of Assembly.

Before I discuss the recommendation I want to say that it was a privilege and an honour to have had the opportunity to be part of the special joint committee considering this issue for the people of Newfoundland and indeed Canada. Coming from Cape Breton I can assure the House that the people of my island and the province of Newfoundland have more in common than geography. Our past and present bind us together in ways which have forged a warm understanding between us. This sentiment accompanied me throughout my committee duties and I wish to say it was a pleasure to serve the people of Newfoundland in this manner.

I would also like to make the point of saying that Canadians should realize that churches have played an instrumental role in the development of this country through an education system which without them would have been feeble and non-existent in many parts of Canada at crucial times in our history. This point is irrefutable and the country will always owe the churches of this country a debt of thanks.

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At the time of Confederation the Constitution Act, 1867 gave provinces exclusive jurisdiction over education with two exceptions: the protection of denomination rights existing in law at the time of Confederation and a federal remedial role in protecting denominational education rights.

As each of the next five provinces joined Canada its terms of union either adopted or adapted this approach to education. However, different circumstances in various provinces resulted in only four provinces with denominational education by the time Newfoundland joined Confederation in 1949.

The original term 17 guaranteed a system of education based on religious denomination in that province. Publicly funded schools were operated by several denominations. A non-denominational public school system similar to the systems in other provinces did not exist in Newfoundland.

• (1340)

In 1969 the Anglican, Presbyterian, Salvation Army and United Churches joined to establish one integrated system of schools. A constitutional amendment in 1987 added the Pentecostal Assemblies of Newfoundland as a class with denominational education rights under the term. By 1987 there were four separate denominational school systems in Newfoundland, integrated, Pentecostal, Roman Catholic and Seventh-Day Adventist. These denominations made decisions with respect to the appointment of school board members, the location of schools, the certification and selection of teachers and all other decisions required for the administration of education.

In 1990 the Government of Newfoundland and Labrador appointed the Williams royal commission to study the delivery of educational programs. The commission's final report called for fundamental and substantial reforms of the province's education system. It recommended significant changes to the powers exercised by the denominations with respect to the administration of schools.

Chairman Dr. Len Williams has said that a scarcity of resources kept Newfoundland from establishing a non-denominational school system parallel to the denominational system. For three years following the reports released in 1992, the Government of Newfoundland sought unsuccessfully to reach agreement with the denominations to restructure the school system. Finally, it drafted a new education model for the province that would retain the denominational character of the current system but which would provide the provincial legislature with additional powers to organize and administer education in the province.

The new model was approved by referendum and passed by resolution in the house of assembly. The house of assembly requested that Parliament change term 17 to accommodate the new

education model. This was done in 1996. The term, as amended in 1996, ensures that all publicly funded schools are denominational and creates two types of schools, interdenominational schools and schools operated for children of a single denomination.

A conflict arose, however. As the government attempted to implement the new model, it felt that the school board should optimize student educational opportunity while recognizing the constitutional rights of certain denominations to have separate denominational schools. Some denominations felt that the right to uni-denominational schools took precedence over educational opportunity.

The catholic and Pentecostal denominations received an injunction from the Newfoundland supreme court, which agreed that implementing the new model was a violation of their constitutionally guaranteed rights. The court ruled that the 1996 amendment gives precedence to uni-denominational rights over maximizing educational opportunities.

Earlier this year the Government of Newfoundland complied with the ruling and proposed a rewording of term 17, which was approved by referendum with 73% of voters in favour. The Newfoundland House of Assembly then voted unanimously to approve a resolution in favour of the rewording of term 17. The house of assembly has asked Parliament to change term 17 to reflect the new wording. The special joint committee has studied the issue and its report and recommendation are before the House today.

It is clear that complex issues arise from our consideration of the request from the Newfoundland House of Assembly. There are many and often conflicting questions surrounding religion, constitutional rights and responsibility and even the quality of democracy in these events which I have just discussed.

It is our responsibility as parliamentarians to answer these questions well. Nothing less than the aspirations of the people of Newfoundland are at stake in this House today.

The people of Newfoundland are entering the 21st century feeling uncertainty and hope. They realize that excellence in education is key to ensuring that Newfoundland stays in step with a world marching out of this century faster than when it marched in.

The duly elected Government of Newfoundland has proposed changes in education designed to propel it into the next century. Although the bilateral amending formula under section 43 of the Constitution Act, 1982 does not require a referendum to be held in order to make constitutional amendments such as the one before us, the people of Newfoundland were given the opportunity and clearly voted in favour of the measure.

The people of Newfoundland have been trying to improve their education system for a long time. Education reform has been one of the key markers of this decade for Newfoundlanders. It is clear

there is a passionate desire in that province to improve its system of education.

• (1345)

Negotiations remained difficult for years following the Williams royal commission and aspirations for improvements by all parties in education were halted. The duly elected government has taken steps it believes will ensure that improvement and necessary efficiencies come about in this area, and they have been approved by popular referendum.

Legitimate questions have been raised about the validity of that referendum. The New Democratic Party believes that constitutional change must be carried out in a way that is open and democratic with meaningful involvement and participation of all Canadians. It must be said that a majority of the population took part in this referendum and a large majority of voters who took part voted in favour of the changes to term 17.

An analysis of the vote provided to the special joint committee showed that a majority of the voters in 47 out of 48 districts voted in favour of the question. This includes districts where the majority of the voters were Roman Catholic. Roman Catholics represent the largest denomination in the province at 37% of the population.

It is true that voter turnout in many districts was less than 50%. However, there is nothing to show that people were prevented from voting. It remains the responsibility and a right of citizens to participate in our precious democracy. It remains the best method of consultation we have.

Some denominational interests that appeared before the committee argued that the referendum question left the impression that unidenominational education courses would be allowed, that the actual text of the proposed resolution was released too late in the referendum process to allow for full debate, that religious denominations opposed to the amendment were denied government funding and that scrutineers were not allowed. They also objected to government funding and advertising in favour of the question.

On the other hand, proponents disagreed on these matters. The Newfoundland elections act does not mandate public funding for the various positions. An expert in the international protection of human rights, international law, constitutional law, civil liberties and anti-discrimination law told the committee that she believed that Newfoundlanders were consulted in the ongoing process of educational reform. These consultations included public hearings, two referendums and an election which in part turned on the government's educational agenda.

The New Democratic Party acknowledges that in Newfoundland there exists a broad consensus in support of the proposals of the government to reform the education system in that province. We are satisfied that knowledge of the wishes of the people of

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Newfoundland on this question was obtained through the best democratic means available.

The amendment before us gives the provincial legislature exclusive authority to make laws in relation to education but shall provide for courses in religion that are not specific to a religious denomination. Religious observances shall be permitted in a school where requested by parents.

Denominational interests felt the current denominational system could not be adequately replaced by a provincially run system which includes courses not specific to religious denomination. The Pentecostal Assemblies of Newfoundland and the provincial Pentecostal education committee were fearful of what this would do to the role of their religion in the proposed school system. Its representative said: "Traditional arguments favouring a single public system centre on perceived problems of fragmentation and intolerance. What is not considered, however, is the negative impact on children of ignoring throughout their school the most powerful influence in many lives, their religious faith".

The representative went on to say: "One's religious heritage and faith contributes immensely to one's personal and social identity".

The Newfoundland minister of education told the committee that while not guaranteed under the proposed new term, there is provision for locally developed religious education courses on to the department of education's current local course policy. Where the school board determines that such a local course would be desirable then there will be locally developed religious education courses geared to a specific denomination and offered in the school.

Others noted that exempting children from religious courses and religious observances, which the courts interpret as including opening exercises, may be considered inconsistent with charter provisions and values. Others stated that the provisions could be implemented in a way that would take into account previous court decisions on these matters.

Thoughtful presentations were made to the committee that minority rights were being sacrificed in favour of the wishes of the majority. The protection of minority rights is an important aspect of our democracy and one which must be cared for with vigilance.

• (1350)

The committee heard from several presenters concerned with this issue, such as the Roman Catholic Education Committee of the Denomination Education Commission. Its representative said the amendment completely eliminates Newfoundland parents' constitutional rights to choose publicly funded denomination or separate schools for their children. They also said that the religious education program referred to in the proposed term is limited to a non-denominational, religiously neutral program like those in public schools in Ontario and elsewhere in Canada. They feel

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strongly that this is a radical shift from what has been the status quo in Newfoundland for many years.

This is clearly a different issue for reasonable people on both sides of the question.

The Newfoundland and Labrador Human Rights Association told the committee that they are concerned about any effort to take away rights, but there are occasions when the rights of others, including the rights of the majority, demand the removal or curtailment of a right. It felt the process in Newfoundland had been well argued, debated and thought out over a number of years. The association supported the amendment saying "with good faith on all sides we can develop a publicly funded, non-denominational system which includes all people and faiths without special privileges for some churches".

A representative of the Canadian Civil Liberties Association told the committee that this amendment represents real progress. He said "The state of equality and fairness can only benefit by the abolition of special preferences for any denomination group even if those denomination groups happen to comprise a large percentage of the population. This is an advance, as far as we are concerned, for the state of religious equality and fairness".

Although the proposed term 17 removes constitutional privileges available to particular denominations, these privileges have not been available to all religions. The committee was told that this amendment makes all religions equal, none possessing ownership over the primary means of delivering education in the province, yet all with the same rights to deliver denominational education without public funding. Further, any future government has the ability to extend public funding to denominational schools if it desires to do so.

It has also been argued that the constitution is a living document that must reflect changes in society. Newfoundlanders who make up these denominations have democratically requested constitutional change in their status.

Another aspect of this is that the Roman Catholic community has launched a court challenge to the amendment of the term. The Pentecostal Assemblies have not taken similar action but made it clear to the committee its preference that this amendment be delayed pending the court's decision.

The committee was told by several presenters that international covenants on human rights state that human rights are protected adequately by ensuring freedom of religion and non-interference of religious education and a dissemination of religious views to children from parents. The proposed amendment is consistent with these values.

It is important that the amendment before us not be precedent setting for religious or minority rights in other provinces. To that end, the unique history and political circumstances of Newfoundland will ensure that no such precedent will exist.

Newfoundland's minister of education explained to the committee that many people believe this amendment will affect denominational rights in other provinces because of the language found in section 93 of the Constitution Act, 1867. The section specifies that provincial legislation regarding education cannot prejudicially affect a right or privilege with respect to denominational schools held by a class of persons at the time of union.

However, term 17 only addresses the specific circumstances found in Newfoundland at the time of union, so it replaces section 93. The rights protected in Newfoundland and Labrador are different and not comparable to the rights that were guaranteed in other provinces. As a result, rights which apply generally to other provinces cannot be applied to Newfoundland and Labrador.

The New Democratic Party accepts that these rights will not be adversely affected in other parts of Canada as a result of this amendment.

After careful consideration of this issue, the special joint committee supports the passage of this resolution amending term 17. The New Democratic Party believes there is broad consensus for this change and that these changes will not be precedent setting for religious or minority rights in other provinces.

• (1355)

We are being asked to consider something only in the context of the unique history and political circumstances of Newfoundland. However, we recognize that this issue creates strong feelings and passion. Questions surrounding religion and rights often do. The New Democratic Party respects these beliefs and it may be that some members may deviate from the party's position on the amendment if they feel compelled to do so. However, all members have in their hearts the aspirations of the people of Newfoundland.

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, I listened very carefully to the hon. member's speech. She and I were both on the special constitutional committee. I think she fairly described the historical context of the debate and the importance of this change to the province of Newfoundland.

I think she also understands how different the situation is in Newfoundland from any other province in this country and how important it is for our constitution to be living, flexible and able to change when the provinces make the case that their people are supportive of the changes being brought forward.

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I want her to know that I agree not only with her historical perspective, but also with her hope that the people of Newfoundland will be able to move forward and get on with building the kind of education system which will provide quality, cost-effective education to all students of Newfoundland in a way which is unique to that province.

This will deal with much of the frustration and anxieties about which we have heard. We can set them aside. The divisiveness of the past will be in the past so that the people of Newfoundland will be able to work together in the interests of their children's education.

I thank the member for her intervention.

Mrs. Michelle Dockrill: Mr. Speaker, I thank my hon. colleague. One of the things which I hoped came from my speech this morning was that the educational system of Newfoundland is different and unique. Hopefully, as mentioned by the Bloc member, we will have unanimous consent to recommend this resolution today.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, the hon. member sat on the committee. I want to refer her to clause 2 of the amendment to term 17. It reads:

In and for the Province of Newfoundland, the Legislature shall have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

Does the hon. member feel comfortable that the state has the capacity to deal with religious courses in the total context of her speech where she referred to it as not just a course, but a faith experience as well?

Mrs. Michelle Dockrill: Mr. Speaker, in my speech this morning I tried to allow members of the House of Commons to hear what I heard during the deliberations of the committee. I felt very comfortable with the evidence I heard and, therefore, I recommend the change to term 17.

The Speaker: My colleagues, as it is 2 o'clock, we will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[English]

ARMENIAN EARTHQUAKE

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I rise in the House today to recognize the ninth anniversary of the tragic Armenian earthquake of December 7, 1988.

The magnitude of this natural disaster is almost unimaginable. Over 25,000 lives were lost and hundreds of thousands of people were left homeless and injured.

Armenians are forever grateful for the response of Canadians to the tragedy. The Government of Canada provided over \$6 million in aid to Armenia through the Red Cross and Canadians from all regions of our nation donated an additional \$2.5 million in humanitarian relief.

• (1400)

On Friday, December 5, I joined many Torontonians to donate blood to the blood donor clinic sponsored by the Armenian Relief Society to commemorate the anniversary of the earthquake.

I urge my fellow members of Parliament to join Canadians of Armenian origin and Armenians everywhere in mourning the loss of family and friends as a result of this horrible tragedy.

* * *

IMMIGRATION

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I have in front of me a Vancouver police report which is a wake-up call for the Minister of Immigration.

The report lists 32 foreign nationals who were referred by police to immigration authorities after all 32 had engaged in criminal activity in the city of Vancouver in just one 24-hour period on November 20, 1997.

The failure of the Immigration and Refugee Board to promptly deport criminals is directly responsible for as many as 9,000 assaults, drug charges and weapons offences by foreign nationals each year in Vancouver alone.

The minister recently appointed the president of the North Vancouver Liberal Riding Association to an \$85,000 a year patronage position on the IRB. It is about time she cut out the patronage and started fixing the problems instead.

How many more crimes, how much more cost to taxpayers, how much more violation of our borders do we have to put up with before the minister will act?

* * *

CASTLE OF GOLD

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, on behalf of the minister of public works I took part in a special ceremony last week in the historic French community of Maillardville, B.C.

Working with various local groups such as the Village Seniors Equity Co-operative and the city of Coquitlam, CMHC helped make this 32-unit housing project, known as the Castle of Gold, become a reality for local francophone seniors.

Thanks to a partnership between the federal government and private agencies, the increasing needs of our seniors are being

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addressed. It is another good example of the government working to enhance the lives of Canadians.

* * *

[Translation]

PIERRE PERREAULT

Mrs. Madeleine Dalphond-Guiral: Mr. Speaker, Saturday evening, in Montreal, it was a time of celebration for the many guests at the dinner marking the 50th anniversary of the Mouvement national des Québécoises et des Québécois.

Like the movement's president, Monique Vézina, I want to pay tribute to the MNQ, which, through the unrelenting dedication of its members, has been supporting the Quebec people in its difficult yet necessary quest for identity. On that occasion, the MNQ silver medal was awarded to the man from the "pays sans bon sens", poet and filmmaker Pierre Perreault.

Pierre Perreault is a true Quebecker who wants to have his own country, and it is with great respect and admiration that we congratulate him on this outstanding recognition bestowed on him by the Mouvement national des Québécoises et des Québécois.

* * *

[English]

ST. JOHN AMBULANCE

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, as Canadians prepare for the next millennium, St. John Ambulance will also begin celebrating its very own millennium anniversary. With nearly 1,000 years of service dating back to the Crusades, it is the oldest organized charity in the world. It is tasked with enabling people to improve their health, safety and quality of life through the provision of first aid services and training.

The Mississauga branch of the organization has spearheaded numerous community initiatives in injury prevention and heart health. Most notable is its drive to strengthen the chain of survival for citizens in Mississauga and throughout the region of Peel.

To this end a firefighter defibrillation program was recently co-ordinated that enabled the Halton-Mississauga ambulance services to become eligible for the OPALS paramedic program and to champion a student CPR program that will see 14,000 grade 9 students trained to react to a cardiac emergency.

The work of the Mississauga branch of the order of St. John—

The Speaker: The hon. member for Lambton—Kent—Middlesex.

HEMP

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, new regulations allowing hemp cultivation would create a potential multimillion dollar industry and add export muscle to our economy.

Over \$3 million is waiting to be spent on seed, equipment and market development by new companies in Paincourt, Exeter and Port Severn, to name a few.

Commercial hemp was once a thriving industry in Lambton county in the 1940s. Hemp fibre can be used to make carpeting, clothing, bags and cardboard.

Hemp is an alternative crop to tobacco and uses no pesticides. The health minister is working on regulations to govern this new business so the 1998 hemp growing season can begin a successful new chapter in Canada's export capabilities.

* * *

• (1405)

NATIONAL HIGHWAYS

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, the last best west was developed with the help of railways. Railways were built and have continuously operated in western Canada with massive government assistance.

Now railways are pulling up stake and leaving town. Rail line abandonment is a real threat on the prairies. The government invested in the only infrastructure able to efficiently transport grain. With that gone, there is no viable route for grain. Our roads are in shambles and our elevators are closing.

The federal government must invest in new infrastructure. The National Highway Act of 1919 has to be taken off the back burner and put on the front of the agenda.

Without a co-ordinated highways program many farmers will lose their livelihood because of not being able to haul their grain.

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CANADIAN WILDLIFE SERVICE

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, I would like to draw to the attention of the House the 50th anniversary of the Canadian Wildlife Service and the celebration of 50 years of wildlife preservation in Canada.

Since its creation in November 1947 by the government of William Lyon Mackenzie King, the Canadian Wildlife Service has instituted many extraordinary programs that protect the Canadian wilderness and enhance environmental awareness of Canadians.

Such initiatives include research into the effects of toxic chemicals on the Great Lakes, which has led to the banning of DDT chemicals in Canada; conservation policies such as the Canadian Wildlife Act and legislation to protect endangered species; and a network of national wildlife areas and migratory bird sanctuaries that protect over 11 million hectares of land for wildlife. The list goes on.

I would like all members of the House to congratulate the Canadian Wildlife Service for its distinguished service to the people of Canada. Without such agencies our children and grandchildren may not have the opportunity to enjoy the varied beauty of the Canadian wilderness.

May the Canadian Wildlife Service continue to serve the people of Canada and the world for generations.

* * *

VIOLENCE AGAINST WOMEN

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, December 6 is the day that should forever be remembered by all Canadians.

It was eight years ago last Saturday that 14 young women lost their lives at the Ecole Polytechnique de Montreal for no reason other than they were women. All the women massacred were between the ages of 21 and 31, in the prime of their lives.

The government has worked hard to try to protect women from violence. We passed tough gun control legislation, eliminated self-induced intoxication as a defence for violent crimes, strengthened the effectiveness of peace bonds to keep abusers away from women and children, and toughened the Criminal Code to deal with high risk offenders.

It is not a problem that government alone can solve. It is a societal problem. Only when there is an end to discrimination and violence and when there is true equality of opportunity for women in society will women feel safe in their communities.

I call on all Canadians to—

The Speaker: The hon. member for Longueuil.

* * *

[Translation]

LEADER OF THE BLOC QUEBECOIS

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, last week, the leader of the Bloc Quebecois was touring western Canada to talk about the Quebec people to Canadians and explain our sovereigntist option.

Always respectful and concerned with advancing our cause, he proudly represented the Quebec people in the rest of Canada. The Bloc Quebecois' mission is to represent the interests of the Quebec people, which necessarily entails achieving sovereignty while

offering to form a partnership with the rest of Canada. We want the Canadian people to understand where we are coming from.

Contrary to what Guy Bertrand and other radicals may say, Quebecers need hope and achieving sovereignty is the hope that brings our people together.

Our party will continue to defend the option that is at the heart of our action in Quebec, in Canada and around the world, namely sovereignty for Quebec.

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[English]

HUMAN RESOURCES DEVELOPMENT

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, the Liberal Party of Canada is taking “extraordinary measures” according to their political boss Senator Dan Hayes.

The Minister of Human Resources Development is planning a staged announcement of six transitional job fund projects in Manitoba totalling \$1.7 million.

An HRD faxed memorandum addressed to an official at foreign affairs asks whether the member for Provencher or the member for Winnipeg Centre should make roll up announcements and site visits, but all six project locations are in Churchill and Selkirk—Interlake ridings.

To include the local MP irrespective of party in announcements would be extraordinary. What is not extraordinary is for the foreign affairs minister to use public moneys for purely political purposes.

* * *

• (1410)

A HISTORY OF THE VOTE IN CANADA

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, universal suffrage, or rather the right to vote, is an essential element of democracy. Indeed some would say it is democracy itself.

A new book entitled *A History of the Vote in Canada* tells the story of the vote from the time of the first elected legislatures in what is now Canada up to the most recent federal election. It traces changes in vote eligibility, electioneering, voting practices and voter turnout since Confederation.

Full of rich illustrations, period photographs, drawings and cartoons, this fascinating book recounts how the right to vote has evolved over the past 250 years.

The book is not only an excellent educational resource but a durable reminder for Canadians of the significance of the right to vote and of the leadership roles that Canada has played in election practices.

A History of the Vote in Canada is available at bookstores across the country.

S. O. 31

POVERTY

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, food bank organizers have called on the federal government to reassert national standards for social programs at this week's first ministers conference. They are asking the first ministers to repair the damage they have done to the poor.

The federal transfer cuts to the provinces have been devastating. At the same time the Minister of Finance has created a general atmosphere of cynicism and doubt in the minds of people toward the legitimacy of the poor. That has led to reduced food bank donations. First the people are devalued and then others do not feel as guilty about turning their backs on them. Even at this holiday time of giving and sharing we feel hardening of attitudes toward the poor.

The prime minister must recommit to all Canadians, most important the vulnerable; give back some of the surplus money he has been bragging about; and make sure the poor have food, shelter, a job and basic needs to live with decency and dignity, unless like the Grinch the prime minister looks inside himself and finds his heart is two sizes too small.

* * *

[Translation]

TOBACCO INDUSTRY

Mr. Guy St-Julien (Abitibi, Lib.): Mr. Speaker, bye bye Imperial Tobacco. That was my reaction when I read that the tobacco company was withdrawing its sponsorship from the major events it used to support, the Formula One Grand Prix and the International Tennis Championships. I call on Imperial Tobacco to take the money it now puts into sponsorship and make it available to the public for improved health services and a cleaner environment in front of Canada's public buildings.

I also congratulate our Prime Minister, who said: "For us, the health question is fundamental. We have decided to loosen the law in certain areas, but we have no intention of abolishing the law."

Since these tobacco companies have not done too badly to date, even going so far as to deny repeatedly that tobacco was a health hazard until major studies forced them to sing a different tune, I am not sorry to see the last of Imperial Tobacco. Let us get to work to help the organizers of major cultural and sports events find alternative funding that will put them on a more solid footing in Quebec.

I think it is time we said bye bye to smoking and hello to good health.

The Speaker: The hon. member for Tobique—Mactaquac.

[English]

HELICOPTERS

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, since the Liberal government took office in 1993 there have been 770 emergency landings by *Sea King* and *Labrador* helicopters, including two deaths in 1994.

It costs \$66 million a year and takes up to 30 hours of maintenance for each hour of flying to keep these aging helicopters in the air.

Last month six *Labrador* choppers were grounded for two weeks and we learned that the *Sea Kings* have cracks in their airframes.

This weekend the navy's entire fleet of *Sea Kings* was grounded because of a problem with the hinge assembly on the main rotor head. The Minister of National Defence described the situation as being not very much of a problem at all.

In case the minister has not noticed, the main rotor is the device that keeps the helicopters in the air. It is not good enough to patch and bandage these old machines at great expense to the taxpayers. It is time the government showed some leadership by announcing a replacement helicopter contract.

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[Translation]

BUSINESS SERVICE CENTRES

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, I would like to take the brief time available to me to tell members of the House some good news for the greater Quebec City area.

On December 5, the Secretary of State responsible for the Federal Office of Regional Development for Quebec announced that Ressources entreprises de Québec will be joining the Canada business service centre network. This means that businesses in the Quebec City region, as well as those in eastern Quebec, will have direct access to information on programs and services available from the Government of Canada.

Our government is proud to be associated with this initiative, to which it has contributed almost \$1.2 million in funding.

● (1415)

Our objective is to take action to help Canadian businesses develop and to simplify their operations. The arrival in the Quebec City region of a business service centre is eloquent testimony to the approach we are taking to ensure the growth of businesses in this wonderful country called Canada.

ORAL QUESTION PERIOD

[English]

SOCIAL PROGRAMS

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, this week the prime minister will be meeting with the premiers to talk about social programs.

When these social programs like medicare were introduced years ago Ottawa paid a large portion of the bills, and that was how Ottawa was able to spend its way into areas of responsibility that belonged to the provinces like health care and education. Today Ottawa still wants to control the programs but it has cut the transfers to pay for them.

Why does the federal government think that the premiers will allow it to micro manage social programs after having gutted the transfers to the provinces?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, Canadians have said, if we look at press reports, that they want a national medicare program, they want national standards and they want the federal government to work in partnership with the provinces. This is exactly what we are doing and what we will continue to do.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, but partnership used to mean 50:50. When medicare started out the federal government agreed to pay 50% of the approved costs. This year the federal government is down to paying 10% of the cash required to run hospitals.

The premiers want to talk about one of the key areas in this Calgary declaration, the seventh point, about genuinely respecting provincial jurisdiction.

Why does the federal government insist on running social programs while slashing and cutting their funding? Is this really the way to improve federal-provincial relations?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, it is odd that the hon. Leader of the Opposition would raise this issue on the very day on which we are introducing the amendment to increase the transfers to provinces next year.

As of next year, indeed as of this fiscal year, we will be transferring the cash portion of \$12.5 billion to provinces, an increase over what had been intended because this government puts a priority on health care. It puts a priority on preserving and strengthening medicare in this country.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the cut in transfers was over \$7.5 billion.

There is one answer to this federal-provincial relations problem in social programs and that is rebalancing the federal and provin-

Oral Questions

cial powers. This is a unifying concept that has support in Quebec, more support than the symbolic recognition of distinct society and uniqueness.

The rebalancing of powers is something that both helps social programs and unites the country.

Why does the federal government not simply accept rebalancing as a concept and put it on the agenda at this meeting with the premiers?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Minister of Health has just announced the irony in the Reform Party's talking about these cuts to transfers on the very day when he and I will be rising in this House to announce that in fact we are increasing them by \$1.5 billion a year.

What is particularly obscene about the Reform suggestion on the day we are about to increase those transfers is that the Reform party says, and I am quoting from the taxpayers budget, a Reform government contributes—

The Speaker: The hon. member for Edmonton North.

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KYOTO

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, talk about balance. It is only a Liberal who could cut \$7.5 billion and then say they are adding \$1.5 billion and it is a really good deal for the Canadian economy.

Likewise, the Minister of the Environment said in Kyoto that she might just sort of change the targets. She has hinted that she would impose even more drastic regulations on Canadian industry.

Since the finance minister surely has some idea of the economic impact costs of this Kyoto deal and what might happen if the environment minister changes again, is there an economic study? If not, why not? If so, where is it?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the ministerial portion of the Kyoto meetings is under way. There is active negotiation.

• (1420)

It is very interesting that Steve West, energy minister of Alberta, is quoted in the press as saying: "I have assurances from the top of our delegation that Alberta's best interests in industry would be protected". If Mr. West is willing to accept that, I do not see why the Reform Party cannot do it as well.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, those same representatives who had assurances in Regina found out pretty quickly, within eight days, that the federal minister changed her mind just like that.

There is a serious problem here. The provinces have done some economic impact studies on what this Kyoto deal will cost. B.C.

Oral Questions

and Alberta have backed off and the Saskatchewan delegation was so disgusted that it cancelled its plane ticket to Kyoto.

I want to ask the finance minister this question, not the man for all seasons. How can the finance minister think he can force this deal on the provinces economically, especially when he stands up in this House and brags about this new spirit of—

The Speaker: The hon. Minister of Finance.

Hon. Paul Martin (Minister of Finance, Lib.): Mr Speaker, the Reform Party has so far failed to put forward its position. The basic question is whether the Reform Party has calculated the cost of not doing it. Has the Reform Party calculated the cost of global warming? Has the Reform Party calculated the cost of this country's not going along with the United States? Has the Reform Party calculated the cost of not upgrading our technology? Has the Reform Party calculated the cost of isolating ourselves from the rest of the world?

* * *

[Translation]

QUEBEC'S SOVEREIGNTY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last weekend, the Prime Minister said that the federal government would negotiate with the Quebec government should the yes side win. Through this statement, the Prime Minister finally recognized the right of Quebecers to determine their future democratically.

Will the Acting Prime Minister acknowledge that the negotiations alluded to by the Prime Minister last weekend would not only deal with issues of common interest, but also with future relations between the two sovereign states?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the results of a poll published in today's *Globe and Mail* confirm what we already know, namely that two out of three Quebecers are deeply attached to Quebec and to Canada.

We want to assure our fellow Quebecers that they will never lose their country through tricks and confusion.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it is not much of an answer.

I remember one poll that was not very favourable, when the Prime Minister spoke just before the referendum. We saw what happened. The government must recognize that sovereignty is a possibility.

Therefore, does the government not agree that a commission such as the Bélanger-Campeau commission—in which the Prime Minister took part—should be set up to look at two scenarios:

Canada with Quebec, and Canada alongside a sovereign Quebec? It would be the responsible thing to do.

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, Quebecers have already expressed in various ways what they feel would be a clear question. According to a poll conducted in February 1995, 73% of Quebecers felt that the referendum question should be "Are you for or against Quebec separating from the rest of Canada"?

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

Last weekend, the minister said that the federal government would not immediately leave Quebec following a referendum victory for the yes side.

Are we to understand that the minister finally realized that the sovereignist project does not provide for an immediate breakup following a winning referendum, but for a year of negotiations between Quebec and Ottawa, before sovereignty is proclaimed?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, speaking of confusion, let us look at the process set up by Mr. Parizeau. Barely a few weeks before the last referendum, 53% of Quebecers believed that sovereignty could be achieved only after reaching an agreement with Canada.

Yet, Mr. Parizeau's objective was to achieve sovereignty as quickly as possible, with or without an agreement with Canada, a partnership proposal which Mr. Bouchard called sketchy.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, now that the minister admits there will not be an immediate breakup following a referendum, will he also agree that the best attitude for everyone during this period will be one based on common sense, openness and mutual respect?

• (1425)

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Absolutely, Mr. Speaker, and common sense, openness and mutual respect mean that we should undertake negotiations on secession only if we have the assurance that it is clearly what people want, that they want to stop being Canadians and become part of an independent Quebec, through a clear and legal process, free of confusion and tricks.

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[English]

SOCIAL PROGRAMS

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the NDP believes that the future of Canada and the future of

Oral Questions

Canadian unity is as bound up with how Canadians feel about their country and whether they feel we are continuing to be a caring community as it is with any other constitutional matter.

In that respect, I want to ask the Deputy Prime Minister or perhaps the Minister of Finance will the Prime Minister be going to the first ministers meeting this week with a plan for the reinvestment in and revitalization of medicare and other social programs so that we have meaningful social standards and Canadians can feel they belong to a community and not just a marketplace?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the NDP spokesman has stated very well the approach of the prime minister. We want to strengthen our medical and health care systems. We want to strengthen our social programs. We want to do this working together with the provinces and all Canadians. This very much will be on the mind of the prime minister as he sits down with the premiers at the first ministers conference.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, it is not often you get three ministers rising to answer your question.

The question remains unanswered. Will the prime minister be going to the first ministers meeting with a plan for the revitalization of and reinvestment in medicare and for bringing back national standards for social programs?

Do not give us this bit about what they are going to do this afternoon, announcing something that they have already announced and making a big deal out of it. We want to know when they are going to restore the cuts that have damaged Canadians' confidence in themselves as a caring community.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member wants to know that we are prepared to reinvest more money but does not want to hear that we are reinvesting more money, if I understand his position.

We have a plan. This is the party that introduced medicare. We have no lessons to learn from the New Democratic Party. Rather than engaging in flights of rhetoric and self-righteous allegations, what we are doing is acting. We are reinvesting over \$4 billion over the next four years in medicare. Canadians know that is a strong signal that we are committed to maintaining the strength of medicare.

[*Translation*]

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, we heard all the fine rhetoric from the Liberal Party of Canada in 1993, when it guaranteed Canadians funding for health care and education. Instead, it has unilaterally cut transfers by \$6 billion.

I would like to know today if this government will, first, give provincial governments the assurance that it will not make

unilateral cuts and, second, agree to the principles of joint management and decision making in areas of shared jurisdiction.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, what the hon. leader of the Conservative Party should consider is that not only will we be announcing that \$1.5 billion will be reinvested every year following a successful deficit reduction program, but the Minister of Human Resources Development has already announced not only a first phase of \$850 million but a further \$850 million in support will be provided for children. We have lowered employment insurance premiums and reinvested funds in research and development.

Thanks to this government's efforts to clean up the nation's finances, Canada is now in a position to invest in the future.

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, this effort to clean up the nation's finances was made at the expense of the sick and the unemployed.

[*English*]

I would like to know whether this government is going to do like it did in 1993 when it guaranteed Canadians funding for health care and education then cut unilaterally \$6 billion. I would like to know whether at the FMC it will propose principles of shared management in the areas of shared jurisdiction so that never again will we have a government that cuts transfers unilaterally as was the case in the last Parliament.

• (1430)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, it is personally indecent that this is coming from the leader of the Conservative Party who during the election campaign said that his party was going to cut environmental spending. It was going to cut spending in agriculture. It was going to cut spending in every one of our social programs.

Having stood up all through that election campaign saying that it was going to gut our social programs, along with the Reform Party, now the leader of the Conservative Party has the gall to stand up here and complain when we are in the process of reinvesting in the future of Canadians. He ought to get his facts straight.

* * *

CANADA PENSION PLAN

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, today the B.C. government released yet another devastating warning about the Liberal 73% CPP payroll tax hike. This latest study says the increase will cost the B.C. economy 9,100 jobs by 2001.

Why would this government bulldoze ahead with its new CPP tax grab when in British Columbia alone it will put over 9,000 people out of work?

Oral Questions

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the lack of coherence of the opposition manifests itself in this case not only with the Reform Party but with the NDP. Again the member for Calgary—Nose Hill refuses to acknowledge the fact that there is a \$600 billion liability.

Why the NDP did what it did, I am not quite sure, given the fact that it was the position of the NDP government that the premiums should go higher and that there should not be any reductions in benefits.

* * *

THE ECONOMY

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, this government is a wolf in sheep's clothing. It is cutting transfers to the provinces net by \$6 billion and now it wants credit for returning a little bit, a fraction of what it has stolen from Canadians.

The Speaker: I would prefer that the hon. member not use the word "stolen", and please get to the question.

Mr. Monte Solberg: Mr. Speaker, why is the government ignoring Canadians, provincial finance ministers and common sense? When is the government going to start to reduce the debt and when is it going to start to lower taxes and give Canadians tax relief? What does it have against the working poor anyway?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the difference between ourselves and the Reform Party does not lie in our desire versus its desire to cut taxes. It is that we are not prepared to do what Reformers are prepared to do to cut taxes. They would gut health care. They would cut it by \$3.5 billion to pay for their tax cuts. They would gut equalization by \$3 billion. They would gut old age pensions.

We will not do that. We will not cut taxes on the backs of the poor and seniors and those who are being hospitalized.

* * *

[Translation]

CHILD POVERTY

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the government has made the addition of another \$850 million for poor children conditional on the submission by the provinces of a reinvestment plan, for their own money, that must be approved by the federal government.

How can the federal government require the provinces to justify expenses in their own jurisdiction, and also when these \$850 million are only a small part of the \$11 billion that the federal government has cut since 1994 from the Canada social transfer?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, it is obvious that our colleagues from the Bloc are not very familiar with what is going on on the social issue.

There are absolutely no conditions related to the Canadian child benefit. This is a system designed to help children in this country and it is precisely a partnership between the provinces and the Government of Canada, in which we are investing, through the Canadian tax credit, \$850 million. The provinces have chosen to reallocate this money, according to the flexibility they have in implementing programs and services, to targeting children in low income families.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, perhaps the minister is not very familiar with what his boss is saying, because he has said over the weekend that the additional \$850 million would be available on the condition that the provinces submit a plan.

Is this not just the old habit of the federal government to move into areas under provincial jurisdiction as soon as there is money available and is the government not using poor children as hostages to impose its will on the provinces?

• (1435)

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, people really have to be paranoid not to understand what we are trying to do in this country, because with the ministerial council of the provinces and of the Government of Canada, it is a partnership, a partnership approved by Quebecers and by the other provinces in support of children in low income families.

The Conservative leader was asking a bit earlier when there would be mechanisms allowing for joint decision making and joint management in this country. So I invite the opposition to show some interest in what is happening at the ministerial council, which is a large collaborative forum between the provinces, and we have done this in support of poor children and the disabled in this country.

* * *

[English]

TOBACCO ACT

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, let me correct a statement that the finance minister made. Reform's position during the election was \$4 billion back into medicare, not the nonsense he is feeding us.

On a different issue, the tobacco companies have just taken away the sponsorship from racing and cultural groups in Canada. They want those cultural groups to do their dirty work for them.

Oral Questions

Will the Minister of Health stand up for the health of our youth rather than caving into the blackmail of the tobacco companies?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, that is precisely what we are doing. We want the tobacco companies to know that we are not the least impressed by their pressure tactics of last week, their blackmail of withdrawing sponsorship from these groups.

We committed some time ago to an amendment to the tobacco act in relation to sponsorship and that commitment remains.

We are preparing that amendment with respect to the complexity from which it arises and we shall act when we are ready. We shall not be influenced nor shall we be intimidated by the pressure tactics of the tobacco companies.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, I take it from that response that the health minister is not going to give any exemptions to anyone else other than Formula 1.

The Minister of Health has a choice. On the one hand he can have a strong, powerful bill which will protect our youth from advertising. Let the adults have their advertising, if they will. Or he can have a weak bill and cave in to the big interests of the tobacco companies. Which will it be?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member is a little behind the times. This government introduced and this House adopted some months ago the toughest tobacco legislation in the western world. We are miles ahead of other countries. We have done things which the Europeans are planning to do in several years.

In so far as sponsorship is concerned, the amendment we will make will fulfil our commitment. We will do it when we are ready, not when the tobacco companies say.

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[Translation]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, under the pretence of fighting poverty, the federal government is trying to get involved once again in areas of provincial jurisdiction. But let us talk about unemployment insurance, which comes under federal jurisdiction.

Will the Minister of Human Resources Development recognize that the reason there are way too many Canadian children living in poverty is that many parents are no longer eligible for unemployment insurance following the minister's cuts to the program?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, the issue of poverty must be tackled by all levels of government. It should not be strictly a matter of provincial jurisdiction, as the hon. member claims.

As for employment insurance, our government did what it had to do by adjusting a system which was detrimental to a large number of workers, and which had to better reflect modern labour market conditions. As you know, our legislation provides for a follow-up report on the impact of the reform. This report should be submitted by the end of the month, or in January.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, when the Liberals took office in 1993, 65% of the unemployed were collecting unemployment insurance benefits. Now, the proportion has dropped to 41%.

Does the minister realize that, had he not made these cuts, at least 335,000 unemployed workers who are currently excluded would be eligible for unemployment insurance? Do your job!

The Speaker: Questions must always be directed to the Chair. The Minister of Human Resources Development.

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I want to tell the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques that his predecessor, Maurice Duplessis, was opposed to unemployment insurance and felt we had no business in this area. Such were the orthodox and dogmatic ideologies of those people.

I looked at the employment insurance figures.

• (1440)

I also note that, in recent years, unemployment has dropped from 11.4% to 9%. This is how we measure the system's efficiency.

I can also tell you that we are closely monitoring our bold and modern reform. We will talk again about all this in January.

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[English]

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the Liberals' legal loophole called conditional sentencing has allowed convicted rapists and other violent offenders to walk straight out of court and not serve a day in jail. We asked the justice minister if she would close the loophole in the law and she has refused. Now the B.C. attorney general is making the same demand, citing over 900 cases in his province where this legal loophole has been applicable.

Oral Questions

Will the justice minister close this legal loophole and ensure convicted rapists and other serious violent offenders are jailed and not allowed to walk free?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member knows full well that it was never the intent of the conditional sentencing provisions introduced by my predecessor to apply to violent offenders or those guilty of sexual assault.

My provincial colleagues and I had the opportunity to discuss this issue on Thursday and Friday in Montreal. We have all agreed that we will continue to monitor the use of conditional sentences very closely.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, obviously the justice minister is unconcerned about innocent men, women and children who are being victimized by these people and there is no deterrent whatsoever in the law. In fact, a briefing note from the minister's own office indicates that not only are the conditional sentences not being monitored but also there is no offence for a breach, which is unacceptable.

We ask the justice minister one more time. Will she amend this loophole in the law and do something about this dangerous piece of legislation and protect the innocent people of this country from these dangerous offenders?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me say again that my provincial colleagues and I had the opportunity to discuss this issue in Montreal last week. We have agreed in principle that conditional sentencing is working well. However, we have decided to monitor the use of conditional sentences very closely. I want to reassure the hon. member here this afternoon that if it becomes necessary to amend the provisions, I will do so.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, when the Minister of Human Resources Development makes cuts that deny 335,000 individuals EI benefits, he is plunging many children into poverty.

Instead of singing us his usual tune, could he not, with Christmas approaching, show a little more compassion towards poor children by making it easier for their parents to qualify for EI?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I cannot understand why mem-

bers of the Bloc Québécois are objecting to what we are doing to help low-income families with children.

I hope that Quebeckers are paying attention today, because these people are not promoting the interests of poor Quebeckers in the country right now.

I am astounded that this question comes to me from a female MP. If anyone needs the system to be improved, it is women working part time. We have changed the system from one based on weeks to one based on hours in order to help women working part time, who are now covered by the system.

* * *

[English]

JUSTICE

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, Canadians would be shocked to learn that someone could be arrested in a province and be released even when there is an outstanding warrant in another province for a crime such as armed robbery. This is referred to as non-returnable warrants.

My question is for the solicitor general. What steps is he taking in co-operation with other jurisdictions to ensure that offenders arrested in one province are returned to another province where there is an outstanding warrant for their arrest?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the member's question underlines the need for governments to work together. That is why this government has taken a number of actions, including our statement on organized crime.

• (1445)

We spent two days last week in Montreal with colleagues dealing with these very issues. Under the Criminal Code—

The Speaker: My colleagues, I am having difficulty, as I know many of you are, hearing the answer. I would ask that you please keep it down.

I am returning to the solicitor general.

Hon. Andy Scott: Mr. Speaker, as I said, that is the reason why the governments are working together. Under the Criminal Code you can exercise a warrant anywhere in the country. The final decision is left to the provinces. That is the reason why the federal government and the provinces have to work together.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, on September 7 Canadians learned that our parole system failed us once again.

Cecilia and Tammy Grono were murdered in my home town of Summerland, B.C. The prime suspect is Kevin Machell. He failed to report to his half-way house while on parole and Corrections Canada officials failed to report his disappearance for 24 hours.

That month the solicitor general stated that an investigation would be conducted and a report would be filed.

The solicitor general has had three months. Where is the report and why did the parole system fail?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I thank the hon. member for his question.

The report is imminent.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, that is little comfort for the pre-school children of Tammy Grono. This parole system has failed Canadians and this minister continues to defend it.

It failed when Tammy Grono informed Corrections Canada of death threats made by Kevin Machell. It failed when there was a restraining order against Kevin Machell. It failed when Tammy Grono wrote to Corrections Canada asking to be informed of a change in status of Kevin Machell.

The minister's parole system favours the criminal. Canadians want a system that favours victims and law abiding citizens. When is this minister going to dump the current system?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I am equally committed to the safety of Canadians. That is why when there are incidents of this kind they are thoroughly investigated and changes are made to the processes in the interest of the safety of Canadians.

* * *

FISHERIES

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, on behalf of 40,000 Canadians in Atlantic Canada and Quebec, we would like to thank the Minister of Fisheries and Oceans for his comments last Friday regarding the TAGS program. I quote "We felt it was important to support these people, help these people, and we will continue to do so".

My question for the minister is now that he has committed the government to a continuation of the TAGS program, will he now tell us in this House the details of the government's new objective?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member is confused about the situation.

This government has always supported individuals who, through no fault of their own, find themselves in the type of difficulty that the Atlantic fisheries found themselves in some years ago.

We are now studying how to continue to assist those people. To suggest that a particular individual program will continue, as he has, is simply wrong.

Oral Questions

PAY EQUITY

Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP): Mr. Speaker, today workers across this country have again been disappointed by the government with no agreement on pay equity. This government has already admitted that it owes \$1.3 billion in pay equity to over 150,000 workers, mainly women.

Today Treasury Board says it will no longer negotiate with PSAC. Will this government pay the \$1.3 billion it has admitted it owes as a downpayment and continue to negotiate the balance and stop this injustice between men and women?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, yes, today I made a statement that we have now evaluated the counter-offer which was made by the Public Service Alliance of Canada. They had previously indicated that their claim was \$2 billion and they had indicated that they wanted to negotiate.

The valuation indicates that the counter-offer which was offered by PSAC is equivalent not to \$2 billion, not to \$3 billion, not \$4 billion but \$5.3 billion dollars. This is a figure that is so clearly out of the realistic proportion that it indicates that the syndicate is acting in bad faith.

* * *

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, my question is for the minister of defence.

In 1994, a Sea King flying over my city of Saint John tragically crashed and killed two crew members.

• (1450)

The families of the military have been in touch with me since 1994 looking for new helicopters. The aging Sea Kings were grounded last week for repairs. They are supposed to be fixed up for the next four or five years.

My question to the minister is for the safety of our military and for the comfort of their families, when will this government stop playing political games and announce new helicopters?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, crashes of any aircraft are most unfortunate. There are a number of reasons why they occur, not just the age of an aircraft but because of mechanical failures or human error.

We do not put these Sea Kings or any other helicopters or any other aircraft in the air unless they are safe to operate. We recently grounded our Sea Kings so that we could check them out very thoroughly. We checked them out and they are now back in the air.

Oral Questions

We know they need replacing in a few years because they are getting old and we are working to do that.

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, this government is refitting our aging, cracking, unreliable, 30-year old Sea King helicopters to last until the year 2005. These are the same helicopters that were grounded this past weekend.

This goes against the 1994 defence white paper and I have information that this will cost \$970 million. Is this government going to spend \$970 million on repairs and then spend billions on new helicopters? I do not think so.

Is it not true that this government has absolutely no intention of replacing our aging Sea Kings?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I do not think the Conservative Party has anything to tell us about helicopters. If they had not botched up the last deal, we certainly would have been able to resolve this at a far cheaper price, which is what this government will do.

It will meet our operational requirements. It will get the kind of helicopters we need and at a price that is affordable to Canadians.

* * *

TAX EVASION

Ms. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I wholeheartedly embrace the notion that my Quebec is unique from the rest of Canada but I cannot believe that Quebec is unique from the rest of Canada when it comes to tax fraud by restaurants using high tech software tools to conceal real sales figures and taxes.

I want to know what the Minister of National Revenue is doing about this kind of tax evasion across Canada.

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I want to assure the member that we take action to ensure that all Canadians pay their fair share of taxes right across this country.

I also want to assure the member that at Revenue Canada we have forensic specialists. We have people who directly deal with computer fraud and who will ensure that we continue the good work at Revenue Canada. We ensure that all Canadians and all businesses pay their fair share of taxes.

They do. Most Canadians abide by our self-assessment program and businesses pay their taxes. We will continue the good work that we have been doing right across Canada.

* * *

THE SENATE

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, while Senator Andrew Thompson shirks work and walks his dog under

the Mexico sun, a Senate subcommittee has reached a landmark decision. Thompson should not get a salary if he does not show up for work.

An hon. member: Oh, no.

Mr. Rob Anders: Good work, senators, but Thompson is not the only Senate no-show. Senator Eyton, for example, has just barely beaten Thompson's attendance record and showed his face in the upper house a whopping seven days out of 91.

Will the real Prime Minister stand today and keep Liberal promises to make the Senate accountable, or will he defend these absentee appointees of the red chamber?

The Speaker: I do not know if there is someone in the government who would like to address the question. I cannot see it attached to the administrative responsibilities of this government.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, first of all, you would hardly expect somebody on the Liberal side of the House to be defending a Conservative senator.

Second, the hon. member's question does not pertain to anything within the administrative responsibilities of the government. We do not control the salaries or office space or whatever of the senators. It is a matter for the internal management of the Senate.

We all hope they will deal with it as quickly as possible so that the kind of conduct that upsets us and so many Canadians will not continue.

* * *

● (1455)

[Translation]

CANADIAN BROADCASTING CORPORATION

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, the Quebec wing of the Liberal Party of Canada has just passed a resolution that the CBC be used to help promote national unity.

Are we to understand that the Minister of Canadian Heritage wants to regularize what she has been trying to do for two years, which is to make the CBC into a propaganda tool? Is she finally going to make it into a pro-unity tool?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): No, Mr. Speaker.

* * *

SEASONAL WORKERS

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the Minister of Human Resources Development is aware of the fact that, because of the fisheries crisis and the nature of seasonal work, hundreds of workers do not qualify for employment insurance for lack of the requisite number of hours worked.

In many cases, these families are not eligible for welfare. As a result, they cannot afford to put bread on the table.

Did the minister sign an agreement with the provinces as he did in the past to ensure that the workers have the required number of hours worked to qualify for employment insurance so that they can have something to eat at Christmas?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, as you know, we are very concerned by the plight of seasonal workers. We are monitoring our reform very closely. In fact, we have asked that, one year into this reform, we have an opportunity to assess its impact on workers. This assessment will take place in January, after I have received the report.

I must add that we are committed to helping seasonal workers find work. The transitional job fund was established to create jobs, and we have active employment measures to help these workers participate in the labour market—because that is what they want—year round.

* * *

[English]

NATIONAL DEFENCE

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, this government believes that buying new helicopters is some sort of joke, but nobody is laughing. Charging Canadians over \$500 million for nothing is no joke, it is an embarrassment. The Minister of National Defence said that he would make an announcement on a new search and rescue helicopter soon. That was 79 days ago. Will the government make an announcement on the new helicopters before Christmas or will the bidding process start all over again in January for a third time?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member is correct that this matter is no joke. It is a question of providing the right kind of equipment for our search and rescue technicians to be able to go out and rescue people, to save lives in this country and on its shores. We want to make sure we get the piece of equipment, the helicopter that will best meet their needs at a price that is affordable to Canadians.

* * *

AGRICULTURE

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food. This federal government has the responsibility to aggressively support and defend the agricultural industry and in particular supply management.

Routine Proceedings

Is this minister prepared to sit down with representatives of the Dairy Farmers of Canada and once and for all resolve this butter oil situation? How does he intend to address their concerns on this very important issue?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the government certainly recognizes the concerns of the dairy industry and its representatives on this issue. We have been monitoring with them the level of imports of butter oil and sugar blends. I have met personally, as have officials of my ministry and other ministries, with the officials of the industry a number of times.

My colleagues and I are working on a method to address the issue, and that will be consistent with our international rights and obligations.

* * *

FOREIGN AID

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, Canada has sent over \$10 million in food aid to North Korea. We have leaked documents that show the minister knew there were problems with distribution. Canadians want to be sure the food goes only to the starving civilians. World food monitors in North Korea can account for only 30%.

Despite knowing the food distribution system had problems, how could the CIDA minister justify her decision to send \$10 million in food aid and how does she know where it went, for example not to the brutal army?

• (1500)

Hon. Diane Marleau (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, the \$10 million does not go to North Korea. It goes to Canadian farmers to buy wheat and it goes to Canadian fishers to buy fish, canned fish that is processed in Canada.

Second, North Koreans have kept very good records. There have been monitoring teams that have gone in and have told us that the food is reaching the orphans and the people it was meant to feed.

ROUTINE PROCEEDINGS

[English]

REPORT OF PARLIAMENTARY LIBRARIAN

The Speaker: I have the honour to lay upon the table the report of the parliamentary librarian for the fiscal year ended March 31, 1997.

*Routine Proceedings***WAYS AND MEANS**

NOTICE OF MOTION

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, pursuant to Standing Order 83(1), I wish to table a notice of ways and means motion to amend the Income Tax Act and certain related acts, as well as explanatory notes. I ask that an order of the day be designated for consideration of the motion.

* * *

ORDER IN COUNCIL APPOINTMENTS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of order in council appointments which were made by the government.

Pursuant to the provisions of Standing Order 110(1) these are deemed referred to the appropriate standing committees, a list of which is attached.

* * *

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 15th report of the Standing Committee on Procedure and House Affairs regarding associate membership of the liaison committee.

If the House gives its consent, I intend to move concurrence in this 15th report later this day.

[Translation]

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I have the honour to table in both official languages the second report of the Standing Committee on the Environment and Sustainable Development.

[English]

In accordance with its mandate under Standing Order 108, your committee undertook the consideration of climate change issues in

relation to Canadian preparations and participation at the conference of the parties of the UN convention on climate change presently sitting in Kyoto.

Pursuant to Standing Order 109, the committee requests the government to table a comprehensive response to this report.

• (1505)

An important overall conclusion of our committee is that the challenge of climate change offers a unique convergence of economic and environmental goals. The economy can only benefit from energy efficiency, energy innovation and the prolonged life of fossil fuel reserves through more careful consumption.

* * *

[Translation]

EMPLOYMENT INSURANCE ACT

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ) moved for leave to introduce Bill C-295, an act to amend the Employment Insurance Act 1997 (schedule I).

He said: I thank the hon. member for Acadie—Bathurst for passing over the national issue in favour of an important social issue by choosing to support this bill, which is intended to restore to unemployment insurance its objective of ensuring unemployed people of a decent income while between jobs, particularly the seasonal workers who have to live through what is termed the spring gap, those ten weeks yearly when, as a result of the Liberal reform, we are unable to ensure hundreds of thousands of citizens of Quebec and Canada of a decent living.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ): moved for leave to introduce Bill C-296, an act to amend the Employment Insurance Act, 1997 (rate of benefits).

He said: Mr. Speaker, it is my pleasure to introduce a bill to change the calculation of employment insurance premiums. This bill if passed will eliminate from the calculation of benefits the many rules reducing the amount of benefits recipients are entitled to.

The bill aims to have benefits represent 55% of earned salary. We will thus be a little more compassionate with workers facing a period of unemployment. I seek the support of all parties in this House.

(Motions agreed to, bill read the first time and printed)

EMPLOYMENT INSURANCE ACT

Mr. Benoît Sauvageau (Repentigny, BQ): moved for leave to introduce Bill C-297, an act to amend the Employment Insurance Act, 1997 (section 15).

He said: Mr. Speaker, I am pleased, like my colleague from Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, to introduce an amendment to this act to eliminate a rule known as the intensity rule, which imposes a sliding scale—from 55% to 50%—in the rate of benefits paid out to those regularly drawing on employment insurance.

We need only recall the technocrat speech delivered to us in question period and the insensitivity to those hit by unemployment, especially the seasonally unemployed and the frequent users, whom the minister wants to penalize with a 5% cut to their benefits.

In the face of this unfair rule, I propose the pure and simple abolition of the intensity rule.

(Motions agreed to, bill read the first time and printed)

* * *

• (1510)

EMPLOYMENT INSURANCE ACT

Mrs. Christiane Gagnon (Québec, BQ) moved for leave to introduce Bill C-298, an act to amend the Employment Insurance Act, 1997 (qualifying for benefit).

She said: Mr. Speaker, this bill, which seeks to ease the qualifying rules, is part of a concerted action by the Bloc Québécois.

It proposes, among other measures, to correct two inequities affecting newcomers on the labour market, people who return to the labour market after two years absence and women who stay at home to raise their children. These people must work 910 hours, instead of 420 to 700 hours, depending on the regional rate applicable to other workers. This creates two categories of unemployed.

The bill also seeks to eliminate the two categories of unemployed created by the current legislation, namely those who worked 700 hours and those who worked less than 700 hours. It is impossible for those who worked less than 700 hours to obtain parental leave or sick leave. This is why we must support this bill.

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

*Routine Proceedings***EMPLOYMENT INSURANCE ACT**

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ) moved for leave to introduce Bill C-299, an act to amend the Employment Insurance Act (premiums and Employment Insurance Account).

She said: Mr. Speaker, everyone knows that the EI fund is paid for by employees and employers. It is therefore clear that this fund should be separate from the federal government's general operating budget, as opposed to the present state of affairs.

The purpose of the bill is twofold: first, to give the Employment Insurance Commission exclusive authority for setting premium rates; second, to ensure that there is a specific Employment Insurance appropriation account, for the very purpose of preventing the Liberal government and perhaps others from continuing to dip blithely into the fund belonging to workers and employers.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved for leave to introduce Bill C-300, an act to amend the Employment Insurance Act (refund).

He said: Mr. Speaker, following on the initiative of a generous man, and I am obviously referring to the member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, I am pleased to introduce a bill to amend the refund level. The purpose of my bill is to allow those with insurable earnings under \$5,000 to obtain a refund of their EI premiums.

The purpose of this bill is to extend this refund to all persons whose insurable earnings are less than \$5,000 so that this measure applies to the majority of those who pay premiums without qualifying for benefits.

This is a generous bill. It is a bill with a social conscience. I think that is what sets us apart from the members opposite.

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

* * *

• (1515)

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if

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the House gives its consent, I move that the 15th report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to)

* * *

PETITIONS

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the honour to present a petition from a number of Canadians, including from my riding of Mississauga South.

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

The petitioners also agree with the national forum on health recommendation that the Income Tax Act discriminates against families that provide care in the home to preschool children because the act does not take into account the real cost of raising children.

The petitioners therefore pray and call on Parliament to pursue initiatives to eliminate tax discrimination against families that choose to provide care in the home to preschool children.

* * *

[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.

[English]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I rise on a point of order.

On October 2, 1997, I placed Question No. 21 on the Notice Paper. This asked a fairly straightforward and simple question about visits by ministers to the Drummondville, Trois Rivières vicinity during a 10 month period between August 1996 and June 1997.

Can the hon. parliamentary secretary indicate when we might expect an answer to this rather uncomplicated question?

Mr. Peter Adams: Mr. Speaker, I thank the member for the question. I will certainly look into it.

The Deputy Speaker: Is it agreed that all questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

**AMENDMENT TO THE CONSTITUTION OF CANADA
(NEWFOUNDLAND)**

The House resumed consideration of the motion.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, today I will be sharing my time with the very distinguished member from the great and historic riding of Saint John, New Brunswick.

I am standing here for the final time to state my opposition to what the House is doing before we take the vote tomorrow evening on the proposed amendment to term 17, which is going to wipe out forever our province's denominational schools. The right to those schools is held by the various faith groups, as we are all aware, and there has been absolutely no attempt to get the permission of these groups before we forge ahead with what we are doing.

Instead, the Government of Newfoundland and Labrador held a general referendum wherein the rights of the minority were subject to the will of the majority. Ultimately the courts will decide on the legitimacy of taking away a minority right without the demonstrated consent of the minority. Such a case is currently before the courts.

I should remind the House that the supreme court did rule on the consensus required to amend the constitution back in Prime Minister Trudeau's day. However, it remains to be seen if the court will rule on the scope and nature of the consensus required to wipe out a minority right. Yet we are plunging ahead today anyway.

● (1520)

As we are all aware, the school system in Newfoundland, the Christian based schooling of Newfoundlanders, will be a thing of the past when this amendment passes. Religious instruction will be replaced with courses about religion and I, as one citizen, do not regard that as progress or reform.

A week or so ago I had the opportunity to serve on the joint Senate-House of Commons committee that was holding hearings on the proposed amendment to term 17. The MP for Burin—St. George's was our regular representative on that committee, but he was travelling in Atlantic Canada with the federal fisheries committee and I had the opportunity to take his place for a while. I would like to share some of the impressions arising from my service on that committee.

There were passionate presentations before the committee from Newfoundlanders who were for and against this amendment. I was around for about 15 or 20 presentations. The Newfoundland-Labra-

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dor Teachers Association, the Integrated Education Committee, the Education First group, which I did not hear, all spoke strongly in support of the elimination of the denominational system of education. We heard representatives of the Seventh-Day Adventists, the Pentecostal Assemblies and the Catholics who vigorously defended the maintenance of these denominational rights.

At the end of the week the committee received a second visit from Newfoundland's minister of education, Roger Grimes, but I do not feel the minister's second visit was in response to the presentations made by Newfoundlanders. I feel the minister's visit was prompted by testimony from a couple of professors from New Brunswick. I want to elaborate a bit on that.

Professor Donald J. Fleming of the University of New Brunswick, faculty of law, and Dr. Patrick Malcolmson, associate professor of political science from St. Thomas University in Fredericton, had earlier given presentations on the legal implications of the new proposed term 17.

I have no legal background and I have no great legal knowledge. I am repeating what I heard from these gentlemen. The bottom line on those presentations was that our new term 17 will be subject to the Canadian Charter of Rights and Freedoms and that the term's clauses will be interpreted by the courts in accordance with the provisions of the charter. The original term 17 and the most recent term we had, the Clyde Wells amendment as I like to call it, were exempt from the scrutiny of the charter because of the original Confederation compromise.

In 1867 the Confederation compromise meant a guarantee of Catholic minority rights in Ontario and Protestant minority rights in Quebec. In Newfoundland that meant a guarantee of denominational rights for a number of Christian denominations at the time of Confederation back in 1949. Because these Confederation rights were established before the charter came into being, the provisions of the charter do not apply to these particular rights. Confederation rights are not subject to the charter of rights and freedoms, and of course we all agree that is why Catholic education today survives in an Ontario education system that is otherwise completely secular.

The new term 17 before us today rejects the denominationalism of the original Confederation compromise and is exempt from scrutiny of the charter. Therefore in any future court case provisions in the new term 17 for religious education and observances will be subject to the charter.

• (1525)

Again, I do not have any legal background. I am simply repeating what I have heard these very learned and distinguished gentlemen say.

I repeat that the new term 17 rejects the denominational wisdom of the original Confederation compromise and is not exempt from scrutiny of the charter of rights and freedoms. Therefore in any future court case provisions in the new term 17 for religious education and observances will be subject to the charter of rights and freedoms. In other words, no matter what the intention of the Newfoundland government or the intention of the Newfoundland people, it is the Supreme Court of Canada which will eventually decide the scope and nature of religious education and observances in our new Newfoundland school system. That is why so many people in Newfoundland object to what is going on here.

In his second presentation to the committee the minister of education spoke with passion to the effect that he believed the Newfoundland people did not want a totally secular, godless school system. That is the way he put it. He was back to defend their position. As evidence of that he pointed to the relevant sections of term 17 which provide for courses in religion and religious observances.

The thing we have to remember is that the minister of education spoke as a politician. He did not speak as a lawyer, he did not speak as a supreme court judge, he spoke as a politician. I expected him, on his return visit to the committee, to come backed up with a battery of legal arguments about the relevant sections of term 17 and how these relevant sections could withstand a charter challenge in the courts. However, that was not the case. It was not the case because the Minister of Education could not make these legal arguments to say that the new terms would not be subject to the charter of rights and freedoms.

I have made no secret of the fact that I support denominational rights for the people who want to maintain and exercise those rights. However, assuming that the new term 17 is approved in its present form, as it appears before the House, I am not going to take any great satisfaction from the courts eventually ruling that our new system of education in Newfoundland has to be totally secular. I will not take any great satisfaction from that at all.

I sincerely hope the minister is right and that the courts will allow for some expression of religion in our schools. However, I know what we do have and I am not willing to pin the future spiritual education of our children on a hope. In other words, my short service on the term 17 committee has only strengthened my intention to vote no when this matter finally comes to a vote.

Constitutional law drawn up in the heat of the moment might be good politics for Brian Tobin and—

The Deputy Speaker: I regret to interrupt the hon. member, but his time has expired.

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Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I appreciate the intervention of the hon. member for St. John's East. I appreciate his involvement in the committee as a substitute member for the hon. member for St. John's West.

The member rightly referred to testimony which was provided by Messrs. Malcolmson and Fleming regarding certain constitutional aspects of term 17 and, as well, aspects related to the international covenant on human rights.

• (1530)

It was pointed out by the member that the testimony we received was such that in the eyes of the witnesses any constitutional provision that was made post charter, in other words post 1982, could be called into question as to being in violation of the charter because it was not part of the pre-Confederation compromise.

I would like the member to comment if during the course of the testimony, expert witnesses provided opinions as to whether or not the charter itself would be encompassed within the Constitution. The charter itself having been enacted in 1982 is a post-Confederation compromise. The expert witnesses provided testimony that anything that was post Confederation could be in violation with some other aspects of the Canadian Constitution.

The other point I would like the member to comment on in addition to whether or not the charter itself falls within the purview of the Constitution or is not in itself challengeable is whether or not the hon. member believes that the Pentecostal denomination should indeed or actually has denominational rights protected under the charter.

The hon. member is aware that the Pentecost faith denomination received Constitution protection in 1987. I believe it was Mr. Fleming who appeared before the committee and stated emphatically that in his opinion, given the fact that the constitutional protections to the Pentecostal denomination were provided for in 1987, he feels extremely strongly that the Pentecosts should not have any constitutional protection whatsoever.

I would like the member to comment please.

Mr. Norman Doyle: Mr. Speaker, I am not absolutely sure if I understand what the hon. member is getting at, nor do I think anyone else understands it.

It was made perfectly clear to all of us at that committee meeting that these two very distinguished gentlemen, Professor Malcolmson I believe and Professor Fleming, that the provisions of the new term 17 were subject to the scrutiny of the charter of rights and freedoms. It would have been very appropriate on some of these questions that the member and other members are asking if this court case had been settled and allowed to go ahead and a decision

brought down before we proceeded with what we are doing here today.

The Pentecostal Assemblies he makes reference to were given constitutional protection back in 1987. There is no dispute regarding the fact that their rights are protected under the Constitution of Canada. Once this amendment goes ahead, they certainly will not be protected. All members are fully aware that what we have now is not subject to the scrutiny of the charter. Any new amendment, such as the one today, will be subject to the charter of rights and freedoms.

I do not have any great legal background. I am only speaking after what people such as Malcolmson and Fleming had to say on this particular subject. They made it perfectly clear that it will be subject to the charter.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, like my hon. friend from Newfoundland, I am also opposed to term 17.

What we have to do today is take a look at where this country has gone over the last 20 to 30 years and what it has done to our young people of today. I want to tell you, Mr. Speaker, it is a major concern to me when I look at the direction in which so many of our young people are going. We are not supposed to show them any moral values. We are not supposed to talk about religion any more.

But when we went to school it was there and it was good for us. It was very good for us. We did not have a Morgentaler looking over the House of Parliament. We did not have abortions taking place. We did not have any of these things. So we just have to take a look at today's society and ask ourselves in which direction has it been going. Let me tell you, it has been going in the wrong direction and this term 17 is taking us further down that wrong road. It is time for us to turn it around.

• (1535)

What I want to address is the fact that one wants to take a look at what the Newfoundland government did in order to get this through and to bring it here before this government. I want to bring attention to the following points respecting the proposed amendment of term 17 of the terms of the union of Newfoundland with Canada.

In June 1995 the Government of Newfoundland announced that a referendum would be held on September 5 of that year to seek approval from the electorate to limit the power of Catholic and Pentecostal churches to operate separate denominational schools. The process involved an amendment to term 17 of the terms of the union of Newfoundland with Canada which had provided certain guarantees of rights of parents to denominational education of their children. They should always have that right. Always.

The result of the ensuing referendum was a majority vote of 54% of the 52% of the eligible voters who cast their ballots in favour of

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the proposed amendment. Term 17 was amended accordingly by Parliament and became law on April 21, 1997.

The Government of Newfoundland amended its own legislation to bring into effect the limitation of denominational education which is now permitted under term 17. However in its haste to use its newly acquired powers to eliminate religious education by denominations in as many schools as possible, it failed to comply with the statutes and regulations it had enacted to attain its objective.

As a consequence an application was made to the Supreme Court of Newfoundland on behalf of aggrieved citizens alleging violation of the law and discrimination by government against members of the Catholic and Pentecostal churches. Mr. Justice Leo Barry upheld their petition and granted them injunctive relief. In his judgment filed July 8, 1997 the learned judge roundly criticized government for utilizing unlawful and discriminatory measures to implement the provisions of term 17 as amended. That came from Justice Leo Barry whom many of us respect.

Having frustrated its own efforts to change the educational system the government blamed its failure upon the Catholic and Pentecostal denominations. It then called a new referendum requesting public approval to abolish denominational education altogether without having given the amended term 17 a reasonable trial.

The following are some of the questionable measures taken by government to gain a majority vote in the second referendum. In a democracy I cannot believe that any government would support this.

On July 31, 1997 the government announced that the referendum would be held on September 2 next, giving the public a mere 32 days to analyse what it believed would be the government's proposed amendment and prepare campaigns to express and promote their views. It failed to inform the public of the text of the proposed amendment to term 17 until August 25, just 12 days before the referendum. For persons voting in the advance poll this meant a notice of less than two days. Try that one in the next federal election and see what happens.

It declared as one of its reasons to abolish denominational religious education in schools that Newfoundland's standard of pre-university education was low, intolerably low and that it would be greatly improved by getting rid of church influences in our schools. However the truth is that the standard of education for schools in the province of Newfoundland rates third highest across the whole of Canada and that is because they have denominational schools and for no other reason. And they are going to lower that standard as well. I want to say as well that they rank third despite the fact that they have such a large number of rural schools.

The government informed the public that the cost that denominational schooling adds to the general system of education is intolerably high. The fact is that the cost of education on a per capita basis in Newfoundland is the lowest in Canada.

So tell us why they would want to take out the denominational schools and the rights for other people in Newfoundland. They have the lowest cost per capita yet they are ranked third highest when it comes to their educational system. So tell us why.

• (1540)

At present denominational schools can only be established where viable and where numbers warrant. This places upon the government the responsibility to ensure that costs will not reasonably increase. Its power to do this is unquestionable. From the day it announced the referendum, government utilized public moneys and resources to finance and support its own campaign but it gave absolutely nothing to the other side.

I sat on the Citizens' Forum on Canada's Future. I travelled this country from coast to coast. I was in Newfoundland. Students from Memorial University sat with me that day. I was only supposed to be there for four hours. They asked me to stay overnight so I could talk to them. They said they wanted to talk about their country. They were very special.

On the Citizens' Forum on Canada's Future we were told by experts that we have a big problem in Canada, that the big problem is the charter of rights and freedoms because we did not bring in responsibilities for all of them. Yet we are saying what we are going to do is what Newfoundland is doing now. We are going to let the Supreme Court of Canada make all the decisions.

I cannot believe that those who are sitting on the government side in this House of Commons cannot see what a backward step we are taking when we eliminate denominational schools. I ask the government from the bottom of my heart to help our children today, to guide our children today, to give them the opportunity to pick up God's word in that Bible. It should be in every school. I feel very sorry for anyone who votes against it and I feel very sorry for the children of Newfoundland, as I do for children in other provinces across this country.

The Acting Speaker (Mr. McClelland): Questions and comments. We have a fair amount of activity in questions and comments so I will ask everybody to keep questions and responses very brief. We will start with the member for Calgary Southeast, then we will go to the member for Broadview—Greenwood, and then we will go to the hon. member for Humber—St. Barbe—Baie Verte.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I commend the hon. lady for her very principled remarks as well as those of the hon. member for St. John's East who I gather is the only elected politician from Newfoundland either here or in the

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provincial legislature who has taken a position of principle and courage by posing this proposed amendment.

An hon. member: Shame, shame.

Mr. Jason Kenney: He will be treated well by history.

I would like to comment on the cheap partisan heckling that is coming from the other side on an issue that really should transcend partisanship. I am a pretty partisan member of this place but on issues like this one, when the hon. member is speaking from the heart on principle, to be shouting shame and so forth is totally out of place.

In the proposed new term 17, provisions are made for religious education and religious observances in the schools, which the hon. member for St. John's East spoke to. Does the member believe these provisions will provide the kind of guarantee of access to truly religious education that were guaranteed—

The Acting Speaker (Mr. McClelland): The hon. member for Saint John.

Mrs. Elsie Wayne: Mr. Speaker, I want to thank the hon. member from the Reform Party for his question. No, I do not believe that. There is no way. There is absolutely nothing in term 17 that will guarantee there will be religious denominational teaching as we know it today through our Pentecostal churches, through our Catholic churches, our Protestant churches, no. It is not—

The Acting Speaker (Mr. McClelland): Questions and comments, the hon. member for Broadview—Greenwood.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, as a member on this side of the House, I salute the member for Saint John. I will be taking the same position that she will on this amendment.

The member is a seasoned politician in this country and she knows the campaign skills of the premier of Newfoundland, Brian Tobin. It was my colleague Brian Tobin who organized the 10,000 buses in less than 72 hours that helped to save this country.

• (1545)

Does the member of Parliament who has this experience in campaign organizing not believe that the expertise of Premier Tobin, probably one of the best political organizers in Canada, went a long way in making sure these percentages were such as they were?

Mrs. Elsie Wayne: Mr. Speaker, yes, I certainly do. There is no question about that. I know myself, when I was mayor of the city of Saint John, I used to go to Mr. Tobin when he was in opposition to help me win certain things for my city. However, I have to say that the way in which it was handled was unbelievable.

They would not permit any scrutineers to be present in the balloting booths during the voting process or during the counting of the ballots or to oversee the measures taken for the security of the ballot boxes. Never have I seen anything like that.

I want to thank the hon. member for saying that he is there with us all the way. I appreciate that.

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, as a Roman Catholic Newfoundlander, I appreciate the comments from those outside my province who are suggesting that the will and the wishes of the people of Newfoundland and Labrador are easily manipulated. I however do not hold that view.

I feel that the election process was handled with proper regard to the intellect of Newfoundland and Labradorians. I feel very strongly that the hon. member should interject with the fact that perhaps the reason why Newfoundland and Labrador has the third best education system in the country is that the teachers of the province who came before this committee on which we sat hearing evidence for three weeks suggested that this amendment should go ahead.

Mrs. Elsie Wayne: Mr. Speaker, I have to say that if I were a teacher, knowing the Premier of Newfoundland as well as I do, under his government I would not dare oppose anything he said or I would not have a job tomorrow. There is no wonder they went before them and said yes. I would not lay too much on that one.

I have to say this. I am pleased but I want to say one thing to the hon. member from Newfoundland. I had a letter sent to me from a man whom I highly respect and I am sure members do as well. That man is from Saint John, New Brunswick. He is head of our catholic church and he said that, if this goes through, there is no protection for any minorities including—

The Acting Speaker (Mr. McClelland): Resuming debate.

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Laval West.

It is my pleasure to join the debate on this very important issue today. This debate represents the second time in this 36th Parliament that this House has been asked to vote on constitutional amendments to reform school systems.

I believe that this coincidence marks a first for successive constitutional amendments. Let me also add as an aside that this coincidence certainly speaks volumes to those who say that our system of government is unresponsive and that our constitution is inflexible. To the contrary.

That being said, let me first deal with the process necessary to enact this constitutional amendment. Section 43 of the constitution provides that bilateral amendments can be made with the consent of the legislature of the provinces affected and of this House.

The Newfoundland legislature gave its consent by a unanimous vote on September 5, 1997. I realize that it is too much to hope that this place would also show its unanimous support for the people of Newfoundland and Labrador in their desire to modernize their education system.

However, let me mention some interesting facts about the vote in the Newfoundland legislature. There were members of the legislature who campaigned against the resolution in the preceding referendum. Once the results of the referendum were in, they voted for it in accordance with the democratically expressed wishes of their constituents.

MLAs who are members of communities affected by this resolution voted for it. They included Roman Catholics, Anglicans and Pentecostals. As federal politicians from across the country, we must remember that these provincial MLAs and their constituents are responsible to the very people affected by this resolution and to the very people who, furthermore, have directly been consulted about this issue through provincial election and through the schools referendum. Those MLAs and their constituents have voted in favour of this amendment.

• (1550)

I feel we must very clear on the role that federal MPs should play in this debate on a subject of provincial jurisdiction. As an Ontario MP, for example, I would not appreciate members of Parliament from Alberta or Nova Scotia telling me what was best or good for the people of Waterloo—Wellington. I would ask my hon. colleagues in this House to consider this in placing their vote on this issue.

I am sure that some of my colleagues will also be speaking to the appropriate role of federal politicians in a debate of this importance. One hundred and thirty years after Confederation it is appropriate that federal politicians do not play a paternalistic role in constitutional amendments. I would argue that it is not appropriate that any member of this place cast their vote based on their decision that this resolution is or is not good for the people of Newfoundland and Labrador.

I would argue rather that as federal politicians we need to consider the following issues. First, have the the people of Newfoundland and Labrador been consulted on this issue? Second, have the communities directly affected by this change and challenge been consulted? Third, have these communities consented to this change? The answer, as members know, is affirmative to all these questions.

I am relying on the report of the special joint committee on this issue, as tabled in this House. In that multiparty report, the committee recommends the resolution and states “the consensus in

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Newfoundland and Labrador is such that the federal Houses of Parliament should endorse the amendment”.

The committee heard from two witnesses whom I consider to be experts on minority rights. The Newfoundland and Labrador Human Rights Association stated the following about minority rights: “After 150 years it does not seem unreasonable to stop and consider our denominational system in the context of a society that is no longer exclusively Christian and a society where the religious rights of all citizens are protected by section 2 of the charter of rights and freedoms”.

The second witness whom I would like to try and bring to the attention of this House is Mr. Allan Borovoy of the Canadian Civil Liberties Association. Mr. Borovoy, as members know, has a reputation as an astute and dedicated advocate of civil liberties and has appeared before committees of this House on many occasions.

The report of the special joint committee quotes from Mr. Borovoy, page 9: “The state of equality and fairness can only benefit by the abolition of special preferences for any denominational groups even if those denominations happen to comprise a large percentage of the population. This is an advance, as far as we are concerned, for the state of religious equality and fairness”.

Who does not have these minority rights? These people are the true minorities of Newfoundland and Labrador. The Jewish community does not have denominational schools at this time. The Baptist community, representing .2% of the population, does not have denominational schools. The Pentecostal community, representing 7% of the population, does have denominational schools.

This situation may represent a historic compromise among religious groups but it cannot be considered a true minority-majority situation, nor an equitable use of scarce educational dollars.

As in any debate on minority-majority distinction, many numbers are thrown out justifying each side of the debate. In supporting this resolution personally, I am relying on the following facts. The first is that 96% of the population have denominational privileges. Second, 74% of the population supported this resolution in a referendum.

That brings me to my last point. Recently Mr. Clyde Wells, the former premier of Newfoundland and Labrador, was in Ottawa and spoke to this issue at a debate organized by my colleagues across the way.

Mr. Wells made the following points: There are 573,000 people in Newfoundland, roughly the same size as my part of Ontario, Waterloo region and Wellington county, and yet there are more school boards per capita than in almost anywhere else in this country. Newfoundland has currently divided its educational budget among 27 school boards in 700 communities along 10,000 miles of coastline. Why is there such duplication and overlap in

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this province which is already reeling from economic troubles? What is the logical solution to this situation?

I submit to this House that the logical solution is the present resolution. This resolution represents a compromise of years of public debate, a democratic referendum result of 74% and a unanimous vote in the provincial legislature.

[*Translation*]

The federal government will continue to look after the interests of all Canadians. Canada's past was remarkable, its future will be even more so.

• (1555)

[*English*]

For these reasons, I urge my colleagues to support this very important resolution.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I have a comment and a question.

The comment is that the hon. member remarked on how education is a matter of provincial jurisdiction. I think he threw some question on the fact of whether some of us should even be debating this given that it is such a matter of provincial jurisdiction.

The proposed amendment is before this place precisely because the Fathers of Confederation originally in section 93 of the BNA and then in term 17 of 1949 decided that while education ought to be a provincial responsibility, this place, this Parliament ought to be the ultimate protector of the minority against the wishes of the majority when it comes to the nature, character and guarantees for denominational education.

My question follows from that. The hon. member also suggested that there are certain minority groups, sectarian groups such as Jews and others, who are left out of the denominational education provisions in the original term 17.

Would the hon. member agree with me and many Newfoundlanders that the best way to repair that inequity is not to collapse the rights for some, but to expand the rights so that they include all? Would the hon. member support an effort to broaden the effect of term 17 so that it would provide the right to access denominational, publicly funded schools for all sectarian minorities and not just those so specified in the original term?

Mr. Lynn Myers: Mr. Speaker, I certainly thank the hon. member opposite for the question. As a former secondary school teacher, I am well aware of the jurisdictional split with respect to the provinces and the federal government on the issue of education. I am quite cognizant of what needs to take place.

I think the key in all of this is the fact that the people of Newfoundland and Labrador were consulted and they spoke very loud in terms of what they wanted. I think it is very important to listen to what they had to say. In fact, that is precisely why this resolution is proceeding, because we listened closely.

In the interests of fairness and equity, this resolution now should proceed accordingly.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, the hon. member mentioned the fact that he would not like someone from another province interfering and that he would not want to interfere in the business of another province, or something of that nature.

I would like to inform the hon. member that the question of the constitution is a Canadian concept. It does not belong to just one province. As a result, I have received a number of letters, in bundles of 25 and 49, from a minority group in Saskatchewan asking if the passing of this particular motion in any way endangers their minority position of operating a separate religious school in Saskatchewan.

As was said, the majority of people have made a distinct decision in Nova Scotia. What happens if that same concept was moved to the province of Alberta? I am asking the member, could I really say that the passage of this bill will have no effect on that minority group in Saskatchewan?

Mr. Lynn Myers: Mr. Speaker, I would point out to the hon. member that I think we are dealing with the situation in Newfoundland and Labrador today, not Nova Scotia.

It seems to me that it was important that MLAs who in some cases campaigned against the resolution came in to the legislature of Newfoundland and Labrador and voted as they should, as their constituents wanted after having canvassed the province in a referendum with great interest. Clearly, this is a very important debate. I think it is appropriate that we now move on to ensure this is done for all Canadians and especially the people of Newfoundland and Labrador.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I would like to ask the hon. member to please answer the question.

The point is that there is a political precedent being set here. There is no legal precedent and I think everybody knows that is the case. Is there a political precedent and will it guarantee, as my hon. colleague has suggested, that this will not in any way jeopardize minority rights in other provinces?

• (1600)

Mr. Lynn Myers: Mr. Speaker, I thank the hon. member for the question. I think the short answer is no. We are responding to a request from the people of Newfoundland and Labrador who have spoken out very loudly in terms of what they want. It is important

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that we listen to them and do the right thing, which in this case is to proceed with the resolution.

[*Translation*]

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, allow me to add my voice and speak in this debate on the proposed amendment to term 17 of the Terms of Union of Newfoundland with Canada.

This is not the first time that this matter is brought to our attention. I will therefore limit my comments to particular aspects of this debate, whose final stage is beginning in this House.

The discussions around this issue these past few years clearly show that the vast majority of Newfoundlanders want to reform their education system.

This is the context in which, in 1990, the Government of Newfoundland appointed a royal commission chaired by Dr. Len Williams, a former teacher, principal and president of the provincial teachers association.

[*English*]

In its report published two years later, the royal commission specifically recommended restructuring the education system in Newfoundland and Labrador. In addition, one of its recommendations concerned the establishment of a single interdenominational school system comprising the four separate denominational systems already in place.

Seen as a compromise, an initial amendment to term 17 approved by the people in a referendum two years ago was unable to rally all stakeholders in the Newfoundland educational community.

In addition, an injunction which was sought by representatives of the catholic church was granted by the Newfoundland supreme court. The consequence of the injunction was that it stalled the entire education reform process in the province.

We know what happened next. On July 31 Premier Tobin announced that a referendum would be held and in that public consultation 73% of Newfoundlanders supported the proposed amendment to term 17. This proposal carried in 47 of the 48 ridings in Newfoundland and Labrador.

[*Translation*]

The debate on the Newfoundland school issue is not a new one. Discussions, at times heated and passionate, have been going on for some time. That is why all I can tell those who claim that the people of Newfoundland had but a few days to read the question is that the people of Newfoundland and Labrador have in fact been discussing this issue for years. It is perfectly normal for any religious minority to try to protect its rights and to get the best

possible protection for its rights. And its officials have a duty to do so.

I believe however that the constitutional amendment proposal received from the Newfoundland government does not threaten in any way the situation of the various religious denominations in that province.

I must stress the fact that this amendment is in no way intended to ban religious education from the classroom in Newfoundland.

On the contrary, it ensures that religious education will be provided because, and I quote "religious observances shall be permitted in a school where requested by parents". That is what subsection 17.3 proposes.

[*English*]

It is true that the new text specifies that religious instruction will be of a non-denominational nature. Nevertheless the new term respects the Canadian Charter of Rights and Freedoms and international human rights conventions. I would like to insist on the fact that it in no way forces children to take courses or to follow religious practices to which their parents would object.

The Government of Newfoundland has told us that it is open to the role the churches are called on to play in the new education system. Although the attribution of that role is not guaranteed in the constitution it does not diminish its importance.

The substantial support garnered by the proposal should convince everyone of the merit of this initiative, which does not aim to give one denomination an advantage over another but simply to give the Government of Newfoundland the opportunity to provide the province's children with a better quality of education.

• (1605)

We do not negate, quite the contrary, that children already receive a good education. However we have been told that the books in the schools date back to 1975. One of the witnesses told us that she found in the library at her child's school that its most recent book on the history of Canada dated back to 1975. Obviously a great deal of reform needs to be done to that system.

[*Translation*]

Some people expressed concerns about minority rights and their protection under the proposed amendment. The hearings of the special joint committee on the amendment to term 17 nevertheless revealed to the members of the committee looking into the matter that these concerns were not shared by the people representing various organizations.

The Newfoundland and Labrador Human Rights Association rightly stressed the protection enjoyed by the various religious groups under section 2 of the Canadian Charter of Rights and Freedoms.

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The Fédération des parents francophones de Terre-Neuve et du Labrador was satisfied with the protection afforded it under section 23 of the charter with respect to its language rights and with the policy of the Newfoundland government in this regard.

The president of the Labrador Metis Association endorsed the constitutional amendment. The committee's report indicates that nothing in the proposal would threaten native rights.

Our government is delighted by the clear support for this amendment by the people of Newfoundland. We believe that the consultation process was fair, that the aim of this proposition was clear to all, that the question put to the public in the September 2 referendum contained no ambiguity and that ample support has been gathered for the amendment.

[English]

Newfoundlanders and their government's request before parliament is a reflection of their will to move ahead on this matter. Our government believes it has a duty to support this initiative, not only because of the popular support the proposal has obtained but in particular because Newfoundlanders, with the support of parliament, will be able to count on an education system that will reflect their specificity and take account of their priorities in this area.

Young Newfoundlanders will be the first to benefit.

[Translation]

I also see in this question one more testimonial to the flexibility of our federation. I am the member for Laval West, and we are well aware of the questions with which attempts are made to divide people on constitutional issues.

The bilateral amendment process will make it possible for Newfoundland to reform its education system. This is the same process which should enable Quebec to carry out its own education reforms, once the Senate has made its decision.

Our political system thus enables each partner in our federation to have tools adapted to its own needs.

For all these reasons, I invite my colleagues in this House to vote in favour of this constitutional amendment aimed at putting into place a unique Newfoundland school system.

[English]

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, the hon. member is an experienced legislator, perhaps not in this House but in another house, and is no doubt aware the curriculum that exists in the province of Ontario does not teach particular principles, values or ethics to children in grades 1 to 9. In fact that curriculum suggests that a menu of values and principles be adopted,

depending on what children think ought to be right for them. There is no particular shared position.

Does the member suggest the religious education that will take place in Newfoundland under the new terms will be a menu of values and principles so that there is no particular common consensus? In other words it will be difficult to determine what is right or wrong, given the curriculum.

• (1610)

[Translation]

Ms. Raymonde Folco: Mr. Speaker, the question my hon. colleague has asked is a fundamental one. It is my opinion, having worked for a number of years in favour of minority rights, in Quebec in particular, that where values are concerned, these do not differ regardless of our religion or nationality. Whether Christian, Sikh, Muslim, Pentecostal or Roman Catholic, there is no difference. I sincerely believe that all people share the same values with respect to the fundamental rights of Canadians and the right to religion and the vital element of respect of others.

Where Newfoundland is concerned, what its Minister of Education told us very clearly is that his department, and the Government of Newfoundland and Labrador, were prepared to allow parents so desiring, not only religious instruction but also that "religious observances shall be permitted in a school where requested by parents". That is a direct quote from term 17, as proposed by the Government of Newfoundland and Labrador. The Government of Newfoundland and Labrador is therefore seen as willing, not to teach just anything, but to respond to the specific needs of parents on the one hand and to comply with the fundamental values accepted by all religions with members in Newfoundland and Labrador on the other.

[English]

Mr. Werner Schmidt: Mr. Speaker, I understand my hon. colleague correctly when she says the religious observances will be at the request of a parent. However the proposed amendment in term 17 does not extend to the provision of religious education. She is perhaps in error and should reread that provision in the amendment.

Since the member thinks that everybody agrees on all this, would she then contradict Justice Wilson who said that there should not be any one concept of the good life?

[Translation]

Ms. Raymonde Folco: Mr. Speaker, it is not a question here of presenting just one concept of religion, life or philosophy with a capital P. The object here is to meet the particular needs of the population of Newfoundland and Labrador, which has its own unique character, as do we all in our various provinces.

Within that population, there are groups with particular religious requirements. According to the Minister of Education, who appeared before the committee, the religious instruction to be provided by schools in Newfoundland is very simple. It would present the various concepts of religion, the fundamental values.

But, when it comes to fundamental values, I would like my colleague to tell me how the values of Roman Catholics are different from those of members of the Pentecostal Church, or those of the Jewish faith. We all have values that are recognized as being humanitarian values respecting the rights of others.

[*English*]

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I will be sharing my time with the member for Dauphin—Swan River.

Today we again speak of Canada's constitutional change. Today we speak of Newfoundland's term 17 amendment. Last month the House addressed Quebec's section 93 to permit the arrangement of the education system along linguistic rather than religious lines.

In terms of the significance of these debates on both constitutional amendments this has been an historic session. I am so very honoured to represent Edmonton East in this debate. I am particularly honoured as the representative of my constituents to have been a member of the official opposition on both joint committees at which these amendments were debated.

I take pride in being a Canadian in a country where any so-called commoner can aspire to a legislative role. Two short years ago, devoid of political stripe, I held my breath with millions of others as Canada barely survived Quebec's referendum vote. Today I take part in a debate on the Constitution that guides our nation's laws and which helps to bind us together as a country.

• (1615)

Constitutional amendments affect us all. They alter our national rule book which forms the guiding principles for our provinces, territories and our nation.

Our Constitution is not carved in stone. Our Constitution is penned on fragile pulp. Our Constitution has a permanency of time. Our Constitution is the will of our nation's constructors. Our Constitution forms a framework supporting our national fabric. Our Constitution has the respect of our judiciary and our courts. Our Constitution supports provincial aspirations.

Should constitutions for all in Canada retain a permanency at the will of our elected majority if the majority is polled by national referendum? The answer to this question is a resounding yes. Democracy and Canada are synonymous.

The key to my previous question was the term for all. Our Constitution is important as a protection of the rights of all persons.

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We must also remember that constitutions also exist to protect the some. It is the some or the minority provisions that elevate Canada in the eyes of the world, that set Canada gloriously aside from all other nations on earth.

I have great concern at this moment that what is before us is wrong. Should we extinguish a minority with the power and might of the majority? The process must include an expression of the will and in particular of the acceptance of the minority in order to consider the extinguishment of constitutionally protected minority rights.

It has been made abundantly clear through the course of the special joint committee meetings which I participated in that at least one of the minority groups, the Pentecostals, are not in favour of having their constitutionally entrenched minority rights extinguished by the majority. It is this matter that I do find troubling and I express my concerns that it may be precedent setting.

Minority rights have been entrenched in our Constitution to both reflect our diversities and to protect them. Members must carefully consider whether this request to extinguish minority rights is the beginning of the slippery slope starting a slide toward general ambivalence with respect to the protection of minority rights, be they constitutionally protected or otherwise.

I urge all members to please vote with their conscience. We parliamentarians must always remember we are charged with the awesome task of being the defenders of the rights of all of our citizens, be they minority rights or otherwise.

I am not persuaded that this change should be made now. It has not passed the litmus test of satisfying all of three questions: Does this constitutional amendment have the democratic agreement of the people? Does this constitutional amendment conform to the rule of law? Are the rights of minorities protected? The question that is not satisfied is the protection of minority rights.

The Newfoundland government held a referendum on the issue of school reform. I am concerned however that the actual wording of the question was not finalized and published until 16 hours before the advance vote. Government paid advertising was not clear and specific on the implications of voter choices but instead was warm and fuzzy causing difficulties in responding no.

I would have been more comfortable if the Government of Newfoundland had obtained a ruling from the supreme court on whether the rights and privileges of minorities are prejudiced in any way. The question of minority rights strikes at the fabric and soul of Canadians. The rights of minorities for education has been a well established fact in Newfoundland for years. How well a country protects its minority citizens from the tyranny of the majority is a measure of the quality of its democracy.

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The protections in the Constitution are clear with respect to the education rights of linguistic minorities. Court rulings in Alberta in 1990 and in Manitoba in 1993 based on constitutional interpretations clearly established the protections for francophone minorities in those provinces affecting numbers as small as 300 persons. We have not been as vigilant in our protection of religious minority rights.

• (1620)

A petition was signed in 1993 by 50,000 Catholics requesting that Catholic religious education be maintained. Fifty thousand parents stated, "We support Catholic schools and want to keep them". The petition was tabled by Dr. Ben Fagan at the special joint committee which studied the amendment to term 17 of the terms of union of Newfoundland, a committee which I was privileged to be a member of. In my view this remarkable expression of minority collective will should not be ignored.

I also note that the protections for the education rights of Pentecostals are not yet 10 years old. Former Premier Peckford extolled the virtues of Pentecostal schooling and encouraged the legislature to enshrine for all time Pentecostal education rights. He said: "Today we are going to make sacrosanct, if you will, make guaranteed in the Constitution of Canada, the recognition of educational rights to the Pentecostal Assemblies of Newfoundland and Labrador".

He went on to further state: "I would only add one more thing. As time goes on I would hope that the Pentecostal Assemblies of Newfoundland with their start into education over the last couple of decades will not be tempted and will not fall to temptation, that what they have now as an approach and a philosophy to education will not get diluted over time as we progress as people".

All available information indicates that the majority of Pentecostals do not support the constitutional amendment. In fact a petition tabled by Dr. Regular at the special joint committee was signed by 4,300 people opposing the amendment. Again this is a remarkable indication by Pentecostals of their wish to retain their denominational education rights which were so very recently accorded to them under constitutional protection.

It has been demonstrated that there is a will by Catholics and an overwhelming will by the Pentecostals to retain their rights to denominational education. It is very troubling that consideration of this will was not asked to be expressed denominationally in the public referendum. We parliamentarians must be ever so sure that what we say and do is acceptable to our collective conscience and in accordance with our nation's constitutional contract with its citizens. Let us not fail in this purpose.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, I am very interested because I feel that issues of minority rights are important issues to be discussed. When I researched this area in this and the last Parliament it struck me that since Confederation there were only seven religions in the province of Newfoundland, seven minority rights groups in the hon. member's terms, involved in the funding of the education system.

To my mind there are more than seven religions currently in Canada. There have probably been more than seven religions in the past since Confederation in the province of Newfoundland. There could be people of Muslim background and faith, Hindu, or Jewish people wanting to educate their children. There are even people who exist in Canada whether we like it or not who are atheist and do not want religious education. Those are different minorities that have existed since 1949 and they certainly exist today.

When the hon. member talks about the status quo and the protection of minority rights, what about the rights of these people to have their faith or lack of it incorporated into a system? What happened in the past in the cases of children with different religious persuasions was that they had to be educated in schools that did not cater to them or did not have a comprehensive ability to deal with the religion they were involved in at home and in their lives.

I put that question very respectfully to the member opposite. What would he do about that, knowing full well that we do not have the jurisdiction nor do we have the infinite funding for all types of religions in their school systems?

• (1625)

Mr. Peter Goldring: Mr. Speaker, that is an important question. It certainly leads us to believe that those types of questions should be answered.

The number of denominations mentioned in the Constitution is limited and can be seen to be not fair. However, it is my feeling and the feeling of many that rather than throw out the constitutional provisions and protections we have, that we address that issue, negotiate that concern and come to some other solution. However throwing out the baby with the bath water by extinguishing rights across the board without the permission and polling of the group affected is not the way to approach the matter.

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, once again as one of the many Newfoundlanders who have been dealing with this issue probably for decades, I appreciate the intervention of members opposite who obviously do not quite understand this issue. However I respect their opinions.

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The question the hon. member raised as being somewhat confusing in his opinion was do they 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.

The hon. member opposite suggested that the question was unclear. However, I will quote from Dr. Melvin Regular who is head of the denomination education council for the Pentecostal faith. Mr. Regular said that “the clarity of the question makes our task easier”.

This is a total abolition of denominational rights and so we are able to declare with great certainty to the general population that Christian principles in the classroom will erode over time. It appears to me the question was very well understood by members opposite and by members of the denominations.

I ask the hon. member opposite, will he conform to the Reform policies that were articulated in the taxpayers’ budget, the blue book or whatever is the Progressive Conservative and Reform mix? The Reform Party supports the replacement of the various existing formulas for amending different parts of the Constitution with an amending formula that replaced the ratification power of Parliament and the provincial legislatures with that of the people as expressed in binding referenda. At a 73% referenda, would the hon. member like to comment?

Mr. Peter Goldring: Mr. Speaker, when I was alluding to the confusion of the question I referred to the question that was stated by the hon. member opposite.

Seven days prior to the referendum, the interpretation of this question was dramatically changed by the introduction of term 17 itself where it specifically stated that it would be non-specific to religious denominations. That dramatically changed the initial question that had been in the advertisements for a period of three weeks.

With regard to Reform policy, it has been clearly stated in the Reform policy blue book that the Reform Party supports minority education rights. It is our feeling however that minority education rights could be altered or affected possibly by provincial agreement. This unilateral action to extinguish them was not the intention of the blue book policy.

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, I am pleased to take part in this very important debate on the amendment of term 17.

I found making a decision on this to be very difficult, so difficult that actually last week I had indicated to my own caucus that I would oppose the amendment but since then, I have changed my mind. I believe that this is about the future of Newfoundland much more than about the past. I support the motion to amend term 17. I

am certainly concerned about the rights of minorities, distinguishing rights if that is what they have, and about the flexibility of the Canadian constitution. We need to examine the type of educational system that is best suited for the future of Newfoundland.

• (1630)

I have no doubt that having been a teacher for 27 years in the public education system will certainly bias my decision to some point, but the question I focus on in making this decision is how the amendment will affect the future and welfare of students of Newfoundland schools. Does the amendment put the future of the students first and foremost?

As has been mentioned by members of the House, it is difficult being an MP from outside Newfoundland to deal with a Newfoundland issue that has been ongoing for many years. It is difficult to step into the shoes of a Newfoundlander.

Because education is a mandate of the province, I would have preferred solutions to have been found in Newfoundland. I would have been happier if the issue had not reached this House so that the people and legislature of Newfoundland would have come up with a solution.

In Manitoba we have a voluntary separate school system, but most students attend a public school system much like that of the rest of the country. The funding for separate schools, many of which are religion based, is voluntary on the part of the government. Some of them receive about one-third funding.

In Manitoba all facets of education rests with the province: the school boards, teacher certification, all school funding and the curriculum. It is ironic that with new provincial reforms in the Manitoba school educational system there tends to be a new direction of focus to give parents more rights in terms of determining the schools their children attend, the type of instruction afforded to them and the language of instruction.

In this case, if we amend term 17 we are literally taking away religious education in Newfoundland as has been previously practised by the minorities.

In Manitoba there is no compulsory religious education. As well there is no religious observance practised in schools. In the early 1980s Manitoba indicated that the Lord’s Prayer was no longer a requirement in the public classroom. Students who object to the singing of O Canada have the right to leave the classroom.

The province of Newfoundland has been struggling toward a non-denominational educational system for the last 25 years. As I indicated earlier, who knows? If this process had continued, perhaps the legislature would have worked a little harder and it could have essentially had a public system much like those of other provinces.

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At the same time we realize it is very difficult for most other Canadians to understand and realize that a province such as Newfoundland in 1997 does not have a public school system.

Most students are attending interdenominational protestant schools in Newfoundland. I personally believe amending term 17 will level the playing field for everyone concerned, both students and teachers. No one will be treated as a minority.

In other words, the whole issue of equality will be exercised to a greater extent. Teachers will be hired and fired on their professional merit, not on religious association. I am told a generic course in religion will be provided to students and all stakeholders will be consulted on its development. Religious observance shall be permitted in schools where requested by parents. Academic educational opportunities of Newfoundland students will improve. As well an efficient and cost effective system will be created. All this was recommended by the royal commission and has been uttered by other members of the House.

• (1635)

The churches were asked to work together to create an interdenominational system but after two years it failed.

A constitution tends to be regarded as a badge of nationhood. As such it may reflect the values a country regards as important and show how these values are to be protected, for example, as in our charter of rights and freedoms.

Not all countries have the same type of constitution. Canada's constitution is flexible and not rigid. Regarding term 17, which only applies to Newfoundland, it was twice amended under section 43 by the bilateral amending formula.

I agree with Ms. Anne Bayefsky, an international law expert, that constitutions must be flexible and, as befits the description of a living tree, modernized and made responsive to the needs of the community over time.

I am concerned about the lack of funding for parents who choose to educate their children in a separate system such as religious schools. Funding will not be guaranteed under the amendment as proposed. Parents should have the option of sending their children to a separate school system and I believe that funding should be carried with the student.

In Manitoba parents have the option of home schooling, separate schooling or public schooling. Outside Newfoundland the numbers are growing in separate schools as well as in home schooling.

Religion is deeply entrenched in the educational system of Newfoundland. No doubt many minorities see the amendment as a threat to their constitutional right. Change is never easy. Through

referendum the people of Newfoundland have spoken loud and clear. There is no doubt they want change.

This amendment will set the stage for future educational opportunities in Newfoundland. The children of Newfoundland deserve the best education the province can afford to provide. I support the amendment to term 17.

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I will be sharing my time with the Parliamentary Secretary to the Prime Minister.

It is a privilege to speak to this very important subject. It is more in sadness than enthusiasm that I rise to speak to it. To me it represents the death knell of faith based education.

Many parents believe that faith based education is fundamental to who they are as people and who they are as parents. In reality, we are now replacing faith based education with the religion of secularism. At its core the religion of secularism is no more and no less a religion than Christianity, Judaism or Islam. It has its set of priests, an orthodoxy which is political correctness, and its rituals.

If Newfoundlanders expect that by replacing their current orthodoxy with a secular orthodoxy they will in some manner improve their educational system, I am afraid the good people of Newfoundland will be sadly disappointed.

To argue that parents will be able to influence the direction of their children's education is not a hope based on reality. It is an illusion. Parents of Newfoundland should consult with their fellow citizens in Ontario about how much influence they have in the direction of their children's education.

The government argues four main points: overwhelming democratic endorsement, reasonable support among affected minorities, religious observances in the schools protected and no effect on other provinces.

Points one and two are really one point. Notwithstanding the imperfection of the referendum process, the affected minorities have given a form of consent upon which the Parliament of Canada can act. There was a unanimous resolution in the house of assembly. There were two referendums. There has been extensive debate and there was a sincere effort to establish a consensus among the affected minorities.

• (1640)

The efforts of the Newfoundland and Labrador government to obtain consensus and demonstrate consensus to the Parliament of Canada are in distinct contrast to the efforts of the Government of Quebec. A request for an amendment a few weeks ago was based on a form of obtaining consensus that reflected more of a political demand than any efforts to address the concerns of the affected minority.

The Government of Newfoundland and Labrador has met the test which can reasonably be expected of a government when requesting amendment to the constitution which affects minority rights.

The government's third argument is that religious observance is protected. This assertion misses the point and is specious. It is cold comfort to those who fundamentally believe that faith should be at the core of their child's learning.

Religion, properly understood, is not a tag on at the end of a school day. Rather it permeates the learning process. It is part of the math course, the physics course and English language courses. Late Professor Emeritus Northrop Frye of the University of Toronto used to say, at the beginning of his very famous course on the Bible and the English language, that you do not really understand English language culture unless you understand the Bible.

Similarly Jews, Muslims, Hindus, et cetera, see their beliefs in a deity as essential to their learning. Those parents will be in some manner doubly taxed. First they will have to support the secularist based faith and then additionally fund educational systems which teach their faith.

To offer religious observances as a tag on at the end of the day is more of an insult than anything else and will be subject to charter challenges. Parents of faith will once again wonder whether Canada has freedom of religion or freedom from religion.

The government's final point is that it will have no precedential value or effect on other provinces. This is a dubious argument. We do not have seat of your pants federalism in this country. Each bilateral amendment is necessarily looked at by other provinces for precedents. It is fundamental English common law that law is created by precedent.

The government has set very low standards for democratic consensus in Quebec which has been greatly exceeded by the Government of Newfoundland and Labrador. Constitutional lawyers will scrutinize the process and the standards when giving advice to their government clients. Even the manner and wording of referendums will be examined for their precedential value. It may lend new meaning to a real and clear question. It also lends meaning to what constitutes consensus.

Notwithstanding my reservations I will support the amendment. The people of Newfoundland and Labrador have spoken. While I may be skeptical of the path which they have chosen, the Parliament of Canada should respect their choice.

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I rise to speak on the amendment to

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term 17 of the Terms of Union of Newfoundland with Canada. The proposed amendment reads:

(1) In lieu of section ninety-three 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 have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

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

Although the amendment before us affects only one province, parliament has a duty to study it with the same urgency, diligence and care that are befitting all constitutional amendments.

In response to this challenge, parliament created the special joint committee of the Senate and the House of Commons on the amendment to term 17 of the terms of union of Newfoundland.

I had the honour to serve on the committee for it gave me the privilege to hear firsthand the witnesses. I must say that witnesses on both sides of the issue were sincere, heartfelt and articulate in defending their points of view. Their testimonies did not make the task of the committee an easy one.

• (1645)

The committee was challenged even more to undertake a careful analysis of the evidence. This issue at hand, amending term 17 of the 1949 terms of union of Newfoundland, gave the federal government and the Parliament of Canada the opportunity to show federal-provincial relations do work and that the Canadian constitution is a living document that provides a mechanism for change when change is deemed essential by the citizenry.

Just as the people of Newfoundland determined their future when the province entered Confederation in 1949, nearly half a century ago, the people of Newfoundland today would like to determine their future in Canada as Canada enters the 21st century. They now see their future being best served by a single, publicly funded school system in which all children, regardless of their religion, attend the same schools. They now see their future being best served by giving the House of Assembly of Newfoundland and Labrador the power to fully manage and integrate the province's existing three school systems.

Indeed they saw that future in March 1992 when the royal commission chaired by Dr. Len Williams released its report "Our Children, Our Future", an appropriate title for the report. The citizens of Newfoundland expressed this vision of their future through a unanimous vote of the members of the legislative assembly representing all political persuasions.

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They have determined to eliminate denominational education as a constitutional right while retaining in the constitution their rights to courses in religion and religious observances as is stipulated in the proposed amendment.

The government conducted a referendum on the issue on September 2, 1997. Although it was not strictly required for the process of constitutional amendment, the referendum was conducted to better gauge the sentiments of its citizens.

The referendum question was precise and 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?" The essence of the referendum question fully reflected the actual text of the proposed amendment as passed subsequently by the legislative assembly.

Since the text of the proposed amendment was made known to the people of Newfoundland prior to voting day, I am sure members will share my confidence that 73% of those voting clearly understood the question.

There is no denying that the educational system that has been in place in Newfoundland has enjoyed a history that, for its citizens, has been woven into the very fabric of its culture. It is no wonder then that witnesses, old and young alike, including students from both sides of the issue, displayed tremendous sensitivity and passion in their testimonies.

But we noted that the rationale behind the amendment is to reconcile a system of the past and present with the vision of a better system for the future.

I congratulate the people of Newfoundland and Labrador through the legislative assembly and government for having the genius to cast a constitutional amendment that reflects this vision for the new reality of Newfoundland. I am assured that the proposed amendment complies with the international covenant on civil and political rights and can stand against any challenge under the charter of rights and freedoms.

Let me quote from the Minister of Intergovernmental Affairs:

If enacted, term 17 will become part of the Constitution of Canada. Thus, it will be shielded from the well established principle that one part of the Constitution—in this instance, the charter of rights—cannot be used to invalidate or repeal another. As a result, the provisions in subsection 2 and subsection 3 will enjoy a measure of charter immunity.

This principle has been sustained by the Supreme Court of Canada in earlier court decisions and I am assured that the amendment process was fair. I am assured that there is nothing in the proposed amendment to prevent some future government of Newfoundland from funding private schools, should it choose to do so.

I am further assured that the proposed amendment would set no precedent, that future requests for constitutional amendments for any province will be judged, as the present one is, solely on the merits of the facts.

As the Minister of Intergovernmental Affairs put it well before the committee, it would be up to the Parliament of the future to consider any future proposal.

• (1650)

We shall not fear to be proud of our national shared values, heritage and traditions, in which Newfoundland is rich. We shall not fear change when change promises a bright future for our children, our youth and our country. We shall not fear to face the future with confidence, secure in our history, generosity and integrity as a people.

Amending term 17 is an appeal to our confidence and understanding of Canadians. It sends the message that confederation works. It sends the message that our democracy is vibrant. It sends the message that when we secure a bright future for one of our provinces we secure a bright future for the whole of Canada.

Let us pass this resolution now before us for greater certainty of the future of all of us.

* * *

MESSAGE FROM THE SENATE

The Deputy Speaker: I have the honour to inform the House that messages have been received from the Senate informing this House that the Senate has passed the following bills: Bill C-23, an act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998; Bill C-11, an act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain acts in consequence thereof.

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**AMENDMENT TO THE CONSTITUTION OF CANADA
(NEWFOUNDLAND)**

The House resumed consideration of the motion.

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I would like to say thank you to my colleagues in this House who have taken the very deliberate time to address this issue, to respond to it, and to respond to it intelligently.

There are members in this House who do not necessarily share the views of the people of Newfoundland and Labrador as reflected in the 73% referendum result in favour of this particular amendment. However, to the members of this House, in particular

members on the government benches, I would like to acknowledge that they took the time to understand the issue, to explore it, to research it, to review it properly and to review it the spirit and the context of what Newfoundlanders and Labradorians understood and knew to be true.

There are those in this Chamber who have suggested that Newfoundlanders and Labradorians did not understand the question put to them. Some actually suggested it was beyond their comprehension. I categorically reject that proposal. The people of Newfoundland and Labrador understood this question. They voted solidly in favour of it, in complete comprehension of where it was taking our education system into the future. After years and years of discussion that is exactly the conclusion we arrived at.

I would like to salute the members who did such diligent work in the committee as well as in the House who, notwithstanding their own values and beliefs, are co-operating with the people of Newfoundland and Labrador in helping them achieve their beliefs, their will. That is very important to acknowledge in this particular House.

THE ROYAL ASSENT

[English]

The Deputy Speaker: I have the honour to inform the House that a communication has been received as follows:

Government House
Ottawa

December 8, 1997

Mr. Speaker:

I have the honour to inform you that the Honourable Charles Gonthier, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate chamber today, the 8th day of December, 1997, at 5 p.m., for the purpose of giving royal assent to certain bills.

Your humble and obedient servant,

Judith A. LaRocque
Secretary to the Governor General

GOVERNMENT ORDERS

• (1655)

[Translation]

AMENDMENT TO THE CONSTITUTION OF CANADA (QUEBEC)

The House resumed consideration of motion.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is the second time I rise to discuss this amendment. The first time was not during the 36th Parliament, but during the 35th

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Parliament. At the time, I had the honour of presenting the Bloc Québécois' position on the amendment. The amendment proposed in June 1996 to term 17 of the Constitution was not identical to the one now before us, but its thrust was the same.

At the time, it was believed that the time was right. However, following a sequence of events I will describe later on, the proposed amendment had to come back before the House to be considered again.

I am convinced that, this time, we are proceeding in the appropriate manner and that people in Newfoundland will be pleased, once the members of this House have done their job, to amend their school system as they please.

It is interesting to see how, throughout the process, this extremely important issue for people of Newfoundland was dealt with.

As I said earlier, the issue was already debated in the House in 1996. Before that, a royal commission of inquiry, the Williams royal commission, looked at it in 1992. Then, in June 1995, the government announced it would seek the public's approval to amend term 17, so as to undertake a reform of the education system.

In September 1995, a referendum was held in Newfoundland. As we know, 54% of the population agreed with the proposed amendments, and the amendment came back to this House, to finalize the process.

As you also know, a provincial election was held during that period. A new premier was elected in Newfoundland; he had the same philosophy as his predecessor and carried on the work. As a result, in June 1996, the House of Commons passed the resolution to amend term 17.

There were, however, some challenges in Newfoundland. Certain things occurred within certain religious groups. To speed up the process and clarify the whole issue, the Government of Newfoundland therefore decided to hold a second referendum within two years of the first and on a similar issue so as to enable the province to gain full control over the management of its schools.

This referendum was held on June 2, 1997. This time, 73% voted in favour of the proposal. It is interesting to note certain similarities with the situation in Quebec. I think we can make connections because, on the government side, they do not mind making their own, saying that federalism is flexible and so on. I heard remarks to that effect earlier.

We, on our side, can see similarities with the situation in Quebec in that, on an issue as important as this one, the province put the decision in the hands of the people by holding a referendum. In his speech, my hon. colleague from Témiscamingue mentioned a number of witnesses who testified before the committee and their arguments on this issue. We in Quebec have been hearing similar arguments for some time. Certain people in Newfoundland appar-

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ently complained about the question not being clear. I read the question only once and understood it immediately. Let me read again: "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 answer to this very clear question was also clear. The contents of the question were known ahead of time, but concern may arise from the fact that the wording of the amendment per se to term 17 was made public only on the eve of advance polling.

• (1700)

I can just imagine the comments of the federalists opposite if, in a future Quebec referendum, the partnership project, for example, were to be spelled out only on the eve of the advance polling, even though the question itself had been known for several weeks. I wonder how this government would react. I wonder how the Minister of Intergovernmental Affairs, among others, would react if we acted in this fashion.

I do not question the process used. I simply want to show that, in this House, when it comes to justifying measures and to implementing certain rules, there seems to be two ways of doing things: one for English Canada and one for Quebec. I think the assessment that was made of the issue and of what happened in Newfoundland is the proper one. We had to give this power, this area of jurisdiction, to the people of Newfoundland.

Other criticisms we heard related to financing. It was said that the two sides, the yes and the no sides, did not have the same means to express their views, because there is no law on financing. In fact, the no side made rather strong criticisms regarding this issue.

The other point is the lack of specific legislation to regulate the referendum. The election act was amended for this process but, again, this drew rather strong criticism. In spite of all this, I do not question the outcome of the exercise. Again, the federalists opposite do not challenge any of this and they accept these rules. I think they had to accept them as part of democracy.

I hope that in Quebec's case—our approach is that much clearer, all our cards are on the table, Quebec's plan to achieve sovereignty is so clear—the government opposite will be as democratic in the next Quebec referendum and will accept what the people decide.

The purpose of the amendment to Term 17, the amendment proposed by the Government of Newfoundland and passed by the Legislative Assembly, is to rationalize the province's educational system and generate savings of \$17 million. I think these are substantial savings and that we should listen to what they have to say. If the amendment is passed, there will be one rather than four

educational systems, one system for all denominations. Religious instruction will continue to exist where numbers warrant. The number of school boards will be reduced from 27 to 10, and these will be multi-denominational. These reforms are the result of the recommendations by the royal commission of inquiry, as I was saying earlier.

I think that the member for Témiscamingue put it very succinctly at the outset when he said that we in the Bloc Québécois have made our bed on this score for a number of reasons, the main ones being as follows. First, although term 17 of a schedule to the Constitution was involved, this issue was still completely under provincial jurisdiction, meaning that, for us, education is a provincial matter and that the province alone must have jurisdiction to make any changes and decide on the broad outlines of its system. For us, this was an extremely important element, and one which brought us very quickly over to Newfoundland's side.

Looking at the Constitution, one can see that indeed section 93 states that the legislature in each province may make laws in respect of education. Newfoundland's case is no exception. The power to pass legislation in respect of education belongs to the legislature of that province, the only difference being that Newfoundland assumes that right under term 17.

Also—and I think everyone will agree with this—the provincial leaders and representatives are the ones in the best position to determine what composes an efficient education system in their respective territory.

• (1705)

In addition, this entire process arose out of referendums on an extremely important question for the people of Newfoundland, one on which there was a debate and on which a heavy turnout of Newfoundlanders made a decision on the direction they wanted for their education system.

It would therefore be inappropriate for the hon. members in this House to take a position against the constitutional amendment called for by the Newfoundland legislature. We also know that the Quebec legislative assembly called for similar amendments some time ago. Just as we in the Bloc Québécois were pleased to co-operate with the Quebec legislature, we are also pleased to co-operate with the Newfoundland legislature in trying to get all of this speeded up and ratified.

Finally, our role as parliamentarians is for the most part one of ratifying what the Newfoundland legislature has done. We have virtually no say in the matter. Newfoundlanders are really the ones who must have full jurisdiction over this.

Our position was along those lines—

*Government Orders***THE ROYAL ASSENT***[English]*

A message was delivered by the Usher of the Black Rod as follows:

Mr. Speaker, The Honourable Deputy to the Governor General desires the immediate attendance of his honourable House in the chamber of the honourable the Senate.

Accordingly the Speaker with the House went up to the Senate chamber.

• (1715)

And being returned:

The Deputy Speaker: I have the honour to inform the House that when the House went up to the Senate chamber the Deputy Governor General was pleased to give, in Her Majesty's name, the royal assent to the following bills:

Bill C-23, an act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998—Chapter No. 35.

Bill C-11, an act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain acts in consequence thereof—Chapter No. 36.

GOVERNMENT ORDERS*[Translation]***AMENDMENT TO THE CONSTITUTION OF CANADA
(NEWFOUNDLAND)**

The House resumed consideration of the motion.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I will conclude. Being interrupted this way cuts off inspiration, but we will get used to it.

As regards the position of the Bloc Québécois, you have of course guessed that we support the request. The Government and the people of Newfoundland have asked us to ratify a resolution concerning the amendment of term 17 of the Newfoundland's terms of union with Canada.

We consider we should accede to this request, and I encourage all members of this House to do likewise, for two reasons. The first is that the will of the people has been expressed in a referendum. We saw that very clearly. The second is that education is a provincial matter.

• (1720)

The House of Commons must accede to this consensus as it had to for the amendment requested by Quebec on section 93. I dare to hope that the House will do so when the people of Quebec expresses with equal clarity its wish to become a sovereign country.

[English]

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Madam Speaker, I would like to comment on the remarks by the member for Berthier—Montcalm. He attempted to draw a parallel between the referendum in Quebec, in essence about separating from Canada, and a referendum in Newfoundland, about building a stronger Canada. I do not agree with that parallel.

However, I thank the hon. member for his support of the resolution now before us and as well his support on the previous resolution affecting Quebec.

I would like to point out for the record that the resolution in Newfoundland was passed unanimously by all political parties from all political persuasions, which is a real milestone. Even after a unanimous decision on the part of the legislative assembly of Newfoundland and Labrador on this particular issue, we cannot make this a parallel because Newfoundland referred this to the Parliament of Canada, as the constitution requires.

The member alluded to two rules, one for the east and one for the west. I only know of one rule: the Constitution of Canada is for all Canadians in all the provinces of our country.

Let me end by saying that when a referendum is for the strengthening of our nation, we must rally together. However, when a referendum is for destroying the very nation that we love, the number one nation in the world, let us rally against it.

[Translation]

Mr. Michel Bellehumeur: Madam Speaker, the member perhaps needs to be reminded that the Constitution to which he is referring also did not provide for the addition of a new province and, since we are talking about Newfoundland, for Newfoundland to join Canada, but it happened. What is not excluded from entering is not excluded from leaving either, but that is another problem.

I would also like to remind the member that it is not a question of destroying the country or whatever. What we want to do is to build a country called Quebec, in partnership with Canada. You will be masters of your own destiny, as we will be of ours. I think you have not understood that yet. English Canada is increasingly taking this in. My leader, who is back from western Canada, told me that western Canada is increasingly open to the idea of Quebec becoming a sovereign nation and increasingly interested in starting to

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look at the possibilities of doing business or continuing to do business with a sovereign Quebec.

The last point I want to make to the member is that, in my view, a referendum is a referendum, meaning that a population decides on its future during this democratic exercise. In the case of Newfoundland, it decided on its future with respect to education. Is the member telling me that education is not an important matter for a province? Is education not something that will have a definite impact on the direction a people will take for generations to come? I think it is extremely important and they accomplished it through a referendum. In this referendum, the population said yes to changes proposed by the government.

• (1725)

It will be the same thing in Quebec. We will have a referendum that will be extremely important for Quebec, because it will determine the course of future generations towards a very specific goal. I hope the referendum will be successful the next time around and that we will have a country called Quebec.

I would like to remind the member that, when a people speaks, when they make known their views using extremely clear rules, as in a referendum, either in Newfoundland or in Quebec, I think that the people have spoken and that they should be taken very seriously. I do not see any distinction between a referendum on a question like the one put to Newfoundland and on a question like that put to Quebec on sovereignty.

Mr. Paul DeVillers (Simcoe North, Lib.): Madam Speaker, I listened to the hon. member's speech. I was a member of the joint committee and we heard testimony from several Newfoundlanders who expressed their concern that certain denominational rights enshrined in the Constitution were about to disappear.

They say they are a minority and, during today's debate, several members of the House also expressed concern about this issue.

I ask the hon. member whether he has concerns about the rights of minorities in the resolution before us today.

Mr. Michel Bellehumeur: Madam Speaker, the answer is very simple: no, I do not have any concerns.

I believe that the government first and foremost, that is the Government of Newfoundland and the population of the province, acted very responsibly. I met government officials from Newfoundland, not during the 36th Parliament, but I met Mr. Tobin during the 35th Parliament and we discussed the issue. No, I do not have any concerns.

However, they may want to debate this in that province, at some point. As I said earlier, our role is really to ratify something that was done by the provincial legislature, in an area that comes under the exclusive jurisdiction of the province.

Again, I do not have any concerns. If a debate must take place, it will be among Newfoundlanders. It will definitely not be up to the Canadian Parliament to get involved in this area of jurisdiction.

[English]

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Madam Speaker, I will be sharing my time with the Parliamentary Secretary to the Minister of Natural Resources.

I would like to say that I am very pleased to take part in this debate on amending term 17 of the Terms of Union of Newfoundland with Canada. This amendment responds to an important need of our fellow citizens of Newfoundland because it will enable them, once it is adopted by Parliament, to proceed with the reform of their educational system.

This debate has been going on for a number of years in the province and the Government of Newfoundland has decided to put it to an end by promoting the secularization of the school system which has long been church run in the province of Newfoundland.

The amendment before us thus proposes a solution that is adapted to the educational context of Newfoundland and it is also the subject of a broad consensus in that province. It is that consensus that led the joint committee on the amendment to term 17 of the terms of union to recommend that the amendment be adopted both here and in the other House. Since it is not every day that we amend the constitution, we must acknowledge that we are experiencing here today in this House an historic moment in the debate.

I would not like to spend my time regurgitating the exhaustive overview of this debate because the House of Commons has already considered this matter on a number of occasions in recent months. I would, however, like to talk about a number of the aspects that I feel merit the amendment transferral from the parliament of Newfoundland, the House of Assembly, and the relevance of the joint committee's recommendation for us to consider.

All those who have taken the time to study the Newfoundland education system in recent years know how strong a call there was by the public in that province for educational reform. That was the conclusion arrived at in 1992 by the Williams royal commission which recommended that the education system in Newfoundland and Labrador be restructured to allow the government to administer it more efficiently.

• (1730)

The next five years were marked by endless bitter debates. We tried an initial revision of term 17 in the last Parliament which was approved via the referendum in the province in 1995. It did not end the debate, so here we are again.

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Although the support was 54.4% in the first referendum of September 1995, the adoption of the proposed amendment did not end the debate. A request for an injunction by the representatives of the catholic church was granted by the Newfoundland supreme court on July 8, 1997, thus blocking the reform proposed by the provincial government. To resolve that impasse, Premier Tobin announced on July 31 that a new referendum would be held on September 2 to amend term 17 once again.

However, when he made that announcement he described the need addressed by this constitutional amendment: "During the last five years we have seen every attempt to reconcile these two ideas—educational reform and denominational rights—and it has ended in more confusion and more conflict".

The text of the amendment submitted to Newfoundlanders for their approval was very clear. It read as follows:

(1) In lieu of section ninety-three 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 have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

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

To express their opinion on this proposed amendment, Newfoundlanders were asked to vote again on the following question: "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".

I do not think there is a single member in this House who can contest the clarity of this progress or this process. In this debate we have a responsibility as members of the Parliament of Canada first to ask whether the process used by the provincial government in this matter allowed the population to understand clearly the issue it was being asked to decide upon. Our answer to that must be yes.

As mentioned by the joint committee's report, an expert commissioned by the committee, Ms. Anne Bayefsky, specifically stressed the scope of the consultations held among Newfoundlanders, including minority groups in recent years.

Second, we have a responsibility to ask whether the consensus forged by this referendum is sufficient to proceed with the proposed amendment. Again I say the answer can only be yes. The proposal was supported by 73% of the voters of Newfoundland. It obtained a majority of votes in 47 of the 48 ridings in the province. Even in predominantly catholic areas where the proposal was likely to be more strongly opposed, it garnered significant support.

Around 75% of the catholics in Newfoundland and Labrador live in three regions: St. George's Bay, the Avalon Peninsula and the Burin Peninsula. Those three regions respectively supported the proposal with proportions of 59%, 72% and 72%. Support for the proposal in areas where Pentecostals are concentrated, though much more difficult to assess, was also significant bearing between 57% and 64%.

In addition to that public support, the proposal won the unanimous support of the Newfoundland House of Assembly. Four of the government members, including two cabinet ministers, are of the Pentecostal faith. Those four members who represent ridings in which 25% to 30% of the population are Pentecostal also supported the government's proposal in the House of Assembly. It is also noteworthy that a number of the members who had opposed the proposal during the referendum process nevertheless voted for it in the Newfoundland legislature.

• (1735)

In addition to the clarity of the consultation process and the extensive support for the proposal, there is a third reason why I believe this proposal deserves our support.

Newfoundlanders understand that the proposed changes are designed to establish a new school system, not to abolish any rights of a specific minority. They will allow the province to proceed with long awaited reforms by establishing a single, publicly funded and administered school system. This reform will strike a fair and functional balance.

The new term 17 is in no way designed to take religion out of the schools. It contains a provision obliging the authorities to provide courses in religion, stipulating that religious observances must be permitted in a school where requested by the parents.

Naturally, it cannot be expected that such a major constitutional amendment will garner unanimous public support. Nevertheless, as was recommended by the joint committee, I believe that the consensus which has been forged to date is broad enough and the guarantees to the groups affected are properly sufficient to move ahead with the proposal.

I know that there are those who fear change. However, it is my heartfelt conviction that the children of Newfoundland will be the first to benefit from this measure.

[*Translation*]

In my view, this debate we are having is meaningful in another way. I am referring to the bilateral nature of the amendment sought under section 43 of the Constitution Act, 1982. Yet I consider that,

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while this change concerns only Newfoundland, the whole country stands to benefit from it, as it provides Newfoundlanders with a first class tool to further their goal: a single education system better suited to their priorities.

In a word, this constitutional amendment will further enable Newfoundlanders to be Canadians in their own way, as Albertans and Quebecers are. Our country is enriched by this diversity, and our system of government makes it possible.

[*English*]

In effect, a constitutional amendment, such as the one before us, demonstrates the flexibility of our confederation. The federation is evolving every day and it would be a mistake to see it as something static and impermeable to change. For example, we recently in the House adopted a constitutional amendment proposed by Quebec's national assembly. If it is adopted by the Senate, that amendment would make it possible to establish school boards in that province along linguistic rather than denominational lines.

We have chosen to go step by step. This is a way which serves Canadians well, just as it serves Newfoundlanders in the current debate. That is why I call upon my colleagues in this House from all parties to consider this carefully and to support this amendment to our constitution.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I would like to comment on what I believe is an inaccuracy. Perhaps the member opposite could explain it further.

The member commented on a difficulty in estimating the Pentecostal vote in the referendum. I am referring to a brief which was presented by Mark Graesser from the University of Newfoundland. The figures that were quoted in the brief were generally accepted. They were even accepted in the report of the intergovernmental affairs minister.

There were some estimates as to what the votes were. Specifically, the figures with respect to Baie Verte, Lewisporte and Windsor-Springdale would indicate that the support for the referendum in those communities of Pentecostals was 32%, 32% and 30%. The overall support of the Pentecostals was an average of only 32%.

These figures show very specifically that the Pentecostals did not support the referendum. I wonder if the hon. member opposite could explain.

Mrs. Sue Barnes: Mr. Speaker, I am very pleased to clear up the confusion in the mind of the hon. member opposite.

My comment was relative to ascertaining the percentage and the clarity of the Roman Catholic vote. If he reads *Hansard* he will see that in my speech.

There were witnesses who addressed this issue at the joint committee. I would refer the member to the report of the joint committee which was tabled last Friday. He will find the answers in it.

• (1740)

Again, to the member opposite who is a member of the Reform Party, I have difficulty understanding how a member of a grass-roots party of the Reform persuasion who is constantly talking about referendum and listening to the people can stand there and be anything other than in support of this motion.

When 73% of the Newfoundland population voting very clearly indicates that they want this change, I am astonished that members of the Reform Party have not spoken earlier today. They are not listening to the very, very clear will not only of the people but of the province.

The legislature in that province unanimously gave its consent and forwarded to this. It is our duty not to do any amendments, not to say no, but to follow through constitutionally with our duty in this House and to listen to the province. The province has the jurisdiction on education. I think it has spoken.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, yes, the Reform Party—

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I rise on a point of order. I might be wrong, Mr. Speaker. I seek your direction. However, I understood in the questions and comments that one member could speak only once in response.

The Acting Speaker (Mr. McClelland): Generally speaking, but we also try to have opposite sides being represented. If there is a member on their feet in debate, that is normally the way we have been doing it.

If a member from the same party is on their feet alone, then obviously that person would be asked to speak. If there is an opportunity to actually engage in debate and have a member from another party, it does make sense that that other perspective would be represented.

Therefore on questions and comments, the member for Edmonton East.

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I rise on a point of order. Given the fact that this debate has gone on for quite some time, given the fact that we have engaged in healthy debate and an unrestricted debate, I will indeed agree that this is in order.

Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.): Mr. Speaker, I rise on a point of order. I would like to follow your line of reasoning with all respect. You invoked the need for debate. In fact, in the first instance when comment started on this issue, the member you just recognized for the second time started the debate.

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Then the member from the government side responded to that debate. However for you, Mr. Speaker, to ignore another member of this House of equal value to participate in that debate and recognized the member who had earlier spoken I think is a sign of unfairness to this member, the other person.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I rise on a point of order. At the outset of this debate earlier this morning, the hon. Minister of Intergovernmental Affairs, whose motion this is, was permitted I think three or four interventions against a member for the Bloc while other members of the opposition were standing up to interject in the same questions and comments period.

Clearly a precedent has been established. The Chair allowed this sort of thing at his or her discretion.

The Acting Speaker (Mr. McClelland): With respect, I mean absolutely no disrespect for the hon. Parliamentary Secretary to the Prime Minister, it has been at least in my limited experience that if a member from a party representing a party other than that party of a member who has just spoken, it has been the convention to recognize the other party.

It is certainly no disrespect and it certainly does not indicate that any members are more or less equal. In any event, on questions and comments, the hon. member for Edmonton East.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I felt that it was important to answer the question from the member opposite when the member was questioning how the Reform Party could have in its blue book and its policies support for the referendum process and how that is relative and why I might have a differing opinion on this matter seeing that it very clearly was initiated through referendum.

My point is, and I want to explain to the member opposite, that the Reform Party also has policies in dealing with minority education rights. That is my point.

• (1745)

Mrs. Sue Barnes: Mr. Speaker, I fail to understand how non-inclusive are the minority rights of the member opposite. I think of the seven religions represented, as I stated earlier today to the member. The Muslims are not included. People of the Jewish faith are not included. Hindus are not included. Even atheists are not included.

This situation is like choosing which minorities to represent. Parliament does not have the ability to cover everybody. We do not have any taxing authority or public financing authority for the elementary and secondary school levels in another province. Education is an absolute provincial jurisdiction.

We are recognizing the will of the people of Newfoundland expressed in a very clear question voted on by a 73% majority in

that province and in the unanimous consent of the provincial legislature. They are coming to us on a section of our constitution which allows us to do this in a bilateral way. There is no comparable effect on another province.

It is important for my voters in Ontario to understand. I answer the hon. member opposite by saying that I think he is choosing his minority rights and excluding others.

Mr. Rey D. Pagtakhan: Could I have unanimous consent to ask a question?

The Acting Speaker (Mr. McClelland): The hon. Parliamentary Secretary to Prime Minister has requested unanimous consent to put a question. Is there unanimous consent?

Some hon. members: Agreed.

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I thank the House for the unanimous consent.

I refer to the report before us. Mr. David Schneiderman, executive director of the Centre for Constitutional Studies at the University of Alberta, said before the committee, on which the member who raised the issue sat, that the consent of adversely affected minorities was not always required for an amendment to proceed. What is important is whether the minority had been consulted or had participated. Obviously by voting for it or against it the minority affected had participated.

Therefore, by voting against it, is consent unreasonably withheld in light of the majority opinion? I thought I should call this to the attention of my colleagues and I thank the House for its unanimous consent.

The Acting Speaker (Mr. McClelland): The hon. Parliamentary Secretary to Minister of National Revenue, because the comment was directed to her dissertation, has an opportunity to respond.

Mrs. Sue Barnes: Mr. Speaker, I think I have spoken enough and my colleague is anxiously awaiting his turn.

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, it is an honour to rise to speak to this issue.

As my colleagues may be aware, I had the privilege and the opportunity to sit with my colleague from the Senate as co-chair of the special joint committee on the amendment to the terms of union of Newfoundland affecting term 17. I also have the distinct pleasure to rise to speak this evening.

It is an issue of direct relevance and importance, one that has been decided by the people I represent, the people of Humber—St. Barbe—Baie Verte and other people of Newfoundland and Labrador.

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We had a very engaging debate in the special joint committee on this issue. I was very pleased members from all parties participated in representing all regions of the country. I think it was a valuable experience for all.

We heard from 49 witnesses from various cross-sections throughout Canada. In particular, witnesses from the province of Newfoundland and Labrador came forward to speak their views. I certainly appreciated their knowledge, their competence and their personal feelings regarding this issue. I felt that my colleagues on the committee could not help but be absorbed and engaged by the commentary provided.

We are basically discussing an amendment to term 17 that was put to Newfoundlanders on July 31, 1997. It was quite straightforward in my opinion. The question Newfoundlanders and Labradorians were asked on September 2 was as follows:

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?

• (1750)

The government stated at that time that the proposed new term 17 would reflect and conform with the position presented in this question. The following was the text of the new term 17 as it was unveiled:

Term 17.1: In lieu of section 93 of the Constitution Act, 1867, this section shall apply in respect of the province of Newfoundland.

That is very straightforward. Subsection 2 read:

In and for the province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education but shall provide for courses in religion that are not specific to a religious denomination.

Subsection 3 read:

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

The new term 17 is as clear and straightforward as the question itself. As a Newfoundlander who has participated in the education process as a student, as a Newfoundlander who has participated in the education reform process as a citizen, and as a Newfoundlander who participated in the education reform process as a parliamentarian, I plead with my fellow members of Parliament to respect the wishes of the people of Newfoundland and Labrador and to pass without haste this amendment.

We have engaged in the debate for decades. We have thoughtfully provoked the will of the people to come forward and to announce the form of a new education system. That is exactly what the people went to the polls with on September 2. Through very thoughtful and engaged debate we understood the question and we understood the implications. We knew what we were voting for.

I quote the words and thoughts of a denominational education leader, Dr. Melvin Regular of the Pentecostal faith, who said on August 11, 1997 "The clarity of the question makes our task easier". Pastor Clarence Buckle, as well from the Pentecostal faith, said:

We feel that if the people face the question squarely the question is clear, as we have said, and if they face it squarely the problem faces every one of us, every single citizen of Newfoundland and Labrador. Do we want to contemplate the possibility of having a single school system in the province in which we are not able to provide religious based instruction, activities and observances as Newfoundlanders have enjoyed in the past?

That is evidence to me as a member of Parliament, as a citizen of Newfoundland and Labrador, and as someone who understands the education process quite well in that province that we understood both sides of the question. We understood its implications. We understood exactly what it was asking of us and we voted 73% in favour of the amendment.

To those who would stand to suggest today that we did not understand the question put before us, that it was not simple and was somehow skewed, I say they are incorrect. They are incorrect in their assertion that Newfoundlanders and Labradorians do not understand the democratic process. I firmly believe Newfoundlanders and Labradorians understand quite well the democratic process, that we understand the implications of our actions, and that we do so quite willingly and quite forcefully in the spirit of democracy.

Those who suggest that we do not and cannot control our own destiny are categorically false because Newfoundlanders and Labradorians will participate in this great country as full and equal citizens.

I simply ask the Reform Party and those who would be their servants, those members of the House of Commons who would suggest the question was not correct, to go back to their blue book. I suggest that they re-evaluate the following quotation:

The Reform Party supports the replacement of the various existing formulae for amending different parts of the Constitution with an amending formula that replaced the ratification of power of Parliament and the provincial legislatures with that of the people as expressed in binding referenda.

• (1755)

The vote on this amendment will be the first test of the commitment of Reform members to this idea.

An overwhelming majority of Newfoundlanders and Labradorians endorsed the changes in term 17 in a lawfully held referendum process conducted under the elections act. Moreover, the committee heard testimony that the question was clear and straightforward, and that its clarity and fairness were never issues during the election process.

We also heard very clearly that there was unanimous consent in the legislature of Newfoundland and Labrador to pass this amendment. That is section 43 and that is due process by law, which is what the constitution of the country is all about.

We have a formula in place. It requires the consent of the legislature and the consent of parliament. I firmly believe that there should be respect for our constitution. It is a changing document. It changes the aspirations and the ideals of the people whom it protects.

We have heard that over the course of decades of debate we have engaged in a process that will provide fundamental education reform to our province which we expect and desire.

There are those among us who have suggested that it is improper for Newfoundlanders and Labradorians to want to do that because they do not like it and it goes against their particular values as members of Parliament or as parliamentarians from elsewhere.

I assure all members of the House that the issue only affects the people of Newfoundland and Labrador. The issue is based on educational principles that Newfoundlanders and Labradorians hold dear. It is a principle based not just on members of Parliament or members of the legislature. It is based on the people who use the school system, the children. That is the testimony we heard most eloquently and most powerfully from the children.

Those currently in the school system said that they feel there should be religious instruction of a non-denominational nature. They told us that as Newfoundlanders and Labradorians they were spiritual people. They also see the value of learning about all religions. That was a very noble and proud thing to say.

They have confidence in their own denominational faith. They have confidence in their own ability to guide their spiritual growth and development. Newfoundland and Labrador is all about confidence, pride and self-satisfaction that they will participate in the Canadian democracy as full equals, not to be told by others that we do not think of the process or of the implications and that others should do it for us.

I categorically reject that notion.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, the hon. member used percentage figures in his address. I have worked in this business for many years, in fact a lifetime. If the constituency I represent were to hold a referendum today, it would be more than 73% in favour of going with one school system. I would have to say to constituents in Weyburn, Estevan and Radville who have enjoyed a private school system, that they have to give it up because 73% of the people said they had to do so.

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I understand and appreciate what the member and others have said, but do not ask me to make the same application as you are making in the House to the province of Saskatchewan.

The Acting Speaker (Mr. McClelland): I remind all members to address other members through the Chair.

Mr. Gerry Byrne: Mr. Speaker, we are beginning to get to the heart of the matter. It is about Newfoundland and Labrador. It is not about the province of Saskatchewan, the province of Manitoba or the province of New Brunswick. It is about Newfoundland and Labrador.

The president of the home and school federation of the province of Newfoundland and Labrador put it quite clearly when he said “We knew what we were voting for. This is what we wanted”.

• (1800)

We heard expert testimony from other organizations and other institutions across the province. They said, “This is what we as Newfoundlanders and Labradorians want”. Mr. Steve Wolinetz, head of the home and school federation said, “We are religious people in Newfoundland and Labrador. We are a spiritual people. We understood categorically that that is what we were voting for. To subscribe or to make the assertion that this is in context of what should happen in other provinces is fundamentally incorrect. This is what should happen in Newfoundland and Labrador”. There is no suggestion whatsoever that this is what should happen in other provinces.

Quite frankly if someone were to come forward with unanimous consent in another legislature, in another province on a particular issue, then I think that we as parliamentarians would still have to look at that. We would still have to make sure that there was enough consent within the general populace of the province.

This is exactly what the issue is. There was unanimous consent in the provincial legislature of Newfoundland and Labrador. Members of particular denominations, who may or may not have had a particular opinion, voted in favour of this amendment; 47 of 48 districts within the province of Newfoundland and Labrador voted in favour of this particular amendment. That makes it unique to that province.

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the parliamentary secretary was the Commons chair of the special joint committee. We heard much debate and we have heard more debate here today on the question of minority rights. As a Newfoundlander I wonder if he could tell us in this debate on denominational rights, who is the minority and who is the majority?

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Mr. Gerry Byrne: Mr. Speaker, I will draw on my personal knowledge being a Newfoundlander and Labradorian, someone who is very proud of his particular province.

There are no majorities in the province of Newfoundland and Labrador. The seven denominations currently holding religious denominational rights entrenched in term 17 make up 95% of the population of the province. Five per cent of the population who represent other denominations have no denominational rights whatsoever.

It is a very critical question. It is a very important question to ask. Is this a question of the majority stomping out the rights of the minority? Is harm being done? No. This is what the committee so thoughtfully provoked to come from the witnesses. This is the testimony we heard.

I know in my heart as a Newfoundlander that this is about providing an opportunity for all denominations for the first time in the history of Newfoundland being a province within Confederation. For the first time all denominations will have equal access to religious instruction of a non-denominational value. No one particular denomination which may be a majority over a minority can dominate. That is a very important principle that we as Newfoundlanders and Labradorians hold dear.

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, I want to make a few remarks on this very important issue for Newfoundland and Labrador.

There is not much more left to be said that has not already been said today and which has already been said in this House a number of times before. As a Newfoundlander and Labradorian, I have been wrestling with this issue for many years. I was an educator before I entered public life in 1982.

I debated this issue in the house of assembly, the Newfoundland legislature a number of years ago when then Premier Wells and his administration tried to move forward with educational reform in our province. To some degree they were partially successful. Then again Premier Wells' administration really did try to compromise. They tried to get an agreement between the churches and the government that hopefully was a workable solution, but we found out after it really was not a workable solution.

What we witnessed in 1997 in the September 2 referendum vote was a degree of frustration among Newfoundlanders and Labradorians. They wanted this issue dealt with. That was certainly reflected in the 73% yes vote, frustration. They thought they had dealt with it in 1995 when 54.4% of Newfoundlanders and Labradorians voted yes. They thought the issue had been put to bed then. They thought we were going to move forward with educational reform within our province.

• (1805)

Newfoundlanders and Labradorians wanted to improve the quality of education inside the four walls of the classroom. That is what educational reform in Newfoundland and Labrador is about. It is not about turf wars or power struggles. To the ordinary Newfoundlander and Labradorian educational reform is about improving the quality of education within the classrooms of Newfoundland and Labrador.

Reference has been made to the quality of education by a number of speakers today. Some have suggested that we rank third in the country. Unless we are number one and the best that we can be, then we will always have to strive to improve the quality of education.

There has been a big change in Newfoundland and Labrador over the last 10 or 12 years. There have been big shifts in population, demographics, out migration. Our student-teacher ratio has changed. Our student population has declined for a number of reasons. One is out migration and another is declining birth rate.

Our student population has shrunk so dramatically over the last 10 years that it has caused a different environment. There are situations where so few students attend some schools that consequently staffing allocations were affected and students could not access the programs they needed to pursue post-secondary careers. In essence, in many cases the post-secondary choices of students were very restricted by the course offerings in their schools. This is where we are in our province and that is why Newfoundlanders and Labradorians desire educational reform.

Some people questioned whether the 53% turnout in the last referendum was high enough. It was democratic. People were afforded the opportunity to speak on the issue. The wording was very clear. I held back on the issue for quite a while. People tried to pressure me in one way or another, that I should be behind the yes forces or that I should be behind the no forces. I told them that until I saw the precise wording of the new amendment, I would not make a decision. And I did not make a decision until I saw it and felt comfortable with it. But once I did see it, the wording was clear and I felt comfortable with the decision that I would support it and vote yes.

I have said before that if on June 2 there had been a 20% turnout of voters in the federal general election and 11% of them had voted for me, I would have been so grateful and thankful. I would not have found anything wrong with 11% of the votes. I would not have questioned it at all. If I was willing to accept that kind of a vote on June 2, how can I question 73% of Newfoundlanders and Labradorians who voted yes on September 2?

In the federal riding of Burin—St. George's there are six provincial districts and part of another in that great geographic

area that takes in the entire south coast of Newfoundland and Labrador. Well over 70% of the people in that riding voted yes. All of the provincial members representing that riding in the Newfoundland and Labrador house of assembly voted yes. How can anyone expect me to come here tomorrow and vote any differently?

I understand that people have different points of view and different opinions, that they grew up in different ways, et cetera. I understand all of that and I respect everything that has been said here today and that will be said here later tonight. But the message is clear. Newfoundlanders and Labradorians want this Parliament to deal with the issue in what they perceive to be a positive manner, and that is to vote yes. Let there be no mistake about what Newfoundlanders and Labradorians want in this issue. They want this issue dealt with. It has gone on for eight or nine years. We thought it had been dealt with but it really was not dealt with.

• (1810)

In December 1992 in the Newfoundland legislature Premier Wells spoke on this very issue. All the church leaders of the province were sitting in the Speaker's gallery. I remember it very well. At that point Premier Wells thought they could reach a consensus, that they could reach an understanding on this issue. They thought they had done so but we have seen what has happened since.

In my view this issue is about governance. It is about governing the province of Newfoundland and Labrador which the present government was elected to do. The Government of Newfoundland and Labrador was hamstrung. It was handcuffed. It could not make the decisions about the education system of Newfoundland and Labrador that it was duly elected to make as the Government of Newfoundland and Labrador.

If I were the premier of Newfoundland and Labrador or a part of the government administration for Newfoundland and Labrador, I would have done exactly what Premier Tobin and his administration did on this issue. They were not able to run the education system in Newfoundland and Labrador. That is the truth of the matter. They were not able to govern. They were not able to make decisions because every time they tried to make a decision or made a decision, someone challenged them and they could not move forward on education.

We saw it all this past year when schools were supposed to be closed and teachers were supposed to be redistributed in the province. Then it all went back up and we had to reopen schools. It has turned out to be a nightmare in Newfoundland and Labrador over the past eight or nine years as we have tried to get some sense of direction and bring about educational reform for the benefit of those people for whom we should have been debating it throughout those years, the students of Newfoundland and Labrador.

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It got off track. The debate was not about improving the quality of education in all of those schools throughout Newfoundland and Labrador. The issue got lost. It was seldom mentioned. It turned into turf wars. I feel very strongly that the government had no choice but to deal with it. As part of the process the government went to the people for the second time.

Do not forget this was the second time that a majority of the people of Newfoundland and Labrador voted for educational reform, and this time overwhelmingly. So the people gave their blessing to this reform and to this question. I do not want to belabour the point here today and go on about it for the length of my time. I just want to say to hon. members here that I respect all their opinions and I respect the way they will vote.

It is interesting to note that within every caucus of every party represented in this House there will be people who will vote yes and people who will vote no. That tells us something about this whole process. It tells us about how seriously people take these matters. That is very good and I am proud of that. I am proud to be part of this Chamber and this Parliament which is so democratic and which is filled with people who are so strong in their convictions. I say that quite seriously here tonight. It is very interesting for me to be here and to witness this.

On behalf of Newfoundlanders and Labradorians and particularly the Newfoundlanders and Labradorians I represent in Burin—St. George's, there is no question about what I will be doing tomorrow or whenever the vote is taken. I will be voting yes.

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I would like to thank the member for his eloquent position on the issue and his support for the issue. He has reassured us that for Newfoundlanders the question was very clear and that governance by a province on an exclusive area of provincial jurisdiction has to be given due recognition by the federal government.

I make only one plea to the member. The members of the Progressive Conservative opposition in the Senate who sat on the committee dissociated themselves from the report and the recommendations contained therein. Because of what I believe will be his persuasion, the member might be able to convince the members of the Tory caucus in the Senate. Since he has come from the same caucus perhaps the member could make an undertaking today that he will exercise all efforts to ensure that support comes equally from that caucus in the other House.

The Acting Speaker (Mr. McClelland): Before the hon. member for Burin—St. George's responds, there are three other members who have indicated that they would like to intervene.

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• (1815)

It will go in this order: the hon. member for Calgary Southeast, the hon. member for Broadview—Greenwood and back to the hon. member for Edmonton East. If we keep our comments short and to the point we will get them all in.

In response, the hon. member for Burin—St. George's.

Mr. Bill Matthews: Mr. Speaker, I am not sure I really want an opportunity to respond to that question, but the member made a suggestion and I will do my best.

Yes, I will use whatever persuasive powers I have to convince the other chamber to approve this without delay.

I have said from day one, when I made my position public on this issue, that I would not in any way be party to any tactic or any group or organization which tried to delay or stall this issue and I remain firm in my position tonight.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I commend the hon. member for his remarks and particularly for congratulating other members from other parts of the country in taking this matter seriously. This is a matter which affects the Canadian constitution and I think that all legislators, rightfully, should be concerned about it, whether they are for it or against it.

My question for the hon. member relates to the public mood in Newfoundland. He referred to the fact that people are tired of the debate which has gone on for nine years, the fact that it seems to drag on and on, and that people want to get it over with. Is it possible that some people voted yes in the referendum which was held earlier this year in order to get the matter done and dealt with? Were they more motivated by that than they were in considering the long term ramifications? In other words, was the referendum result, at least in part, a result of public anxiety about the process and wanting to get it done without having a full, thoughtful consideration of the consequences of voting yes?

Mr. Bill Matthews: Mr. Speaker, I would not want in any way to attempt to diminish the understanding that Newfoundlanders and Labradorians had on this issue. They were well versed on it. They were better versed than anyone else in this country, quite naturally, because they were living it. They have lived it for eight or nine years.

To be very honest, which we all should be, I would say that there certainly were people who voted yes in the referendum because they were frustrated. They thought it had been dealt with in 1995 and then found out that it had not been, and here we go again.

I would have to be honest and say yes, there were Newfoundlanders and Labradorians who voted yes out of frustration. They wanted it to be dealt with. They wanted the educational reform of

Newfoundland and Labrador to move forward and, quite naturally, I think there were some who felt like that.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, I had the great fortune of being taught by the Basilian fathers during most of my high school and university education; an order of priests who have set up academic institutions right across the country. They have always believed that education is more than the pure academic, that it is the development of the whole person. In other words, from the moment we arrived in the school during the day there could be a prayer or there could be chapel. There was a prayer before the football game or the hockey game. It was a total immersion into the catholic experience.

Does the hon. member for Burin—St. George's not feel a bit concerned that this responsibility is now being handed over totally to the state?

Mr. Bill Matthews: Mr. Speaker, I appreciate the comments of the hon. member and his concerns.

Again to be honest, yes, I do have some concerns about that. We are talking about a very important issue. For me it comes down to the quality of education in Newfoundland and Labrador. We have gone through very tough economic times. We have gone through severe population changes, out-migration and other things. We have to weigh all these things in the equation before we come to a decision.

Education takes place every minute that we are awake. Some of the things which the hon. member alluded to such as prayer and other observances certainly can take place outside school. I am sure that will continue to happen.

If parents request it, then they will have religious observances within the school. They cannot be denied.

• (1820)

I do not know if I have answered the member in the way that he wanted but yes, I do have some concern about that. Again, the wording is quite clear in that there will be religious education courses developed and offered in the schools, but the courses will not be specific to any denomination. I think that is probably what the hon. member's concern is.

I am not as concerned about that, obviously, as the hon. member is.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I wanted to comment. I certainly believe, as does everybody, that Newfoundland conducts affairs democratically. Two referendums have been held, one with a vote of 73%. That is a powerful message being passed along.

I want to refer the hon. member to another democratic instance in 1987. That is when the Premier of Newfoundland the Legislative

Assembly of Newfoundland made permanent and forever entrenched the rights of Pentecostals.

I want to know how the member responds to this, how he feels about something that is specifically entrenched, as Premier Peckford's idea was, how this could now be affected when obviously from polls and polling only 30% of Pentecostals agree with changing their rights.

Mr. Bill Matthews: Mr. Speaker, again it is very difficult to sort of respond. Yes, in 1987 the Government of Newfoundland and Labrador initiated a constitutional change that included the Pentecostal Assemblies. There is no question about this.

This is 10 years later. I guess if we could predict 10 years in advance on any issue what the situation would be, then we would avoid a lot of the problems, a lot of the very difficult decisions that we have to make in this country and in our province of Newfoundland and Labrador.

While the government of the day in 1987 thought that it was right and proper to include those rights in the Canadian constitution for the Pentecostal assemblies, there has been a lot of change since then.

As I mentioned, there have been a lot of changes in our province. There was the dollar crunch. The student population has declined tremendously.

The government of the province must have the right to govern and to make decisions. If the people do not like the decisions made, they deal with the government the time after.

I guess all I can say on that is that times have changed big time in Newfoundland and Labrador in 10 years, as they will be in 2007 from what they are today.

Maybe we will be changing it back in 2007, who knows. If I could look that far into the future with a crystal ball—

The Acting Speaker (Mr. McClelland): We have a quick question, 30 seconds and a 30 second response.

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, the question from the hon. member from the Reform Party has stimulated another question. Given that constitutions, according to the Reform Party, should be entrenched for all time, should we have a Senate that is impossible to change and should we do away with section 43 amendments as the Reform Party has suggested?

Mr. Bill Matthews: Mr. Speaker, I do not want to get pulled into a debate between the hon. member opposite and members of the Reform Party. I think I will leave it to the two of them to agree or disagree.

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They are ever changing times. Who knows in ten years what the situation will be in the country. Who knows what will happen to the population of Newfoundland and Labrador, what our student population will be, what the economics of our province will be with the new oil and gas industry, Voisey's Bay, and on and on it goes. It is very difficult to answer some of those questions.

I know that is why members are asking them. They know they are very difficult to answer.

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, I will be sharing my time with the Minister of Veterans Affairs.

This is a very interesting debate because what is happening here is we are seeing the result of some of the policies that have been espoused particularly by the Reform Party but by many people in different parts of Canada in relationship to governing by referenda. You should never ask a question if you are not prepared to live with the answer.

• (1825)

I would not presume at any time to tell the people of Newfoundland and Labrador how they should particularly run their education system. Of course as parliamentarians and Canadians we are concerned about the quality of education from sea to sea to sea, and clearly quality is an issue that we would all be concerned about. But what we are seeing here is governance, an issue of governance.

I was first elected to the Ontario legislature in 1987 and I was appointed as vice-chair of the select committee on education. It is a little like *deja vu* all over again. It seems that no matter what jurisdiction I wind up in, education seems to become the focus of the day. It is very much a political issue.

I remember the concern that too often we are pulling up the roots of the tree of the education system and examining it, not leaving it planted, allowing it to grow. That had very much to do with the pedagogy, with the quality of education in the classroom, but a great deal less with the governance.

The people of Newfoundland have answered a question and I was fascinated to hear the member for one of the ridings in Saskatchewan say that he would not want to go back with a 70-plus vote in favour of one system in his province and tell a certain minority that it could no longer send its children to the schools of their choice. The result would be that the decision based on the referendum that would have hypothetically taken place in Saskatchewan would have to be ignored. This is clearly one of the problems we have when we think we can simply, in black and white, govern by referendum.

I recall a marvellous speech given by a member of the Ontario legislature. It was around an education system. He was from the riding of Simcoe. I will not mention his name, for his own

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purposes. He stood up and said I have done a poll in my riding on this particular issue and 50% of my constituents are in favour of this amendment and 50% are against, and I am going to vote with my constituents. Interesting comment.

That is the push-pull. That is why we were sent here. I suggest it is a very unusual issue where you can get a kind of clear answer to a question. We have to ask ourselves was the question legitimate.

I have heard the question read in this place and it is pretty legitimate and pretty clear and pretty understandable. Something impresses me even more than the 73%. I hear everyone saying that maybe they voted out of fear, maybe they voted because they did not understand it. There was a low voter turnout, all of this. Let us set aside the issue of the referendum just for a moment.

Although I would agree with my colleagues who have spoken from Newfoundland and Labrador very passionately about this, I would agree it is something they must listen to. The numbers that impress me the most are the ones when I look at how the legislature voted in Newfoundland. There are 48 members. Thirty-five of them are Liberals, obviously a clear majority. Eleven are Progressive Conservative, one NDP and one Independent.

I served for five years in a provincial legislature in opposition. Members from the opposition would understand what I am talking about when we can say we can vote against the government on this and it will still carry. God forbid that there would ever be a vote cast in this place with that kind of thought, but if it is a matter of political expediency, we can stand against the government and it will still happen. It has a clear majority.

Did the Tories do that? Eleven of them voted unanimously with the government. Did the New Democrats do that? Obviously a party with a tradition in opposition in this country that understands what it means to oppose and quite often just gets up in an opposing mood, it voted to support this. And the Independent? I do not know the person. We have one in this place. It seems that someone who is truly independent, who is elected as an independent, who would be sent to a legislature as an independent member, would find very little reason, in my submission, to generally vote with a majority government.

• (1830)

It seems to me that they would want to put forward the opposing view, that they would see it as an obligation to stand in contrast to the majority view of the government. Did that independent member in the Newfoundland legislature do that? That member voted with the government.

The fact that the duly elected representatives of that legislature voted 100% in support of this tells me something that very clearly

is important. The debate took place. We know there was a royal commission. In 1992 the royal commission recommended this.

Newfoundland is a wonderful part of our land in this great country. One of the real advantages Newfoundland has, I would submit, is that in spite of the vastness geographically, it is probably possible to talk to everybody in the province.

I represent a riding of 140,000 people. By the time the next election rolls around, 50% of my constituents could be brand new to the riding. It is a very fast growing, volatile changing community. I would say, having spent some wonderful time in St. John's, Newfoundland, that it is easy to communicate if you represent that part of the country. You could probably, if you really wanted to and I say this with tremendous love for Newfoundland and Labrador, call everybody in a reasonable period of time and get hold of them. There would be an opportunity for people to voice their opinion.

With 48 members of the provincial legislature having that opportunity, given the results of the vote in the legislature and the results of the referendum, we have no right to oppose a constitutional amendment in this regard.

Having said that, I know that my folks at home in Mississauga are a little frightened of this. They are a little concerned that this is the thin edge of the wedge. That catholic education in the province of Ontario could be in jeopardy. I want you to know that I do not believe that. Our separate school system, a system which I went through—I went to our Lady of Sorrows Elementary School and to St. Jerome, a boarding school in Kitchener with the Resurrectionist Fathers—has tremendous roots in our province.

We now have full funding of both the public and the separate school system. I believe we are secure in the catholic education system which exists in the province of Ontario. We should not be worried that a precedent would destroy that. We should support our brothers and sisters, our friends, our legislative brothers and sisters in Newfoundland and Labrador. We should adopt this very historic amendment to our constitution.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I am very impressed with the confidence the hon. colleague opposite has that this will in no way ever affect the catholic education system in Ontario. What evidence does he have that makes him so positive that this could never happen in Ontario?

Mr. Steve Mahoney: Mr. Speaker, having spent eight years in the Ontario legislature, having been the vice chairman of the select committee on education under the David Peterson government, having served in opposition for five years, I feel I have some comfort level in our province.

No one can ever say never. The point of the matter is that we have a very strong and secure system of education, catholic and public, in the province of Ontario. We then balance that with the fact that we have a very clear message from the people of Newfoundland and Labrador. We have a clear message from the

members who represent that part of Canada in this place. We have an enormously clear message from the people who represent Newfoundland and Labrador in their provincial legislature. Frankly, I think—

• (1835)

The Acting Speaker (Mr. McClelland): We have at least two more questions and comments. We will go to the member for Edmonton East and then the parliamentary secretary.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, the member opposite mentioned the unanimity of the voting of the legislators. I refer to newspaper articles of the time where discussions were reported that the legislators were mentioning that some would be voting no in the referendum. The comment was that after the referendum they would feel compelled to vote in the legislature the will of the voters. This indeed happened.

It was reported in *Hansard* of that legislature that some members made speeches and talked to the effect that they had indeed voted no, but now they felt compelled to vote yes. Those are the individuals who are on record. I suggest there were probably more. That is the reason for the unanimity. Would the member possibly explain this?

Mr. Steve Mahoney: Mr. Speaker, if it was in the newspaper, it must be true.

We cannot have votes of convenience. We cannot say that we should have a vote on this issue, have it carry and they say “Ya, but I don’t like the reason you did it”. There are members in this place who will speak against and vote for this because they have concerns, but the bottom line is that they feel they must support this because of the clear decision of the people. For the Reform Party not to want to listen to the people is clearly astounding to see.

We have the message and we have a duty and an obligation to live up to it.

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I would like to point out to this House that I am a member of the Roman Catholic faith and I voted in the referendum in a particular way. However, when it comes time to vote on this issue I will vote as a member of the House of Commons who is speaking on behalf of my constituency.

For the record, as a member of the Roman Catholic faith, I voted personally for the amendment. I will vote as a member of the House of Commons for the amendment because that is what my constituency said.

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On another point, I would suggest the following to those members who are concerned this will have an impact on other constituencies and other provinces in the country. I point out one simple fact.

In 1987 we added the Pentecostal denomination to the schedule of denominations that were provided with specific rights. We did not at that time add other denominations in other provinces. We did not add the Pentecostal faith to the Ontario schedule. We did not add it to the Manitoba schedule. We did not add it to the Alberta schedule so—

The Acting Speaker (Mr. McClelland): The last word goes to the member for Mississauga West.

Mr. Steve Mahoney: Mr. Speaker, probably the greatest single thing about Canada is the diversity in our regions and our provinces and the fact that they are so different in many ways. I believe that what we have here is a constitutional amendment for one area of this wonderful country. It is an amendment we can support. The evidence is in and I will be proud to stand and vote and support my colleagues and the people of Newfoundland and Labrador.

Hon. Fred Mifflin (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, I am pleased that there is such a good diverse debate on this subject. It is a subject that has been debated in Newfoundland and Labrador for many years. It has been debated at length during the last month or so here.

I congratulate my hon. colleague from Mississauga West for giving such an excellent presentation. I also congratulate my colleague, the hon. Parliamentary Secretary to the Minister of Natural Resources, for the leadership role he played in co-chairing the joint committee of the House and the other place.

Those who know me will know that I have given this topic considerable thought. I made my wishes known in the last round. I will speak in support of this amendment before the House because I believe it will be beneficial to the children of Newfoundland and Labrador.

Members will recall that there are no public schools in Newfoundland and Labrador. As is the case in all provinces, our education system is a part of our history. Our first schools were sponsored, fostered and indeed promoted by the churches and the clergy. Governments did not assume responsibility for education until much later in our history. Even when public funding became available, the Newfoundland system was still directly and exclusively run by the churches.

• (1840)

I want to use the example of my home town in Bonavista which is an historic fishing town. I think this year at the Cabot 500

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celebrations it became known as the landfall of John Cabot. Bonavista is famous for that but it is also famous for something that is not quite as well known.

In 1722, Reverend Henry Jones came to Bonavista where he supervised the building of the first church in Newfoundland. Four years later, he organized the first school in Newfoundland, in my home town. There is the connection.

By the time of Confederation, six individual denominations had been granted the right to operate schools. They still possess that right. It was pointed out in the previous debate that one denomination was added in 1987.

Today in Newfoundland and Labrador, there are four separate, distinct and individual school systems with overlapping boards in a province with 575,000 people and 110,000 students, roughly the size of Calgary.

The people of Newfoundland and Labrador have now asked Parliament to give the provincial legislature the authority to make changes in the denominational education system. That will be the effect of our amended term 17.

Simply put, the legislature would have the authority to decide and to direct educational issues and the individual denominations would not. While the denominational school system was incorporated in the constitution in 1949 for reasons that certainly those from Newfoundland and Labrador would be aware of, the people of the province through their government now wish to make a different arrangement.

They believe that changes must be made to the schools for the sake of their children and for their children's future. The decision to make change was not hasty, not arbitrary and came as a consequence of a long process of public discussion and negotiation.

Just to quickly summarize for the record, six years ago the Government of Newfoundland and Labrador appointed a royal commission on education. More than 30 years have passed since such a study was made.

The commission was chaired by Dr. Len Williams, a very experienced and respected educator. The commission recommended far-reaching changes designed to give the children of Newfoundland and Labrador greater opportunity to prepare themselves to lead full, satisfying and productive lives.

The provincial government decided to negotiate arrangements very quickly and then Premier Wells and several of his senior colleagues had a series of discussions with representatives of the denominations.

They could not reach agreement and eventually the provincial government was essentially faced with three options: to abandon the project to make changes believed necessary, to agree to the

much less far-reaching changes which the leaders of the churches were prepared to accept, or the third option, to seek a constitutional amendment to give the legislature powers with respect to education similar to those already vested in every other provincial legislature. They chose the amendment.

Changes were so important to the people of Newfoundland and Labrador that a referendum was held. There was a majority of 54.8% of those who voted and endorsed the government's reform proposal.

The government then asked the House of Assembly to decide on the issue and every member of the House, except the Speaker, voted on the proposal. All three parties voted in favour.

In June 1996, for those of us who were here at the time, this House debated and passed a resolution amending term 17 as per the request of the Newfoundland House of Assembly. The resolution then went to the Senate which held public hearings as a single Senate committee and passed the resolution with amendment.

When the resolution returned to the Chamber, the members decided not to accept the Senate amendments and passed the term 17 resolution for the second time in December 1996.

On January 3, 1997 the Newfoundland legislature passed the new schools act to implement the new education regime in light of the new amendments of term 17.

The 1996 amendment represented the compromise arising out of three years of discussion with the denominational education committees. The attempt to implement this new compromise failed. It failed after catholic and protestant committees sought and received a court injunction in July 1997.

The provincial government complied with the terms of the injunction which led to a complete disruption of plans for the 1997-98 school year. Those members from Newfoundland and Labrador would certainly recall that with great disappointment.

• (1845)

At this point the province had to decide to go back to the people to hold a referendum on December 2. It asked the following question: 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? As we have heard in the House, 73% of those responding said yes. On September 5 the Newfoundland legislature moved unanimously to approve the resolution to amend term 17 and to seek the resolution which the House is debating tonight.

During the last couple of months this issue has been the subject of much discussion. In the last three weeks the joint committee of both Houses once again held public hearings. As a result of these hearings the joint committee has recommended that both Houses of Parliament adopt the resolution to amend term 17 of the terms of

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union of Newfoundland and Labrador with Canada in the form tabled in these Houses in November of this year.

There has been a lot of debate. Quite frankly, as a product of that system, I am more than fully persuaded that the amendment is an appropriate and proper change. I have no hesitation in recommending it, as I did the previous one, to Parliament. Although it is different, it is really asking members on both sides of the House and those in the other place to support it for the reasons I have given.

I believe, as do most of my colleagues, that the result will be a better education system for the children of Newfoundland and Labrador.

The case for this amendment requested by the Newfoundland legislature is compelling in my judgment. Anything which is unanimous in that House is compelling. I speak also as a Newfoundlander, as a Canadian and as a member of the Government of Canada. I am convinced that the Government of Newfoundland and Labrador will be able to provide the children of my province with a better education if we adopt this amendment.

I have family in Newfoundland who will go through that system. It is a very personal decision which I have had to come to. Each time I have examined the pros and cons, and I am pleased to have heard them again in the House tonight.

I am persuaded on the merits of the amendment. I am persuaded also that it would not threaten or harm the rights of any other Canadian. I am persuaded that its adoption would not require a future Parliament to adopt an amendment which would unacceptably change the rights of any Canadian.

I am going to vote for it for these reasons and on that basis. I am going to vote for it because I believe it to be in the best interests of the children of my riding of Bonavista—Trinity—Conception and in the province of Newfoundland and Labrador. I believe they deserve the best that the education system of Newfoundland and Labrador can provide. I believe that this amendment if adopted will help to make this so.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I wonder if the hon. member could enlighten us as to whether he knows anything about the members of the legislature of Newfoundland and their voting patterns. He mentioned that the vote was unanimous. There must have been among those members some deeply religious people, perhaps many who had similar concerns to what we have heard expressed today from some members of this House.

Does the member opposite have any intimate knowledge or does he know any of the members of the Newfoundland legislature? Can

he explain why they would have voted for the amendment even though they have very deeply held religious beliefs?

Hon. Fred Mifflin: Mr. Speaker, I thank the hon. member for his question. Yes, I do know most of the members of the Newfoundland legislature. I know some of them very well. Some voted one way in the referendum, but upon reflection when they returned to look at the system and what the system was trying to achieve, I think they saw it in a different light. I know one member who had second thoughts.

Those of us who serve the highest courts in the land whether they be in the provinces or in this House sometimes have to decide whether they want to represent the views of their constituents or the views which they believe they must exercise on the part of their constituents. If they are lucky, they will be one and the same. With some difficulty sometimes they can be different.

• (1850)

I will not prolong the answer, but if I may, the case of capital punishment I think was an issue where sometimes members of this House voted with their constituents and other times they voted with their conscience.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, a short question to my colleague whom I have always held in high regard. I have deep affection for his service to his community and country.

I come from downtown Toronto and I consider that we are an advantaged community economically. I have been to the member's province many times and know of the deep economic pain that exists in the member's community. Does the member think that the deep economic pain and the lack of economic resources had something to do with so many in the minority not supporting their traditional system?

Hon. Fred Mifflin: Mr. Speaker, I have worked with the hon. member for Broadview—Greenwood over the years on many difficult issues and on many difficult subjects. I want to thank him for the passion that he feels for the subject.

While we agree on most things, there are certain things we do not agree on. I am not sure how he is going to vote, so I will not presuppose this, but I do know the hon. member has concerns with this issue. As I have always done, I respect his concern for this issue as passionate as his concern is about most issues, but this one in particular.

When people decide to vote yes or no on any particular issue, there are many reasons for it. I believe the main reason for the resounding vote of 73%—and you cannot question the majority of that—stems mainly from the torment that people had with respect to putting in place once and for all a system that was more in line

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with the rest of the country and in fact in line with the rest of North America. The system in Newfoundland and Labrador was unique in all of North America. I know the hon. member knows that.

There was a torment of those people who had to vote on this issue to once and for all put in place an educational system which their children would benefit from. The system would operate in a clear cut and decisive manner and would avoid this great discussion for 10 years where we have had yes and no and referendums and votes in the house of assembly—

The Acting Speaker (Mr. McClelland): I am sorry, the time for questions and comments has expired. Resuming debate. The hon. member for North Vancouver.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I will be sharing my time with the member for Kelowna.

The term 17 amendment we are debating today offers an opportunity for some MPs to take the position that voting their conscience is appropriate. That was mentioned by the hon. minister who spoke before me. They do that even if it is opposite to the position taken by their constituents. They say they will vote against the amendment for the most part because of the need to protect minority rights and/or entitlements from the tyranny of the majority.

Without those MPs being here, there really would not have been much of a debate so far, so I thank them for that. But as a result of the position they have taken, they are obliged to criticize the term 17 referendums and some unfortunately have been doing so using factually unsupported material or opinions that they are representing as fact taken from letters from people who were disappointed with the result.

If members had taken the time to call the office of Elections Newfoundland to discuss the mechanics of holding those referendums, they would have found as I did that a lot of the criticisms were completely baseless or were totally inaccurate.

• (1855)

Before sharing some of that information with members, I would first like to remind the House that prior to the first term 17 referendum, seven specific religious groups controlled pretty much all the public schools in the province. Meanwhile Jews, Muslims, Baptists and a whole host of other smaller religions, the true minorities, were deprived of any similar right or access to the public purse.

The voters of Newfoundland appear to have recognized that this situation was unfair and have voted to level the playing field for all religious groups in Newfoundland. They rejected in two referendums an entrenched entitlement of seven major religions to reach their hands into the pockets of taxpayers while the other religions,

in fact the minority, had no such right. The changes contained in the term 17 amendment if anything improved the situation for minorities.

Furthermore, in terms of those minority rights, the two referendums on term 17 offered more than enough opportunities for both sides of the argument to make people aware of their interpretation of the effects of the proposed changes. The issue was thoroughly discussed at home, in restaurants, at work, on television, on radio talk shows. It is insulting to the intelligence of voters to suggest that they did not understand what they were voting for or how the rights and entitlements of majorities and minorities would be affected by their vote.

As for the complaints by critics that a mere 32 days was allowed for the actual campaign, 32 days is not an unusually short time for a referendum campaign. The last federal election was only 37 days of campaign and that was to change the entire government of the country with a multitude of issues and complex judgments that went along with it. Besides, the term 17 issue had been floating around under deep public discussion for many years, as has already been mentioned by other members.

The associated complaint that the government failed to inform the public of the text of the amendment until August 25, just two days before the advance poll, also has little relevance in terms of either the mechanics or outcome. The fact is that the vote was on the question and not on the legal wording of the amendment which would enact the question. There was no obligation whatsoever on the government to produce or release the wording of the actual amendment at any time and it is questionable how many voters would have wanted to read it anyway.

To keep this in context, compare the situation to that of placing a clear question to Quebeckers in any new referendum on separation. It would be impossible to have a clear question if you had to put the entire bill on the ballot paper. As I mentioned, in most cases the average voter is not interested in reading those legal mechanics anyway.

In the case of the recent term 17 referendum, the text of the question was released on the very same day the referendum was announced. The minister who spoke before me read the question into the record so I will not do that again, but the referendum related to that question and not to the actual legal wording of the amendment which was subsequently voted on in the House.

Some members will have received letters complaining that the Government of Newfoundland used its resources and finances to support the yes position during the referendum campaign but that opponents had no such resources and should have been given public money to fund their opposition. Opponents were completely free to use their own resources to counter the government position and they did so. There was no limit to how much they could spend

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on their side of the argument and they did advertise and promote their position very widely just as the government did.

The Newfoundland government said that it spent around \$300,000 to promote its position, but the other side to my knowledge has released no figures. In my opinion there is no convincing argument to support the contention that opponents to a government position should be given public funds to counter that position. If we were to approve of such a measure in general, Canada would soon be bankrupt and governments would be paralysed by special interest group activities totally funded from the public purse. Besides, there is absolutely no evidence in any jurisdiction that employs public referendums that the amount of money spent on the issue by one side over the other affects the outcome in any significant way.

For example, in Canada the Charlottetown accord yes side spent 10 times as much as the winning no side and it still lost. In the 1993 election the PC Party spent something like \$40 million and had access to huge amounts of free media time but just elected two members. The Reform Party spent a fraction of that amount, had hardly any free media time and elected 52 members.

• (1900)

In Newfoundland, members will be interested to learn, the single most common complaint received by the chief electoral officer during both referendums had nothing to do with spending. It was that too many polling stations were on church property and that religious symbols, statues and materials were being used in attempts to influence the vote.

Some of those upset by the outcome of the two referendums have claimed that the government would not permit scrutineers at the polling stations, but in fact the government had no power to make that decision. The determination that scrutineers were not appropriate was made by the chief electoral officer as authorized by the Newfoundland elections act.

In the absence of clearly identified yes and no organizations, the chief electoral officer determined that scrutineers would not be authorized in the polling stations for either side. He did, however, provide a returning officer, a deputy returning officer and an official witness at each polling station. The job of the official witness was to ensure the security of the vote at each station, and to date there is no evidence whatsoever of any tampering.

Some people have criticized the referendum process on the basis that only 52% of the people voted, that 73% of that 52% voted yes, and that the equivalent of 39% of eligible voters approved the question and therefore the results were not valid.

The voter turnout was within normal ranges for this type of electoral event in Canada. To argue that the result is not valid leads us down a very slippery slope indeed. Many MPs in the House were

elected with percentages well below 50 and percentages in the high 30s are not unusual.

The Liberal government won a governing mandate in 1997 with less than 40% of the vote, a situation that many would argue has a significantly greater negative impact than an amendment to term 17. Yet it stands. I have yet to observe any government member arguing that the results of the 1997 election are invalid, even though the majority of voters actually voted against the Liberals.

As a dedicated believer in referendums, even those in the form of an election, I defend the right of taxpayers and voters to make a mistake; to learn that they made a mistake; and to correct that mistake, if indeed it was a mistake, via a subsequent referendum. Such an exercise is in the end far more productive than having arrogant, self-righteous, genuinely well intentioned, biased or badly informed politicians forcing their will upon the people.

As the leader of the Reform Party said earlier today, Newfoundlanders were well aware the issue involved not only educational reform but the difficult subject of extinguishing, granting and balancing majority and minority rights.

Parliament should therefore be very careful in presuming that its judgment on any of these matters is somehow superior to that of the people of Newfoundland. Let us respect their intelligence, their consideration of majority and minority rights, and their right to make decisions about the way their province operates its system of education. Let us make sure they receive from the House an appropriate endorsement of the term 17 amendment.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, I listened attentively to the member's remarks and I would like to put forward a position.

I have always held the view that the Parliament of Canada is a place where we speak for those who need a voice, those who are the most disadvantaged, and in this case we know a group in the province of Newfoundland is having a right diminished by term 17.

Does the member hold the view that we are here to speak for the advantaged primarily, or does he hold the view that there are times, even though it may not be popular, when we should consider speaking for those who do not have a voice?

• (1905)

Mr. Ted White: Mr. Speaker, the member has asked a question which is difficult to answer because he has not used specific examples other than the Newfoundland referendum issue.

I will refer to a paragraph that I used in my speech. I believe in the right of people to make a mistake. I truly believe that in the long run it is a much better experience for politicians and for people themselves. If they make a decision through the tool of a referendum we should be obliged to carry out that requirement. They are the ones paying the bills, and we had better get used to that. If we are to carry out their will we must do what we can to

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provide them with sufficient information to properly balance opposing points of view.

In the end it is their decision. I defend their right to make that decision, even to instruct me to do something I do not want to do, as I did when I voted for the gun control bill in the last parliament. In the end they will come to see whether or not it was a mistake, and if it was they will direct me to fix the mistake.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I thank the hon. member for North Vancouver. He is probably the most tenacious and articulate advocate of direct democracy in this place.

I share much of his commitment to direct democracy. I share the view, to paraphrase William F. Buckley Junior, that I would rather be governed by the first thousand people listed in the St. John's phone book than by the faculty of Memorial University.

Having said that, I do think on matters which affect rights, acquired rights and constitutional rights, a higher threshold is sometimes required.

I like to comment on a couple of the member's remarks. As somewhat of a student of direct democracy and its uses throughout the world, I find it peculiar the hon. member suggested it was not necessary for the legal text to be associated with the question in so far as the referendum was on the question.

The point is that the amendment is before the House. Virtually every direct democracy statute in the world requires that a bill or a legal text be put to the people along with the question, and that was not the case here.

Furthermore, the hon. member spoke quite rightly against public funding for particular sides in a referendum. I do not believe the no side should have had funding in this case. I believe the yes side should have been left to its own resources and not to have had privileged access to the public purse.

Does the hon. member think he is doing his defence of direct democracy any good by defending what I would submit were questionable practices in terms of this referendum?

Mr. Ted White: Mr. Speaker, those are good questions. The member and I have had plenty of discussions in private on this matter. He knows that I consider these to have been entitlements, not rights. That is a point of debate and difference which I know is shared by other members of the House.

Referendums around the world, particularly those initiated by citizens, rarely have any type of legal text associated with them. Proposition 13 in California is an example. We can look at the

Swiss models. There is rarely anything other than a framework of the legal text that is finally put into practice.

I still maintain it is nice to have those tools available. I would encourage that. It is my understanding that the Newfoundland government set about doing that as fast as it could and immediately employed two lawyers to do it. It was released as quickly as possible. It was not a requirement. I would still say the average person on the street probably did not place as much importance on that as they did on the question itself.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I am pleased to be able to enter the debate on term 17 and its amendment. My remarks will not be directed toward the democratic process, the legality of term 17 or the amendment thereof. My remarks will be focused in an attempt to build the case that the national interest is being jeopardized by the amendment.

I will do this from three perspectives. The provisions of the amendment prejudiciously affect the rights of parents to educate their children, a right which was declared in the 1948 convention by the United Nations Universal Declaration of Human Rights. It endorsed the rights of parents by stating that they had a prior right to choose the kind of education that shall be given their child.

• (1910)

Second, the political precedent that this creates in Canada could be significant. I will not dwell on that much more except to say what I did just now.

Third, it creates a severe problem, maybe a series of problems, and perhaps even denies the development of a common core of values and ethics that underlie a democratic form of government.

Turning to the first of these points, the prejudicial effect toward parents to determine the education of their children, it expunges the denominational schools but denominational schools teach a particular set of values and ethics.

The provisions for religious education that are not specific to a religious democracy are to be clearly differentiated from courses that have a particular denomination. What is being proposed is not a denominational kind of religious education but something else.

The question, then, that needs to be asked is what kind of a religion course will it be. Will it be the state view of what religion ought to be? Will it be the presentation of a menu of values from which individuals may choose whatever they wish?

There is reason to believe that it will probably be the latter. I refer in particular to the provisions of the Ontario curricula and here I refer to the common curriculum, policies and outcomes,

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Grades 1 to 9, 1995, a document that is in place and operative at this time, which reads in part:

Adapting to changing attitudes is a difficult process for all of us and one that can place special demands on students who are just beginning to develop and test their values. It is important, therefore, that schools and their programs provide both clear guidelines and a climate of flexibility and understanding in which independent thinking can thrive and in which students can develop values that they themselves consider relevant for the life they envisage. The common curriculum with its emphasis on responding to a variety of needs provides the basis for such a climate.

Two principles emerge from that statement in this curriculum. The first one is that schools do not teach shared principles or values. Instead there is a climate of flexible, personal values.

The second principle is that students develop the values which they choose, based upon their own perception of the relevance of the values to their lives. This is predicated on the fact that there is no right or wrong.

Nowhere in the common curriculum is there a statement that students in grades 1 to 9 in Ontario should be taught right from wrong. That is a serious implication. It is at the heart of our justice system and the criminal element in our society. People should know what is right and what is wrong, particularly at the beginning of the school system in grades 1 to 9.

Many will argue that values are best transmitted in the family. I agree. That is the most efficient and the most effective way. The difficulty is that if a family believes there is a set of virtues, ethics and values that should be held, the family challenges the state's view which seeks to impart to the young that values are after all merely a menu choices and that individuals are free to pick what is relevant in what they consider to be relevant for the life they envisage. Such a view is also supported by at least one supreme court judge who sits today. That judge states quite bluntly that there should not be any one conception of the good life.

It is rather clear from such a judge's position that parents teaching a particular set of values of the good life is unacceptable. Such a view does not just have implications for education. It removes the basis on which laws themselves are formulated. It removes the basis on which one can judge a good law from a bad law, and it eliminates the distinction between needs and wants of human beings.

This elimination implies that there is no right desire and there is no wrong desire. There is then also no need to develop the ability or the skill to decide what is or what is not a right desire.

• (1915)

There could have been in the Newfoundland situation an avoidance of this whole problem. It could have been dealt with if the opportunity had been presented to the parents to let their tax dollar

follow their child so that the parents would be able to choose the kind of school that they wanted their children to attend. That would have avoided the morass that exists there.

I agree the Newfoundland school system was a mess. The organization and administration was a tremendous problem. I have known that for a lot longer than this debate has been going on. That had to be fixed. There was a way to fix it.

We heard many hon. members say the government had no choice. That is to suggest that the government had no imagination. It had a choice but it chose not to make that choice. That is what it did. It chose a particular way and said we had no choice. It is wrong, it is misleading and it is false.

Quite aside from the need to have a particular teaching of what is right and wrong in the schools, this also I believe has an implication for democracy itself.

I would like to suggest that one of the requirements of a democracy is that children know and be taught a program and the proper limits of human behaviour. Unless we know what the proper limits of human behaviour are democracy in itself is in danger.

I am borrowing here to some degree from David Brown, a Toronto lawyer who specializes in commercial litigation with particular emphasis on the constitutional provisions in Canada. He says we need to have recognized that a common set of values is fundamental to the existence and operation of a democracy.

The United Nations Convention on the Rights of the Child, 1989 injects legal rights into the relationship between parent and child. This was ratified in Canada in 1991. Justice Wilson, to paraphrase this position, observes that these legal rights erects an invisible fence around each child which parents will not be allowed to penetrate. We can begin to recognize what the situation is here. There is now a clear distinction here that the role of the family in the life of the child is clearly reduced by the UN convention.

Now we have the strong possibility that term 17 will also have the effect of reducing the role of the family in the lives of our children. Why do I say this? There is a contemporary view in 1997 thinking that democracy depends on a core set of values and ethics to set the proper limits of human behaviour. There is also historical thinking on the very same point.

In fact, it goes back to 1835 when Alexis Tocqueville travelled through the North American continent and concluded that in order for the American business to complete itself and to reach the proper conclusions of democracy there needed to be a safeguard and the safeguard came from the religious and ethical beliefs of the people of America. That is what gave democracy its strength and that is what gives it its base. That is the foundation on which our laws

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rest. That is also the basis on which we can evaluate a good law compared with a bad law.

On this particular amendment, term 17, to the constitution of Canada, not now, in fact maybe not for the next two, three or even five years, but the time is coming when we will point to this and say that was the beginning of a major rift and a major problem with the democracy itself in Canada because our youngsters do not have a clear understanding of what is right and what is wrong, what is moral, what is ethical and the principles with which we should govern our behaviour and set limits on our desires.

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I thought I was confused about the Reform Party's position on this issue before and now I am fundamentally confused.

• (1920)

Particular religious denominations are essential, not all, because in Newfoundland we had seven denominations which have entrenched denominational rights in terms of the educational system.

In reference to the process of forming legislation and law, what exactly is the member talking about? I would like to know if there is such a thing as catholic made criminal law and Jewish made criminal law and whether he would subscribe to that view or if there is law in the best interest of society and Canadians, and that law should apply to all Canadians equally, regardless of religious background of the drafters of the legislation.

I also ask if views held by constituents are valid only if they coincide with the views of the members opposite. Clearly this is a classic example, 73% of the people of Newfoundland and Labrador deciding an issue which is basic to their interests and basic to their values. They clearly articulated their values. I think we have some disagreement. We are citing now international charter on why it should not be imposed.

Mr. Werner Schmidt: Mr. Speaker, I enjoyed having the hon. member as co-chair of the committee. I learned to respect him.

I also learned from the question he has just asked that sometimes he does not listen as well as he should. Had he listened well he would have heard that I talked not about catholic laws, not about the values held by the Pentecostals, the Baptists or any other group. What I said was that for a democracy to persist and for a democracy to flourish it was necessary to have a common set of principles, a shared set of values and a shared set of ethics. That is what I said.

There was no denominational significance given to the particular set of values but there had to be agreement on what there ought to be. I will put it in the context of the provision that exists in Ontario curriculum where there is no such common principle or set of values.

History has shown that these agreements on the common principles and values are held within the particular religious groups. Many of them are shared.

However, to deny them and to simply say you have these particular sets of values but the school comes along and says really it does not matter, there is this clarification that takes place and you can choose any one of them, it does not make any difference.

It does make a difference and that is the point I was trying to make. If the hon. member did not understand that, then he has a problem.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, the hon. member from Humber—St. Barbe—Baie Verte seems to keep referring to members of the Reform Party. Maybe he will understand that this is a free vote where members of different parties are taking different positions.

To try to take cheap partisan shots and to draw inferences about what party is supporting what position is totally inappropriate. I wish the hon. member would be a little more responsible in conducting himself in this debate.

I gather the hon. member from Okanagan is saying that unless there is in the school system some way of transmitting the basic moral values on which any Liberal democracy is founded, they end up with a kind of relativism which is itself inimical to democracy, that democracy is based on the understanding of the inviolable dignity to the human person—

The Acting Speaker (Mr. McClelland): We will give the last few seconds to the member for Kelowna.

Mr. Werner Schmidt: Mr. Speaker, it would not only create chaos, it would also create a society in which there is so much conflict that nothing would get done.

What it would do is open the road for tyranny to take place. In fact, it is a perfect building block for tyrants to become the governor of the country.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, I feel privileged to have the opportunity to participate in this debate.

This is an issue for me where I have probably as many friends on the opposite side as I have on the side I am on.

• (1925)

I have always held the view that being a member of Parliament is a temporal experience. We are only here, even if we are really lucky, for perhaps a couple of terms and then we are back to our communities, back with our families on a more regular basis. We have to sit alone at times and say what did we do when we were here. Did we stick to our core values, our core principles or did we forget about them and sort of go along with the flow?

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It is terrific to have an opportunity in a debate like this where it is a free vote. It does take some of the pressure away. Being government members, we have to be extremely sensitive that the consensus the government has built or the trust the government has built to move the agenda of the nation forward is not fractured in any way, shape or form. But on this motion I feel we should be concerned.

I have just been given notice, Mr. Speaker, that I will be sharing my time with the member for Ottawa—Vanier.

My feeling about this issue is I do not want to get hung up on the numbers, whether they were 75% or 25% in terms of the vote. I said earlier in the debate today that I have always taken the view that we are here to speak for those people who do not have a voice.

This is an easy town for those who are advantaged. The lobbying, the hustle, the resources if you are from an advantaged or favoured group or organization are really not much contest. The real challenge for us as members of Parliament is when a big wave is coming at you and it seems that you are out of step with that wave but you must remember that we are sent here primarily to speak for that person who really does not have a voice.

I have a view that there are a number of people, and I am not judging those who take a different path, who share the path that I am on and who would like to preserve the traditional denominational system that was in Newfoundland.

I realize quite frankly that if the economy of Newfoundland were a lot better this would not be a big issue. I can say that because I can remember many months ago discussing the economics of this issue with the premier of Newfoundland. He said to me this is a very expensive system that we have here in Newfoundland. It is a unique expensive decision. If we had lots of money this probably would not be such a big issue.

I agree with my friend from Kelowna that we are sometimes driven here by economics much more than values. We are much more driven by secularization. That is the current wave that is going through our system right now.

I had the privilege, and I consider it a real privilege, to have been associated with a teaching order of priests who started in this country 147 years ago, the Basilian Fathers. They came from France. They were invited by the bishop of Toronto, Bishop De Charbonnel, and they came to teach poor illiterate Irish immigrants. Over the last 147 years the Basilian Fathers have developed teaching institutions in every region of this country.

I was privileged to have the opportunity to attend St. Michael's college school in Toronto and I later attended the Basilian university in Houston, Texas, St. Thomas. I would be walking away from the 10 year experience I had with the Basilian Fathers and all the other lay educators that were associated with the Basilians if I supported this amendment.

• (1930)

I believe that a Catholic education is not just about teaching the intellect, it is about teaching the whole person. We are all human, we all make mistakes, we all fall. But there was a tremendous experience in being in an environment where the whole person was being developed.

A denominational institution is different from a non-denominational institution. I have been associated with both at the university level. I think that we have a responsibility and a duty here when we see a right being diminished to say hold on, do we really need to do this?

If I were to say 75% of the people voted for it and all the members of the legislature voted for it, then I would be walking away from all those educators who were a part of my life. I would be walking away from those educators who are a part of my son's life. I do not think that would be sticking to my core principles or values.

Quite frankly, this movement of secularization that is going through our country right now is all in the name of fiscal expediency. We tend to cut, shave and eliminate because we do not have the resources. My goodness, some of the founders of these traditional educational institutions had more creativity. Some of them actually taught in barns and did not have half as much as some of our school boards have today. However that total experience, the teaching of the whole person was important.

Clause 2 of this term 17 amendment states that the state will take over the management of the religious opportunity. It just missed the whole point. This is not about teaching a religious course. A Catholic education is an experience from the moment students arrive in the morning until the time they hang up their football cleats in the locker room. It is the fact that they can walk down a hall to a chapel. It is the fact that there is a daily mass. It does not mean they have to go every day, but it is part of the total environment.

The thing that really burns me deeply about this amendment is that we are showing a lack of respect for the thousands and thousands of men and women who dedicated their lives to the Catholic institutions, the human capital who really became the backbone of this country, be they Jesuits, Basilians or Sisters of St. Joseph's, and the ongoing litany of people who worked for \$5 a week. For that reason I will not be supporting this amendment.

• (1935)

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I would like to take a moment to acknowledge the very special and meaningful conversations the hon. member and I have had regarding this issue. I respect his position on this. He spoke very eloquently and from the heart about a number of his own personal experiences. It has been most important and valuable to me to hear how he feels about it. I

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too went through the Catholic school system. I have a slightly different view than the hon. member, which we both acknowledge.

There are those in Newfoundland and Labrador who have been educated through the integrated education system. The integrated education system is a denominational system. It is basically the Anglican, United and Salvation Army churches that have come together and have provided religious education and as well religious instruction in a way which is not denominationally based. In fact it is a denominational education classification but it offers instruction which is not denominationally based.

I wish to point out something about the students who went to an integrated school next door. I found the moral integrity, the values that those students held and their personal development to be quite sound and strong. Frankly, they are very productive citizens in society. They are participating in a good structure of society.

Does the hon. member have any particular opinion about whether or not it is absolutely essential that denominations and denominations only participate in religious instruction? I found an example which we used in Newfoundland and Labrador in providing the current drafting of the term 17 amendment, the integrated education system, and it works quite well.

Mr. Dennis J. Mills: Mr. Speaker, I thank the Parliamentary Secretary to the Minister of National Resources. I concur that we have exchanged productively on this issue.

I am not standing here in judgment of any system that is in place right now. What I am concerned about and feel strongly about is a system that was part of the arc of Confederation, to quote Senator Connolly, and that it was a right that was part of putting this whole nation together. I see that right being diminished. I feel there is the possibility that this thought process of secularization could expand and move to different regions of the country.

Having said all of that, in no way, shape or form am I judging the character or the contribution to society and to the country that any other educational system provides. It is just that I happen to be partial to the institution which I had the opportunity to participate in. I know there are many others who have participated in similar institutions across Canada who share this view.

[*Translation*]

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, in sharing my conclusions, I would like to address three points dealing essentially with the motion before us. The first one is the education of French speaking Newfoundlanders; the second, public support for this amendment; and finally, our role as parlia-

mentarians, members of the Parliament of Canada and the House of Commons, with regard to this issue.

On the education of French speaking Newfoundlanders, last year, when the House first considered this issue as part of an amendment to term 17 of the Terms of Union of Newfoundland with Canada, I indicated that my support was largely based on the fact that, in the process, the Government of Newfoundland would be fulfilling its responsibilities under section 23 of the charter.

● (1940)

It will be recalled that, with passage of the Constitutional Act in 1982, section 23 of the charter guaranteed official language minorities everywhere in the country, from sea to sea to sea, the right to education in their language. That took a while to happen in Newfoundland. Here we are in 1997 finally seeing them respect that right.

Dare I speculate that the need, desire or will of the Newfoundland government to get term 17 of its union with Canada modified is in part what made it aware it might get a poorer reception in Parliament—if I can use that expression here—if it were not respecting the commitments under section 23 of the charter?

In this connection I would like to quote a portion of a letter from Johanne Lacelle to the co-chair of the joint committee. She was writing on behalf of the Fédération des parents francophones de Terre-Neuve et du Labrador. She said “Since June 1997—not long ago—francophones in the province have a shools act guaranteeing complete control over our school system. At last we can say that language rights are henceforth going to be in line with section 23 of the charter. School administration is now in the hands of the francophones. From now on, under this act, the schools will have the status of non-denominational schools, in line with the proposed reform the province is calling for”.

From this letter and the fact that the Fédération did not wish to appear, did not feel the need to appear, I think we may conclude and state that the francophones of Newfoundland have the management of their school system under control, and we hope that they may use this to promote the growth of their community in, as she so aptly put it, nondenominational schools. This is another element. I do not think that we have said sufficiently in debates in committee and here that the francophone population of Newfoundland seems to agree to having their children educated in nondenominational schools.

As to the matter of popular will, in committee several questions were raised regarding public consultation. Some fairly sharp criticism was directed at the process, the referendum question and the way it was held. The results were often interpreted to mean that the minorities had not agreed to the change. I have a question on

that, which has not really been raised up to now. In my opinion, we should give it some thought. It concerns the fact that the denominational classes, if I can call them that, did not insist that the vote be taken along religious lines.

[*English*]

If they had wanted to demonstrate without a shadow of a doubt that their own denomination were opposed to the changes and if they thought they had a sufficiently large number of people within their own denomination that would vote against it, then it behooved the representatives of these denominations to ask that the vote be done by denominational class, and that was not done. We were told in committee by the minister responsible for education that that offer was put on the table, not for this current vote but for the previous one. The offer was not taken up nor was it asked for during the last vote that occurred in early September as a result of the campaign in August.

This is a situation in which those who argue that the minorities did not give their consent to this could have found a way to demonstrate that, yet they failed to even ask for that to be done. They could have been clamouring for this to be done, to have all the Pentecostal votes identified. When someone voted they could have said that they were Catholic or that they were such and such. We do that all the time in Ontario municipal elections when we cast a ballot, yet that was not put forward. It was not requested. I suspect that suggests quite a bit.

• (1945)

We can read into this what we wish. I have read into it that perhaps there is a consensus, even within the denominations, for a change to the system in many instances. Perhaps not in all of them, but in some of them I would suspect that the reason there of no insistence for such a vote was because the result may have been somewhat other than some people of those denominations would have wanted to see.

I wanted to put this on the floor so that members who are opposing it on the grounds that the minorities did not give their consent can reflect on it.

Finally, I want to address what our role is as parliamentarians. It is definitely not to rubber stamp. I am very pleased that the three votes in which I have been involved in my short time here which have dealt with constitutional amendments using section 43 of the 1982 act have all been free votes. It speaks very well of the seriousness with which we address these issues. We rise above partisan considerations. Free votes force members to think about the issue. It removes the cushion, if you will, of the whipped vote. We have to be accountable for our votes. I believe that is the way which we as parliamentarians should address a constitutional change.

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Although our role is not to rubber stamp, it is certainly not to be systematically opposed. I have had a chance in recent weeks to sit on two committees, the one studying the bilateral constitutional amendment for the Quebec school boards and this one. I have been pleased with the approach taken by all parties and all representatives of both Houses.

This method of helping our country, of ensuring that some systems and some of our institutions evolve, is very good. Perhaps it has not been anticipated to be that useful, but it is certainly turning out to be that way. I want to encourage the parliaments of Canada to realize that there are certain ways of making systems and some of our institutions progress.

[*Translation*]

It is not our duty, as I have pointed out, to systematically oppose or blindly approve recommendations put to us. But, having sat on the committee, listened to witnesses and considered all the arguments, I think we can say without fear of error that the amendment is put to us with the approval of the people of Newfoundland and certainly the unanimous approval of the Newfoundland legislature, which is not to be sniffed at, and is one of the most important factors to be considered.

That having been said, I have absolutely no qualms about supporting and encouraging my colleagues to support the proposal before us.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, it will come as no great surprise when I tell you that, like my colleagues in the Bloc Québécois and other parties in the House, I will be enthusiastically supporting the constitutional amendment before us.

I wish to emphasize that this is a constitutional amendment. It would obviously be misleading to those listening if the full significance of the debate today, and for a number of days now, were not made clear. When we speak about a constitutional amendment, the first thing that should be said is that a constitution is the supreme law of a nation. There are two kinds of constitution. Canada has what is described as a written constitution. There are basically five ways of amending it. The constitutional amendment before us is made possible through section 43.

• (1950)

Section 43, the constitutional amendment we are debating, is a bilateral constitutional amendment. This means that it is possible for a province, in an area under its jurisdiction, therefore in an area mentioned in section 92 or section 93, to amend the text of the Constitution with the consent of both Houses.

I think it is also worth pointing out that federalism has three main features. A system is described as federal when there is a constitution and a division of powers between lower and higher levels. The third feature is obviously a court of justice that

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arbitrates disputes or challenges that may arise between partners in the Constitution. This gives us some idea of the system in which we live.

The Government of Newfoundland, headed by the former Minister of Fisheries and Oceans of this government, is asking to be allowed, for all intents and purposes, to establish a public school system. Some people might be tempted to do certain things, but not you, Mr. Speaker, because I know you are a sensible and informed person. I remind our viewers that, throughout your childhood, not that long ago, you took great pleasure in reading constitutional law treaties. This kept you away from the more "in" crowd, but turned you into a well-informed legal expert.

This having been said, the issue here is really to establish a public, non-denominational school system in Newfoundland, the last province to join Confederation, in 1949, under the leadership of Joey Smallwood.

When we consider these issues, we have to keep two things in mind. Confederation was initially made up of four provinces. All the provinces that joined afterwards had clauses protecting minority rights regarding schools. The provinces can be divided in two large groups: those that adhered to section 93, and those that obtained other specific rights. In the case of Newfoundland, it is not section 93 that applies, but term 17.

It should also be mentioned that, as regards term 17, which is the clause governing the terms of the union of Newfoundland with the Dominion of Canada—as our country was called back then—there are three major aspects. First, as we mentioned, term 17 refers to an exclusively denominational school system. Just think of what Quebec did in the sixties—this incredible period of change called the quiet revolution, after an English speaking journalist coined the phrase. Quebec asked the clergy to withdraw from the school system, which is what is now happening in Newfoundland. Indeed, the idea is not only to create non-denominational structures, but to establish a public school system. In other words, linguistic rights are not the issue here. These are not religious rights. We will come back to this later, but these are indeed rights related to access to education and the organization of a public system.

First, this was a province that did not have a public education system when it signed the treaty in 1867. Second, there were seven major denominations representing 90% of the population. I can name them to show the extent of the denominations involved.

● (1955)

There was, of course, the Anglicans, the Presbyterians, the Salvation Army, the United Church, the Pentecostals, the Roman Catholics and the Seventh-Day Adventists. You can easily imagine how this kind of religious mosaic resulted in a rather fragmented

school system. In this respect, one of the forms this fragmentation took, which may seem unimportant but can be extremely important in relation to the students' quality of life, was described by parents in the evidence they presented, which I would now like to share with you.

This evidence can be found in the report tabled by the joint committee. I will repeat for the benefit of our viewers that there are two kinds of parliamentary committees: the standing committees such as the justice committee, the agriculture committee and the environment committee, which are mandated to review certain bills, and the joint committees made up of representatives of this House and the other place, better known as the Senate.

Let me read the testimony of a parent reminding us of one of the problems posed, if only from a transportation point of view, by maintaining a system with seven different denominations, in which there are essentially no neighbourhood schools. The fact that you live next to a school does not mean that your child can enrol in that particular school, since enrolment is based on the religion declared by the parents.

One of the parents in the Education First group told of the case of a child who could walk to primary school. Now that she is in seventh grade, however, she has to leave home at 7.30 a.m. and take the bus. Within ten minutes she passes a Catholic school. After 20 minutes, she goes past another school. Both offer seventh grade. Finally she goes past a third school, which offers grades seven to nine, before she reaches her school an hour after leaving home.

So one of the striking elements in the organization of the Newfoundland system is the distances children face in registering not at a neighbourhood school, but at one that provides religious education in the faith of their parents. This is what they are going to put an end to.

Those who would be tempted to think this is a recent debate in Newfoundland should remember that it has gone on since 1990. It is not recent. Its roots warrant mentioning.

In 1990, a commission of inquiry was set up to consider the future of the Newfoundland education system. You know, Mr. Speaker, how important education is to a society. You know, because your education is not lacking, you have a higher education. I have been told in fact that you were always at the top of your class. I have not checked personally, but you are sufficiently talented for me to believe it. Education is important. It is important because it helps socialize, but it inculcates values. When we want to find out a society's most commonly held values, we must look to the schools. Not only do they teach values, but they foster learning. And generally, not just any sort of learning, but learning that provides a competitive edge on the job market and that provides access to the labour force.

It is vital to a society. I think the Government of Newfoundland, for partisan considerations, is right to be concerned about the efficiency of its school system. That is what the commission of inquiry said. In the early 1990s, it concluded that it was important for the future, for the future of the young students of Newfoundland, for there to be an integrated system with shared schools.

• (2000)

After that came a lengthy process. First of all, in 1995-96, there was a first referendum. You know what aphrodisiac powers that word has in this House, it is a word that gets the government all excited. Governments get excited any chance they get, and we are dealing now with one that gets really hot and bothered at the mere mention of the word referendum.

So, there was a first one, to be followed by a second in which Mr. Tobin's government attempted to strike a compromise between a system of education I would qualify as a hybrid, a combination of separate schools and the right of certain religious denominations to be heard. In that referendum, 54% supported the government resolution.

Why do I feel obliged to specify this? First of all, because I am reminding you that this is a debate that has been discussed in Newfoundland since the early 1990s. Second, because there have been consultations of all sorts. There were public hearings, two referendums, not one but two. The first was in 1995, at which time 54% of Newfoundlanders voted yes.

It is interesting, strictly from the constitutional point of view, because I would remind you that what we are dealing with here is a constitutional amendment. It is therefore an amendment that will change the most important document of a country, its supreme law, its constitution. The government of the time, the same one as today, responded favourably to this constitutional amendment.

But it is interesting to recall that it was not two-thirds, not 70% of Newfoundlanders, who voted yes, but 54% at the outside. The government, led by the same Prime Minister guiding our destinies today, followed up on this resolution. It wrote to the Premier of Newfoundland to tell him that, in January 1996, it would introduce a resolution asking parliamentarians in the House of Commons and the Senate to approve the resolution.

I want to remind you that this therefore means that the figure of 50% is acceptable in a referendum because, in a democracy, whatever is said and done, it is the majority that rules. When the Minister of Intergovernmental Affairs ventures to tell us, in his sometimes high and mighty way, that 50% is not enough in the case of Quebec, of national unity, I think we must remind him, in all fairness, that there is a precedent.

There was a referendum in 1995. Naturally, there was a debate in the House in 1996, and we went along, both in the House of

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Commons and in the Senate, with the resolution introduced by the government. This was followed by a court challenge by two religious denominations in Newfoundland. They challenged not *stricto sensu* the constitutional amendment, but the new public education act.

There was an injunction. We know how radical a process that is, with its immediate impact. The supreme court of Newfoundland ruled in their favour. This had the result of halting the process of reform in which the Newfoundland government of Brian Tobin was intensely involved.

In this context, the premier then and now, the former Minister of Fisheries and Oceans, whom you remember fondly, I believe, Mr. Speaker, decided to hold a referendum on September 2.

• (2005)

The referendum was on a clear question, a question such as we like them, that is a question which is immediately understandable when you read it, a question which is unequivocal. So, allow me to read it for the benefit of those who may not have done so. The provincial government complied with the conditions of the injunction. It announced on July 31, 1997, through its most important citizen, the premier of the province, that a referendum would be held on September 2, and that the question would be: "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?" The question was clear.

Of course, the question triggered a debate. The debate was not like the one in Quebec, since there is no requirement under Newfoundland's referendum act, which is in fact an election act, because there is no specific referendum act. So, a debate took place, thus giving the public an opportunity to discuss what was at stake.

When the referendum was over—and I hope this will happen to us some day—73% of voters had said yes. So, 73% of them authorized the Tobin government to conduct an in-depth review of the school system with a view to establishing amalgamated, non-denominational schools where religious education will be permitted as requested by parents. That is where we are at.

Following this referendum, as required by procedure, another resolution was tabled by the executive, which had to be debated by both Parliaments. This debate led to the establishment of a joint committee and, today, as parliamentarians, we must vote either in favour of or against this resolution. It is interesting because the Newfoundland situation reminds us of the need to modernize the school system, of course, but also of minority rights. It does not deal substantially with linguistic rights, section 23 of the Constitu-

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tion Act, 1867, or even religious rights. It deals with the right to reorganize the school system.

In spite of the fact that consultations, two referendums, were held and that this debate had been going on since 1990, the Minister of Intergovernmental Affairs, with his stubbornness that borders on neurosis at times, nevertheless insisted on consultations being conducted. We went along with this little game and were represented in the process by the dynamic Bloc Québécois member for Témiscamingue.

We will support this amendment because we believe that, in a democracy, the voice of reason is always that of the majority. In this case, we are talking about an indisputable majority, since 73% approved the government resolution. I know that, in a not so distant future, when we consider other referendum results, we will remember the precedents created on this occasion.

[English]

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I have a question for the hon. member. In 1987 the Premier of Newfoundland made specific requests in the Legislative Assembly of Newfoundland to constitutionally entrench the rights of the Pentecostals forever. He made a permanent gesture for the Pentecostals in the province of Newfoundland.

Would the member comment on his impression of what a permanent constitutional entrenchment would be and whether the permanent constitutional entrenchment of a minority such as in the case of the Pentecostals should be extinguished by the majority?

• (2010)

[Translation]

Mr. Réal Ménard: Mr. Speaker, I am aware of the hon. member's interest in these matters, and I thank him.

The Pentecostals make up 7% of the population of Newfoundland. It could no doubt be recalled that, where constitutional law is concerned, a minority cannot be subordinated to a majority. I am prepared to admit, with the hon. member, that there is an obligation in a civilized society to ensure that minorities are adequately protected.

What is involved here, however, is the right of a government to modernize its educational system, because this is first and foremost an amendment to ensure that the Newfoundland school system will enter the 21st century as more modern, more efficient, more responsive to the needs of the labour market.

I am tempted to answer my colleague's question with another question. Does he believe that constitutions are immutable? I myself believe that they must adjust to society, that constitutions must adjust to individuals. There is no reason to believe that a constitution or a constitutional amendment is immutable. Such logic would tie our hands and preclude any possibility of change.

What has to be taken into consideration, what we must ask ourselves as parliamentarians, is the following: Did the Pentecostals have the opportunity to make their points of view known? Are there sufficient guarantees that minorities were consulted and are in favour of the constitutional amendment?

I would remind the hon. member that the two Pentecostal MLAs in Newfoundland voted in favour of the government resolution. I believe that this is the best guarantee available to us to conclude that a democratic debate has taken place and that all minorities had a chance to make their views heard.

[English]

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I will answer the hon. member's question. If the minority is being particularly entrenched in the constitution in a special fashion, which it was by the Newfoundland legislature, particularly mentioning Pentecostals and to be entrenched forever, the way to remove that entrenchment would be to consult that minority and have that minority's agreement or consent in some form to remove it.

Because it specifically affects that minority I would think that minority must be approached to remove it.

[Translation]

Mr. Réal Ménard: Mr. Speaker, I understand my colleague's point of view. It is a testament to his sensitivity.

I want to remind him that, when his leader spoke, not so long ago, about Quebec's section 93 amendment, one of the pre-conditions he set for parliamentary approval of a constitutional amendment was that a referendum be held, that there be extensive public consultations. I believe that these conditions have been met in the case before us.

Finally, I have trouble seeing how the Reform Party's logic will allow it to vote in favour of a constitutional amendment since, even in very extreme cases, less ambiguous cases where there was public debate, where two referendums were held, where 73% of people voted in favour, and there are not many democracies that can lay claim to that high a percentage of voters in favour of any subject, they are not persuaded.

So I ask my Reform colleague what will be the standard, the criterion that will satisfy these people constitutionally that they may approve an amendment requested by a province if, when 73% of the public has voted in favour, they rise in the House and say nay?

• (2015)

[English]

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, I am pleased to rise and participate in today's very important debate.

I was a member of the special committee that studied term 17, that listened to representations from the people of Newfoundland and from others who are concerned about the amendment that is before this House. I thought I would begin my remarks today by sharing with this House and the people who are watching the debate some of the things that I learned while I was on the committee.

How did we get to where we are today? Why is Newfoundland and Labrador requesting this change to their terms of agreement, specifically to term 17? The reason that they are requesting this is because they want to change their school system. I found that Newfoundland and Labrador is the only jurisdiction in Canada, in fact the only jurisdiction in North America, that does not have a public school system.

Newfoundland and Labrador does not have a non-denominational school system. If you want to go to school in Newfoundland and Labrador, you must attend one of the schools run by one of the church groups that has denominational rights in Newfoundland.

Is there anything wrong with that? Well, it has caused problems in Newfoundland and Labrador. It has caused problems because often children or the parents of those children want the child to be able to go to the school across the street, but in order to register for a school in Newfoundland and Labrador, you have to take your birth certificate. You have to tell them what religion you are and the schools will accommodate first all of the children from that religious community and then, if there is space available, they will accept the children who are not from that denomination.

You have the situation where too often, too commonly, children are forced on to buses, pass several schools and can sit on that bus half an hour to an hour. We heard of students who spend three hours of their school day sitting on buses. We heard of students who could not participate in extra-curricular activities unless they could arrange for a lift home after school.

The people of Newfoundland and Labrador have been debating the type of school system that they want for their children for over 10 years. We heard from people who made representations to our committee that it has been a difficult and divisive debate. We heard that eight years ago there was a royal commission and we were told that the recommendation of that royal commission some eight years ago was in fact the change that is before this House of Commons, this Parliament, this Senate.

Think about that. Ten years ago the debate began. Eight years ago a royal commission recommended that term 17 be changed so that Newfoundland and Labrador could have a non-denominational school system. What happened in those intervening years since that royal commission?

What happened was debate, hot and heavy, passionate debate. That debate culminated and a compromise was proposed by the

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former Premier Clyde Wells, someone who I did not always agree with, I have to tell this House. We did not see eye to eye on everything.

Premier Wells proposed a compromise and the debate that ensued on the compromise was a difficult and divisive debate. A strange thing happened in Newfoundland and Labrador. That debate became a non-partisan debate and at the end of that debate on the compromise, after listening to all sides, after a referendum that we heard at committee was confusing because it was by its very nature a compromise, we heard that there was a unanimous free vote in the Newfoundland and Labrador House of Assembly.

As the compromise solution, the previous changes to term 17, was being implemented, problems arose.

• (2020)

Some of those who opposed the compromise took the Government of Newfoundland and Labrador to court. In the court's wisdom, the compromise was struck down. The Premier of Newfoundland, now Premier Tobin, went back to the people of Newfoundland and Labrador on July 31, 1997, days after the court struck down the decision on the previous amendment on term 17. Within days he said "We were going to have a clear question". We are going to ask the people of Newfoundland and Labrador if they are prepared to support a change, a very significant change. We are going to ask them if they support a change from a denominational school system to a non-denominational public school system. We are going to ask them if they want to have religious course offered within that school system, but they will be non-specific, non-denominational religious courses on world religion. That was a very clear question.

What I discovered was that the same percentage of people in Newfoundland and Labrador who voted in the referendum that was held on September 2 voted in the last federal election. It is true the voter turnout was not high. It was not 80% or 70%, but it was a clear majority. Fifty-three per cent of the people of Newfoundland and Labrador went out to vote in this most important referendum, a similar number and a similar percentage as had voted last June 2 in the federal election.

Of the people in Newfoundland and Labrador who went to vote on September 2, 73% of them supported the clear question which was asked in the referendum by their government. They said "we support change in Newfoundland. We support a change from denominational schools to public non-denominational schools". They said that clearly, they said it loudly and they said it after almost 10 years of public discussion and public debate.

What I found most compelling as I listened carefully to the passionate and anguished presentations that came before our committee was that the ensuing debate in the national assembly was again a non-partisan debate. No one questioned the other's

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motives. No one attempted to take political advantage. Everyone said "What is in the interests of our students? What is in the interests of quality education for those students?" In Newfoundland and Labrador, which is not the richest province in this land, they said "What is in the interest of cost effective quality education in Newfoundland?"

We heard that time and again from people who came before the committee. What the people of Newfoundland and Labrador voted for was an end to the chaos, an end to the debate which had divided communities, an end to the debate which was divisive and difficult for the people of Newfoundland and Labrador.

What they came before our committee and asked for was a resolution. Those people who came before the committee were not unanimous in their support. In all of my almost 20 years in public life, I rarely have seen an issue where there is unanimous support. In fact I have said, Mr. Speaker, you do not have to say it is a controversial issue because if it is not controversial, it is not an issue. If there is unanimous support, it is not an issue. What makes it an issue is that not everyone agrees.

• (2025)

They come to this House on this day and say can we in Canada be responsive to a province that has had a history such as Newfoundland and Labrador, which is unique, different? Certainly Newfoundland and Labrador's history when it comes to education is different from that of any other province in this country.

I have said to my constituents in Thornhill, to those who have expressed concerns about what is happening in Newfoundland and Labrador, that there are more differences than there are similarities between the situation in Newfoundland and Labrador and the situation in Ontario.

I do not believe that what we are doing in this Parliament is going to in any way set a precedent for any other province, particularly the province of Ontario. I do not believe it. I do not believe it because Ontario has a very different history than Newfoundland and Labrador.

Ontario has a very different education system than exists in Newfoundland and Labrador today. Ontario does not have the same kind of terms of union that Newfoundland and Labrador are trying to change.

To those people who are raising concerns that what we do in this House on term 17 may in the future have some negative implications for other provinces, may in the future have established a precedent, I say to them that the only precedent that changes to term 17 will create in my opinion is the precedent that says in Canada changes to our constitution are possible.

Our constitution is a living document. It is not carved in stone. It can be responsive to the needs of individual provinces. It can

respond and it can be flexible. It is not difficult to understand why there are those who, for their own reasons, resist change. Certainly I understand that those who have the power to control the school systems do not want to see that changed. I understand that.

It is difficult to make change in a constitution. This country has struggled with the desire for that change over the course of its history, but if ever there was a clear example of when this Parliament should be responsive to a request from the provinces, if there was ever an example of due process having taken place, of the expression of will from the people in a non-partisan free vote again in the Newfoundland House of Assembly, this change to term 17 is the very best example.

After the referendum where 73% of the people of Newfoundland and Labrador said that they want this change on a clear question, there was a non-partisan free vote, unanimous, in the Newfoundland and Labrador House of Assembly. No one should ignore that.

The Conservatives supported it. The NDP supported it. The one independent member of the Newfoundland and Labrador House of Assembly who represents a significant Métis and aboriginal constituency supported it. Yes, the Liberal government and all the members of that House, be they Pentecostals, be they Catholics, be they any religion under the sun or no religion, they all supported this change.

Do members know why? I believe it is because they all want what is best for the students of Newfoundland and Labrador. They want to be able to use their resources in the most cost-effective way that will give their students the best possible quality education and the best possible chance for success in the future.

I urge the members of this House to listen to the voice that has been tortured. We heard from one delegation that they had been tortured in this debate for a decade.

• (2030)

Let us help them put this into their history. If we do not pass this resolution expeditiously in the House they will not be prepared to look after their students come next September. It is irresponsible not to move forward if we care about the students of Newfoundland and Labrador, if we care that they will have the opportunity to receive the best quality, cost effective education that can be provided in that province. Let us give those kids a chance. Let the province get past this.

After sitting on the committee, I believe its majority report is the best thing for Canada and for Newfoundland and Labrador. I hope members of the House will support it.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I need a little clarification. The hon. member opposite indicated that someone was tortured. I hope that was not in the physical sense. Hopefully it was only in the mental sense. Since it was a phrase used in the

middle of her ideas without connecting ideas, who specifically was tortured and by whom?

Ms. Elinor Caplan: Mr. Speaker, I am happy to clarify this point for the member. If he checks the committee proceedings he will see that a delegation of parents came before the committee and said that they felt this debate had tortured the community.

Yes, it was mental torture. It was anguish and it was anxiety. It was worry about the students and their future. It was about the divisiveness within the community which divided friends. It was cruel, mental torture.

I am not saying it. The people of Newfoundland and Labrador, the parents who came before the committee, used that word. They also used the words "chaos" and "divisiveness". These difficult expressive words spoke volumes.

I hope the member who asked this important question will talk to his colleagues so that we can respond in a positive way to those people in Newfoundland and Labrador who have felt tortured by this debate and help them to put this in their history books and move beyond it.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, it is a pleasure for me to rise in debate on the resolution to amend term 17. I sat as an associate member on the joint special parliamentary committee dealing with this term. I would first like to recognize that it is an extraordinarily difficult issue requiring the wisdom of Solomon to determine how to vote on this matter. I appreciate the fact that it appears to be a free vote in every caucus.

In my remarks I will not be speaking on behalf of my party but rather with respect to my own conscience as it was formed in the process of those hearings and through the contact I have had with many people in Newfoundland.

I would like to comment on the very passionate remarks of the hon. member who preceded me. She spoke about deep divisions in Newfoundland and the witnesses who appeared at the joint committee speaking about the "torture" they underwent over this ongoing and divisive debate.

Many of the witnesses that appeared before the committee expressed deep and passionately held views in opposition to this proposed term. They are among the minority, perhaps the minority of the minority but a minority nevertheless, who feel that this amendment would alienate from them a constitutional right which is central to their privileges as citizens of Canada and of Newfoundland and Labrador.

By no means is there unanimity in Newfoundland with respect to this amendment. In fact every Newfoundlander I have heard from

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directly as a member of Parliament has been encouraging me to exercise our constitutional authority to oppose this application.

• (2035)

I rise not to oppose a unanimous consensus of the province of Newfoundland but rather to speak on behalf of the small number of people in that province who feel their minority rights are being trounced upon by the process in which we are now engaged.

What does this amendment do? It replaces the original term 17 that was entered into the constitution at the time of confederation of Newfoundland and Labrador in 1949, with a new term which would continue to recognize education as a provincial responsibility, and quite rightly so, and which would remove forever and extinguish permanently the denominational right to govern schools and school systems in a denominational character that was enshrined in 1949.

It would replace those rights with a general guarantee of access to courses in religion that are not specific to a religious denomination and in section 3 to religious observances that shall be permitted in a school where requested by parents. Let us be quite clear about what this does. It removes a right.

Some of the proponents of this amendment will say that we are not talking about minority rights because, after all, 97% of Newfoundlanders and Labradorians come under the coverage of the seven denominations affected. I think that is really pettifoggery. I think it is quibbling with constitutional concepts. Whether it is minority rights, religious rights, acquired rights, vested rights or entrenched rights does not matter one whit.

To quote from an esteemed member of the House, the hon. member for Lac-Saint-Louis, in the debate on a similar initiative in the Quebec legislature many years ago, "rights are rights are rights". I do not care how we cut them up, how we parse them, what terminology we apply, we are talking about guarantees that were extended to certain communities in the formation of the country, in this case in the incorporation of Newfoundland into this great country.

What kind of rights are we talking about when it comes to the rights of parents to direct their children in a particular religious tradition? The Minister of Intergovernmental Affairs and many proponents of this amendment have said that the right to publicly funded denominational education does not constitute a fundamental right as long as parents have access to that kind of education, be it privately funded or otherwise.

In other words, they say that this is not like the right to exercise religion or the right to freedom of expression, which they argue are fundamental rights. Instead they suggest we are dealing with an entitlement, namely the entitlement to use the public purse to finance denominational education.

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I beg to differ, and in so doing I would like to refer to the universal declaration of human rights from 1948, a document which came out of the atrocious circumstances and the lessons of the second world war. The world gathered together in an effort to define once and for all what constituted basic human rights. Article 26 of that declaration stated that everyone "has the right to education. Education shall be free at least in the elementary and fundamental stages".

It went on to say under section 2 that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms". Under section 3 it stated that "parents have a prior right to choose the kind of education that shall be given to their children". It defines education as "education that shall be free"; in other words, publicly funded education at least in the elementary and fundamental stages. It went on to say that such education will be directed by parents who have a prior right to choose what kind of education they shall receive.

• (2040)

This principle was further enunciated in the international covenant on economic, social and cultural rights in 1966, wherein article 13 recognized "the right of everyone to education". It further stated that "primary education shall be compulsory and available free to all, and that the states and parties to the covenant undertake to have respect for the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions".

I refer to the 1976 international covenant on civil and political rights which stated in article 18 that "everyone shall have the right to freedom of thought, conscience and religion". Under section 4 it stated that "the states and parties to the present covenant undertook to have respect for the liberty of parents, and when applicable legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions".

The point is that we are not talking about a mere privilege or a mere entitlement. The right to direct education, as has been understood through these international covenants, means the right to access publicly funded education, free education at least at the elementary stage, which reflects the convictions of parents.

The abolition of the denominational school guarantees in term 17 means the abolition of those rights as defined by these international covenants. I think that is very grave indeed.

That is why we need a very high standard to alienate such rights. I would argue that the only such standard would be that the groups affected, be they minorities or majorities, indicate their consent to the removal of such rights. I submit that in the referendum, the

unanimous vote of the Newfoundland legislature notwithstanding, such consent was not absolutely clear. Why do I say that?

We are dealing not with one monolithic group of citizens affected. We are dealing with eight denominational groups that are affected. Each one of those groups has a claim to this fundamental right. It would not be appropriate for a majority of people from different denominations to alienate the rights of a minority of others.

For instance, it was generally accepted in the hearings of the joint committee that the Pentecostal people of Newfoundland and Labrador did not give their consent in the referendum and did not give it in the consultations, and that they voted in the majority in the referendum against the application.

There was also considerable debate as to whether or not the considerably large catholic community of Newfoundland supported this amendment. While there is some evidence that a majority of nominal catholics may have done so in the referendum, there is no way to measure whether a majority of practising catholics gave such assent. One thing that is evident is that the institutional church, the Newfoundland Conference of Catholic Bishops, is clearly outspokenly opposed to this amendment.

I would also mention parenthetically that it was very unfortunate the joint committee chose not to hear representatives of the Canadian Conference of Catholic Bishops and representatives of other organizations such as the Catholic Civil Rights League that would have spoken to the national implications of this amendment. Why else do I question the assertion that the affected groups have given their assent to this amendment?

I think the referendum was conducted in an atrocious manner. By that I do not mean to say the people of Newfoundland did not know what they were voting on or were somehow voting in mass ignorance. That is not my suggestion.

My suggestion is that the Government of Newfoundland was irresponsible in the manner in which it conducted this referendum and that it conducted it contrary to the basic principles of direct democracy reflected in referenda statutes throughout the world.

• (2045)

Among other things it has been noted in the debate today that the question was released only 32 days before the referendum. The legal text was released two days before the advance polls opened and only a week before the vote itself occurred. I recall in debate on the Charlottetown accord during the referendum in 1992 that Canadians from coast to coast expressed huge anger that they had not seen the legal text of that accord three or four weeks before the referendum.

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In this case, Newfoundlanders did not see it until a couple of days before they went to the polls. And most importantly, when the legal text was released it reflected a substantive difference from the question that was put on the ballot and to Newfoundlanders four weeks before that time.

The question stated "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 observance are provided?" I am reading from an advertisement the government put out called "A Straightforward Referendum Question" and it seems straightforward enough.

But when the government released the legal text, section 2 of the proposed new term 17 made it clear that such courses in religion are not specific to a religious denomination, an essential qualifier, a caveat which was not reflected in the question. Section 3 of the legal text states that religious observances shall be permitted in the school requested by parents, presumably qualified as well as religious observances that are not specific to a particular denomination.

Many Newfoundlanders who approached me and the committee said that the question they were asked implied that the protection of religious education meant the kind of religious education they conventionally understood to be religious, namely denominational education. But the government pulled a fast one by saying that such education would not be denominational in character. I and many people in the province of Newfoundland and Labrador believe that non-denominational religious education really is not religious education and therefore the question was misleading.

I also object to the government's direct intervention in the referendum. The government used the apparatus of the state and public tax dollars to support the yes side of the referendum. One principle which is consistent to direct democracy legislation around the world is that the state must remain neutral on these matters.

The government, that is to say the premier, his cabinet and his caucus, may take a particular position and can get on their soapbox, television or on talk shows and argue their position persuasively. But to use tax dollars for the benefit of one side is to unfairly outweigh the outcome, and more importantly is to infringe on the basic principle of liberal democracy as best expressed by Thomas Jefferson in the preamble to the Virginia Statute on Religious Freedom which states that to compel a man to finance ideas which he abhors is both sinful and tyrannical.

That principle was enshrined at the birth of liberal democracy, that the state must remain neutral when it comes to basic political and moral differences. That was a principle not recognized by the Government of Newfoundland which spent \$350,000 tax dollars on

one side of the referendum while the no advocates had no such access to public resources.

I say this as a very strong advocate of direct democracy and referenda, someone who is somewhat of an amateur student of direct democracy. I find this offensive. If we blindly assume the legitimacy of this referendum, we are lowering the standard of what constitutes legitimate conduct in a referendum and it is not something I think we should do.

• (2050)

Many of those who have argued in favour of this amendment say that what it really tries to do is to enshrine pluralism, to reflect the important Canadian value of pluralism in the education system in Newfoundland. They claim that among other things there are groups such as Baptists and the Jewish community who have no access to denominational education under the original term 17.

I agree it is a legitimate concern. But the proper remedy to that problem is not to extinguish the rights for those who currently hold those rights. It is to expand those rights. A liberal democracy does not create equality by removing rights for some. It creates greater equality by extending those rights to all.

What the Newfoundland government ought to have done in this case, in my view, is to propose an amendment to the term which would have included a generic right to denominational education. That would have satisfied the interests of equality, but instead some people will end up paying the price by not having access to such education.

Those who will pay the price the most are poor people. I want to make this point. The wealthy can afford to send their children to private schools but it is the most disadvantaged, and we know that Newfoundland is a disadvantaged province, where parents cannot afford the extra \$2,000, \$3,000 or \$4,000 to send their children to a private school which is in keeping with their values.

So what about the courses in religion and religious observances provided for in the proposed new term? My concern and that of many Newfoundlanders is that these courses in religion, these non-denominational generic courses will in fact be specific to a particular world view, a world view that might generally be called the secularist world view, a world view which sees no important ultimate distinctions in the truth claims of various religions.

In other words the courses that are implied by this term will not be courses in religion as conventionally understood. They could very well become courses in religious syncretism and indifference undergirded by a philosophy of moral relativism. That is to say philosophies which negate the possibility of objective ultimate truth on matters of life and death, on metaphysical matters, on matters of religion.

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To tell a Catholic parent or a Pentecostal parent or some other parent who comes from a particular religious tradition that they will have access to religious education and that they should not worry is not adequate. They are concerned that their moral views will be offended by their children by schools providing this—

The Acting Speaker (Mr. McClelland): Questions and comments, the hon. member for Elk Island.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I am intrigued with the path the member is taking on this argument. It is one I think has been quite widely missed in the debate so far this day. That is the intense belief system that people have and want to teach to their children. I wonder if he would enlarge more on that aspect of it.

Mr. Jason Kenney: Mr. Speaker, yes I can enlarge on it. The point is that religious syncretism which is implied by the new non-denominational courses in religion under the proposed new term is contrary to the basic values that many families hold. The values they hold are to look at the world from a particular religious perspective rooted in tradition in many cases going back 2,000 years.

For those people to have to send their children to a school where they are going to be taught that there really is no difference between the religions, that all the truth claims of all the religions are irrelevant and illegitimate, that they can pick and choose between the moral values which will guide their lives is offensive. That is why so many parents oppose this.

I would like to make one other point in reference to the hon. member's question. This is the point of pluralism. What we are doing with this amendment is to impose a monistic system of education, that is to say, a one world view system of education which is inimical to the pluralism which is supposedly a value that is so important to this country.

• (2055)

Pluralism means in the words of Edmund Burke that you have many different little platoons in civil society, people coming together around common convictions in different groups. That is what is reflected in the current education system in Newfoundland.

What we want is pluralism, not a monolithic cookie cutter stereotype system where all children are forced to have the same kind of educational experience.

A vote against term 17, the proposed new term, is a vote for pluralism and therefore I submit a vote for the ultimate Canadian value.

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

comments made reference to section 18 of the International Covenant on Civil and Political Rights.

I draw his attention to page 10 of the unanimous report of the joint committee where it clarifies that Professor Anne Bayefsky, the constitutional expert who gave evidence before the committee indicated that the International Covenant on Civil and Political Rights does not say a state party to the treaty is required to provide public funding for denominational rights. I think that is contrary to what I understood him to say in his speech.

Also the member made reference to a right is a right is a right. Is he implying then that the Constitution can only be amended in the case of unanimity and if so, what is the purpose of section 43 of the Constitution Act, 1982 that provides for bilateral amendments?

Mr. Jason Kenney: Mr. Speaker, first of all with respect to Professor Bayefsky's position as quoted in the majority report, I disagree with her.

Referring to the other two covenants which I referenced, the Universal Declaration of Human Rights says that "education shall be free" and the international covenant on economic, social and cultural rights says that primary education shall be compulsory and available, free to all". In the proper context, it is understood that the right to education is a right that is exercisable by all parents, including poor parents which means through the assistance of the state.

With respect to the second question, no, I do not believe that unanimity is required to make an amendment to the Constitution. I indicated during my remarks that the threshold I thought was necessary to remove rights given to a particular group was that that group clearly and expressly support such removal of rights.

That was not clear by this blanket referendum process which was conducted in Newfoundland. We cannot discern from the results whether or not particular groups gave their assent. We are saying that generally a social majority can alienate the rights of a social minority. That is a troubling precedent which all members of this place should be concerned about not only for the educational rights in their provinces, but the other rights afforded by the Constitution.

I would also like to point out that Professor Bayefsky and other constitutional authorities who appeared before the committee argued persuasively that this amendment would subject the new term 17 to the application of the charter of rights and freedoms and therefore any religious observances or courses which took on anything close to denominational character would be imperilled by the jurisprudence with respect to religious education in both the Zylberberg and civil liberties cases out of Ontario. Essentially these are cases which say that we cannot have publicly funded denominational education under the charter because of its equality rights.

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I am glad the hon. member raised the arguments of that constitutional scholar. They are arguments which give further cause for concern in terms of denominational education.

• (2100)

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, Reform has proposed three tests. There has been much discussion over the course of this day in regard to them. I note that members on the opposite side of the House and the other parties adjacent to us have either inferred or explicitly referred to them. I use them as a bit of a guide for my remarks this evening. I also suggest, as I first make remarks on the democratic consent, that with this first criteria I differ with some of my colleagues. It does not trump the other two.

First, on remarks of democratic consent. On September 2, 1997 it appears the Brian Tobin Liberal government of Newfoundland and Labrador took a very knee jerk, malicious approach. It was a very spiteful response to the provincial government ruling that it was not appropriately implementing term 17. As well, we have learned from the Quebec situation that a referendum may be democratic in theory, but demagogic in reality when the form of the question is abused.

Here was a government that was slapped on the wrist, then like a spoiled boy decided it did not want to play. It wanted to walk away instead of working it out. It sprung this referendum on July 31, 1997. The Newfoundland government could have amended the legislation to provide a more workable process for implementing term 17.

The court decision handed down brought into effect the second referendum call at the end of the month. There was no debate in the house of assembly prior to this announcement, no hearings on the proposed amendment. I would suggest that that would have been helpful in getting the issues out, getting them into the public debate arena.

The Tobin government only unveiled, and it has been mentioned often, the proposed new term 17 two days before the advance poll and one week before the vote. As other colleagues have referred, it was substantially different from the form of the question which was put on term 17 on the polling day.

I am not of the view that the technical and legal language needs to be on the ballot. I am of the belief that the technical and legal language needs to concur with the form of the question. This is not the case. This is bordering on fraudulent. It is deceptive. It is trickery. It leaves open to question whether there was an informed consent of the electorate in general and the affected minorities in particular.

I quickly note, as others have, that the government used hundreds of thousands of dollars to promote the yes side and granted not a penny to the no side. I have looked at some of the government advertising. Who is not for children and opportunity and advancement and all of these wonderful things? That is the nature of the government paid advertising, its issues of motherhood and apple pie, but no dollars granted to the no side. Also being referred to is the fact that there were no scrutineers.

It is my belief, as commented by others, that if we are taking this thing of referendum seriously, as the Reform Party does and we are out in the forefront on this one, then we need to be putting a fair question. We need proper electoral safeguards, scrutineers, et cetera, and equal funding for both the yes and no sides or no funding at all. It is an old saying that justice must not only be done, but it must also be seen to be done.

Second, it has not yet been demonstrated that the revised term 17 meets the test of the rule of law. The rule of law requires that the Newfoundland government demonstrate that its proposed reforms do not prejudicially affect the previously granted rights of those who desire a religious orientation in the education of their children.

The Newfoundland government could have addressed this. It had every opportunity by obtaining a ruling, a reference from the Supreme Court of Canada clearly establishing that its proposed amendment does not prejudicially affect previous rights granted. Why get into this? The government had this opportunity. It is not an issue of whether these rights are discriminatory or not. The fact is these rights were granted.

I want to talk from an historical precedent point of view how there could no longer or necessarily be discrimination in regard to these matters. The first education act in Newfoundland was passed in 1836 and granted public funding to the Newfoundland School Society, Roman Catholics and nine school boards.

It was amended in 1874 to permit proportional funding to all religious groups which at that time included Roman Catholics, Anglicans, Methodists, Presbyterians and Congregationalists. In 1892 and 1913 respectively other groups were brought in. Then the Pentecostal Assemblies of Canada were granted full partnership in funding in 1954 and added into the constitution in 1987.

• (2105)

My point is that there is no doubt an increasing number of families in the province who would not be members of traditional Roman Catholic or protestant faith groups but the right of such parents to educate their children according to their own faith and convictions ought to be upheld, as should be the right of Roman Catholic and protestant parents.

There is nothing that precludes there being more groups brought in. The solution proposed by this term 17 will not accommodate

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greater diversity but rather imposes an approach which marginalizes religion and excludes it from the general curriculum.

We should be expanding, as my hon. colleague said just moments ago, the educational rights instead of extinguishing rights. If there are disenfranchised groups that wish to be accommodated, that can be accomplished without eroding the constitutional protection which other minority religious groups enjoy.

There are also ways of addressing current inefficiencies in the educational system which would not require a constitutional amendment.

By press release dated April 24, 1996, the minister of education and training announced that a framework agreement had been negotiated between the province and denominations. That agreement indicates that the government's concerns can be addressed without the constitutional amendment requested. In fact, the churches had co-operated with educational reform.

Premier Tobin made the comment that they were trying to frustrate the process of education reform. Not so, Premier Tobin. In fact, these churches had willingly embraced reform. They had entered into dozens of joint school arrangements. They had closed and consolidated other schools, 30-some for the Roman Catholics and 7 Pentecostal in the past year.

They co-operated with the government in a reduction of school boards from the original 267 to the present 10. They participated in the government operated provincial school construction board which controls all school construction except that school bus reform is necessary. On and on we go.

They in fact endorsed 90% of the commission's recommendations and urged the government to get on with implementing them.

It is clear that the Pentecostals and Roman Catholics will be negatively affected, detrimentally affected by the new religion program in term 17 before us.

This offer of a religion program developed by the Department of Education is a cruel joke. It will be a neutered, generic, no-name brand sociology religion class. At its worst, it will be hostile to theistic religions.

The present Newfoundland government has displayed such disdain for religious education that there is no reason to hope that it will suddenly become conscientious for the rights of parents in matters of religion.

The provincial Department of Education writing the content for the religion course is like putting the fox in charge of the chicken coop. It is a cruel joke. I am of the view that this amendment is not in the best interests of Canadians.

Premier Brian Peckford in the *Hansard* record of April 10, 1987 speaks warmly and extols the Pentecostal Assemblies of New-

foundland, the way they operated their schools, their uniqueness in terms of their putting forth values, instilling manners and courtesy and respect for others and family values and so on. He in fact warns them not to let go of that, not to let that be deluded over time.

Premier Brian Peckford mentions the fact of that danger and makes very clear that they should be regarded as a shining light for others to adopt and to ensure that that was also part of their overall educational system and philosophy. In righting the wrong, he says of the past that he has great pleasure in recommending the inclusion of the Pentecostal Assemblies of Newfoundland.

That being said, who should run the schools? Who should decide on the nature of a child's schooling? I do not recognize the province's exclusive authority to decide the education of my child for Newfoundland or any other province.

It is parents who have the primary responsibility for the education of their children. It is therefore a right to be able to choose a type of education that they desire for their children.

More to the point, they should be entitled to take the funds to pay for that child's education with them, whether directly as in a voucher system or indirectly by funding schools based on the number of pupils they enroll, a system known as capitation.

That approach is finding favour around the world, not only in free market Britain or New Zealand as expected, but also in socialist countries Sweden and Denmark.

The Canadian public would be better served by acknowledging parental choice of a school where their children can be educated in keeping with their world view and values for the good of Canadian society. The Newfoundland referendum is suspect all around. Rather than extinguishing minority rights in this respect, I believe we should be enhancing them and expanding them.

• (2110)

After serious and careful deliberation, much consultation and conversation with others, I stand opposed to term 17 as it is before us today.

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, I rise today after hearing compelling arguments put forward by members on both sides of this issue.

Having listened to my colleagues it is a very difficult situation for me to make a decision on. I have thought and thought about it. Especially being a minority myself, this is a very important question for me. Are we trampling on minority rights? There is always the possibility that a majority can trample minority rights, and being a minority this is a very important issue for me. I have looked at the issue very seriously. I sat in the House and heard all members talking about the pros and cons.

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Where do I stand on the matter? After listening to everybody and looking at what we have stated as our policy, I have learned over several years that amending the constitution is never an easy undertaking. Nor should it be.

The constitution contains the principles and underpinning upon which we govern and are governed. Its influence on the daily activities of Canadians is all encompassing. Therefore our constitution must reflect the will of the people.

Some who have not followed the issue closely may wonder what exactly is happening with this amendment. Basically by amending term 17, the Newfoundland and Labrador school system would change its common denominational nature within the province, allowing the province to move to a single, publicly funded school system.

It should be noted that even with these changes this amendment would not take religion out of the schools. Term 17 contains a provision which guarantees that religion must be taught and that religious observance must be permitted in schools where requested by parents.

My colleagues feel this is not exactly guaranteeing minority rights that were guaranteed at the time Newfoundland joined Confederation. I agree that is true, but does it really take away a minority right? That is the question I was wondering about. I personally feel that it does not take away a minority right. It is there. It may not be in the same manner as it was before but it is there. Therefore I feel that the basic principle of a minority right being taken away is not a major issue.

On the other hand, children would not be forced to participate in such activities if the parents or themselves did not wish that. These issues are very emotional ones which go to the basic values of individuals. Each time this has been debated in this place we have heard very eloquent and heartfelt arguments on both sides as to why or why not we as parliamentarians should support or oppose this resolution.

As a new parliamentarian I have heard from several concerned individuals on both sides of the issue. This is a decision that one cannot enter into lightly. I have spent a great deal of time thinking about it. After thinking very hard on the issue I have come to the conclusion that I am in favour of this resolution. I feel that it follows the democratic will of the people of Newfoundland and Labrador.

My colleagues have stated that the question put forward was not clear and was changed and that the referendum did not meet the criteria of a real referendum.

• (2115)

I would submit that this debate has gone on in Newfoundland and it is the people of Newfoundland who are ultimately responsible for making this decision. In the second referendum over 73% of

the people agreed on this issue. I can share some of the concerns my colleagues have expressed and I would agree with their sentiment. However, they have gone through two referendums in Newfoundland and in the second referendum the percentage increased. Therefore I am quite satisfied this was a legitimate referendum.

One of the first and foremost principles of our party is the equality of provinces and respect for provincial jurisdiction. We support each and every province's having equality of status and equal powers and Parliament and the Government of Canada's treating all the provinces equally. Term 17 deals with the provincial power over education and the amendment allows the house of assembly to decide.

I agree with my colleague who said education should be the responsibility of parents. The primary responsibility of education must fall on parents. The parents who live in Newfoundland have made a decision through the referendum that this is the way they want to do it.

Another principle deals with respect for the equality of all citizens. We are in favour of citizens having equal rights under the law. Under the current system with term 17 there are not equal rights for all citizens. What is at issue here is whether the existing rights have to be swept away or whether they could be accommodated in some other manner.

Another guiding principle refers to the basic right of freedoms of conscience and religion. At issue here is whether the right to denominational schools is an element of this freedom or not. Under the new amended term 17 education in religion is not specific to any denomination but what is guaranteed is the right to religious observance for all.

The last two principles deal with the will of the majority while at the same time respecting the rights of minorities. At issue here is whether the procedures of the Government of Newfoundland and Labrador were fair and whether the rights and interests of minorities were safeguarded, as I alluded to in the beginning.

There have been arguments on both sides that have dealt with the fairness of the procedures used by the government in obtaining its mandate to reform the school system. On one side it has been argued that the government did not give the citizens enough time to make an informed decision, that it was a short campaign during the summer months and that the text of the referendum question was released only a week prior to the referendum date. The government actively campaigned for the amendment, as my colleague mentioned.

On the other side, this was the second referendum in a two year period, which supported the changes to the educational system in the province. The second referendum received a substantially higher percentage of support than the first one. As I mentioned earlier, the referendum question was supported basically in every

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part of the province and gained the unanimous support of the house of assembly.

When it comes down to whether the importance we attach to democratic consent and respecting the will of the majority outweighs our concern about the impact of this amendment on denominational rights in Newfoundland, I think it does. That is why I will be supporting this resolution.

• (2120)

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, I have a question for my hon. colleague. It is in the nature of going back in a time capsule, one might say.

With this matter of a referendum, important as it is to each one of us, are there not some limitations? Are there not some bottom lines? We can go back in time to our neighbours to the south during the time when there was slavery in their country. Had there been a vote at the time about whether to allow the slaves rights or to keep them in that subjugated, suppressed state, and if the vote had left them without rights and kept them subjugated, would the member have been in agreement with that kind of referendum?

As a preface I would say that I stand opposed to that. It does not matter that there may have been a democratic "referenda" issue there, I would stand opposed. There are bottom lines. I am personally interested in how the member would have voted on such an issue.

Second, is this extended to all areas or are there some bottom lines with respect to this?

Mr. Deepak Obhrai: Mr. Speaker, there are some good analogies there.

To answer the question, in the case of slavery, that referendum was taking away the basic human rights of someone, treating someone as inferior.

In this case we are talking about a change in the system, not about taking away the rights of somebody. We are talking about changes. That is the way I view it. I do not view it as somebody's basic human rights in the province being attacked. All it is doing is changing the basic system which the people of Newfoundland people think would be far more effective for them and at the same time is giving them religious rights.

It is not taking away religious rights or the right to send my child to a religious school. I can keep my child at home and teach him religion. So there are two basic, strong fundamental factors here.

The bottom line is that in this referendum I do not view that a right has been snatched away from someone in Newfoundland. I

feel that the referendum has asked them if they want a change in the system. That is the way I view it.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, the member knows of my concerns and the concerns of others about minority rights. We heard earlier that the francophones had set up, with full rights, a school system managed by the francophones, non-denominational. But in accordance with term 17 in and for the province of Newfoundland, the legislature shall have exclusive authority to make laws in relation to education.

Could the member possibly comment on whether he thinks these rights could be affected by the slippery slope of the general, gradual reduction of rights. Would that have any effect on the francophone school board? Clearly that school—

The Acting Speaker (Mr. McClelland): We will give the hon. member for Calgary East a minute to respond to that question.

Mr. Deepak Obhrai: Mr. Speaker, I do not think so. I still say that this is a change, not taking rights away. I still feel that parents in Newfoundland have the basic right to educate their children in the manner they want.

I know that in Calgary those who do not agree with that are teaching their children at home. Basically I am looking at this through the referendum and the desire of parents of Newfoundland who are asking for a change to be made to better administer the system. As a person who belongs to a minority I would be the first to raise the flag if I felt a minority right was disappearing. I do not feel a minority right is disappearing.

• (2125)

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, it is a pleasure to take part in this debate. It has been a long day. There has been much lively debate since the Minister of Intergovernmental Affairs opened the debate at noon hour. I think it has been a very interesting and honest debate.

Members on all sides of the House have taken part and have expressed their views and opinions. That is the way it should be when we are considering a matter as serious as constitutional amendment.

We have to look at a number of issues in making our decision. The first has been raised by many members speaking on the issue today, that is to answer the question of whether the process was fair. I am referring to the process whereby the Government of Newfoundland and Labrador proposed the resolution that it passed unanimously on a free vote in the legislature of Newfoundland and Labrador. We need to review that.

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It was my pleasure to be a member of the special joint committee that studied this matter. I would like to make reference to one of the witnesses who appeared before the committee, Mr. David Schneiderman, executive director of the Centre for Constitutional Studies at the University of Alberta. Professor Schneiderman indicated to the committee that certain fundamental questions must be asked in determining whether the process was a fair one.

He asked: "Was there an opportunity for debate and deliberation among the general public?" The committee had no difficulty coming to the conclusion that there had been because testimony before it revealed that this debate had been going on for quite some time in Newfoundland and Labrador.

Further he asked: "Could the same result have been achieved through non-constitutional means?" We are dealing with a request to amend the constitution, which has the effect of extinguishing denominational rights. Whether we are for or against it, it needs to be accomplished by constitutional means.

The next question was: "Was the subject matter of the amendment the subject of an election or referendum?" We know there have been two referenda with respect to this issue.

The last question was: "Were the communities of interest most directly affected consulted and given an opportunity for meaningful participation?" On that point the committee came to the conclusion that all parties on all sides of the issue over a period of years and leading up to the final referendum of this year certainly had those opportunities.

The majority of the committee had very little difficulty in coming to its conclusion. Members of the government and two of the four opposition parties came to the conclusion that the process was fair.

During the debate and also by persons and groups that appeared before the committee, it was further indicated that the process was tainted in that the government participated in the referendum. I submit that is only reasonable. The legislation of the Government of Newfoundland and Labrador was at stake. There is a duty on a government proposing legislation to support it. I do not see how that allegation could cause any concern as to the fairness and reasonableness of the process.

• (2130)

Earlier in debate the member for St. John's East indicated his concern that the charter would apply to the new amended term 17 and consequently the provisions of 17(2) and 17(3) which provide for courses in religion and religious observances at the request of the parents would be struck down. The Minister of Intergovernmental Affairs in his submission earlier today gave the opinion that clearly term 17 as amended would enjoy the protection from the charter.

For the benefit of the member for St. John's East I would also make reference to one of the expert and legal opinions that the Government of Newfoundland and Labrador obtained answering the question could a provision of the charter or another part of the Constitution invalidate the rights set out in term 17. The answer was no.

The Supreme Court of Canada has stated that one constitutional provision cannot be used to invalidate a provision in another part of the Constitution. Term 17 is part of the Constitution of Canada. In provinces where the courts have ruled that religious observances such as the Lord's Prayer cannot be held in the public school, there is no constitutional protection comparable to that in term 17.

That opinion was provided to the Government of Newfoundland and Labrador not by a Liberal or someone that could be questioned, but rather by a former cabinet minister, the Hon. John Crosbie. Therefore, I think the member for St. John's East would give that legal opinion some recognition.

[*Translation*]

In today's debate, we are hearing a lot about minority rights, namely whether the amendments to term 17 are really a matter of minority rights. We must remember that the situation in Newfoundland and Labrador is not the same as in the other provinces. First, Newfoundland and Labrador never had a public school system. It is very difficult to determine who makes up the minorities and the majority. For there to be a minority, there has to be a majority.

It is very difficult in Newfoundland and Labrador where, before the latest amendments to term 17, some 96 per cent of the population enjoyed denominational rights. Some of these denominations were included in a school system, but only about 4 per cent of the people of Newfoundland and Labrador did not have denominational rights. It is a bit difficult to say today that in the effort to amend term 17 the rights of minorities are at stake.

In addition, regarding the results of the referendum, it is very difficult to know how the various groups voted. There was no way to find out. In fact, when Minister Grimes, the Newfoundland and Labrador minister of education, appeared before the committee, he indicated that, in the first referendum in 1995, the premier at the time, Clyde Wells, wrote to all denominational groups, to all the leaders of religious groups, including the Catholics and the Pentacostals, to ask them if they agreed with a proposal to have every voter indicate their religion upon arriving at the polling station so that the voting pattern of each religious group could be known.

• (2135)

Minister Grimes told us that Premier Wells never did get a response. When Premier Tobin proposed the second referendum, there was no question of it because it had already been determined

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that the leaders of the churches were not interested in finding out how their members were going to vote.

As well, it can be seen that the Catholics, at 37%, are the most numerous of all the denominational groups. It is still hard to grasp how that group can be described as a minority, when it represents 37% of the population.

[*English*]

In the case of the Catholics, it is fairly evident in my opinion with the Catholics representing 37% of the population, if they had turned out and voted en masse to protect their denominational rights, they may not have won the referendum but certainly the result would not have been 73%. The Pentecostal community represents 7% of the population. It is more difficult to determine what the turnout was there. In fact we had much speculation about it at the committee but there is no way of determining for certain.

Appendix 1 to the committee's report is the results of the Newfoundland referendum of September 1997. It is broken down by percentage of the population who voted, the percentage of people who voted yes, the percentage of people who voted no, the percentage of the Roman Catholic population and the Pentecostal population for each of the various polling stations.

Looking at it quickly, one can see that in the areas where the Pentecostal population is the highest represented, for instance Baie Verte where the population is 25%, the one that strikes me the most, is the voter turnout was 45.2% which is below the average. In a polling station where the Pentacostals were fairly well represented the turnout of the vote was not any higher. In fact the percentage of the vote for yes was 57.9.

Similarly in Exploits, there was 26% Pentecostal population, 53% turnout which was about on the average, but again 63% voted yes. The riding of Lewisporte, 34% Pentecostal population, 57% a little over the average turnout and 59% of the voters voted yes.

Even in the ridings where the Pentacostals were more highly represented than in other ridings, one can see that there is still fairly strong support for the resolution.

It is very difficult to subscribe to the argument that what we are dealing with is a minority rights issue, that the rights of the minority are not being respected. I do not consider it a minority rights issue. I consider it a question of denominational rights which had been entrenched in the Constitution. Yes, one should not go about the business of amending the Constitution without giving it serious consideration, but I do not see in this case that it is a question where minority rights are being disregarded and the will of the majority is being imposed over them.

• (2140)

Indeed this is a very tough decision. It is a very tough issue. Certainly the members of the committee, including those who supported the majority report to make a recommendation to the House and to the Senate that the requested resolution be passed, had a great deal of empathy and sympathy for those people who came before the committee and indicated that they did not wish to see these denominational rights extinguished.

I was impressed by the evidence that we heard at the committee by the Newfoundland Human Rights Association and the Canadian Civil Liberties Association. These two groups exist to defend minority rights, to defend minorities. Both of these groups were strong advocates in supporting the resolution. I do not see where it can really be seen to be an abuse of minority rights when the very associations that are there to protect minority rights are indeed supporting it.

They were quite candid in giving their testimony before the committee. They said that they were in a very unusual position for them. They usually oppose government legislation or government resolutions, they rarely ever defend them. But in this case, they took that position.

I was impressed earlier this afternoon when the Leader of the Official Opposition made his intervention on this issue. He expressed those same concerns of sympathy and empathy for the people and the groups whose rights would be extinguished by this. There is no doubt that everyone understood that. If anyone heard or read Premier Tobin's speech on the night that he announced the referendum, it was very clear and everyone knew that denominational rights were being extinguished.

In spite of that, the Leader of the Official Opposition has taken the position that in this case because freedom of religion will still exist, because of the respect for the will of the people of Newfoundland and Labrador he personally is taking the position of supporting this.

I think it is a very difficult process that many of us have had to go through but sometimes in your gut you just know the right thing to do. I think those of us who are prepared to support this resolution have come to that position through that process.

The last point I want to deal with was the question of precedent. The concern is that by the Parliament of Canada, the House of Commons and the Senate supporting this resolution and in effect extinguishing denominational rights, we are setting a precedent that would apply to other provinces should they make similar requests. This is something the government has been very clear on, that any further requests for constitutional amendments will be looked at on their own merits.

I would submit there is no other province that has an education system similar in any way to that of Newfoundland and Labrador. It is a totally different situation and there is no point in getting into the niceties between legal and political precedents. I do not see

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where there would be anything that anyone could bring forward to argue that because this constitutional amendment is being granted for Newfoundland and Labrador the Parliament of Canada is bound in any way to grant a similar amendment for dealing with educational rights, denominational rights in other provinces.

For those reasons, I encourage all members to support the resolution.

• (2145)

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I would like to expand on the statement of the hon. member. He was talking about clarification he could not find or that the committee could not find the clarification for how the Pentecostals voted.

On the sheet that the hon. member was referring to, which was produced by Mark Graesser from the Department of Political Sciences Memorial University of Newfoundland, it is very clear. If we extend over to the third column, it indicates very clearly that in Baie Verte, Exploits, Lewisporte and Windsor-Springdale, the areas mentioned, the Pentecostal votes in those communities were respectively 32%, 32%, 32% and 30% voting in the yes column. I think it is of import to point out that the Pentecostals in those communities voted substantially against this resolution and that their yes vote was in the neighbourhood of 30%.

As a matter of fact, throughout the province the yes vote was calculated to be only 32%.

Mr. Paul DeVillers: Mr. Speaker, I did indicate in my comments that indeed there was much speculation. In fact, there was a witness who came and presented the report that the member refers to. Again, that is not proof positive, and that is the point that I was making.

It is an extrapolation from the official figures that were reported in the referendum and it is taken by riding-riding. This individual's credentials I do not quarrel with, but again it is an extrapolation, it is an estimate, it is not proof positive.

That was my point, that no one can say for certain, with 100% certainty if the original proposal that Premier Clyde Wells at the time had put forward in identifying the ballots: a Pentecostal voter gets a green ballot, a Roman Catholic voter gets a red ballot—if that system had been used, if that system had been acceptable to the leaders of the various denominations, then we would have more certainty.

The point still remains that even if the Pentecostal community did not vote for it, it is not a question of a minority right, in my estimation, because they would be the only ones with the denominational rights left. The same report indicated I think that the Roman Catholics had voted 61% or something in favour, again an

extrapolation. There is no certainty, but the same method was used to determine it.

Even if we know for certain that the Pentecostals did not support it, I think this amendment should still go forward, the whole scheme. I do not think they are a minority in the traditional minority/majority right, but the whole scheme of denominational schools in Newfoundland and Labrador would no longer be applicable with only one of the original seven denominations still having rights.

Mr. Peter Goldring: Mr. Speaker, my point of bringing this up was to indicate that if the figures were being used verbatim for the first part to establish the 59% of votes from those various communities suggesting that they voted too, we should also utilize a third column of figures that definitely indicates that only 30% of Pentecostals voted in favour of this.

In other words, if the first two columns are okay, the third column must be okay.

Mr. Paul DeVillers: Mr. Speaker, I think the hon. member is confused as to what I was referring to. I am referring to appendix 1 which is in the report, which is from the Newfoundland Referendum September 1997. It is the official results. He is referring to Mr. Graesser's report, which is a separate document. We are not referring to the same document.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, even though I have 20 minutes available, I think probably I will use less. I just appreciate not having the stricture of having to quit at 10 minutes after instead of 12 after in case I am in the middle of an important statement.

• (2150)

Education has to be one of the most important things to parents and to families. There is no doubt that the education that children receive from the time they are very young until they are really old and graduate from university that every day at school there is an influence on their lives, not only academically but also in terms of their growth as citizens and their growth as individuals.

I remember—and this will date me—about 30 years ago or a little less, the debate hot in the schools at that time was whether sex education ought to be in the schools. I taught mathematics at the college level while some of my colleagues taught physics. One of my colleagues, in addressing that question, said “Well, of course, sex should be taught in the schools. If the schools do as good a job of teaching that as they do of teaching math and physics then the children will lose all interest in it”. I do not think that is probably true, but that was his statement at the time.

This leads me into the part that I want to talk about in this debate, and that is that there is so much more to education than simply the academics. There are many studies that show this. All of us who have had children have observed it and anyone with common sense would agree that children behave not only in the way they are

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taught but also in the examples that are given to them. The values and beliefs that are held by the significant adults in their lives are going to be the values that the children adopt in their own lives. That is very true and there are very few exceptions to that.

Of course, there are some. In my own case, I went through a few years at the latter end of my teens when I rejected the values of my parents. I rejected their religious faith and ran away from home when I was 17. I know members will not believe that but I really did. Eventually I was reconciled not only to my parents but also to God and my life has been totally different since then. This was a very important and integral part of my life.

I believe very strongly that for parents who want to have a Christian education or some other values-based education in their children's lives that they should have the right to do so. I do not believe that it is the role of any government, be it federal, provincial or municipal, to take away from parents their rights and responsibilities to provide for the education and training of their children.

I again emphasize that I believe that those are two things that work together but are not synonymous since training and education are two different things.

I believe that in this debate one of the questions which we must answer is to what degree is that right being taken away. This is a real tug of war in this debate because on one hand we want to vote for it. There are many strong, compelling arguments to vote for this amendment but there are also some very compelling arguments to vote against it.

One of the reasons to vote for it is that this levels the playing field. The fact of the matter is that in Newfoundland there were certain groups that had the right to run the schools and their children could go to those schools while other groups were excluded from it. In a sense that is a reason to vote for this amendment. It will provide them all with an opportunity to send their children to the school of their choice.

It reminds me of the old days when Henry Ford started the Ford Motor Company. I do not know if you remember, Mr. Speaker, but I remember when the Model Ts first came out the advertising was "You can have a Model T in any colour you want so long as the colour you want is black". This is exactly the same as the public school systems. Everybody can go to the public school of their own free will because that is the only one that is going to be available.

I do not think that is a right decision to make. I speak not only to the province of Newfoundland, I also speak to the province of Alberta where this debate is currently going on in terms of funding

of schools which are not part of the public school system, and to every province in this country.

● (2155)

I really wish that we would truly recognize the rights of parents on all the different positions they hold on this issue to have the right to choose for their children the kind of training they want. While I say that parents have this right and responsibility, and it is not to be taken lightly, I believe that the role of government is to provide the freedom for parents to make that choice.

There is one thing to say. Any parents who really feel strongly about this issue can start their own schools and run them as private schools with no other funding. I have been in that position. My wife and I chose to send two of our children to a private school. At first that private school received no funding. Now it receives about 20% to 25% of the funding that public schools in Alberta receive. We made that sacrifice because to us it was very important, but we had to make a considerable financial sacrifice in order to provide that education.

One could argue that I did not have full exercise of freedom because there was a price for it. For example, we might say that we have the freedom of movement across this country, but if one of the provinces were to put up a tollgate and charge everyone \$1,000 to come into that province, then we could say that now the freedom is somewhat curtailed. It is a little less freedom than before. We still have the freedom to go there but we have to plunk down the bucks.

I contend that people who make choices about their children's education should have a free choice. I do not mind a certain amount of financial commitment having to be made for that. It deepens the commitment if nothing else. At the same time I believe the people who make those choices should not be cut out of the educational funding dollar.

There is an argument that public funds should not be used to support private schools. This Liberal government uses that terminology too yet it quite clearly uses public funds to support private business. I cannot forget about Bombardier which is a private business. The government gives piles of public funds to it. I am saying that is really no different. In the case of schools, the parents are taxpayers.

I will use this analogy. Let us visualize it as a big barrel. All of the taxpayers put their money into the barrel for the education of the children in this province. Why should some parents be able to take the money out of the barrel to provide education for their children? In our province of Alberta it happens to be people who choose the secular based education in the public school system in which God or any mention of religion is anathema, or they can choose another system if they are catholic. They have the right and

others do not. To me that is curtailment of a freedom of choice which I think we should really value in this country. I am saying the same thing for the province of Newfoundland.

I would have been delighted to vote for this measure if the provincial government of Newfoundland had instituted a plan like a voucher system in which there is public money from the taxpayers. If there is a group of parents that can set up a school for their children based on their deep values then that public money or at least a large proportion of it should be available for that education system. To me that would have solved the problem of whether their rights were prejudicially affected.

I really do not believe we should be forcing people to go to a religious school if they are not so inclined, but at the same time we need to recognize that the secular school where there is no religion is also teaching a form of religion and the message to the students has to be confusing.

Why is it that at home we deal with the reality of the existence of God? Why is it that at home we are taught to integrate this belief into all areas of our life whereas in school it cannot be mentioned? To me that is a contradiction and one which we should be correcting, and one which the Newfoundland government had an opportunity to correct. I wish it would have done it.

• (2200)

I think the point has been made that the parents have the primary right and responsibility. The government's responsibility should be to provide the opportunity for the parents to exercise that right without undue financial penalty.

Last, I believe also that there is really no such thing as a values free education. I am thinking of this training. The member for Broadview—Greenwood put it well. He came from the Catholic tradition. He pointed out in a way I can certainly relate to, and I put this so it is properly understood, there are some people whose religious belief and faith is more nominal. They have the label, they live good lives and there is no problem with it. But there are others for whom it is a deeply held value and one which they are not content to take lightly. They integrate it into their own lives and they want to do this also with their children. In saying that, I think we need to provide the ability for parents to do this without great financial penalty.

There are some for whom this is not important. I believe in our present society they are probably in the majority. We have become secularized. I was talking to a person the other day and we got on to this subject. He is about my age and so we have all this wisdom. We can look behind us and see the ripples and the waves from the boat that has just gone by. We look back and we can see how it used to be calm waters and now it seems to be a little more stormy. He said one of the big reasons for the increase in crime and for the increase

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in some of our societal values toward women and toward children which are so disturbing to us all is the secularization of our society. We have basically in our society written out that impact which a deep religious faith has and did have for many years in the majority of Canadians. This is unfortunate.

Had the Government of Newfoundland taken what I urge all provinces to do, arrange their administration of school funding so that it would bypass that built-in bias, I would have total freedom to go through this because there is so much in this amendment that is plausible and positive.

However, because I am not convinced at all that the rights of these parents which were put into the constitution have been prejudicially affected, I believe that they are losing rights. Consequently I cannot support this motion.

In thinking about the courses they are going to have in these schools where they want them, courses about religion, I thought of an analogy. I taught young people all my life, and this was my job when I taught at the college level. Take one of these young people and say instead of ever getting married what we are going to do is teach you all about marriage. We will have courses about marriage. We will have courses about how men and women relate to each other, how they should get along and all these other things. But you will never be able to get together with another person and form a marriage bond.

Really in a way a course about religion is about at the same level. It will talk about it but it does not give the children a clear example of what it means to be deeply committed to a faith in God or to a faith in whatever it is the particular group is promoting.

With that I rest my case. I urge all members in the House to think carefully about what choices they are making when they vote for this. I believe that we should defeat this amendment and send it back to the people in Newfoundland, to the government in Newfoundland so they can fix this inequity. Then when they bring it back we would be pleased to support it if they showed that they did not prejudicially affect the parents who are quite clearly prejudicially affected by this amendment and by the changes the provincial government is proposing.

• (2205)

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, I have a question for my hon. colleague with respect to the analogy he fleshed out for us. In Newfoundland and elsewhere parents do have the right to send their children to another school, as he so rightly said. I have found that low income people are not able to do that. They simply do not have the means to pay the taxes and send their children to a private school. What has been the member's experience with respect to that?

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Mr. Ken Epp: Mr. Speaker, I would like to address the question of my colleague about the financial penalty, the people who do not have the financial ability. We made some sacrifices in our family which meant almost no vacations. It meant driving old cars. In fact, I still have my 1959 Meteor. I do not drive it anymore. But it meant keeping a car four times as long. I am still driving my 1982 Chevy Suburban. We made those sacrifices because the money had to go to tuition.

I was on the board of the school I attended and we made the decision that in order to make it easier for children to attend our school, we would try to reduce the financial barriers. We set up a tuition plan so that for a family with more children the tuition rates were steeply reduced. As a matter of fact, if there happened to be a family with more than four children, after the fourth child's tuition was paid the rest were free. They were allowed into the so-called family plan.

Certainly that should not be necessary. It is a great hardship for these private schools to endure the costs when there is a very uneven playing field. That was our solution.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, since the hour is growing late I will try to keep my comments rather short.

A number of points my colleague from Elk Island raised I would echo as well. Being a former teacher, education is very important and being the father of four children, education is very important. In fact, my wife and I have made the decision to home school our children in order to impart the values we feel are important. Notwithstanding that others choose other options, which is totally within the rights of an individual, we have made the decision for ourselves.

I must turn to the point of minority rights in the debate which was raised by a number of my colleagues. This amendment would extinguish, in my mind beyond a shadow of a doubt, rights currently granted to individuals in Newfoundland and Labrador.

Yes, referendums have been held and democratic consent has been given, yet we must consider the minorities in this case, the people whose rights would be extinguished by this amendment.

As my colleague mentioned, the idea of including religious courses as an option to replace these denominational schools simply does not have the same impact as having a denominational or a complete religious orientation at a school.

I went to a private Christian college at great expense. I had to work hard during the summers to go there. However, what I learned there was a way of looking at the world, a world view, not simply religion second hand but trying to integrate that into every walk of my own life. I know how much of an impact that had on me. I see

this also as being important that the children of Newfoundland have that opportunity under the existing system. This amendment would alter that opportunity.

• (2210)

Also, the notion of schools of choice was mentioned and that providing funding to the institutions where the children go would be a good solution to this problem. That is a provincial responsibility. It might be a solution to look at in this debate.

As we know, the moneys that would go with a child to the school of choice would help to increase the accountability factor of that school. It would also give the parents the right and opportunity to send their child to the school of their choice.

I have listened with great interest to the tone of the debate throughout the day. I have noticed that there are members who are for and against this amendment from the government benches as well as the opposition benches. It has been a good debate. Members have had the opportunity to express their views in a non-partisan nature. I have appreciate the opportunity.

I will conclude my remarks by stating again that I believe this would extinguish the rights currently held by individuals in Newfoundland and Labrador and that is why I cannot support the amendment and will be voting against it.

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I would like to make one brief point. The hon. member indicated in his speech that he attended a Christian college and he wished this option would be available for the people of Newfoundland. It will be. There is nothing in this amendment which will prevent private Christian or private schools of any sort. I just wanted to bring that to the member's attention.

Mr. Grant McNally: Mr. Speaker, I thank my colleague for pointing that out. I guess I did not make myself very clear on that point.

My point was much larger. It was that the opportunity which I had shaped my world view, the way that I interact with individuals and the frame through which I see life in general. I am basically saying that there would be a difference in the religion courses offered in Newfoundland versus a holistic or religious perspective which would incorporate all aspects of a child's education.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, it is a pleasure to speak to this extraordinarily important issue.

We are often cautioned when we are growing up never to mix religion and politics, and that is precisely what we are doing in this debate. Having said that, I am going to plunge head long into it.

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The issue, of course, is the extinguishment of the right to education in denominational schools in Newfoundland, denominational schools which until this point have received public funding. I stand four-square against what the Government of Newfoundland is proposing and what many hon. members of the House are prepared to accept.

I want to tell the House why I oppose term 17. I propose it primarily because I believe it really does shrink the ambit of personal freedom in this country. On so many occasions we see our freedoms being eroded, taken away from us. I can point to any number of examples.

We can look at the charter itself. In 1982, when the charter came in, we saw all kinds of new things added to the charter of rights and freedoms which a lot of Canadians would probably disagree with.

In section 22 affirmative action is proposed. That is something I disagree with. It limits our freedoms.

We see an erosion of our economic freedom when the government claws away more money all the time. That means we have fewer options. In fact, we have fewer options to send our children to the schools we wish to send them to, including private schools and religious schools.

In this case we are seeing the extinguishment of really what amounts to a very ancient right, a right which the Government of Newfoundland secured for its people in 1949 when it entered Confederation. It was an issue that was extraordinarily important to the people of Newfoundland when they entered Confederation.

• (2215)

In many ways the people and the Government of Newfoundland at the time were much more forward thinking than the rest of the country. They had essentially secured the ability of people to send their children to the school that best reflected their beliefs.

It is extraordinarily important whether somebody has a secular world view or whether, and probably especially, somebody has strong religious convictions. The ability to steep their children in the faith of their fathers and grandfathers, their forefathers, is extraordinarily important.

For people with strong convictions that is essentially being wiped out by what is being proposed. People will have the right in law if they can find the money, even though as I pointed out before the government has taxed so much of it away. They still had the right but it makes it extraordinarily difficult for people to do that.

I should declare my bias. I have two children in a separate school, a catholic school in Alberta. I am pleased that I have the ability to do that. It means a lot to me. The ability to teach children not only at home but through a chosen school system the values of

right and wrong, the old fashioned idea of virtues, is very important. My friend from Elk Island did an admirable job of pointing how important that is today.

Not long ago I read an article by Richard John Neuhaus, a theologian who pointed out that one of the quickest ways to essentially kill religion in a country was not necessarily to deprive the fundamental freedoms but actually to find ways to kill the institutions. The way to kill the institutions is to deprive them of the things they traditionally have done, the very practical things that they do every day, things like providing education for people.

If that right is essentially taken away it goes a long way toward killing those religions. Frankly that is what has happened to a large degree over the last probably 40 or 50 years as governments got bigger and crowded religious institutions out of some of the things they did in the past.

We have seen those institutions become sort of less valuable in a practical sense to their communities. We have seen them shrink as a result. That concerns me greatly. That is exactly what is happening in Newfoundland.

I like the idea that my friend offered and that others have suggested. It is time to start to empower people at the local level to allow them to choose the education system that reflects their values, their world views. We now have a system that will effectively represent one world view, that is the secular world view.

That is fine. We do not have a problem with people choosing to put their children in that situation. It is absolutely up to them as far as I am concerned, but I believe we should all have the right to send our children to a school that reflects that world view.

I believe like my friend that it is time to examine the whole idea of vouchers. The province of Alberta has gone to a chartered school system which goes some distance toward that goal, if not quite all the way.

We have a necessary revolution in education when we already had an orderly evolution occurring. We already had the Pentecostal schools and the Catholic schools agreeing to some reforms. That was starting to happen.

The governments at the time had gone through this twice. This is the second time we went into a referendum with the government asking for a constitutional amendment to fix the problem. Instead of co-operation, partnership and working with the schools, the Government of Newfoundland acted with a sledgehammer when it really was not necessary.

As members have pointed out when we start to change a constitution it is an extraordinarily serious business. It could have ramifications far beyond the ones being suggested for Newfoundland. It could have ramifications for other minorities. People have

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pointed this out. It is an extraordinarily important point to make again.

• (2220)

The last thing we want to do in a country like Canada is to use a democratic tool to effectively wipe out a minority right. That is really what we are doing in Canada today. It raises the point whether or not we can use what is traditionally a democratic tool, a referendum, to determine something like a minority right. It may be democratic, but a more important question is whether it is just. I am not convinced it is just in this situation.

Is this whole idea necessary? Is it necessary to have a constitutional amendment? For 1,000 years the church has preserved education. Where do people think education came from? It did not come from Brian Tobin. It did not come from Clyde Wells. It has been preserved by the churches over the last 1,000 or 1,500 years.

They were the repositories for all the knowledge accumulated from Greece, Rome and the early church. They were the repositories of knowledge. They were the ones that established the great universities. They were the ones that added to the body of knowledge, people like St. Augustine, St. Thomas and St. Anselm on up through the reformation. All their ideas became part of the great body of knowledge that helped form our modern society. They were the ones that helped give birth to the whole idea of having rights entrenched in a constitution.

If we look at the American experience, very much was influenced by the religious ideas that had accumulated until that time. The preamble to our charter says "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law".

If this country were founded upon a principle that recognizes the supremacy of God, where do we think the idea came from? It did not come from the public school. It did not come from Brian Tobin. It came from denominational schooling and from parents who we believe are the ones who should be driving what kind of values their children learn.

Education would occur from the churches and from denominational schools as it has for the last thousands of years. Reform was already under way. Things were changing. Schools were doing their best to ensure that there was efficiency and that people were getting the best bang for their buck. What the government has done goes well beyond what was necessary to achieve the reforms it was seeking.

Forgive me if this seems a little ancillary, but we often talk in this place about how we are a multicultural society. We are a pluralistic society. I hear it all the time. We have a department of multiculturalism. While I disagree with what the government means by multiculturalism, I think we have a multicultural society.

My people come from Norway, Ireland, Holland and England. That is my background. We have a multicultural society. We have all kinds of religions that come here from all over the world. We all believe we should celebrate that. We believe it is important to be pluralistic. We need to find ways to accommodate that.

We have that in the current system in Newfoundland. We have pluralism. We have ability for people to celebrate their faiths through the education system and still pick up a good understanding of all things that traditionally constitute an education. They have the ability to teach children the world view that is so incredibly important to them. Unfortunately the government does not seem to see this as an issue of pluralism or multiculturalism. In fact, what we are seeing now is them suggesting through their support of this that all of these multicultural values or pluralism that we think are important are going to be essentially extinguished, at least in the context of this debate in Newfoundland, in favour of a system where we have one big central school system that effectively diminishes all that.

• (2225)

We travel the world to see all these different cultures and religions and we are doing what we can in this particular instance to effectively diminish them in Canada. I think we are making a big mistake.

I want to answer some of the objections that have been raised by people who are in support of term 17. The first was that it was a democratic process that brought about the government's initiative to introduce the amended term 17. I do not disagree with this. It was a democratic initiative. I am not going to get into a fight about whether or not 32 days was long enough and all those kinds of things. I want to put the question: Is it possible to make a determination on minority rights using a referendum? I do not think it is. It certainly is not possible, I do not think, when we are talking about getting a bare plurality.

At some point maybe someone down the road in the past should have said that when it comes to issues like minority rights we must have a higher standard. Maybe it has to be two-thirds, I do not know. However, I would argue that in this particular case it is extraordinarily difficult to make the argument that someone can extinguish minority rights on the basis of the voice of the majority.

I heard my friend across the way say "But, you know, in such and such a district, which was mostly Pentecostal, people did not show up in the numbers to vote that they should have", and blah, blah, blah. However, that is not the point.

The point is that people who believe strongly in these things came out and voted against it. To these people, these rights are real rights, not abstract rights. They are rights that mean a tremendous amount to them. Therefore, can we really extinguish them? Can the people who do not have religious convictions or strong religious convictions just arbitrarily say "I don't believe in these things, therefore I am going to wipe out your rights?" I do not think

they can. It is not fair and it is not right. I disagree with the whole process.

Again, some people say this was necessary for school reform. Maybe I have tilled that ground already, but I do not think it was. It reminds me of a quote from Alexis de Tocqueville, the gentleman who wrote *Democracy in America*. I remember he was commenting one time on the French Revolution. He said "We were already speaking of the French aristocracy. We were already half way down the stairs when they came up and threw us out the window to get us to the ground a little faster".

That is what happened in this particular case. The reform was already well under way. The government just could not wait. It could not co-operate with the denominational schools and decided that it would just bring in the sledge-hammer and put an end to and extinguish ancient rights, rights that are very important to people.

I can tell members how important they are. I have had letters, as I am sure my friends have had as well, from people in Newfoundland who are begging us not to extinguish those rights because they mean so much to them.

Some people argue that religion has no place in the school system. I think my friend from Elk Island touched on this but I must say it again. I would argue that people always bring some kind of a belief system to the table. They bring a world view to the table. Now we are going to be in a situation where all the people of Newfoundland essentially pay to support one world view, a secular world view, that is taught in the schools. As my friend said, it simply cannot be otherwise. If we are going to teach people something, they are going to end up learning a set of values.

We say parents should be the ones who determine what those values are. When it is their tax dollars, that money should be used to teach their children their beliefs and their world view. That is what we believe. I am speaking on behalf not of my party but on behalf of some of my friends who I think support the same point of view as I do.

The fourth point is that some people say this does not prejudicially affect rights granted in 1949 because they are going to offer religious observances and religion classes.

● (2230)

I will argue that there is a world of difference between comparative religion and allowing somebody to be imbued with the values that permeate a whole school and reflect the actual faith that the students' parents believe so strongly in. To sit like a sociologist and say here is what Muslims believe, here is what Hindus believe, here is what people at the Solar Temple believe, here is what Christians believe, and here is what people who are whatever

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believe, and to say are the differences not interesting, is 180 degrees away from what people believe in who want to have their children go to a denominational school. It is a completely different thing.

People send their children to a denominational school not to learn about religions but to get the faith, to be imbued in the faith. They send them there to learn the virtues that are part of the faith. They learn about right and wrong. They do not go to those schools to learn about comparative religion. That is fine and that is probably a good thing to learn but it is not the same thing at all.

Religious observances are fine but in a denominational school religious observance happens every day. We do not wait for the three or four days when the rest of the secular world celebrates religious holidays. Religious observances are essentially every day. While those things are nice tokens, I think they are virtually meaningless to people who hold their religion seriously.

I will deal with a fifth point which I have heard myself. Some people say that denominational schools cause divisions. Some people are taught something which is quite different from what other people are taught and this sets up divisions. But all freedoms do that. Freedom of speech causes divisions. People disagree. This is also true for freedom of belief and freedom of conscience. All these freedoms cause divisions.

Under the charter we recognize in Canada that religion plays an extraordinarily important role. That is under the charter which a Liberal government brought in. The current Prime Minister was justice minister when the government brought the charter in. It included in the preamble "whereas Canada is founded upon principles that recognize the supremacy of God".

I do not think it is unreasonable to allow schools to teach about the principles upon which our country is founded. That is all we are asking for. For that reason I am asking members to oppose term 17 as it is amended and to consider very carefully the effect this initiative will have on minority rights.

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I commend the hon. member for stating his bias from the beginning. However, I remind him that this debate is not about Catholic education in Alberta. It is about the denominational school systems in Newfoundland and Labrador. We have to keep that in mind when we are dealing with this issue and the express wishes of the people of Newfoundland and Labrador.

The member referred to multiculturalism and pluralism. The member for Calgary Southeast also referred to pluralism. They

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said that a secular school system somehow flies in the face of our Canadian value of pluralism. I suggest the contrary.

The system promoted by the member is one that provides for segregation as opposed to integration. A Canadian value that is more respected is that children of all the various denominations and religions can go to school together, live together and experience life together. That is something that Canadians with Canadian values would like to see.

• (2235)

The member referred to a way to get rid of religion is to kill the institutions. I honestly think that was an exaggeration. I do not think there is anyone who would seriously suggest that this honest effort by the Government of Newfoundland supported by all the opposition parties in the legislature of Newfoundland and supported by 73% of the people who showed up to vote in the referendum could really be described as an attempt to kill the institutions or to kill religion.

I think the member does the people and the Government of Newfoundland a disservice when he uses that kind of language.

Mr. Monte Solberg: Mr. Speaker, dealing with the last point first, I am not suggesting that what is being done in Newfoundland is being done maliciously, not at all. I think they are missing a very obvious point, that if we effectively take away something the churches have done for a long time, which is to provide for religious education in Newfoundland, then effectively we are taking them out of the lives of people in a very meaningful way.

When we take away all these things that the churches used to do, practical things, things that affected people every day, then effectively we are removing them from people's lives in a very important way. I do think it has an impact on them ultimately. I think it makes them less relevant overall. We have seen the churches in decline over the past many years. Religion cannot survive and it is not just a matter of conscience. It cannot survive in the public square alone with the state.

I believe that the best possible situation is when there are large institutions that serve as a check against a big government. It is a good idea to have vibrant and strong churches. I think that is a really good idea. They serve as a check on some of the things the government wants to do.

We have seen other controversial issues come before this place. We have seen churches stand up and say, "We really disagree with that". I think that is good and that is healthy. But when we start to marginalize the churches by taking away these abilities that they have had until now, then effectively we are making them less effective. I do not think that is good.

Again, I am not saying it is a malicious thing. I am not saying they are trying to do that. It is something that is a very unfortunate effect though of what the government is doing.

The second point is that segregation will divide people. I would point out that one of the things churches teach, and I am sure my friend will remember this from his own religious upbringing, is that churches teach people to love their neighbour. That is something churches typically teach. That is something we will find in denominational schools, love your neighbour as yourself. I do not think that is particularly harmful. I think it is good.

All those things, those virtues that are taught by churches through denominational education strengthen the social fabric of the country. They make us better neighbours. They make us better citizens. They do all kinds of good things that would not get done if it was not for the churches.

I disagree completely with what my friend has said. I would argue that sometimes by neglect, by not teaching positive things we end up allowing negative things to become part of what our children believe.

I have forgotten the first point that my friend across the way made so I will sit down now, Mr. Speaker. I did not write it down but if he wants to ask again, he is welcome to do that.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I would like to take the opportunity to comment on the comment made by the hon. Parliamentary Secretary to the Minister of Intergovernmental Affairs. His comment regarding pluralism really strikes at the heart of this matter.

There is a fashionable idea among secular small / liberals, and I do not mean to include the hon. member in that category. The idea among secular liberal intellectuals is that pluralism really consists of removing differences and creating a kind of monolithic secular culture and society unleavened by the differences of world view between people of different faiths.

• (2240)

That is not pluralism. It is by definition monism. It is a monolithic view of society and culture which is not informed by differences of conviction and differences of religious world views. That is precisely what is being assaulted. That authentic pluralism, which the current Newfoundland school system is an exemplar of, is being undermined by this amendment.

I find this most worrisome. In the final paragraph of the report of the special joint committee, it quotes an unnamed Newfoundland school student saying: "I think that is the kind of religious course that we should be offered in schools"—namely a non-denominational one—"ethical choice or comparative religion"—and the committee adds—"because most of the wars and disturbances

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between countries, most civil wars are brought upon on the basis of different religions”.

I wonder if the hon. member could comment on this. It is just absolute nonsense.

Mr. Monte Solberg: Mr. Speaker, I really must rise to the bait.

First, I do believe that what the Government of Newfoundland is proposing will lead to a bland homogeneity that we will all regret some day. I have heard this red herring before.

When we cast back over the 20th century and look at the great disasters that have occurred around the world, they were not in the name of religion. Quite the contrary. They are quite contrary to what all religions believe.

Look at the first world war and the second world war. Look at what happened in the Soviet Union. Fifty million people lost their lives because of an ideology, not because of a religion. Look at Pol Pot and what has occurred in Cambodia where two million people lost their lives, not because of religion. Look at Hitler. We look at

an ideology again and millions of people lost their lives, not because of religion, to the contrary.

I would argue that even a religious war proves what people have always said, that people have a fundamental flaw in their character, original sin and all that kind of thing which is why I believe it is a good idea to teach people about these things. It helps to remind them that there is a problem of original sin and we have to be on guard for it. That has been reflected in a lot of the disasters in the 20th century.

[*Translation*]

The Deputy Speaker: Pursuant to the order made earlier today, the motion is deemed to have been put to a vote and the recorded division is deemed to have been requested and deferred until Tuesday, December 9, 1997, at the end of Government Orders.

[*English*]

It being 10.42 p.m., this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 10.46 p.m.)

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