CANADA

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OFFICIAL REPORT
(HANSARD)

Wednesday, February 11, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Wednesday, February 11, 1998

The House met at 2 p.m.

Prayers

● (1400)

[*English*]

The Speaker: As is our practice on Wednesday we will now sing *O Canada*, and we will be led by the hon. member for Saint John.

[*Editor's Note: Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*English*]

HEART AWARENESS MONTH

Mr. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I am pleased to inform the House and all Canadians that February is Heart Awareness Month.

Cardiovascular disease remains Canada's leading cause of death and one of the major causes of disability. More than 79,000 Canadians die every year from heart disease and stroke. Besides the human toll of the disease, the cost to the economy is considerable: about $20 billion per year and more than 6.5 million days of hospitalization.

Cardiovascular disease is an area where we are making major health gains. The roots of heart disease and stroke are in the way we live. By eradicating smoking, promoting a healthy diet and physical activity we can help Canadians in preventing and*or postponing the onset of this disease.*

Health Canada is proud to be collaborating with the Heart and Stroke Foundation of Canada and with all provincial health departments in the Canadian heart health initiative.

[*Translation*]

By investing in cardiovascular health, we can considerably reduce—

The Speaker: I am sorry, but the hon. member's time is up. The hon. member for Selkirk—Interlake.

* * *

[*English*]

FISHERIES

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, the fisheries minister claims he cannot release vital observer reports that show foreign fishing activities, legitimate or otherwise, off our east coast. He claims he would be breaking the law to do so.

The minister also claims there are no foreign trawlers fishing off the coast of Labrador. He claims there is no salmon crisis on Canada's west coast. He claims he has every right to continue the aboriginal fishing strategy when the court has declared it illegal. He claims bureaucracy does not interfere with DFO science.

The minister is consistent in at least two respects. First, he is dead wrong. Second, his claims do not reflect the facts as known by the Canadian people, Canadian fishermen, Canadian courts or even his own employees.

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LIBRARY OF PARLIAMENT

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, I rise today to extend my appreciation to the staff of the Library of Parliament for continued support to my office. The library's annual report indicated that in 1996-97 division personnel handled a total of 153,000 requests for information and provided 96,000 direct answers to authorized clients.

In the same time period the information service responded to an additional 57,000 information requests from parliamentarians and the general public alike. Those numbers are above and beyond the nearly 500,000 visitors that were welcomed to centre block by parliamentary guides.

Although some days I am certain that it seemed like my office was responsible for the aforementioned calls, members of the library staff were always prepared to cheerfully and competently tackle any projects we threw their way. Without the service provided by the various sections of the library, the effectiveness of my office would be greatly reduced.

I would ask that my colleagues join with me in thanking the Library of Parliament for its excellent work.

[*Translation*]

ICE STORM

Mr. René Canuel (Matapédia—Matane, BQ): Mr. Speaker, Quebec and parts of Ontario and the Maritimes were hit by an ice storm which left heavy damage in its wake. More than a million people were left without electricity, and consequently heat as well, for various lengths of time, in mid-January.

The people of Matapédia—Matane have a reputation for being very generous, and once again they have shown this to be true. People everywhere in my riding were quick to offer help to the victims. My thanks to the people of Matapédia—Matane for their great generosity.

There was a great feeling of solidarity among us, as there was among all the people of Quebec. My hope is that this feeling, which reached its peak during the recent emergency, will continue to flourish.

Hooray for community spirit.

* * *

[*English*]

CITIZENSHIP AND HERITAGE WEEK

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, February 9 to 16 is Citizenship and Heritage Week.

This annual celebration of Canadian citizenship and heritage allows us to show our pride for Canada and to share common values.

This year on Heritage Day the Government of Canada will commemorate the 50th anniversary of the United Nations universal declaration of human rights. This document inspired our own Charter of Rights and Freedoms which upholds values that Canadians cherish: the dignity of the individual, the rights of children, fairness, equal treatment and democratic participation.

I ask all my fellow members to join in the celebration of a rich past. We want to ensure a bright future for the greatest country in the world.

* * *

DEAN OTT

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, on Friday, January 30, 1998, Canada's theatre community suffered a tragic loss. Dean Ott, a member of my riding association, a former colleague and my friend, passed away suddenly at the age of 34.

Dean began his career at Sunshine Theatre in Kelowna, B.C., at the age of 14. His career advanced rapidly from shop supervisor at JV Theatre Productions to stage carpenter at Theatre Calgary, technical director at Alberta Theatre Projects, and project manager at F&D Scene Changes in Calgary.

Dean came to Toronto in 1990 as the production manager at the Canadian Stage Company and later the associate producer and director of production. During his tenure at Canadian Stage he was responsible for initiating and implementing with the city of Toronto the renovations to the Dream in High Park site. The Dream in High Park is the free outdoor Shakespearian production that takes place every summer in my riding.

Dean will be missed by everyone in the theatre community and by everyone he touched.

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ICE STORM

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, in the face of the recent ice storm devastation many people showed courage, generosity and determination. Faced with the opportunity to assist fellow Canadians, residents of Guelph—Wellington joined together to make a difference.

Local industries, schools, media, social clubs, individuals and families came together to do their part. Two 45 foot trailers were provided by a Guelph company, MacKinnon Transport and Southwestern Express, to transport urgently needed items.

● (1405)

Our local radio stations, Majic FM 106.1 and CJOY, were tireless in their radio announcements informing the community of the locations to drop off items. When the trailers left Guelph they were so packed they took hours to unload.

People can make a difference and we did. I thank Guelph—Wellington.

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SENATE OF CANADA

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, it tends to be embarrassing for the government when skeletons come tumbling out of the closet unexpectedly. It certainly looks like one of those skeletons just appeared.

A recent patronage appointment of the prime minister made a public speech on November 13, 1982, a speech which so impressed one of my constituents that he kept the transcript for 16 years. One paragraph of that speech reads:

> I too had some difficult years as a politician; I'm still having them, in fact, because everything we undertake and everything we are doing to make Canada a French state is a part of a venture I have shared for many years—

I would like to know if this same agenda is shared by the prime minister because those oh so patriotic words were in a speech by

none other than his recent Senate appointee, Serge Joyal, unelected, unaccountable and completely unacceptable.

* * *

LIGHTHOUSES

Mr. Mark Muise (West Nova, PC): Mr. Speaker, for most Canadians lighthouses are simply a symbol of our maritime heritage, but for some people in my riding the lighthouse might just save their lives.

While it is true that most vessels have on board navigational aids such as GPS, a number of lighthouses are still indeed necessary.

Recently my constituents of West Nova, including fishers and recreational sailors, were very concerned about the possible closure of the Yarmouth light at Cape Forchu. Their fears were legitimized in Halifax *Chronicle Herald* interview when coast guard officials confirmed that the federal government was exploring the possibility of further lighthouse closures as a cost cutting measure.

Our fishers already affected by the downturn in the industry must put their lives on the line each and every time they venture out into unpredictable seas. Many men and women still depend on the Yarmouth light to guide them home to safety, in particular during very adverse weather conditions.

Further reductions of national aids will put fishers at risk of serious injury or even death.

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[*Translation*]

BLACK HISTORY MONTH

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, on the occasion of Black History Month, the Bloc Quebecois wishes to pay tribute to a community which has made an invaluable contribution to the development of Quebec.

Since the creation of Black History Month by American historian Carter G. Woodson in 1925, a variety of events throughout America have marked the contribution of the black community.

A number of names spring immediately to mind when one thinks of the black community in Quebec: Dr. Yvette Benny, the first Quebec physician to perform a pediatric bone marrow transplant; Oliver Jones, the world-famous pianist; businessman Christopher A. Ross; musician Charles Biddle; last but not least, the Olympic medallist Bruny Surin. These, and many others, are a source of tremendous pride to the black community, and to all Quebeckers, for their excellent accomplishments.

It is my hope that we may all work together to enhance the quality of life of a community to which all in Quebec owe a considerable debt.

[*English*]

YEAR 2000

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I rise in the House today to raise awareness on a crucial issue for Canadian businesses and to give them a call to action.

The issue is the year 2000 computer problem. The Minister of Industry appointed an industry led task force to review the state of readiness of Canadian businesses. The task force has reported that the current economic outlook for Canada in year 2000 is now at risk because too many businesses have failed to start the repair and replacement of technology. Too many businesses are putting this off. Too many are ignoring the inevitable.

The all party industry committee is reviewing the task force report. We will be working together to raise awareness of the issue and to send an urgent call for action.

All of us must work to ensure Canadians are prepared for the year 2000. We must take action and take it now.

* * *

SENATE OF CANADA

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, we have tried everything to get Senator Andy Thompson to show up for work. We even threw a welcome party to make him feel more at home in Ottawa: a mariachi band, a little la bamba and even some nice hot burritos; but for the 448th time Senator Thompson stood us up.

There is one person who can solve the Senate problem: the prime minister. He can hit the Senate pinata with one blow if he recognizes Senate elections. The prime minister needs to pull off his blindfold so he can see what Canadians want from Andy and his Senate muchachas.

● (1410)

No more lying sedate. We want them to debate.

No more endless vacation. We want representation.

No more tropical showers. We want office hours.

No more beachside recreation. We want them to review legislation.

No more lying on a cot. We want some sober second thought.

No more shopping in Mexico City. We want them on a subcommittee.

No more playing and straying all day. We want them all to earn their pay.

S. O. 31

[*Translation*]

CANADIAN NATIONAL

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I was happy to learn this morning that Canadian National and Illinois Central Railroad are engaged. CN's purchase of this railroad will cost some $4.3 billion. More importantly, the purchase should increase the number of CN employees.

No, it should not mean a cut in staff. This is great news for the economy of the Montreal region. Canadian National, currently the sixth largest railway company in North America will move to fifth place.

We should all be delighted at this marriage, because it will provide a significant boost to the economy of the Montreal region.

This is truly a love story. A toast to St. Valentine's Day.

* * *

[*English*]

RAILWAYS

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, Canada's rail system continues to expand in the wrong direction. Yesterday CN purchased an American rail line. At the same time small branch lines serving rural Canada continue to be abandoned.

Ottawa has abandoned the small family farms which cannot afford to ship grains to market. Last week Saskatchewan lost the White Fox line which served communities and farmers between Choiceland and Meath Park. I hope they do not pull the rail lines out.

We demand an immediate review of the Canadian Transportation Act to prevent the continuing loss of vital rail service in Canada. We call for a national transportation strategy which will go forward into the next century, not backward into the last.

This plan should address the issues of grain shipments, environmental benefits, the deterioration of highways and affordable rail transportation throughout Canada.

By the time the Liberals wake up to the national nightmare there will be nothing left of our Canadian railroads.

* * *

[*Translation*]

REFERENCE TO SUPREME COURT

Mr. Nick Discepola (Vaudreuil—Soulanges, Lib.): Mr. Speaker, the pro-democracy coalition is today going to unveil its strategy in anticipation of the start of hearings on the reference to the supreme court of the matter of a unilateral declaration of independence by Quebec.

Quite frankly, there is nothing democratic about this coalition, which resembles the sort of pre-referendum sovereignist production we have all seen and which was tried out in the 1980 and 1995 referendums.

The Parti Quebecois is certainly working hard at courting Quebeckers who have twice rejected Quebec's separation from the rest of Canada to get them to change their mind the next time.

If the pro-democracy coalition really wants to be democratic, it should inform people impartially about the game the sovereignists are playing and let them know what democracy will look like under the Parti Quebecois on the basis of questions as vague as the ones put in the 1980 and 1995 referendums.

* * *

[*English*]

CORNER BROOK-CANADA WINTER GAMES

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, in addition to the verbal gymnastics of the House Canadians are intently watching the performances of Canadian teams at the Nagano Olympics with some pride and satisfaction.

I want to introduce to the House another particular sporting event in which I take considerable pride. That is the Corner Brook-Canada 1999 Winter Games. Mr. Speaker, you are invited.

I want to introduce Corner Brook, Stephenville, Steady Brook, Pasadena and Deer Lake to the House. Communities on the west coast of Newfoundland are particularly ready to enjoy and to host all of Canada in a celebration of sport, unity and youth.

We are ready for these games. I ask members of the House to book their tickets early because it will be packed. We will see them there.

* * *

JEREMY WOTHERSPOON

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, on behalf of the people of Red Deer and all Canadians I extend a sincere and well deserved congratulations to Red Deer speed skater Jeremy Wotherspoon.

We congratulate him on his recent silver medal performance in the men's 500 metre long track event at the Nagano Winter Olympics.

● (1415)

In his pursuit of Olympic excellence Jeremy has become a role model for young Canadians. As an outstanding ambassador for Red

Deer, Alberta and Canada we honour Jeremy's drive, determination and success while wishing him the very best in upcoming events.

Knowing Jeremy and his family, I also want to congratulate them because it is with them and their support that athletes like him succeed.

I ask my colleagues in the House of Commons to join us in congratulating this young Canadian on winning Canada's first silver medal at the 1998 Nagano Olympics.

ORAL QUESTION PERIOD

[*English*]

THE ECONOMY

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the finance department publishes a monthly newsletter called the *Fiscal Monitor*. It is full of statistics, including updates on the deficit.

According to the January 28 edition of this newsletter the government has a public accounts surplus of $1.4 billion and a financial surplus of $11.3 billion. Yet in today's newspapers finance department spin doctors are estimating a year end deficit of $2 billion.

What is the finance minister's explanation of the disappearing surplus?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, at budget time I will be delighted to report on the state of the government's accounts.

The *Fiscal Monitor* to which the hon. member refers shows a strengthening in the Canadian financial balance sheet. This is certainly due to the efforts of Canadians and I must say to the efforts of my colleagues in government.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, what Canadians understand from this publication and elsewhere is that the minister has a lot of their money and they want it back in the form of tax relief.

According to the *Fiscal Monitor* the government has a surplus mainly because it is taxing the hide out of Canadians.

Who is the finance minister trying to hide the surplus from: from his spendaholic friends in cabinet or from hard-pressed Canadian taxpayers?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, it is hard to understand how the Leader of the Opposition could refer to somebody trying to hide a surplus when what he is doing is quoting from a Department of Finance document, the source of his numbers.

I am delighted to confirm to the Leader of the Opposition that the numbers he is quoting out of our document are correct.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, this surplus is not the finance minister's money. On behalf of Canadians I want to tell him who this money belongs to. It belongs to the hard-pressed Canadian taxpayers. It belongs to Canadian families. It belongs to Canadian businesses and entrepreneurs that create wealth.

Has the finance minister not heard that his budget will be judged this year not by the hot air that surrounds it but by how many dollars it leaves in the pockets of hard-pressed Canadian taxpayers?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, when we took office the deficit was $42 billion. The surplus the hon. member is referring to is due to the efforts of Canadians. He then goes on to ask whose money it is. Yes, it is the taxpayers'.

I will tell him something else. Our social programs that his party wants to gut, health care, education and old age pension, also belong to Canadians and we will protect them for Canadians.

* * *

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, certain interest groups in Canada are having a field day with a huge misinformation campaign about the multilateral agreement on investment or the MAI. Canadians are concerned yet they have not heard from the government what the MAI is or how it would be in their interest.

We noticed the minister found time to go to sunny South America in January but he has not found time to talk about the MAI. Why has the minister allowed the left to dominate the debate? Why is the minister not telling Canadians what this deal is all about?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, I do not know where my hon. friend has been. He must have been sleeping. We make no apologies for the team Canada trip.

● (1420)

It was the largest team Canada trip, over 524 business people from Canada making record sales which create jobs and economic activity.

Since assuming this portfolio I have been more than open and public with the Canadian people on the MAI to the point where we invited the committee to study this report. I am happy that it was obviously an overwhelming endorsement.

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, it is interesting that while the minister is going to places like Uruguay to sign an investment agreement that represents one-tenth of one per cent of Canada's investment, he has not got time to talk to Canadians and tell them what it is all about.

There are people in Canada saying this agreement would be the end of Canada, the end of Canadian sovereignty. Why is the minister not responding to those concerns? Why is he not travelling to places like B.C. and meeting this opposition head on?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, the hon. member gets up and beats his chest. It is probably his first question in over three months. Then he has the audacity to say where this government stands.

This government needs no lectures on trade and investment from that party and we have never be afraid of talking to the people about the MAI, opening up the process, inviting members of Parliament to participate in a committee.

I do not think that is doing things behind closed doors. I am surprised the member is taking that position.

* * *

[*Translation*]

FEDERAL DISASTER RELIEF PROGRAM

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, under the provisions of the federal disaster relief program, Ottawa must pay 90% when amounts exceed a certain level, which in Quebec is evaluated at $37 million.

Yesterday, however, the President of the Treasury Board told us that Ottawa was agreeing to fund only 50% of assistance to small and medium sized businesses.

Can the minister tell us why he will not apply the same criteria as those used in 1987 after the tornado in Alberta, when he funded 90% of assistance to small and medium sized businesses?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, there are two programs: the usual disaster relief fund, which is the one we apply to all provinces, including Quebec.

In the case of the Saguenay, we decided to introduce an additional program for expenses not covered under financial assistance agreements. In that case, at the request of Minister Brassard himself, the costs were shared 50-50.

This was the same cost-sharing formula used in Manitoba, and it is the one we are now offering to the governments of Quebec and Ontario.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the minister might recall that he offered the same level of compensation as for Alberta in a letter he himself sent to Minister Brassard.

Hon. Sheila Copps: It was Lucien Bouchard.

Mr. Gilles Duceppe: It was a letter from the present minister, sent in 1996—

Hon. Sheila Copps: He was not even there then.

Mr. Gilles Duceppe: —for the information of the Minister of Canadian Heritage who probably does not understand because she is not listening.

I would ask the President of the Treasury Board whether he admits that, in 1996, he offered the Government of Quebec the same type of program as Alberta had, five months after the disaster however—a bit late therefore—and why he is not making the same offer this time, when we are within the deadline?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the leader of the Bloc Quebecois would have done better to check his sources with Quebec's Minister of Intergovernmental Affairs, Mr. Brassard.

I have here a letter from Mr. Brassard replying to my offer to share costs on a 90-10 basis in which the minister tells me that such a percentage, using the criteria of the Alberta programs, would not be equitable under the circumstances.

He writes: "I suggest there be an ad hoc agreement for compensation of up to $50 million with costs borne equally by both our governments and managed jointly".

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is for the President of the Treasury Board.

The fact is that the federal government is not acting in good faith or making any effort to come to an agreement with Quebec. While it could certainly come to an agreement with Quebec about businesses and the power grid, it does not want to.

● (1425)

My question concerns compensation for the power grid. Given the fact that this network clearly constitutes an essential service and that funding could easily be provided under the provisions of his assistance program, for example section 5.5 of chapter 4, why is Ottawa stubbornly refusing to help Quebec?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, since the current rule came into force in 1988, the requests made by Newfoundland in 1994, Manitoba in 1996 and Quebec in 1996 to compensate hydro companies have been turned down.

This rule has been followed consistently since 1988, and Quebec knew this and still does.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, under a similar provision, Newfoundland requested assistance to repair its power grid in 1984 and Ottawa said yes. When Manitoba requested assistance in 1984 for its power grid, Ottawa said yes as it did again in 1996 for that province's dikes.

Why is Ottawa now changing its tune for Quebec's power grid and saying no to Quebec when it said yes to the other provinces?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, my hon. colleague knows full well that his statement is incorrect. The rule was changed in 1988. It was changed by a Conservative government in which the current premier of Quebec was a minister, so he is aware of the rule.

Again, as I said, since 1988, we have denied Newfoundland, Manitoba and Quebec funding for hydro companies. The precedent is clear, the rule is clear and there have been no exceptions.

* * *

IRAQ

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

While Iraq is showing signs of openness, the U.S. insists on going to war. Canada must not be so narrow minded. In order to get Iraq to comply with the disarmament conditions, we must show good will and lift the sanctions that are crushing civilians. We must avoid war.

Is Canada prepared to promote a diplomatic solution based on the elimination of the sanctions?

[*English*]

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, Canada wants very much to have a diplomatic solution. That is why the Minister of Foreign Affairs is in New York as we speak. He visited the United Nations where he met Secretary-General Kofi Annan and Richard Butler, head of the UN special commission.

We believe efforts should continue toward a diplomatic solution. But it must be recognized that unless there has been the threat of force or use of force, Saddam Hussein has never agreed to a diplomatic solution and we must continue with the pressure to make sure he complies with the resolutions and gives up his efforts to manufacture and store instruments of mass destruction.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, we did not get a land mine ban in Canada through the threat of force or by falling in line with the U.S. Protest is mounting from Canadians even within Liberal ranks. The former chief of staff of the UN peacekeeping force in Iraq described Canada's yes sir, yes sir, three bags full, sir as nauseating and nonsensical. Bombing will not solve the problem. Why will this government not uphold Canada's well earned reputation for creative diplomacy and effective multilateralism instead of recklessly abandoning it?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we are pursuing a diplomatic solution but, unlike the hon. member, we are realistic enough to know that Saddam Hussein must realize there is concerted action ready to be taken if he does not live up to the UN resolutions to get rid of instruments of mass destruction. Why does the hon. member not listen to her colleague in Britain, Mr. Blair, the Labour prime minister who believes that our position is the right one, the one he is following and not the useless one she is promoting?

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, we do want some information about the government's position. It has now had the benefit of a debate in the House of Commons, a cabinet meeting yesterday, a predictable announcement. Could the Deputy Prime Minister now inform the House of Commons of the exact objective being pursued by Canada and of the rules of engagement?

Could he further elaborate by telling us under what conditions does he now see Canadian troops withdrawing from this conflict once we meet these objectives?

● (1430)

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Prime Minister has made it very clear what our objectives are, to have Saddam Hussein comply completely with the UN resolutions, that he give up his efforts to manufacture and store instruments of mass destruction and allow full UN inspection.

This is our objective and that of other countries of the world under the auspices of existing UN resolutions.

As far as commenting on rules of engagement, it is premature unless it is determined that there has to be a military solution. We are working very hard to avoid that. The burden of avoiding that is on Saddam Hussein who must recognize that he has to obey the UN resolutions which he signed on to do nine years ago.

[*Translation*]

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, the UN resolutions were adopted in 1991. We do not need the government to tell us what resolutions were adopted by the United Nations.

I have a question for the government which, following a cabinet decision and a debate in the House, embarked on a great adventure that could lead to war, to military intervention.

What are the objectives pursued by the government if there is a military intervention? What are the rules of engagement for Canadians whose lives will be put on the line, and what are the conditions for the withdrawal of our troops, once the objective is attained?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I already mentioned our objective, which is to convince Saddam Hussein to give up manufacturing and storing weapons of mass destruction.

Until Saddam Hussein is prepared to comply with this requirement, why should we talk about withdrawing the forces of the United Nations, Canada or Great Britain? In my opinion, Saddam Hussein's cause will be helped if we start talking about the withdrawal of our troops before he makes it clear that a diplomatic solution is not in the cards.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, Bruce Starlight wrote to the Minister of Indian Affairs and Northern Development last fall a confidential letter alleging corruption on his reserve near Calgary. That private letter was leaked to the chief on the reserve who is now suing Mr. Starlight in court.

I just talked to the Starlight family before I came here and it confirmed that it has never received a response from this minister, not even an acknowledgement.

How is it that Mr. Starlight's letter got leaked to the chief but the minister never extended him the courtesy of a reply to his letter?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, that is a good question because I did sign a letter of response to Mr. Starlight. If he has not received it I will have to investigate.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, the Starlight family confirms it never received even an acknowledgement. The only response Bruce Starlight has to date is a lawsuit by his chief. We know the minister has not contacted Mr. Starlight.

I have another question motivated by concerns that the minister may be trying to protect the chief who happens to be a prominent Liberal. The minister has not contacted Mr. Starlight. What contact has she had with the Liberal chief?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I have met with Chief Whitney on other occasions in his role as chief of the First Nations.

With regard to this particular issue we have not discussed anything.

* * *

[*Translation*]

IRAQ

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, my question is for the Deputy Prime Minister.

Yesterday, we learned that the federal government is indeed involved alongside the United States in setting up the strike force against Iraq.

How can the Deputy Prime Minister justify the fact that Canada is already jumping with both feet into the upcoming conflict alongside the United States when most of Canada's international partners are still seeking a diplomatic solution to this conflict?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we are also seeking a diplomatic solution. That is why the Minister of Foreign Affairs is in New York at the United Nations today.

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, the Deputy Prime Minister and the Prime Minister are singing from very different song sheets.

In 1991, he wanted military operations to come under the control of the UN. In 1998, he has changed his tune. Back in 1991, he wanted members to be able to vote on Canada's involvement. In 1998, that too has gone by the boards.

● (1435)

How does the Deputy Prime Minister explain this about-face between the fine words of 1991 and the government's actions in 1998?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we are working together not just with the United States, but with Great Britain, Germany, Kuwait and Bahrain as well to find a diplomatic solution.

We are guided in our efforts by UN resolutions that go back many years and I wonder why the hon. member cannot accept the fact that there are UN resolutions still in force.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, grassroots Indians need to know that they can write to their minister in confidence about problems they are having. By leaking Bruce Starlight's letter back to a chief with strong Liberal connections, the minister seriously eroded the trust between her office and grassroots Indians.

Four weeks ago the minister appointed a bureaucrat to look into the leak. We still have not heard back from the investigator and the minister will not even tell us who it is.

How can Indians trust her so-called investigator when they do not even know who it is? Why will the minister not tell us the name?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, on a number of occasions I have indicated to this House the importance I put on this very issue.

To me it was critical that we have an investigation done to follow the path of that letter. The letter is being tracked, the investigation is under way and I am looking forward to receiving direction from that investigation.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, the minister's so-called investigation is starting to look a lot more like an exercise in damage control than a true fact finding mission. Indians on reserves everywhere want to know when this investigation will be completed.

Will she release a report in the House by the end of the week or will this drag on and be swept under the rug?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, as I said, it is important to me to ensure that the investigation is done thoroughly and completely and that I get good factual information on which to make decisions and to take action.

That is the way it will be and we will proceed under that direction.

* * *

[*Translation*]

BILL C-28

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, when the opposition asked whether the new provisions in Bill C-28, which is sponsored by the Minister of Finance, might benefit Canada Steamship Lines, the Prime Minister replied "No".

However, yesterday, a senior official from the Department of Finance who is responsible for tax issues stated that Bill C-28 may apply to a Canadian corporation with subsidiaries abroad and with the exact same structure as the finance minister's shipping companies.

How can the Prime Minister be more categorical than the official in the finance department who is responsible for tax issues?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the fact is that all related research, discussions and decisions have always been under the responsibility of the Secretary of State for Financial Institutions and have been conducted by officials from the Department of Finance, and not by the Minister of Finance himself.

This is why we insist that the hon. member's insinuations and allegations have no basis.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I would ask the Deputy Prime Minister to take a look at the bill. It says in the bottom right hand corner that it is introduced by "the Minister of Finance". The minister is the sponsor of the bill. He is the one who referred us to the senior official, who said the opposite of what the minister thought he would say.

Was the Prime Minister a little to quick to come to the defence of his finance minister, considering that even tax officials say the opposite of what he said, thus clearly putting the finance minister in an apparent conflict of interest?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, there is no conflict of interest. There is no apparent conflict of interest. This was confirmed by the ethics commissioner, Mr. Wilson.

Again, all the minister's assets are in a blind trust. This is why I urge the hon. member to retract himself, because his allegations have no basis, no foundation at all.

* * *

● (1440)

[*English*]

ABORIGINAL AFFAIRS

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the minister of Indian affairs has said that her investigator is looking into this leaked letter issue. We appreciate that, but there is something we would like to know. Who is he and what is his name?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, as I have mentioned on a number of occasions, it is critically important for me to have someone that has the calibre of the person that has been identified to do this investigation. He is a man with experience. He has had police experience. I know that he will effectively provide us with the kind of advice I need to not only deal with this letter but also to understand the implications in procedures in my department.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, this is just getting more and more unbelievable by the day. She thinks that there is somebody there. She says what a terrific fellow he is. If she is so proud of the job that he is doing on this botched investigation after a botched leak, who is he and what does he know about this case? We want to know what his name is and when he is going to report to Parliament. Who is he, what does he know and when is he going to report?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the investigator will make his report to me when he has completed it.

* * *

[*Translation*]

BILL C-28

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, my question is for the Minister of Finance.

Refusing to give us details about Bill C-28, the Minister of Finance suggested last week, at the outset, that we talk with Mr. Len Farber, who, he said, would help us understand.

Since this tax official from his own department stated, as we have, that clause 241 could apply to companies with the same structure as Canada Steamship Lines, who does the minister suggest we consult next for an opinion that would finally be in his favour?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the premise of the member's question is erroneous, because I am told that Mr. Farber did not say that. There is therefore no serious grounds for the member's question.

* * *

JACQUES CHIRAC'S STATEMENT

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, could the Minister of Intergovernmental Affairs inform the members of this House of the important statement made on Monday by Jacques Chirac, the president of the French Republic?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, here is what the French president said:

> France is one country indivisible. It is indeed made up of regions and provinces each different from the other, each with its own population, customs, history and sometimes language. This is especially true of Corsica, whose identity and uniqueness are recognized by all. France is diverse and this constitutes our wealth. But it is a single France, a single national territory, with the same laws and rights throughout.

* * *

[*English*]

IRAQ

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, Saddam Hussein has not hesitated in the past to use chemical and biological weapons against his own people and also his neighbours. In common language he is a thug and he will not hesitate to use such tactics against the coalition forces.

Since Canada is sending approximately 300 Canadian forces personnel into the region, will the defence minister inform Canadians and in particular the families of our troops that our forces are adequately equipped in the event of a chemical and biological threat?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as the Deputy Prime Minister has said today, we are hoping that there will not be a conflict, that we will still find a diplomatic resolution.

● (1445)

However, if there is a conflict, given that we have approximately 330 personnel in the area yes, I can assure the hon. member they will be properly equipped. They will have protective clothing, inoculations, appropriate training and information to help counteract any possibility of those weapons being used against them.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the HMCS *Toronto* has been serving for some time off the coast of Spain in the Mediterranean. It has now been directed to contribute to the coalition forces in the gulf. The two theatres pose very different threats to the sailors aboard the ship.

I again ask the minister, is the *Toronto* currently equipped to deal with the threat it will now face? Is the crew properly trained in chemical and biological countermeasures?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there is a great deal of general training these people have already taken part in. Any additional training or equipment that is required in this particular case and under these particular circumstances will be provided.

* * *

TRADE

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister for International Trade and concerns the MAI.

It is interesting to see that the Reform Party is worried that the minister is not taking the opposition to the MAI head on. I just want to let the minister and the Reformers know that I am prepared to debate them anytime anywhere on this, in the House of Commons or anywhere else for that matter.

In that respect, I have a question for the Minister of International Trade. It is reported that he is going to be making a policy statement on Friday morning to the centre for trade policy. Why will he not make a policy statement on the MAI in this House of Commons? Why is he afraid of the opposition on this? Will he make his policy statement on the MAI in the House of Commons?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, I find it ironic. It was this government that asked that the MAI be studied by a parliamentary committee which the hon. member is part of. We have given more information to members of Parliament. We have conducted round tables across the country. I have no problems debating with him anytime, any place, anywhere.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, we will be in touch with the minister's office after question period and we can set that up. I am looking forward to it.

The minister did not answer my question. Why is he ignoring Parliament? He is a minister in Parliament. Can he tell Parliament what he is going to say on Friday? Is he finally going to abandon this MAI and say that the government is going to seek a global economy that works for people instead of corporations? That would be welcomed, however, we still want it said here in the House of Commons.

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, to whom does he think a parliamentary committee reports? The committee reported. We will be responding to that. We are asking and answering questions in this House. The first question in four months was asked by the Reform Party. Obviously you have been agitated for the last number of days. We are not afraid to answer.

As I said, we are encouraging more debate. We do not want Canadians not knowing what is in the MAI because trade and investment works for this country. It does not undermine the economy.

Some hon. members: Oh, oh.

The Speaker: Colleagues, please do not incite yourselves by using props.

* * *

[*Translation*]

ANTHRAX VACCINE

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, noxious gases were used against Canadian troops for the first time during World War I.

Today, Saddam Hussein has stocks of anthrax. American troops have been vaccinated against anthrax.

Is it true that the crew of the Canadian ship *Toronto* could not be vaccinated because this vaccine has yet to be approved by Health Canada?

● (1450)

[*English*]

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, those discussions are under way with Health Canada. We expect approval for the appropriate inoculations to protect our troops.

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, the minister has just said that our troops will be inoculated, but we have learned that the reason Canadian troops are not being inoculated for anthrax is because the vaccine has not yet been passed by Health Canada.

The Prime Minister is sending Canadians to the region precisely because Saddam Hussein has chemical and biological weapons. Will the Prime Minister assure all Canadians that our forces will be protected, including vaccination against anthrax, and order the vaccine to be approved and made available?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I do not know how to make it more clear for the hon. member.

We want to protect our troops the best we can. We are providing the necessary equipment, clothing and inoculations to make sure they are protected against any threat in terms of exposure in that area.

* * *

[*Translation*]

PAY EQUITY

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, many of my constituents, women in particular, have been waiting for quite some time for the federal government and the public service alliance to come to an agreement on pay equity.

Could the President of the Treasury Board apprise this House of the status of these negotiations? Have there been any new developments?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I am very pleased to answer my colleague's question, especially since we have offered the union a settlement of up to $1.3 billion with respect to pay equity.

We have asked the union to submit this offer to its members because we are confident the members will accept such a generous offer.

Unfortunately, the union has thus far refused to go to its members and, therefore, we can only wait for the court to decide. But we still favour a negotiated settlement.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, the minister of Indian affairs' performance on the Starlight case is simply unacceptable. She had no problem breaking the confidentiality of Bruce Starlight when he asked for help, but she has no problem keeping the confidentiality of this mysterious investigator she says she has. I will ask once again. Who is it? Who is looking into the case? And why is she keeping it such a secret?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, there are two things. First, I did not break the confidentiality. Second, it is amazing how this system works very well when a minister forgets a name and it can be found. The name of the investigator is Mr. Newman.

[*Translation*]

DEPARTMENT OF NATIONAL DEFENCE

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

In his 1998 defence planning guide, the Minister of National Defence proposes transfer of a significant number of positions currently performed very well by civilian employees in the department to the private sector.

Does the minister commit to putting an end to this privatization policy, which cannot help but impoverish the workers and will, once again, deprive certain regions of Quebec of millions of dollars essential to their local economy?

[*English*]

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, alternate service delivery is being employed to provide services to the military in the most efficient and effective manner possible. This is saving money for the Canadian taxpayers.

At the same time it is important that we treat our employees in a fair and humane way. We have put in place extensive consultations. We have put in place packages which will help ensure where our employees do not become part of the new service that they are looked after in a fair and humane way.

* * *

RAILWAYS

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, my question is for the Minister of Transport.

CN Rail has caught the merger mania with its decision to take over Illinois Central. At the same time CN is offering farmers a nightmare service and is abandoning rail lines left, right and centre across this country. It is using the profits made off these same farmers to invest not in Canada but in the United States.

● (1455)

Canada is the only major economy whose rail policy is to destroy the railways. I ask the minister, why is he willingly presiding over the destruction of Canada's railways?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I would remind the hon. member that the National Transportation Act amendments were passed a couple of years ago. They have had a tremendous impact, a positive impact, on railway service in Canada. They have allowed the railways combined with the sale of CN to the private sector to compete in the North American market.

The hon. member should be shouting from the rafters about the fact that Canadian National Railways has now become the fifth largest railway in North America. That is good for all of us in Canada.

* * *

IRAQ

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, we do not raise questions to frighten Canadians. We raise questions today so that the Prime Minister will have the opportunity to reassure our forces and their families that Canada's government has taken the necessary steps to protect them.

When I heard the Minister of National Defence today state that they are in discussions with the department of health with regard to a vaccine for anthrax, I want to know how the crew of the HMCS *Toronto* is going to be vaccinated. When is it going to be done? When they get to Iraq? I would like to know. Those men have not had their vaccination.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, it will take up to 16 days for the HMCS *Toronto* to get to the gulf. In that period of time there are opportunities to provide for inoculations. The necessary protection will be provided.

* * *

ICE STORM

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, the government has been working with the province of Quebec on further financial assistance for small and medium size businesses and farmers affected by the ice storm. I applaud this initiative.

I ask the Minister of National Defence, is there a similar plan for eastern Ontario?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, absolutely. We want to make sure that individuals, small business people and farmers are treated equitably on either side of the boundary between Ontario and Quebec, and in New Brunswick where they also suffered from the ice storm.

Over 80% of the money that is going into the pockets of these individuals to help them recover from that storm and to help stimulate economic activity is coming from the federal government. The federal government has already provided over $25 million under the disaster financial assistance arrangement. There will be more programs to help those people.

* * *

FISHERIES

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, hundreds of foreign trawlers, better known as floating fish plants,

licensed by this government continue to fish in Canadian waters while our plants and fishermen sit idle.

Our fishermen want access to these foreign quotas, not TAGS II. Why does this government force thousands of Canadians on to assistance while it watches foreigners fish in our waters?

I also want to remind the minister with respect to observer reports to read the Access to Information Act because he does not have a clue what it is about.

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, there are two accesses which the hon. member does not understand.

The first is access to these stocks. Canadian fishermen have access to these stocks. It is only when they choose not to fish them that the offer is made to foreign fleets.

On the second issue, the Access to Information Act, I have said as has been said by previous ministers of fisheries going back to 1977, that we will not release information that is contrary to the law. Simply because the Reform Party has a member who has been convicted under the law two weeks ago does not—

The Speaker: The hon. member for Repentigny.

* * *

[*Translation*]

MULTILATERAL INVESTMENT AGREEMENT

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

In a report tabled last December on the MAI and adopted unanimously by the Liberal MPs, it was agreed that the wording of that agreement ought to come back to the committee before any negotiated agreement was signed. Now the Minister of International Trade has recently refused to commit to bringing the agreement back to Parliament.

Does the minister commit before the House to bringing the text of the MAI back to the committee before it is signed, as recommended—

The Speaker: The Minister of International Trade.

● (1500)

[*English*]

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, that was indeed one of the recommendations included in the report. As the hon. member knows, the government has about 150 days to respond to that report. It is certainly our intention, given the discussion and the debate on the MAI, that we will be responding to that report in full before then.

I do not think it would be appropriate to try to pick one recommendation at a time. We would rather do it once, do it comprehensively and do it right.

NATIONAL DEFENCE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, my question is for the Minister of National Defence. I would like to know when the minister will explain to Goose Bay Happy Valley defence employees and their families why defence assigned a $1 million performance bond with a British company which is busy slashing civilian workers' wages in half, a company which intends to cut more than 100 positions and fill a few good remaining jobs with retired military brass.

Was this the impact of a recent DND memo which stated "privatization will mean we don't have to be encumbered by national procurement policies"?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): I think the preamble and the question are rather disordered, Mr. Speaker, but let me say with respect to the Goose Bay base that we are trying to save that base. We have to cut the costs if we want to keep our customers, the air forces of foreign countries that use that base. We want to keep it open. We want to keep providing that service and the job opportunities for the people of Goose Bay Happy Valley.

I have met with them. I have heard their concerns. In fact, we are looking into them and trying to bring some further resolution to answer the concerns they have raised with the government.

* * *

NATIONAL REVENUE

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, will the Minister of National Revenue please tell us what he has learned as he consulted Canadians on creating the Canada customs and revenue agency?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I recently released a progress report on the Canadian customs and revenue agency. I know Reformers do not like to consult, but we on this side of the House consult with Canadians, we consult with stakeholders and with the provinces.

The agency is about delivering better service to Canadians and also making sure we work in partnership and co-operation with the provinces. Together we are going to build an agency that can truly provide lower cost and better service for all Canadians.

* * *

[*Translation*]

PRIVILEGE

MR. JUSTICE LOUIS MARCEL JOYAL—SPEAKER'S RULING

The Speaker: I am now prepared to make a statement on the question of privilege raised by the hon. member for Wentworth—

Burlington on February 3, 1998 concerning comments made by Mr. Justice Louis Marcel Joyal.

● (1505)

[*English*]

Let me start by thanking the hon. member for Wentworth—Burlington, the hon. member for Fraser Valley, the hon. member for Winnipeg Transcona and the hon. member for Scarborough—Rouge River for their interventions in this issue.

As your Speaker and as a member of this House of Commons I consider this to be a very serious matter. To say that respect for our institutions is rapidly eroding is an understatement. When it is being eroded by some who should set an example for all Canadians it is even more damaging.

There is a necessary constitutional divide between our legislative and judicial branches. That divide should be bridged only when one institution seeks to vigorously support the role of the other.

[*Translation*]

Citation 493 in the sixth edition of Beauchesne exists precisely for the purpose of respecting this convention of the separation of roles, and I quote:

> 493.(1) All references to judges and courts of justice of the nature of personal attack and censure have always been considered unparliamentary, and the speaker has always treated them as breaches of order.

The House of Commons deserves at least the same respect from the courts.

[*English*]

It is for that reason that I have taken some time to reflect on this matter.

In his presentation on February 3, 1998, the hon. member for Scarborough—Rouge River made what I think is a very useful and insightful suggestion. He proposed that I direct the Clerk of the House to refer this matter to the Canadian Judicial Council, the body responsible to review the conduct of our judges.

As it turns out, the executive director of the judicial council has written to the clerk to acquaint him with the fact that Chief Justice Allan MacEachern, chairman of the judicial conduct committee, has initiated formal proceedings under the bylaws of the council concerning the statements attributed to Judge Marcel Joyal.

While this turn of events in no way precludes a finding on my part of a prima facie case of contempt, I have decided that it would be wise to follow the advice of the hon. member for Scarborough—Rouge River and allow the judicial council to proceed with its initiative before I comment further.

I am tabling copies of the said correspondence so that all hon. members may be aware of its content. I will keep the House advised of all further developments in this matter.

ROUTINE PROCEEDINGS

[*Translation*]

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.

* * *

[*English*]

INTERPARLIAMENTARY DELEGATIONS

The Acting Speaker (Mr. McClelland): I have the honour to lay upon the table the report of the Parliament of Canada delegation to the parliamentary conference of the Americas held in Quebec City from September 18 to 21, 1997.

Mr. Bob Speller (Haldimand—Norfolk—Brant, Lib.): Mr. Speaker, pursuant to Standing Order 54, I have the honour to present to the House a report from the Canadian branch, Commonwealth Parliamentary Association, concerning a parliamentary visit to the United Kingdom which took place November 18 to 28, 1997.

* * *

● (1510)

YOUNG OFFENDERS ACT

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC) moved for leave to introduce Bill C-313, an act to amend the Young Offenders Act and to amend certain other acts in consequence thereof.

He said: Mr. Speaker, I am very pleased to rise in the House today to introduce an act that would amend the Young Offenders Act and other acts relating to that. The object of the act would be to lower the age of accountability from its present age of 12 to 10. This intention is going to go a long way to improving the perception of our justice system as well as improving accountability for young people within this country. There is a real problem with this and this bill goes a long way to address that.

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

IMMIGRATION ACT

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.) moved for leave to introduce Bill C-314, an act to amend the Immigration Act (persons without identification not to be allowed into Canada as immigrants or refugees or under a minister's permit).

He said: Mr. Speaker, the purpose of this bill is to ensure that only those persons who produce sufficient identification to show that they should not be excluded will be allowed to enter Canada as immigrants under a minister's permit or as convention refugees.

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

* * *

CANADA SHIPPING ACT

Hon. David M. Collenette (Minister of Transport, Lib.) moved that Bill S-4, an act to amend the Canada Shipping Act (maritime liability), be read the first time.

(Motion agreed to and bill read the first time)

* * *

PETITIONS

TAXATION

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, I have a petition signed by 147 residents of the village of Zeballos in my riding. They are asking Parliament to reinstate the northern residents deduction guide for the 1996 taxation year for the residents of Zeballos, as there is an unfair tax burden due to the remote location of the village.

● (1515)

NATIONAL HIGHWAY SYSTEM

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I present a petition signed by 50 residents of my riding and neighbouring areas.

It indicates that 38% of national highway system is substandard; that Mexico and the United States are upgrading their national highway systems; and that the national highway policy study identified job creation, economic development, saving lives and avoiding injuries, lower congestion, lower vehicle operation costs and better international competitiveness as benefits of the proposed national highway program.

The petitioners call upon parliament to urge the federal government to join with provincial governments to make the national system of grading possible.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, it is my pleasure to present to the House, pursuant to Standing Order 36, a petition on behalf of 41 petitioners from my riding of Nanaimo—Cowichan and Vancouver Island. It concerns the multilateral agreement on investment.

The petitioners indicate that they believe negotiations have been conducted behind closed doors and that most politicians, professionals and ordinary citizens in Canada know little or nothing about the MAI.

They ask that parliament impose a moratorium on ratification of the MAI until full public hearings on the proposed treaty are held across the country.

IMMIGRATION

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the honour to present the following petition.

The petitioners draw the attention of the House to the fact that some individuals are marrying Canadian citizens for the primary purpose of entering Canada as a member of the family class.

Therefore the petitioners pray and request that parliament encourage the government to consider introducing a three year conditional period for sponsored spouses.

PUBLIC SAFETY OFFICERS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition on behalf of a number of Canadians including some from my own riding of Mississauga South.

The petitioners draw to the attention of the House that police officers and firefighters are required to place their lives at risk on a daily basis as they discharge their duties and that employment benefits to police officers and firefighters are often insufficient to assist the families of those killed in the line of duty.

The petitioners also raise that the public mourns the loss of police officers and firefighters killed in the line of duty and wish to support in a tangible way those surviving families in their time of need.

The petitioners therefore ask parliament to establish a public safety officer compensation fund for the benefit of families of police officers and firefighters killed in the line of duty.

* * *

[*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 suggest that all remaining questions be allowed to stand.

[*English*]

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I rise on a point of order. On September 25, 1997 I placed Question No. 18 on the order paper. It asks how much the government has spent implementing the provisions of Bill C-68 and for a revised estimate of the total cost of implementing that piece of legislation. In accordance with Standing Order 39(5)(a) I asked for a response within 45 days.

My constituents have been waiting 139 days. When can I tell them to expect an answer to this straightforward question?

Back in 1995 the Minister of Justice made bold statements that it would cost only $85 million over five years to implement Bill C-68. News reports are now speculating that the cost is already more than $200 million.

Could the government end the speculation and tell us how much it has spent so far and how much it will cost taxpayers in the future? When can I expect an answer to my question?

Mr. Peter Adams: Mr. Speaker, I appreciate the member's impatience. I will be glad to look into the matter and I will discuss it with him shortly.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, I rise today to withdraw order paper Question No. 6 in my name as it appeared in the September 24, 1997 issue of the order paper.

● (1520)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, like my colleague in the Reform Party, we have been waiting on this side of the House as well for an answer to a question posed to the government on October 2, 1997. It appears as Q-21 on the notice paper.

The question deals with a very straightforward issue as to what government ministers visited Drummondville—Trois Rivières in the vicinity of August 2, 1996 and June 2, 1997. It is a very straightforward question.

We have been waiting a long time and would like to know when we will get an answer.

Mr. Peter Adams: Mr. Speaker, my reply to the two hon. members is the same. I will look into the matters and get back to them as soon as possible.

I ask that the remaining questions be allowed to stand.

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

Some hon. members: Agreed.

MOTIONS FOR PAPERS

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

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CANADA EVIDENCE ACT

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill S-5, an act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other acts, be read the second time and referred to a committee.

She said: Mr. Speaker, it gives me great pleasure to address the House on Bill S-5, an act to amend the Canada Evidence Act, the Criminal Code and the Canadian Human Rights Act in respect of persons with disabilities and other matters.

This is essentially the same bill as Bill C-98 which died on the order paper with the prorogation of parliament last year. This legislative package was brought back and introduced on a priority basis in the Senate on October 9, 1997 as Bill S-5. The bill was passed by the Senate on December 11, 1997.

[*Translation*]

This bill deals primarily with a number of problems related to disabilities. Since over four million people in Canada are disabled, many Canadians will benefit from the improvements to accessibility contained in this bill.

[*English*]

The federal government has an important role to play in ensuring that Canadians with disabilities are full and equal participants in the mainstream of society. It has recognized this role for many years, including back in 1991 with the announcement of a national strategy for the integration of persons with disabilities.

This five year strategy involved many federal government departments and agencies working toward a common goal: the integration of persons with disabilities in Canadian society.

An omnibus bill, Bill C-78, was one of the major achievements of the national strategy. It amended six different federal laws, the

Criminal Code, the National Transportation Act, the Canada Elections Act, the Citizenship Act, the Access to Information Act and the Privacy Act, all with a view to improving the situation of Canadians with disabilities.

The Department of Justice has continued to review legislation in the area of the criminal law to find ways to deal with systemic barriers to access that may affect persons with disabilities.

There have been extensive consultations involving all interested stakeholders, including Canada's disability community.

[*Translation*]

In its fourth report tabled in the House in 1995, the Standing Committee on Human Rights and the Status of Disabled Persons recommended that there be legislative measures to reduce the difficulties faced by the disabled.

● (1525)

[*English*]

In addition, the federal task force on disability issues presided over by my colleague, the Solicitor General of Canada who is with me today in the House, released a report in October 1996 in which it was recommended that the federal government proceed as soon as possible with relevant amendments to the criminal law and to human rights legislation. The bill clearly responds to these recommendations.

The bill is of utmost importance to every Canadian and deserves no less than the utmost support of every member of the House. I am pleased to say that I understand all members of the House are supportive of legislation and therefore will facilitate its speedy passage through the House.

[*Translation*]

Mr. Speaker, I would like to thank you, as well as my colleagues, for giving me the opportunity to introduce this important bill in the House.

[*English*]

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, the bill we are discussing is entitled an act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other acts. Interestingly the bill was tabled by the government in the Senate.

The bill was originally tabled in the House by the former minister of justice in April 1997 as Bill C-98 and died with the dissolution of parliament in 1997.

Bill S-5 contains a number of provisions to remove barriers and to ensure the equality rights of persons with disabilities. It also includes some substantive changes to the federal human rights act.

I will highlight some of the contents of the bill as the substance is most worthy. It generally fits with the people agenda of average Canadians that Reformers promote. Reformers always look to expand the bounds of democracy, to help those who need a hand up and may not be able to fully help themselves. The bill largely says how the federal government will behave. It is a statement that extends goodwill and mainstream consideration to a larger group.

Three pieces of legislation will be amended by the bill. On disability issues there is some background worth mentioning. Today more than four million people in Canada, about 16% of the population, have some disability. Canadians with disabilities continue to experience some obstacles to daily living in areas such as employment, transportation and housing where most of us take full participation for granted.

Legislative reform has been advocated by the disability rights movement for almost two decades. At the parliamentary level the issue was raised when the former House of Commons Standing Committee on Human and the Status of Persons with Disabilities actively promoted the equality rights of persons with disabilities. The committee made specific recommendations for legislative reform requiring all federal departments, crown corporations and agencies to review and reform legislation to ensure the inclusion of persons with disabilities in federal programs.

In response to the report the government agreed to undertake a comprehensive review to identify the action required to eliminate these barriers to the social and economic integration of persons with disabilities.

The idea of an omnibus bill that would make simultaneous amendments to a number of pieces of federal legislation to address the concerns of Canadians with disabilities was promoted by the disability community as far back as the late eighties and early nineties.

Today we have that omnibus bill in Bill S-5. The goal was to bring federal laws in line with section 15 of the Canadian Charter of Rights and Freedoms which guarantees the right to equality for persons with mental and physical disabilities.

The Canadian Human Rights Act was enacted in 1977 to provide for an informal process for resolving cases of discrimination in areas of federal jurisdiction. Like most provincial anti-discrimination laws, the act establishes a specialized system of redress whereby discriminatory actions are discouraged by means of education and by ensuring that those who discriminate will bear the costs of compensating their victims. The act applies to all federal government departments, agencies and crown corporations as well

as federally regulated businesses and industries such as banking, transportation and communications.

• (1530)

The human rights system essentially operates on a complaint basis. A complaint of discrimination must be lodged with the Canadian Human Rights Commission before the process can go forward. Moreover, the human rights system is self-contained in that there is no direct right to seek damages before the courts for acts of discrimination.

The Canadian Human Rights Commission is the administrative agency responsible for promoting an understanding of and compliance with the act. The adjudicative function under the legislation is carried out by human rights tribunals looking into complaints of discrimination. They have the power to fashion reasonable remedies to address the unique social problems underlying these complaints.

In the Speech from the Throne on October 1, 1986 the then government announced its intention to proceed with amendments to the Canadian Human Rights Act. On December 10, 1992 the former minister of justice, the Hon. Kim Campbell, tabled in the House of Commons Bill C-108, an act to amend the Canadian Human Rights Act. That bill died with the dissolution of that Parliament.

In June 1996 during the last session of the Parliament, one amendment to the human rights act was made, adding sexual orientation as a prohibited ground of discrimination.

This bill completes the long stated goals of inclusiveness that I mentioned. For example, the removal of barriers to facilitate equal access to the Canadian justice system. This has been a longstanding goal of those with disabilities who have been either labelled mentally handicapped or denied methods to assist them to communicate in a court of law.

It was concluded that unless statutory provisions excluding the evidence of these persons was improved, they would continue to be discounted. These could include the removal of barriers to receiving testimony from persons with disabilities; allowing witnesses to use the medium with which they are most comfortable in order to testify in court; allowing individuals with a disability to use alternative methods, such as the voice, to identify the accused; and eliminating discrimination against persons with a disability in the jury selection process. Certainly we have excluded many worthy jurors in the past.

There is particular concern about the people with disabilities who are physically and sexually assaulted but who are unable to obtain the protection of the criminal justice system. The previous legislation I do not think went far enough and amendments in this bill are in response to that.

The bill also amends the Canada Evidence Act. Clause 1 would replace section 6 of the Canada Evidence Act which currently allows witnesses who are unable to speak to give evidence by any means that would make it intelligible. Clause 1 would extend this allowance to persons who have difficulty in communicating by reason of any disability. This change could require the use of sign language or oral interpreters, assistive learning devices or real time captioning.

According to clause 1, persons with mental disabilities who have been determined to have the capacity to give evidence and have difficulty in communicating because of a physical or mental disability could give evidence with appropriate help.

Clause 1 would also allow a witness to give evidence about the identity of an accused either visually or by using a sensory method of identification. This new section would permit the admission into court of voice and touch methods of identifying an accused person. In most cases victims visually identify the accused first in a line-up and then in the courtroom as part of the evidence. However, persons who are blind or who have low vision are often unable to identify an accused in this manner.

The bill also deals with the offence of sexual exploitation. The child sexual abuse provisions of the Criminal Code, section 153 I believe, make it an offence for a person in a position of trust or authority to sexually exploit a young person. They also make it an offence for a person to sexually exploit a young person with whom he or she is in a relationship of dependency.

Clause 2 of this bill would apply the same prohibitions in relation to persons with disabilities. Clause 2 would create a hybrid offence punishable upon summary conviction for a term of imprisonment not exceeding 18 months or upon indictment for a term not exceeding five years.

Clause 2 would also create a new offence, sexual exploitation of persons with disabilities, that would be separate from the general offence of sexual assault.

• (1535)

Part of the reason for creating a new offence separate from the general offence of sexual assault is that specific recognition of the various ways in which persons with disabilities can be sexually exploited would allow individuals to be held criminally accountable for a much broader range of damaging and sexually intrusive behaviour. This proposed offence would be easily recognizable on a criminal record as being one against persons with disabilities in vulnerable relationships as opposed to a generic charge of sexual assault.

The wording in subsections (5) and (6) removes the defence of mistaken belief in consent where that belief was based on the accused's self-induced intoxication or recklessness or wilful blindness. Subsection (6) requires the judge to instruct a jury presented with the defence of mistaken belief in consent to consider the presence or absence of reasonable grounds for that belief.

Clauses 4 through 7 of the bill are designed to facilitate the inclusion of persons with disabilities on juries. Clause 4 would permit a juror with a physical disability who is otherwise qualified to serve as a juror to be accommodated in order to carry out their duties.

Clause 6 of the bill pertains to challenges for cause by the prosecution or an accused. Currently section 638(1)(e) of the Criminal Code permits a juror to be challenged for elimination from the jury on the basis that they are physically unable to properly carry out their responsibilities. Clause 6 would amend this section to prevent disability in and of itself from being a barrier to jury service, particularly if the person with the disability had been accommodated and was able to carry out the role of a juror.

However, disability could be a cause for exclusion where, even with the aid of technical, personal, interpretive or support devices the person was still physically unable to properly perform the responsibilities of a juror. That makes sense. But this could happen for example in a case where a significant amount of visual evidence was involved and where the potential juror was blind. The caveat is reasonableness.

Clause 8 deals with videotaped evidence. The child sexual abuse provisions of the Criminal Code currently allow complainants under 18 to give evidence of a sexual offence by way of videotape so long as the tape has been made within a reasonable time after the offence was committed and provided that the complainant adopts the contents of the videotape during testimony. The intention behind this section is to preserve the evidence of children who might not otherwise recall events that took place months or even years before, and to remove the need for them to repeat their story many times both in and out of court.

Clause 8 of the bill would allow similar videotaped evidence by persons with disabilities who might have difficulty communicating due to that disability.

The next section deals with human rights and the human rights system and clauses 9 and 10 amend the Canadian Human Rights Act. Clause 10 would limit the factors for assessing undue hardship for those of health, safety and cost in providing assistance in those special circumstances. Accommodating special needs is not an absolute right and may not be practical or it may be unreasonably costly in certain circumstances.

These are the same three factors set out in the Ontario Human Rights Code. It has been done in Ontario in this regard. Bill S-5 would allow the governor in council to make regulations prescribing standards for assessing undue hardship.

One or more of the contentious issues surrounding the duty to accommodate is what is meant by cost in determining instances of undue hardship. Some equality seeking groups would prefer not to have any cost factors taken into a consideration of undue hardship. They fear that doing so would create two classes of human rights claimants, those we could afford to treat equally and those we could not. Since cost is to be a relevant consideration in assessing undue hardship, they would like to see it limited to financial cost as is the case under the Ontario Human Rights Code. There is controversy there.

The equality seeking groups find the whole notion of accommodation itself offensive. In their view, notions of accommodation and undue hardship promote a second class version of rights. That is unacceptable to them. They suggest that the idea that the needs of disadvantaged people are special and must be reasonably accommodated presupposes that there is a norm to which people must conform or be considered different or abnormal; such a person's needs must be accommodated but only if they do not cause undue hardship to accommodate.

Moreover, the accommodation approach to achieving equality effectively leaves unchallenged the assumptions, institutions and relationships underlying discriminatory rules themselves. Accommodation permits an employer for example to avoid liability for what otherwise would be held to be a discriminatory practice.

● (1540)

While accommodation will reduce the effects of the same treatment approach to equality in individual situations, it will not alter the overall systemic impact of certain rules. It has been suggested that a better approach might be to hold employers and service providers under the federal human rights act to one standard of equality and then ask them to justify any deviation from that standard, rather than upholding discriminatory practices in attempting to fit people adversely affected by them into a general practice.

That has not been chosen in this bill and probably is too idealistic.

Clause 27 of the bill would restructure the existing ad hoc human rights tribunal panel under the Canadian Human Rights Act. The bill creates a permanent, smaller and expert Canadian Human Rights Tribunal composed of a maximum of 15 members, including a chairperson and a vice-chairperson. Temporary members could be appointed to meet workload requirements.

Appointments to the tribunal would be made on the basis of experience, expertise and interest in and sensitivity to human rights, as well as with regard to the need of regional representation. The chairperson, the vice-chairperson and at least two other

members of the tribunal would be required to have certain legal qualifications.

The bill also would provide that the terms of office for both the chairperson and the vice-chairperson could extend during good behaviour for as long as seven years. Other members would continue to hold office during good behaviour for terms not exceeding five years.

Clause 27 contains provisions for remedial and also disciplinary measures which could be taken against any member of the tribunal. It is good to see some accountability measure built in.

Pursuant to clause 27, at any stage after a complaint of discrimination was filed, the Canadian Human Rights Commission could ask the chairperson of the Canadian Human Rights Tribunal to institute an inquiry into it if the commission is satisfied that such action is warranted. The chairperson would respond by assigning a member of the tribunal to hear the case. In instances of complex complaints, perhaps a three member panel could be assigned.

Clause 27 would allow the chairperson to make rules of procedure for tribunal hearings. These rules would cover such things as the summoning of witnesses, the production and service of documents, the introduction of evidence and time limits on hearings and decision making. They could also deal with the addition of parties and interested persons to the proceedings.

Finally, clause 27 would create a new section 52 of the act to allow tribunal members or panels to take measures to ensure the confidentiality of an inquiry where certain conditions existed.

Under section 53 of the current act, if at the conclusion of an inquiry a tribunal finds that the complaint has not been substantiated, it must dismiss the matter. Where however it is determined that the complaint has been substantiated, the tribunal may make an order against the person found to have engaged or to be engaging in the discriminatory practice. This situation would continue under the bill.

Section 57 of the act would also continue to allow any tribunal order, including those newly added to the bill, to be enforced as an order of the Federal Court of Canada.

The bill would repeal sections 55 and 56 thereby eliminating the current review of tribunal structure.

Human rights tribunals may make such specialized orders as compensating the victim of discrimination for any lost wages, for the cost of obtaining alternative services or accommodations, or for injury to his or her feelings or self-respect.

The sections of the act also permit a tribunal to make a special order of compensation where a person is found to have wilfully or recklessly engaged in a discriminatory practice or still to be doing so.

Clause 27 of the bill would also continue to allow compensation for pain and suffering or for wilful or reckless discrimination. However it would increase the maximum penalty dollar amount to $20,000 from $5,000. The rationale is that some provincial human rights laws have no limits on how much money can be awarded to a complainant while others have limits ranging from $2,000 to $10,000. The raising of the limit under the Canadian Human Rights Act would ensure that tribunals had enough discretion to award an amount that was fair in the circumstances.

With respect to the issue of hate propaganda, section 13 of the Canadian Human Rights Act makes it a discriminatory practice to use the telephone or any telecommunications device undertaken to communicate messages which are likely to expose a person or persons to hatred or contempt because they belong to a group identifiable on the basis of a prohibited ground, such as race, national or ethnic origin.

Under section 54 of the act a tribunal is currently restricted to use cease and desist orders where it finds that a complaint has been substantiated.

Clause 28 would expand the order-making powers of tribunals in these cases. It would allow tribunals to compensate victims specifically identified in the discriminatory communication up to a maximum of $20,000 where the discriminatory practice was found to be or to have been engaged in wilfully or recklessly. The tribunal could also order the communicator to pay a penalty of up to $10,000. In considering whether to order a penalty payment the tribunal would be required to consider such factors as the nature and gravity of the practice and the wilfulness or the intent of the communicator. This would not be used lightly.

● (1545)

Clause 28 is a response to the rising incidence of hate crimes around the world. There seems to be a need to deter individuals and organizations from establishing hate telephone lines. Victims of such lines can apply for compensation and offenders can be subjected to a financial penalty to accomplish this deterrence.

Clause 32 of the bill would respond to these requests for accountability by requiring the commission to submit all reports of itself to Parliament through the Speakers of both Houses. The clause is significant in that it would require the new Canadian human rights tribunal to report annually to Parliament on its activities. This would provide some measure of transparency to the tribunal process and would serve to ensure the independence of the tribunal from the commission.

Other noteworthy amendments include the retaliation clause, clause 14, which would make complaint retaliation a discriminatory practice which would be dealt with under the act like any other case of discrimination. The idea seems to be that the anti-discrimination system created by the Canadian Human Rights Act would be better suited than criminal courts to deal with these types of cases.

The introduction of such long awaited amendments to the Canadian Human Rights Act has not been met with unanimous applause as one might expect. While many of the amendments are clearly perceived as positive, in particular those pertaining to the creation of an expert permanent tribunal, most attention seems to be focused on what is missing from the package. The same appears to be true of the reaction of the disabled community to the proposed amendments to the Canada Evidence Act and the Criminal Code.

With respect to the Canadian Human Rights Act, the bill does not deal with the issue of same sex benefits or with the mandatory retirement provisions in section 15(c) of the act. There are calls for amendments to expand the jurisdiction of the Canadian human rights commission to deal with dissemination of hate messages in any form, telephone mail or the Internet whether exported or imported. There are recommendations that the act be updated to respond to the transmission of hate messages and specifically that Holocaust denial be defined as constituting hate propaganda under the act.

We need to continue our evaluation of the existing federal human rights system's ability to promote and protect human rights into the future. There will always be controversy on these matters.

The passage of this legislation is helpful but it is not the whole answer. There is a cultural context of reasonableness, tolerance, common sense and goodwill on which these measures rest. The historical Judeo-Christian ethic of Canadian culture is operative here. Good people can make poor situations work if they want to. Where attitudes change and are adaptable, much can be accomplished beyond mere rules of legislation.

To help the disadvantaged we need an economic engine that will generate the wealth to pay for our desired social programs. The good samaritan of the Bible could not have helped very much if he did not have the money to put his concern into action. The samaritan had his own financial resources which were not someone else's taxes, unlike some of the others who passed by on the road that day.

The point is that right thinking about economics creates the economic engine to pay for the social programs and the very good things that need to be done. We need to have balance and reason. This is a lesson the NDP may never learn and the Liberals are so reluctant to admit.

Reformers care about people. We make every effort to be the voice of average Canadians as we bring the concerns of voters to Ottawa rather than bringing a central Canadian, top down Ottawa agenda back to the community.

Reformers are supporting this bill today. However, I need to comment on the number the bill has been assigned because it has an *S* in front of it. That means it went through the Senate first, which troubles me.

The contents of Bill S-5 are satisfactory as far as they go and we support the majority of amendments to the applicable acts. However, it is not the contents that concern me as much as the process through which this bill came to the House for debate.

● (1550)

Peter Hogg in the *Constitutional Law of Canada* writes:

> Although the Constitution Act, 1867 gives to the Senate the same powers as the House of Commons (except that, by s. 53, money bills must originate in the House of Commons), it has to be (and usually is) accepted by opposition as well as government senators that the appointive nature of the Senate must necessarily make its role subordinate to the elective House.

Richard Van Loon and Michael Whittington in *The Canadian Political System* state:

> The Senate is not permitted constitutionally to introduce money bills, and in practice it cannot amend or defeat money bills either. (There is still some question as to the constitutionality of Senate amendments of money bills, but in practical terms the Senate does not even attempt to amend them today). Because of the lack of government ministers in the Senate, virtually all government bills are by convention introduced in the House of Commons.

Bill S-7 was originally tabled in the House of Commons by the former justice minister and the current health minister in April 1997 as Bill C-98. The bill died on the order paper with the dissolution of the 35th Parliament.

The current minister could have easily introduced this bill at the outset of the 36th Parliament, as there was not a great amount of legislation for her to be responsible for at the time. Instead the government, for reasons unknown, decided to introduce the bill in the Senate.

We all know how the Senate is currently in a state of flux. Canadians from coast to coast are wondering how effective the Senate really is. Do senators truly understand the needs of average Canadians? Who are they accountable to if they do not represent a specific constituency?

Before I have senators calling me in an outrage at my office, I want to make one point very clear. There are senators who take their job very seriously, work hard for their province and region and who want to make Canada a better place in which to live. That is without dispute. We even have senators with commendable attendance records. Those senators would probably have a good

chance of getting elected to that House and should have nothing to worry about by a triple E Senate concept.

Reformers are not upset with the handful of hard workers. We are upset with the majority who look at the Senate as a place to simply collect a paycheque and then proceed to do work unrelated to the Senate. It must be remembered that Reformers have not abandoned their hopes of solving the historical national problem of the Senate. It is unfinished business in nation building and Reformers are committed to Senate reform, not abolition.

As members of the House of Commons, we are here because the majority of our constituents want us to be here. If my constituents are frustrated with my performance they will have their chance to get rid of me. It is quite simple. However, look at how difficult it is to get rid of an unpopular senator, someone who has gone out of the bounds of rules. It is next to impossible.

Members of Parliament do not want to become rubber stamps. We do not want to rubber stamp Bill S-5. The House of Commons is an elected House and legislation should go from here to the other place. Senators who feel they too often rubber stamp bills from here should perhaps line up and support the Reformers who want an elected upper house.

The government House leader's office had indicated to me today that the reason Bill S-5 was not introduced first in the House was that the agenda in the fall was too busy. That stretches credibility. It said that it was essential to get the bill through as quickly as possible so it was started in the Senate.

The elected representatives of the Canadian people sit in the House of Commons, not in the Senate. Canadians do not want their elected representatives relegated to the house of sober second thought. They want government legislation to begin in the House of Commons and then proceed to the other place, not vice versa.

The issue here is the principle of democracy and of good government. I think there is a ring of Liberal arrogance with this move through the Senate with this bill.

I want to conclude that we are supportive of the components of this bill. It will clearly provide the necessary changes to enable persons with disabilities to play a more active role in the justice process, something the disabled community has long been calling for. It provides for ways of redress and is part of a larger quest of Reform to change and update our government institutions to better serve every Canadian.

I am glad to recommend this bill, whatever its shortcomings, to my own community.

[*Translation*]

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, I am pleased to rise today at second reading of Bill S-5, an act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts.

● (1555)

I am speaking to this bill as the Bloc Quebecois critic on human rights and the rights of the disabled. Before I begin my speech on Bill S-5, I would first like to point out that it comes to us from the Senate and that the House of Commons, the forum of democracy that it is, occasionally debates bills from the other House.

I should point out that this bill, S-5, is absolutely identical to Bill C-98, which the former Minister of Justice now Minister of Health tabled at the end of the last Parliament.

As the present government chose to allocate issues concerning the rights of the disabled and human rights to both the Department of Human Resources Development and the Department of Justice, I think it would have been far preferable for the Minister of Justice to reintroduce the bill in this House. This approach would indicate the importance the government intends to give to these men and women, who are full-fledged citizens.

The members of the House of Commons have been given a mandate to represent the people and are accountable to them.

The practice of introducing bills in the Senate first and then in the House is questionable to say the least. It could even tend to increase the importance of the other chamber. If we are not careful, we will be back into the whole discussion about the existence of the other chamber, but that is not our aim, particularly as the Bloc Quebecois' position on this is very clear.

Even though it has not come from the House of Commons, I have no hesitation in emphasizing the great importance of this bill for the many physically and mentally disabled members of the community. In fact, four million individuals, 16% of Canada's population, are disabled.

I will, if I may, briefly review what has been done, or rather said, in this Parliament about the status of the disabled.

In 1990, the Standing Committee on Human Rights and the Status of Disabled Persons, which no longer exists, tabled a report in which it recommended a broad legislative reform under which all federal departments and agencies, and all crown corporations, would examine and amend their acts and regulations so that the disabled could benefit from existing federal programs. A number of other consultations took place later, but did not result in significant legislative changes.

In June 1996, a federal task force on disability issues was formed. This task force, it should be recalled, was composed exclusively of government members and reported to the justice, human resources development, finance and revenue departments. We should all admit and deplore the fact that little progress has been made with respect to the status of the disabled. The task force's main recommendations have never been followed up.

This bill is perhaps good news, because it could be seen as marking a beginning. But it must not be forgotten that the status of the disabled is the responsibility of several departments and that action is required from each of them in order to implement the task force's recommendations. Is this realistic?

Take, for example, the revenue department, which could introduce legislation to improve tax credits for the disabled. But that is another issue; I will focus for now on the bill before us.

• (1600)

I will address the amendments to the Canada Evidence Act and the Criminal Code, and then the provisions concerning the Canadian Human Rights Act.

Clause 1 of the bill makes two amendments to the Canada Evidence Act. First, it provides for the use of whatever means necessary to allow a witness who has difficulty communicating by reason of a physical disability to give evidence. The use of sign language interpretation is a concrete example of clause 1 of Bill S-5 at work.

The second part of clause 1 adds a section 6.1 to the Canada Evidence Act. This provision would allow for witnesses to use any sensory means, their sense of hearing for instance, to identify an accused. This way, a blind person who witnesses a crime could help identify the accused.

Clauses 2 through 8 of Bill C-5 amend the Criminal Code. Clause 2 creates a new offence. Sexual exploitation of persons with disabilities becomes a crime separate from the generic offence of sexual assault.

This provision specifically recognizes that any person who is in a position of trust or authority toward a person with a disability and sexually abuses this vulnerable person is guilty of an offence. A parallel can be drawn between these provisions and those relating to sexual violence against children, which also constitutes a specific offence.

The purpose of clauses 4 to 7 of the bill is to make it easier for the disabled to serve on a jury. Accommodation must be made to enable a disabled person selected as a juror to discharge this responsibility appropriately and fully like any other citizen.

Clause 8 would authorize video testimony for disabled individuals who have difficulty communicating directly during a proceeding.

To sum up, these provisions amend the Criminal Code and the Canada Evidence Act and are designed to give disabled individuals full access to the criminal justice system, something organizations for the disabled have long been calling for.

The second aspect of this bill has to do with the Canadian Human Rights Act. First, clause 10 of Bill S-5 introduces what is commonly known as the obligation of accommodation into the Canadian Human Rights Act. Employers and providers of services governed by this act must accommodate the needs of the disabled and of the other groups mentioned in section 2 of the act, unless doing so would impose excessive hardship.

If, for example, a complaint of discrimination is made against a federal department for failing to accommodate the needs of a disabled individual, that department must show that accommodating those needs would have imposed excessive hardship with respect to health, safety or cost.

These are the only three criteria of excessive hardship mentioned in the bill. It would be interesting for the committee to hear what federally regulated employers had to see about this. I sincerely believe that these provisions will allow better integration of the disabled in the working world.

Finally, Bill S-5 creates a Canadian Human Rights Tribunal. Right now, there is a human rights tribunal panel composed of a president and 43 part time members.

• (1605)

The proposed tribunal would be made up of a chairperson, a vice-chairperson and 15 members. Creation of a tribunal specializing in human rights will certainly be greeted with interest, since human rights is becoming an increasingly complex area requiring particular expertise. There is already such a tribunal in Quebec, as members know, and it has proven its worth.

I would, however, like to raise a few points into which we will surely have time to go more thoroughly when the bill is examined by the standing committee on justice after second reading.

The first concerns the tribunal's independence. As the Barreau du Québec has already pointed out at a sitting of the Senate committee on legal and constitutional affairs, the question of the tribunal's independence from the Canadian Human Rights Commission would need to be clarified. At the moment, one could assume that the tribunal would be only a component of the Commission, not an independent body.

Clause 48.3 also raises some questions. It gives a great deal of power to the Minister of Justice with respect to disciplinary measures against a member of the tribunal. The fact that the

minister can be involved in a disciplinary measure against a member of the tribunal raises questions about the independence of that tribunal. This is a matter into which the committee must look seriously.

As for clause 48.5, it reads as follows:

> The full-time members of the Tribunal shall reside in the National Capital Region, as described in the schedule to the National Capital Act, or within forty kilometres of that Region.

This gives me food for thought. People competent to sit on such a specialized tribunal can be found anywhere in Canada or Quebec. To accept this clause means choosing to deprive the tribunal of persons who could well be living in Vancouver or Toronto, Montreal or St. John's, Newfoundland. This, to my mind, is a completely discriminatory rule, and one that is contrary to the public interest.

To summarize my speech, the Bloc Quebecois supports all of the principles of Bill S-5. This bill will provide persons with disabilities with better access to criminal justice as witnesses or jury members. The obligation for accommodations responds to demands from a number of organizations of persons with disabilities.

People with disabilities have all the rights of other citizens. I trust that Bill C-5 will not be the only measure of this legislature to meet their needs and expectations.

[*English*]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, it is my pleasure to speak today in the debate on Bill S-5. As critic for persons with disabilities for the New Democratic Party, I am committed to the legislative process for human rights protection to be continually reviewed and updated due to evolving conditions for the disabled. Bill S-5 is a step in the right direction in terms of equitable treatment for the disabled.

Seventeen per cent of the population can identify themselves as having a disability of one type or another. The amendments to the Canadian Human Rights Act will work to prevent discrimination against persons with disabilities within the federal sphere. A key amendment adds a provision that requires employers and service providers to accommodate the needs of people who are protected under the act.

The duty to accommodate is a concept viewed by persons with disabilities as essential to integration and inclusion in society. The concept has been recognized and adopted legislatively throughout all provincial human rights jurisdictions.

The Canadian Human Rights Act is the principal vehicle wherein the fundamental human rights of persons with disabilities and all Canadians are guaranteed. Persons with disabilities are recognized under section 15 of the Charter of Rights and Freedoms. Under this section are various human rights acts established provincially and federally to ensure equal access and opportunity for persons with disabilities.

● (1610)

Duty to accommodate affects how we work, travel and communicate, basically all the fundamental aspects of social, political and economic life for persons with disabilities in Canada.

For the past 12 years disabled persons have been fighting for a law that provides duty to accommodate in our federal human rights act. It has taken so long probably and unfortunately, it would seem, because government agendas have taken precedence over the quality of life for persons with disabilities.

The bill is a start. It represents the perspective of persons with disabilities. It provides for a positive duty to accommodate subject to a standard of undue hardship. Undue hardship is defined with respect to health, safety and cost.

It is important that undue hardship be defined. It is important to have a human rights policy base for limitations on undue hardship that will ensure a meaningful duty to accommodate persons with disabilities. The undue hardship provisions must be clearly defined so they do not marginalize nor diminish the most fundamental rights of people with disabilities.

Without accommodation persons with disabilities will continue to be denied access to employment and to the most fundamental elements of our social being.

If enacted, this law will bring clarity to the area of the law where the duty to accommodate applies equally regardless of what kind of discrimination it may be. It is critical that people with disabilities are consulted.

Another positive aspect of the bill is that the commission cannot be a regulatory body. It will only provide consultation. Input by disabled persons will also be included in the process. This is critical. It is critical that people with disabilities are consulted in a regulation making process, especially with respect to undue hardship and limitation on accommodation. This will help to further establish their needs to fully integrate into society.

One issue that is not included in the bill and will hopefully be included at a later date is the reference to income status as a ground of discrimination. Also the bill needs to include assurance that the human rights system at the federal level is effectively working by ensuring that training of investigators at the commission level happens. The tribunal process needs to effectively meet the needs and concerns of the citizens of Canada who are facing discrimination.

I endorse the content of the bill, especially with regard to the duty to accommodate, but we need a broader review of the human rights act and the human rights commission system.

The concerns of the disabled community are serious. We need to provide answers and solutions to their needs. They have gone unnoticed for so long and the bill will assist in addressing some of the issues faced by persons with disabilities. As a government and as a nation we need to ensure that persons with disabilities are given equal opportunities, the same opportunities share by all Canadians.

I would like to put forward at this time some of the comments of a member of the disabled community, Ms. Lucie Lemieux-Brassard:

> The duty to accommodate with regard to employment is critical. Should an individual have their job changed or eliminated because their wheelchair doesn't fit in regular cars or because there is no weekend accessibility for a bus for the disabled? No.

We need to assess the needs of the individual. We need to look at the abilities and disabilities of the person and then search for a solution that will compensate for a functional limitation. The solution must assist the disabled person to carry out his or her job duties. This is about fairness and equity, not cost.

I have spoken with many members of the disabled community and would like to raise a couple of other points. The bill is important but it still needs work. There needs to be a broader review of the human rights act to address disability issues.

The process at the present time is driven by an individual complaint system and that is problematic. Accessibility complaints usually take two years for resolution. Usually resolution comes in the form of one person's complaint being answered. It does not, however, address the same complaint that many may have across the country. They are not resolved.

I will give an example. A person complains that there are no TTY services in the Dorval airport in Montreal. To resolve the issue a TTY service is installed in the airport. This is driven by a single complaint. Do we need to lodge a complaint for every single airport in Canada? How do we ensure that all airports have a TTY? How about the rest of the deaf communities across this country who will not benefit from a TTY service because federal access standards are not guaranteed?

● (1615)

This is a perfect example of why disabled persons need full accommodation across this country. In other words, the bill does not deal with systemic problems. It is a complaint driven process.

The disabled community is reasonable in their demands but they do not want to have to wait years to make life more accessible to all Canadians.

Bill S-5 is a step in the right direction in respecting the rights and quality of life for disabled persons in our communities. But there are still many more steps which need to be executed.

I would like to draw attention to the fact that in October last year a landmark decision occurred in the supreme court respecting the rights of the deaf to have appropriate sign language translation services available in hospitals and other public institutions. I am still waiting to hear how this landmark decision is going to work its way into the hospitals, schools and other public institutions in this land. I think all members of the disabled community are still waiting for that.

In Ontario right now there are great concerns among post-secondary students who are deaf or hearing impaired. They see that their funding is being jeopardized and made much more complicated by the present process of moving jurisdictions for their funding. They are being moved from the federal jurisdiction into provincial loan jurisdiction. Instead of finding life becoming a little easier to deal with, it is just simply one more hurdle for them. It is time that we started eliminating hurdles across the board for people with disabilities and not removing one and adding another.

In closing, I support Bill S-5. It is our duty to accommodate the dreams and the plans of our disabled citizens. They have as much if not more to contribute to this country as any one else. For that reason I am in support of this first step.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am honoured to rise in the House today to speak at second reading of Bill S-5, an act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other acts.

As has been chronicled, this bill has been adopted with one amendment from the Senate last December 1997. Before I delve into the whole objective of this particular legislation I would like to outline the principle of this amendment which was adopted in our neighbouring house, the Senate.

This amendment was tabled by Senator Kinsella and dealt specifically with clause 16 of the bill. Clause 16 of Bill S-5 would permit the information relating to the prohibited ground of discrimination to be collected provided that this was done as part of the adaptation of carrying out a special program, plan or arrangement pursuant to section 16 of the Canadian Human Rights Act.

It is an important distinction where special programs are recognized by section 16 to prevent or reduce disadvantages in employment or in the provision of goods and services that are being suffered by a group of individuals on the basis of a certain prohibited ground of discrimination. For one reason or another, this original legislation did not address all of the grounds of discrimina-

tion prohibited by section 2 of the Canadian Charter of Rights and Freedoms.

For that reason this amendment to section 16 of Bill S-5 I would suggest is a very positive motion brought forward by a senator in the neighbouring house. Senator Kinsella therefore presented this amendment to rectify the omission which was adopted by the Senate. I congratulate the senators for their participation in this legislation. As a result, section 16 of Bill S-5 which is before us today has been rectified and is consistent with all of the provisions of the federal Canadian human bill of rights.

● (1620)

I would like to move on to Bill S-5 as a whole. The preamble I would suggest sets out a very, very important principle and a philosophy that I am sure all members of the House would embrace. That is the attempt to remove all barriers, ''the removal of barriers to their full participation in society'' specifically referring to those with disabilities. Certainly accessibility is a noble goal and this legislation takes a giant step in that direction.

This bill, like all Canadian anti-discrimination statutes at the provincial, territorial and federal levels, has this preamble and sets out this principle.

The second paragraph of the preamble also brings our attention to the fact that for individuals and groups who are disadvantaged, identical treatment does not always lead to equality. Again this is a sometimes very difficult principle to understand, but certainly it is an important principle for identical treatment does not always lead to equality.

Many members of this House, and I would suggest unfortunately many of them in the official opposition, will have difficulties with this proposition because identical does not always mean equal. I am curious to see how this reaction will be taken by the members.

The Reform Party members are opposed to the principle of special treatment. They do not seem to understand that equal treatment does not always mean equal. They seem to have a hang-up with definitions, as we have seen with the definitions of ''distinct'' and ''unique''. But surely all members must come to understand that persons with disabilities in the absence of special measures would not always enjoy equality. There is the rub.

This bill certainly is a good example of circumstances where the principle of identical treatment versus equality as embraced by the Reform Party simply will not work. If it does not work here, there is perhaps a larger situation in this country where it will not work as well, mainly the country of Canada.

The third preamble also speaks in a positive way of the necessity of removing discriminatory barriers to ensure equality. This again is in conformity with section 15 of the Canadian charter of rights which provides for the possibility of legislative assemblies to enact legislation to provide for affirmative action programs. May I say that I fully support this principle and I fully support this preamble in its entirety.

The Canada Evidence Act as addressed by Bill S-5 will provide for communication assistance for persons with special communication needs, whether it includes sign language, oral interpretation, apparatuses such as a Bliss board, assistive listening devices and the like. It also allows for persons to have individuals present to assist in their use of these devices when deemed necessary.

Witnesses with disabilities will then be permitted to identify an accused for example by using auditory or tactile methods. This is an important step forward and takes us again into the 21st century with respect to the use and application of technology in our criminal courts.

These aids were not always readily available. I would suggest it is implicitly good that this legislation makes provision for these devices. It will also of course increase the participation of those who are visually challenged in the courtroom. I believe this initiative to that extent speaks equitably to the needs of persons with disabilities and I fully support this.

I also support the principle of the proposals to the effect that they will assist persons in their ability to receive protection from discrimination. Again this is an important aspect of the bill. It stresses that those who may experience discrimination will not experience further discrimination as a result of taking actions to protect themselves. I would suggest that this is something we should all fully support and embrace in this House.

The bill looks at the issue of making our courtrooms more accessible and user friendly. That is a catch phrase that has taken on a life of its own, but I think it adequately sums up what this bill permits.

With respect to the amendments as they pertain to the Criminal Code, Bill S-5 again has a very good principle behind it. The summary that sets out these objectives will provide persons with disabilities greater ability to give testimony in a courtroom specifically by using videotapes. This is presently available for some but this will expand the parameters to allow persons suffering from disabilities to use this method of testimony.

● (1625)

Persons with disabilities would also not be excluded from jury service. If by using assistance they can participate in our criminal justice system as jurors, I believe that this is an implicitly good principle and one which I again embrace fully.

There is also the issue of sexual exploitation of a person with a disability in a dependent relationship. This bill makes specific changes to identify this as a very important change to the Criminal Code.

The Canadian Human Rights Act would be affected with respect to Bill S-5 and adds to the human rights act the duty of accommodation as an obligation to address the needs of persons protected under the act, for example by ensuring that the workplace is wheelchair accessible. I use that simply as one example.

It also requires employers and the providers of services to make accommodations for persons with disabilities unless they demonstrate that this would cause undue hardship. I would suggest that this is a common sense approach to make allowances for persons perhaps in business who may have some reasonable explanation for their inability to accommodate. However, at least it opens the question and the avenue for both sides of the equation.

As a principle I believe this is a good thing in and of itself but there are some questions that this raises. For example, does the provider of the accommodation have the opportunity to establish that he or she has a reasonable justification for not being able to accommodate? Why would he or she have to wait until the complaint is tabled to try to defend this reason?

In essence it may create a reverse onus situation. I would suggest that this may be something that needs to be tempered or looked at at the committee level. The human rights commission would basically be the court of final analysis.

As previously mentioned in my introduction, the bill also amends the Canadian Human Rights Act to recognize that an individual may suffer from discrimination on a number of different grounds at once. These grounds of discrimination are listed at section 2 of the act.

It ensures that all incidents of discrimination will be taken into account by one tribunal and that each instance of discrimination would not necessarily have to be considered in isolation or separately. It would allow for one tribunal to hear a case that pertained to one individual in its entirety. I would suggest that this is a common sense approach.

Bill S-5 also provides for a number of administrative changes. Among these the Canadian Human Rights Commission will report directly to Parliament instead of to the Minister of Justice. Once more I think this is in and of itself a good thing and a great move toward accountability to the Canadian people through through Parliament.

The ceiling for the maximum limit of compensation for pain and suffering or for wilful or reckless discrimination has also been raised from $5,000 to $20,000 in keeping up with the economic climate of this country.

Bill S-5 also reformulates the Canadian Human Rights Tribunal. Like my colleague Senator Kinsella who raised this matter in the Senate, I have some concerns with section 27 of this bill, specifically as it pertains to sections 48 to 53 of the Canadian Human Rights Act.

These sections state that the tribunal will be appointed and there will be a number of members who must have experience, expertise, interest and sensitivity to human rights. This is indeed a welcome suggestion but my concern lies in the fact that the amendments will stipulate that members of the tribunal must or should be members of a bar of a province or the Chambre des notaires du Québec. I ask the question why.

We have seen many tribunals and governing boards. I even used the example of a disciplinary committee of most bars where there are lay persons who are participants and members of these tribunals. I as a lawyer myself question why a person would have to be a member of a bar to be on this tribunal. Surely there is enough cynicism out there about lawyers having make work programs for themselves. I see you, Mr. Speaker, may have some doubts about that.

I think this limitation should be studied again at the committee level. There are other administrative tribunals as I suggested that have members who are not members of provincial bars.

• (1630)

The amendment proposed to clause 14 of Bill S-5 modifies section 14 of the Canadian Human Rights Act. Specifically it adds an anti-retaliation clause, something that is unfortunately absent from the Canadian Human Rights Act in its present form. I would say that it constitutes a weakness. An anti-retaliation clause means that persons could be discriminated against if they have filed a complaint and therefore would be open to retaliation or threat of retaliation.

By a complainant not having protection from retaliation a person would certainly be hesitant to file a complaint in some circumstances. There may have to be some legislative fine tuning to define the parameters. That is not to say that this matter should not be approached very cautiously. There is always the concern of false complaints being filed against individuals. We want to be very careful before we tread into this area.

In conclusion, we in the Conservative Party are supportive of this legislation. It seems that the bill deals particularly with tribunals and with the provision of persons with protection from discrimination. It is good to have an opportunity to discuss the issue. Certainly the questions have to be studied at the committee level. We need to hear from witnesses to discuss some of the specifics of the application of the bill, the process it will follow.

Generally the criminal justice system and the legislation the bill touches upon will benefit from this initiative.

It further promotes the expansion of access, which is a very important cornerstone of our criminal justice system. It promotes access to the courts, which in many cases can be very intimidating for both victims and members of the public as it pertains to the jury system. It expands human rights which have to be viewed as an implicit good in and of themselves.

For these reasons and the reasons I have stated throughout my remarks, I am as supportive of the bill as I am sure all members of the House will be.

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, I am pleased to add a comment to the remarks that have already been made in respect of the bill, an act to amend the Canada Evidence Act and the Criminal Code and an act to amend the Canadian Human Rights Act. The topic that is being discussed is very important, particularly with respect to persons with disabilities.

My hon. colleague mentioned earlier in his remarks the work of Senator Kinsella with respect the bill. I have known Senator Kinsella for many years, going back to when I was first with the Human Rights Commission in Nova Scotia. At that time Senator Noel Kinsella was one of the leading people in the field of human rights in New Brunswick. I think he was the chairperson of the New Brunswick Human Rights Commission for a number of years.

It is very good at a time when we often hear negative remarks about senators to know that we should not jump too quickly to paint everybody with the same brush and to see that people like Senator Kinsella is carrying forth an interest in which he has been involved for many years in a way that is producing some positive results.

I add my support to the bill. The remark made by my hon. colleague about members of the board being required to be lawyers is a very valid concern. I have been involved for many years with administrative law and was not a lawyer. I have known many people who have been involved in tribunals and administrative boards. It is very important to recognize that another perspective can come to issues from people who are not lawyers. Quite often that perspective that is very useful in determining issues of importance.

With that reservation I my support to the remarks made by both the preceding speaker and the hon. member for Dartmouth.

● (1635)

Mr. Peter MacKay: Mr. Speaker, I thank the member for Halifax West on behalf of Senator Kinsella for his kind remarks. I know mutual admiration and respect flow back and forth between those two individuals.

I also commend the member for Halifax West for his continuing and past work in the area of human rights. He will do a great job for his constituents in that and other areas. His comments are very telling and very relevant.

[*Translation*]

The Acting Speaker (Mr. McClelland): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Halifax West—education; the hon. member for Churchill—pay equity.

[*English*]

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, I will be splitting my time with the member for Calgary Southeast.

Our critic, the member for New Westminster—Coquitlam—Burnaby, outlined our position on Bill S-5. I will take a different tack and explore where the bill has come from. It has come from the Senate. The Reform Party position is that it should not be coming from there.

Let examine the history of the Senate. In the British system it is the House of Lords. Legislation went from the Commons up to the Senate and then on to royal assent. My party believes it is not correct to have legislation originating in the Senate.

The Senate only represents two of the five parties in the House of Commons. There is not fair representation in the Senate. Senators are appointed as opposed to members of the House who are elected. Legislation should originate in the House and then proceed through.

The Senate does not represent the people or the regions as it was meant to do. Senators represent the parties that put them into place. It is unlike members of the House who have to go back to their constituents. Should introduce legislation or represent a view our constituents do not like, we do not get re-elected. Senators are there until 75 years of age. They are not accountable for the positions they take. There are no constituents to say they did not represent them and they want them out of there. That does not happen.

The bill by originating in the Senate is flawed. We support the legislation. We are not talking about the legislation. It is the concept or the principle as to where the legislation is coming from. We believe it should be coming from the House. We are all accountable. We are all elected. We represent our constituents as opposed to those in the other place.

I believe I have made my point. I wanted to get it on record. There are a number of other bills like Bill S-5. We will continue to

push the line of thinking that bills should originate from elected representative in the House of Commons.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I listened intently to the comments of my Reform colleague.

Bill S-5 demonstrates that the Senate can have a significant amount of input. It has moved a very meaningful and important piece of legislation which all members of the House seem very keen to support. Could my friend comment on that?

• (1640)

I would be very interested to hear his comments with respect to whether his party, if it were ever in a position to appoint members to the Senate, would have the same opinion that they do today?

Mr. Bill Gilmour: Mr. Speaker, on the first point, there are only two parties represented in the Senate, the Liberals and the Conservatives. When legislation is brought into the Senate, the NDP, the Reform and the Bloc do not have representation. At the beginning of the legislation they are not represented. We have the views of two parties as opposed to five. That is unfair.

On the second question, we have already had an elected senator, Senator Waters of Alberta. We would like the people of Canada in all provinces to be able to elect their senators. Right now B.C. and Alberta have senatorial selection acts in place which allow senators to be elected. Stan Waters was elected in 1989 in a municipal election. A lot of people say the costs are horrendous. The election can be tagged onto an municipal, provincial or federal election, so the costs are not huge.

The concept is that the people of Alberta chose Stan Waters. We think the people of all provinces should choose their senators so that they then represent the people that sent them and not the party that put them in place.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I am pleased to speak briefly to Bill S-5, notwithstanding my displeasure with the fact that the bill originated in the Senate, an issue that I will address in a moment.

I have some personal background working with persons with disabilities, particularly the severely handicapped in Canada. It is a constituency that I am deeply concerned about because the handicapped, particularly the severely disabled, are the most disadvantaged and disenfranchised when it comes to being able to express themselves and to participate fully in political life as well as in the judicial system. These are people who we often forget about because their voices are in many cases quite literally silent, people who have no voice.

For that reason I am delighted with the intent of the bill which is to provide special access to those who are disabled, those who are handicapped, to our judicial system. It is a very worthwhile objective.

I worked with an organization called the Neil Squire Foundation which develops technology for those who are disabled to better communicate and interact with the world. Technology such as the ability of high stem non-verbal quadriplegics through complicated robotics to type out words and express themselves through computer technology is revolutionary technology which is giving a voice to those who are quite literally voiceless.

The conventions of our judicial system do not always permit people who are physically disadvantaged to participate in giving evidence at trial and so forth. For that reason I am delighted the government has taken steps after extensive consultation to make such provisions in this act.

In reading the act there are one or two particular provisions I am concerned with under the section 2 amendments to the Canadian Human Rights Act. I notice that section 48(1), under the amendments to the Canadian Human Rights Act, states:

> The Tribunal which will be appointed and established—the members appointed to that Tribunal will be persons who must have experience, expertise, interest in and sensitivity to human rights.

That seems on its face to be a harmless and sensible provision.

• (1645)

One thing that concerns me in creating criteria for the appointment of people to government bodies is that these criteria ought to be open to all Canadians, regardless of their religious or conscientious beliefs, to serve on such bodies.

This may seem like a bit of a stretch, however, given the recent amendments to section 2 of the Canadian Human Rights Act, which inserted last year the enumeration of sexual orientation under the purpose clause of the act, I can imagine the situation where a person deeply concerned about human rights may not agree with the principle of sexual orientation as an enumerated ground for protection.

I simply raise this question because it is conceivable that under section 48(1) such an individual could be prohibited from taking a seat on the Canadian human rights tribunal. It is conceivable that the appointment of a minister of a particular religion, for instance, with certain convictions about the question of sexual orientation but who is still deeply dedicated to the principles of human rights protection in general could be objected to on the basis that human rights, as now defined by this act, includes sexual orientation.

This is one of the issues in which we find a potential tension between freedom of religion and freedom of conscience, and freedom from discrimination based on the grounds enumerated in the act.

I simply raise that as something for consideration. Perhaps as we proceed with this bill the government could address whether or not the criteria for appointment to the tribunal could potentially prejudicially affect those who do not agree with all the enumerated protections under section 2.

Having addressed the substance of the bill, I would like to speak to the process which is before us today, as has my hon. colleague from British Columbia.

It is no secret that the Reform Party opposes the current operation of and the system of appointments to the Senate. However, of course, it is an established part of our constitutional framework. It is something we recognize. It is something we have to work with. However, there is a longstanding convention in this place and in our mother Parliament, a convention which is respected by all parliamentary governments, that the lower house, the elected house, the House of Commons, is the place where legislation ought to originate.

This is an important principle. We are the commons. We sit in this place representing the people of Canada with a democratic mandate. We are accountable. Quite frankly, the members of the other place are not accountable. They are accountable to no one but themselves. Witness the atrocious antics of Senator Thompson.

Other parties may disagree with whether and to what extent the Senate should be reformed. But surely we can all agree that the government should do everything within its power to cause all legislation to originate in this place, in the democratic house of this Parliament.

The people in this House belong to five recognized political parties. The people in the Senate belong to only two recognized political parties. That means there are three distinct perspectives which have gained substantial support from the Canadian people, perspectives which are represented and articulated in this place every day, which have no presence, no representation and no articulation in the Senate. For that reason alone I think it is atrocious that this government would ride roughshod over our conventions, over our traditions and over the democratic legitimacy of this House by allowing such legislation as this worthy bill to originate in the other place.

I simply want to put myself on the record as saying that I believe close to 100% of my constituents believe that the other place should either be reformed and elected or, if not, abolished. They do not, I believe, want to see that place legitimized through the introduction of government legislation. And so I add this caveat. While I am pleased with my colleagues to support this bill, I am displeased, to say the least, that we have to continually fight against this government's effort to legitimize this unelected and unaccountable Senate.

• (1650)

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the second time and referred to a committee)

Mr. Peter Adams: Mr. Speaker, I seek unanimous consent that the House see the clock as standing at 5.30 p.m. and that we proceed with Private Members' Business.

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

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): Just for the edification of those in the public galleries and watching on television, in order to proceed to the next order of business, which is timed to begin at 5.30 p.m., we have unanimous consent to see the clock as 5.30 p.m. We have not magically done it. What we have done is said we are going to continue on with the business of the House by going directly to Private Members' Business.

* * *

CANADIAN WHEAT BOARD ACT

BILL C-4—NOTICE OF TIME ALLOCATION

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, an agreement could not be reached under provisions of Standing Orders 78(1) or 78(2) with respect to report stage at second reading and to the third reading stage of Bill C-4, an act to amend the Canadian Wheat Board Act and to make consequential amendments to other acts.

Under the provisions of Standing Order 78(3), I therefore give notice that a minister of the crown will propose, at the next sitting of the House, a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stages.

The Acting Speaker (Mr. McClelland): The House will now proceed to consideration of Private Members' Business.

PRIVATE MEMBERS' BUSINESS

[*English*]

CHARLOTTE COUNTY PORTS

Mr. Greg Thompson (Charlotte, PC) moved:

That, in the opinion of this House, the government should undertake a review of the Federal Department of Transport's role in the Charlotte County Ports Inc. quarry project.

He said: Mr. Speaker, this is a continuation of debate that we have had in this House on this particular project. I think the last time we spoke in this House on this project was in December when the marine privatization bill was before this House.

I guess it would not be an overstatement for me to say that I am upset with this quarry project in the province of New Brunswick and some of the inconsistencies that have been exercised on behalf of the governments involved.

• (1655)

I am going to attempt to be as fair as I can to the federal government. To a large extent, the government's involvement up to this point has been marginal. I think it has been marginal for a number reasons, the biggest one being that the provincial government has never basically kept the Department of Transport abreast of what has been actually happening in that area.

To provide the House with an overview of what has been happening, the Saint Croix River is an international heritage river. It was designated a heritage river by the Government of Canada back in the early 1990s. A plan was submitted by the province of New Brunswick to ensure that this heritage river designation was in place. I was part of the process of designating that river a heritage river.

Now what we have is a group of individuals from the United States coming up with a plan to create one of the most offensive environmental undertakings that one could imagine on that river. They have basically been given a blank cheque by the province of New Brunswick to do so. Again, there has been a lot of debate in New Brunswick on this very project. In the summer months of 1997 it was front page news in all the provincial newspapers in New Brunswick for a number of weeks.

Recently I wrote a letter to the premier of New Brunswick stating some of our concerns, my concern as a member of Parliament and the concerns of others who are doing business in that area. Landowners and a group of international citizens called the Saint Croix River citizens committee have taken offence to what the government in the province of New Brunswick wants to do there.

This story goes back a number of years to when a company from Nova Scotia, related by the way to the leader of the NDP, the L.E. Shaw group of companies, a very reputable company I might add, proposed doing a similar type of business, a quarrying business on the banks of the Saint Croix River in the Bayside Ports area. The company, Shaw Industries Limited, is a very respected company. At the time, it stated that if the citizens of the area were against this type of project happening it would abandon all plans for that type of development. Mr. Ken Hardy, speaking on behalf of the company, stated publicly that it was no the way they did business. If the people in the area did not want this type of development he was not going to do it. He kept his word.

The company in question, the Shaw company, originally had to spend $250,000 to develop a plan for this quarry. It had to go through a public tendering process, a call for tenders, to come up with a plan for this. So there was a public involvement or a public tendering process so that all companies in Canada could bid on that project.

However, when the Shaw company decided not to do the deal, aside from the fact that it honoured its commitment to not do the deal if the people were against it, it also could not secure markets in the United States. This can be verified by the Shaw group. The United States aggregate market is a very tough market to break into. The company could never penetrate the U.S. market for aggregate materials. It also had the problem, if it had proceeded, that it did not have a market. However, it did not proceed because it was sensitive to the public outcry.

What we have now is a company from the New York-New Jersey waterfront entertaining doing the same thing. Lo and behold, it did not have to go through any public tendering process. It did not have to submit a proposal. It was invited to come up and take a look at the project by none other than the former minister of economic development in the province of New Brunswick, Al Lacey, obviously a former cabinet minister in the government of Frank McKenna. He was a minister at the time the Shaw group proposed doing this. He was looking for business interests. His job was to secure business interests. He was a paid lobbyist on behalf of the group out of New York and New Jersey. He went down there with a magnificent plan for these people to move into Canada and do a piece of business.

• (1700)

Lo and behold he was successful at bringing them into New Brunswick without having to publicly tender or submit proposals on anything. Those doors were all knocked down for the Waterman group. They simply came and said what they would do. Mr. Al Lacey was to lead their cause. Obviously they would get the type of co-operation they needed from the province of New Brunswick, and they have.

What is disturbing to the folks living along that international body of water on both sides is that the proponents lied publicly about what they want to do. I mentioned this in the House before. This is where Transport Canada, led by the former minister, had a proposal to take over, to assume ownership of that port and that quarrying facility. It was a document that the premier of the province of New Brunswick actually denied existed.

The chief spokesman for the company, Al Lacey, the paid lobbyist, a former minister of the crown in the province of New Brunswick, lied publicly. He lied to the media. He lied to business interests. He lied to me as member of Parliament on their true intentions of taking over that port. Lo and behold lies will eventually catch up with you. We know that.

A 40 page document was leaked to me indicating step by step, inch by inch, how the group would take over the port, the group out of New York and New Jersey, and owned by a man by the name of Randy Waterman. When that document surfaced they all scurried like rats trying to get away from it, but they could not. They were videotaped on national television lying through their teeth on what were their true intentions.

The government continued its sort of conspiracy of silence. There is no transparency at all in this process. It simply pursued the course it was intent on pursuing and not deviating from to make sure that this group out of New York and New Jersey, led by Mr. Waterman and represented by Mr. Al Lacey, would get their way.

They lied on their intention to take over the port. Their 40 page document amounts to nothing more than what I call economic blackmail. I will table it in the House for all to examine. They state that unless they get full and complete ownership of the port they will abandon their plan to take over the port. That amounts to economic blackmail.

The local people were absolutely outraged when that secret document surfaced, indicating that they wanted to take over the port. It did not end there. What has happened in the meantime is that they went after the provincial government. They said that maybe they would not abandon their plans to assume ownership of the port if they struck a better deal. The better deal was to give them the land. They would do the job and compete with other American interests located in other parts of North America.

They have actually achieved what I call the ultimate in economic blackmail. Now the province is entertaining selling them the lands. The lands in question are not federal lands. They would be provincial lands that would be handed over to the company for a 40 year project. In other words, the life of this project would be 40 years.

• (1705)

This sounds quite bizarre but it is accurate. Two weeks of mining this aggregate at the price they would be receiving for the aggregate in the United States would actually pay for the cost of the entire package of land on which they want to do the 40 year deal. That is absolutely bizarre. This is better than giving them the land. They are selling it to them at what we would consider a bargain basement price. It is a deal made in heaven for these people.

How do these people get their foot in the doors of government in the province of New Brunswick? It still has a democratic process where things like this have to be debated and talked out in a public forum. There was a complete conspiracy of silence in the province of New Brunswick.

The minister of economic development refused to provide me with information. He does not correspond with a member of Parliament representing people living in that area. A brick wall has been put up between the government of the province of New Brunswick and me and the citizens group representing citizens up and down both sides of that international water. There is something wrong in the process when that happens.

Who are these people? That is a big question. I had serious discussions with the FBI and the RCMP. There are a lot of unanswered questions about these companies as represented by Mr. Randy Waterman and owned by Mr. Randy Waterman. They are big and they are powerful. They operate out of New York and New Jersey. That should tell us something.

They basically have a cartel. They actually control the aggregate business in the east coast of the United States. It is impossible for foreign interests to import aggregate into the United States. Hence, the inability of the Shaw group to establish markets there.

We have a fellow by the name of Al Lacey. I would not consider Al to be a stupid man. He is certainly not stupid. He heard the bells and whistles and immediately said he knew a group that could do this deal. They can establish markets. They can make this thing profitable but they happen to live outside Canada. They happen to be one of those families down in the United States that have been very successful in the aggregate business.

The worst of all deals possible is taking place at the moment in the province of New Brunswick because its government does not care about transparency when it comes to business with individuals, in many cases individuals of ill repute. If we look at the legacy of the government of the province of New Brunswick in the last 10 years, a number of deals have gone flat, have gone belly up, because it had not done its homework. The FBI and other police officials in the area have suspicions about these people and what their true motives might be in Canada.

I suggested that the premier of the province of New Brunswick should undertake a full scale investigation which the citizens

committee has demanded from day one. The government has been reluctant to do that. I do not think it wants to know the truth. The people in that area demand to know what is going on. They deserve full and complete transparency in that entire piece of business.

It is incumbent upon the Government of Canada, the Department of Transport and the minister to say there are a lot of unanswered questions, some of which were recently brought to their attention, that need to be complied with. As I said at the outset, I do not think the province of New Brunswick has been full and complete in the information provided to the minister and the department.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, it is important that I address the matter raised by the hon. member for Charlotte.

● (1710)

In my nine years of serving the constituents of Hamilton West in the House of Commons I have never heard a more self-serving speech than the one just enunciated by the member for Charlotte, than the previous questions asked and the past speech made by the hon. member.

This reminds me to ask the hon. member how his relationship is after his recent foray into the role of mudslinger. His constituents should know via the news media in the New Brunswick area that the member for Charlotte has cast a lot of innuendo around this project. He has degraded the personal and business ethics of respected individuals who have taken an interest in developing this port improvement project at Bayside.

The project responded to a request from the province of New Brunswick. It would have created much needed jobs and economic activity in New Brunswick. It has received environmental approval.

I was halfway expecting the member for Charlotte to apologize today to the federal government, to the province, to the companies and to the individuals he brought into disrepute. I expected him to ultimately admit his conflict of interest in the matter and to explain to his constituents and people across the country that his home is situated on a piece of land located next to the port property he is so concerned about. Imagine that. No conflict there. Regrettably the hon. member chose not to withdraw his motion today. That is why I have to say what I have said here today.

Let us address the motion by the hon. member who is so concerned about the involvement of Transport Canada in a quarry development project adjacent to the port of Bayside, New Brunswick. The entire quarry project as proposed by Charlotte County Ports Limited would be situated on land owned by the province of New Brunswick and not by Transport Canada. Approvals for such development fall under the jurisdiction of the province of New Brunswick and not the federal government.

The only involvement by the government is that Transport Canada is presently the owner of an adjacent facility that could be utilized for shipping the quarry products to international markets. In that regard Transport Canada has accepted for consideration an application for a remission of rates on the applicable wharfage tariff. That is as far as our involvement goes.

Transport Canada received a request to lease a section of land that would permit the stone to be loaded directly on to ships for transportation to market. Regulations require that such requests be submitted to the department for consideration.

Both these requests have been reviewed in the context that they would expand the existing private-public partnership and would ultimately benefit the port through substantially increased revenues and the creation of badly needed additional outside storage area.

However, due to the significant divestiture process being made under the national marine policy, the request for the lease has been put on hold. The application for a remission of rates has been denied as it did not meet the criteria specified in the remission of or substitution of rate regulations.

Transport Canada is currently negotiating the transfer of the Bayside port facilities under the national marine policy and its divestiture program. The national marine policy will ensure Canada has the modern marine transportation it needs to compete in the 21st century. It will help to ensure that shippers have access to safe marine transportation, that the service levels reflect realistic demand and that the users who pay have more say in the future of their port.

In the past Canada's port system was heavily subsidized by Canadian taxpayers. It suffered from overcapacity and too much bureaucracy. Under the national marine policy the government will no longer dictate port operations or local business decisions. At the same time the Government of Canada will continue in a regulatory role its commitment to a safe marine transportation system and a clean environment.

● (1715)

The Government of Canada is commercializing public ports using criteria applied coast to coast. National ports, such as Vancouver port, will be managed by Canada port authorities, or CPAs as we call them, made up of representatives nominated by user groups and governments.

A second category of ports, regional and local ports, like the port of Bayside, is being transferred to provincial governments, municipal authorities, community organizations or other groups.

The Port of Bayside Steering Committee Inc. has established a local group representing the community and the port users. This steering committee is presently negotiating with Transport Canada for the transfer of ownership and management of all the port facilities.

Given that Transport Canada officials believe that negotiations with the potential new port operator can be concluded quickly, the Minister of Transport will not pursue any further action on the two requests from Charlotte County Ports.

Once the port has been transferred, the new port owner will be in a better position to make decisions, such as the setting of wharfage fees as well as other decisions that will shape the port's future.

In closing, I must reiterate that Transport Canada's involvement in this proposed project is very minimal. I think we heard that from the hon. member when he first spoke. It is limited to being the existing owners of an adjacent facility that could be used to export the material.

Given that decisions on the port's future will be left up to local operators, I cannot support the member's motion.

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, it is unfortunate that we are today reduced to debating one isolated example of insider lobbying in a proposed divestiture deal because the problem is pervasive. It almost invariably accompanies any sort of privatization negotiations in this country.

That is why Reformers temper our firm belief in the benefits of privatization with a demand that safeguards be legislated which are applicable to all privatization deals, not only to control lobbying, but to prevent the improper disposal of public assets to clients or cronies of powerful politicians.

Last summer Doug Young's successor as defence minister criticized Somalia inquiry commissioner Peter Desbarats for writing a book on his experiences with the inquiry. Apparently the minister found it unseemly that Mr. Desbarats would profit from information gained, as the minister put it, "at public expense and as part of the performance of a public duty".

Yet scarcely a month after leaving office Mr. Young was doing exactly that. He was selling his experience. On the night of his electoral defeat a reporter asked Doug Young what his plans were and he said "I can tell you one thing. I am not going on EI".

Indeed, Mr. Young and fellow defeated New Brunswick Liberal Paul Zed set up shop in Ottawa under the name of Summa Strategies Canada Inc. as Sparks Street lobbyists. Between the two of them they have racked up an impressive number of clients.

This is very interesting. When they were in power, neither Young nor Zed had anything good to say about lobbyists. In fact they declared war on the profession. Canadians were assured that the Liberals would just say no to lobbyists. The current Prime Minister said that during his tenure nobody would need to hire a lobbyist to press for access to his government.

Young denounced the Conservative government's Pearson airport contract as the work of lobbyists. With a bit of deeper digging they found some Liberals in the pile and they backed away from that.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I rise on a point of order. I would like to understand how it is that this member's intervention has anything to do with private member's Motion No. 282.

The Deputy Speaker: It sounded to me like the hon. member was reciting a chronology of events which was discussed by the two members who spoke previously in this debate. I am reluctant to interrupt the hon. member. He may not be addressing the motion directly, but I am sure he is about to. As I said, the point of his debate has been similar to the points raised by other hon. members in the debate already, so I am reluctant to intervene.

● (1720)

Mr. Lee Morrison: Mr. Speaker, thank you for your intervention. I assure you I am leading to the heart of the matter.

Once the government's hearings on lobbying got started, the complexity of the lobbying activities became very apparent. Then despite all the strong words promising to clean up the system, the Lobbyists Registration Act failed to live up to expectations. Once installed on the other side of the House, the Liberals decided that not all lobbying was a bad thing. The final legislation avoided issues such as restricting frequency of contacts or limiting fund raising activities.

As I mentioned earlier, Young is prohibited for two years from meeting with officials in the departments of defence and human resources development because he presided over them during his last year in government. He is however free to lobby officials in other departments, including transport where he spent most of his tenure here in the last Parliament.

The rules also prevent Mr. Young from discussing the business of his clients with any minister who handles the same portfolio that he or she held as Young's cabinet colleague. Therefore, the industry and finance ministers are off limits but there is nothing to stop Mr. Young from approaching the ministers of transport or trade on behalf of a client.

Young is also restricted to giving advice on matters already in the public domain. Theoretically he cannot make use of specific knowledge of programs or policies he might possess by virtue of previous positions.

Of course, none of these restrictions apply to Mr. Zed because he served as a mere parliamentary secretary in the last government and he is available for front man.

One of Summa Strategies' first clients was very familiar to Mr. Young, CNR which he privatized in 1995. The president and CEO of CN, Paul Tellier, was the former Clerk of the Privy Council, one of the most powerful people in Ottawa. I cannot help but wonder what he could possibly learn or gain from hiring Mr. Young. Other Summa Strategies clients include the RCMP, the Prince Rupert Grain Company, and SNC-Lavalin.

Interestingly, a company called Defence Remediation Inc. which is a land mine clearing company is listed as a client of Summa Strategies. I guess it will have to wait until June 1999 before Doug Young with all his department of defence expertise can represent it personally. Right now he can only deal with transport matters.

Let us talk about Charlotte County Ports Inc., a front company which wants to acquire control of one of the few profitable local ports in Canada, Bayside port, on behalf of a very muscular New Jersey based supplier of construction aggregate. The only thing Canadian about Charlotte County Ports aside from its registration is another ex-politician, a former New Brunswick Liberal cabinet minister.

To digress momentarily, it is impossible to talk about Doug Young's post-parliamentary activities without touching on the very smelly Maritime Road Development Corporation's New Brunswick highway deal. In this instance, he was not representing a client but a consortium which he himself was the head of, at least until he realized that a former federal minister cannot work for a company or project that had been directly affected by his decisions as minister until two years after leaving office.

Because MRDC will be collecting tolls on a stretch of highway built under the 1995 federal-provincial highway agreement which Young oversaw as transport minister, he changed hats. Instead of being president, he is now chairman of the board since January 22. Obviously switching positions is not the answer.

Nevertheless, the federal ethics commissioner does not believe that Mr. Young's highway activities violate the code of ethics because Ottawa is not in charge of the project. Just as it does not own the land surrounding Bayside port, because Ottawa is not in charge of the project and did not select the contractors who would build it. I feel a lot better.

● (1725)

The term lobbying comes from the lobby outside the House of Commons in the British parliament buildings. It was there that interested parties and petitioners would try to capture the attention of members of Parliament before they went in to cast their votes.

It is a sign of the diminishing role of Canadian members of Parliament that we do not find any lobbyists in this lobby. Everyone in Canada knows perfectly well that the real government decisions take place far from the House of Commons so lobbyists concentrate on people in the PMO, key cabinet ministers and senior bureaucrats.

If nothing else, the large number of lobbying firms in this town, even though they do not ever appear in the lobby, is a testament to how far our system has moved away from control by the ordinary citizens. The influence on public servants is particularly disturbing as they are out of the public eye and not subject to elections.

Firms like Summa make their money by trading on knowledge and contacts of their principals about the inner workings of government. They tend to be providing advice to clients and opening doors or making representations on their behalf.

The question we must ask ourselves which should make the government squirm is could Doug Young and Paul Zed be successful lobbyists if the Liberals had not won the election? What exactly do they have to sell?

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I could say ditto and you would have heard much of what I am going to say, but there is a saying that it takes three times to make a bad habit and twelve repetitions to break it. I think we are going to need 12 times a lot to break the bad habits that the Liberals have gotten into.

I rise today to support the private member's motion:

> That, in the opinion of this House, the government should undertake a review of the federal Department of Transport's role in the Charlotte County Ports Inc. quarry project.

During the debate on C-9, I listened with great interest to the speech from the member for Charlotte on the Bayside port in New Brunswick. I have actually had the opportunity to be there and it is a beautiful area.

The Bayside port is a small port on the Saint Croix River, an international body of tidal waters. It is very well situated for shipping with close access to U.S. markets. It is one of Canada's most profitable ports but the Canadian government wants to privatize the ports. The Bayside port makes a significant contribution to the continuing regional and economic growth in New Brunswick. It is a vital element in the communities in southwestern New Brunswick.

I find it somewhat insulting to have the parliamentary secretary suggest that the area where the port is located has no real aspect in this whole deal of the Charlotte quarry.

The member for Charlotte has made interesting remarks during his speeches concerning the group from New York and New Jersey wanting to take over the Bayside port. No point getting into that because we should not be worrying about what the Americans do.

What we need to worry about is what our government is not doing. It is not protecting Canadians.

Let us go back to 1994 when the quarry project was first proposed by L.E. Shaw. That company had to drop its plans because it could not break into the sand and gravel market in the U.S. The only way to get into that business if one wants to ship to the U.S. is to be owned by the Americans. Surprise.

Now we have an American company, a large American conglomerate whose plans are to take over the Canadian port. This by itself is something but add the fact that this American company hired two former members of this House, one of them being the former transport minister, to lobby the federal government to allow the transfer of the Bayside port into their hands, and now we really have something.

This is why I am supporting this motion. Doug Young as former transport minister initiated the national marine policy which calls for the divestiture of our Canadian ports. Now that he has put the privatization process in place, he and ex-MP Paul Zed are going to personally profit from it.

● (1730)

Calling for a review of Transport Canada's role in the Charlotte County Ports Inc. quarry project is reasonable when a former transport minister is involved in lobbying his ancient colleagues in Ottawa or his Liberal friends in power in New Brunswick.

There has been a lack of transparency in the quarry project. Were other companies allowed to bid? Have there been independent environmental studies? The people of New Brunswick deserve better than this.

On June 2 last year the voters of Acadie—Bathurst decided not to send Doug Young back to Parliament. That should tell the government something. When the voters in someone's own area know enough not to put him back here, nobody should be listening to him.

But it seems, as the *Globe and Mail* put it, Doug Young has remained in the power game. The knowledge he got while at Transport Canada is proving to be very profitable for him because the Bayside Ports situation is not the only situation. While transport minister Doug Young finalized the privatization of Canadian National railway, guess who was his first client at the consulting firm, as the House heard from my colleague from the Reform Party: Paul Tellier, chairman and chief executive officer of CN.

That is not all. In 1995 Doug Young, while he was in the federal cabinet, made a deal with the province of New Brunswick, a federal-provincial highway agreement. Have I got a deal for you. Now Doug Young heads the international consortium Maritime Road Development Corp. which was awarded a contract to build a four lane divided highway in southern New Brunswick. The province of New Brunswick will then lease the road from the private owners and travellers will have to pay tolls on the 195 kilometre stretch, including the 23 kilometre section built as part of the highway agreement signed by Doug Young in 1995.

During the next 30 years it is estimated New Brunswick taxpayers and the travelling public will pay out $2.6 billion in lease payments and tolls. They are going to pay tolls to a company headed by Doug Young, former transport minister, to drive on a section of highway that was funded by the federal and provincial governments.

It is hard to believe this is not a conflict of interest. Doug Young will be benefiting at the expense of New Brunswickers. We could have read in the newspaper that the present Minister of Transport has asked the deputy minister to begin discussions with provincial counterparts to find ways of protecting future public investments in highways when they are transferred to private hands. If that is not reason enough to question Doug Young's credibility, nothing is. I commend the Minister of Transport for his action but we need to go further.

Let us go back to the member for Charlotte's motion. That lack of transparency in the Charlotte County Ports Inc. quarry project is also often lacking in the public partnership deals. The New Brunswick minister of justice acknowledged the need for both government and business to understand these transactions require greater transparency in order to ensure public trust as well as guard the public interest. That is a very important point because politicians do not have public trust.

The New Brunswick auditor general's report called for a halt to these projects until there is genuine analysis of the real benefit to the province's citizens from this approach to the delivery of government services.

The federal government should take note of these words of caution too, as there are more and more public and private partnerships happening. Just last evening I met with people in Happy Valley, Goose Bay, Labrador regarding the alternative service delivery in the privatizing of that base. I heard concerns from that community very similar to the questionable actions in my aforementioned statement.

To conclude, I reiterate my support for the member's motion. There has not been enough transparency in the Charlotte County Ports Inc. quarry project and I believe a review would be advisable.

The Acting Speaker (Mr. McClelland): Before we carry on with debate, I apologize to the hon. member for Churchill again for missing her constituency.

Since there is no further debate, as is customary in Private Members' Business on a non-votable motion, the member raising the motion is given five minutes to rebut. But it is clearly

understood that when the member has his five minutes that is the end of the debate.

• (1735)

Mr. Greg Thompson (Charlotte, PC): Mr. speaker, I appreciate the members who spoke on behalf of my motion. I do want to take the parliamentary secretary to task for some of the things he said. I can understand, coming from the Hamilton harbour area, how he might have dredged up some of his remarks. It would not be uncommon. The member has engaged in that type of activity many times in this House.

In his remarks it was only when he deviated from the written word prepared by the minister's department that he got in trouble. When he speaks off the top of his head and he has to speak on his own, he always gets in trouble.

I am going to take him to task on some of the things he said in this House which are not accurate. He buys into every single thing the people from New York and New Jersey have said about this project. Shame on him.

I think it is time he did his own investigative work on this project. What he talked about is the number of jobs that would be created in this deal. Do you know what it would be? Five jobs, as indicated by the first spokesman for the group as represented by the Randy Waterman interests. His name was Wayne Lockhart. In a public meeting he said to a citizens group there would be five jobs. Why? Because it is not labour intensive. It is done by the use of the biggest equipment known to mankind, so there are not a lot of jobs.

That was not good enough. How are five jobs going to get the interest of any community? How is a community going to get excited over five jobs given the fact that they could decimate a pristine historic river? They went back to the drawing board. When they presented their papers to the province of New Brunswick for submission for the project, the five jobs had suddenly grown to 50 jobs on the same project.

This is where the parliamentary secretary should have done his work. The investigation of any quarry site, any aggregate site, based on the amount of volume they are going to do out of this quarry, in North America would be five jobs. They used an exaggerated number of jobs to gain the attention of the province of New Brunswick.

When the loudmouth from Hamilton speaks and claims that I have a conflict of interest because I live in the area, he is absolutely correct. I carried this fight on long before I arrived in this House. I am working on behalf of my constituents. I am not going to lay over and play dead because of the big boys from New York and New Jersey.

I do not know where this guy is getting his information, but I will tell members one thing. It is not coming from the citizens of the area that I represent. He is being fed information directly out of New York and New Jersey to support their case. There is a direct funnel into the heart of the government of the province of New Brunswick via Al Lacey, a former member of the crown.

In this particular case, as the Reform member mentioned, Doug Young, a paid lobbyist, is on the record as working on behalf of these people. A former minister of the crown actually was the architect for the privatization act. If he is going to speak about the project, if he is going to speak about individuals, he should get his facts right.

The environmental process used in the province of New Brunswick is a flawed process. The citizens of the area asked for a full scale independent environmental assessment of the project. That is all they asked for.

What do they have? They have an in-house process that actually flies in the face of scientific information provided. In fact, the citizens of the area hired two certified geologists to examine the area in question. Do members know what they found? Three fault lines in the area, two of which run through the very businesses in the area, which the province of New Brunswick or the proponents of the project have never declared publicly. Why? Because they would upset the very businesses in the area, one being owned by Moore Clark, one being owned by a company called Woodstock Cold Storage, and others.

It is documented by two certified geologists that this project would endanger those very businesses and the infrastructure in the area, information absolutely overlooked by the parliamentary secretary and all the environmentalists on the payroll of the province of New Brunswick.

• (1740)

That tells me there is something wrong when the transparency we are asking for is not evident anywhere in the process. It is absolutely bizarre.

The Acting Speaker (Mr. McClelland): There being no other members rising for the debate and the motion not being designated a votable item, the time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved

EDUCATION

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, literary critic Northrop Frye stated: "If Canadian universities are underfunded so badly they can no longer function effectively, Canada would disappear overnight from modern history and become again

what it was at first, a blank area of natural resources to be exploited by more advanced countries''.

Our youth deserve a quality, accessible educational system. I will soon be visiting students in my riding at Sir John A. Macdonald high school and I wish I could bring them encouraging news about the future of education.

Our youth are increasingly faced with a deteriorating, less accessible education system. It is a crisis that the people in my riding of Halifax West, people throughout Nova Scotia and people across the country will increasingly suffer from.

This is not a mysterious complex problem with unknown elaborate solutions. This Liberal government has cut federal funding from post-secondary education by $1.5 billion since 1995 alone. The average student debt is $25,000. Shame on this government for trying to dig the country out of debt by dumping the problem on to the backs of our youth.

The Liberal government cannot hide the truth from Canadians, that it is pushing for the privatization of our post-secondary institutions.

I asked the Minister of Finance about this. I informed him that Human Resources Development Canada predicts that by the year 2000 45% of new jobs will require 16 years of education. I also referred him to a government study which shows that since 1980 public transfers for education have been cut in half, from $6.44 for each dollar of student fees in 1980 to less than $3 in 1995.

Perhaps the government thinks that youth today are more wealthy than the youth of the early 1980s. If so, I invite the Minister of Finance and his staff in Halifax to show me where these hoards of youth with excess wealth are hiding.

The minister, in his response to my question, began talking about how parents could save more through RESPs. Then he went on to talk about tax credits to help pay tuition. Again I wish to refer the minister to all of the people in my riding without work who, whether parents or children, cannot bear the thought of mounting $25,000 in student debt.

The youth of Halifax West deserve the opportunity to learn and to develop skills to build a future, as do all the youth of Canada. We cannot afford to risk their future or ours by wasting their talents or by creating more financial barriers to education.

I wish to go on record as challenging the Minister of Finance and the Liberal government to adopt the following principles.

Accessibility should be a new national standard in higher education.

Post-secondary education is a right, not a privilege for the declining number of people who can actually afford it.

The principles of accessibility and affordability should guide any reforms.

Student aid should be based on need rather than merit.

A national system of grants for post-secondary education should be a priority.

Tuition fees should be frozen.

It is high time to move to a system involving grants for post-secondary education and to ensure that eligibility for grants is based solely on need and not the short term demands of mega corporations which are increasingly driving our research and development.

As a first step of goodwill toward the future of our youth, and thus of the country, the government should immediately commit to reinvest in education, starting with this year's drastic and hurtful cut of $550 million.

This reinvestment should be over and above the Canada millennium scholarship fund, which itself should be based on need.

● (1745)

The youth and their families of Halifax West and the rest of Canada deserve no less. It is time to say yes to Canada—

The Acting Speaker (Mr. McClelland): The hon. Parliamentary Secretary to Minister of Finance.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, the government's commitment to the economic future of Canadians is clear. Assistance to those who need it in order to prepare for the jobs of the future is the linchpin of our policy.

This year provinces will receive $25.2 billion under the Canada health and social transfer, which covers federal contributions to post-secondary education.

As promised in the recent election, the government will increase cash transfers to the provinces so that over the 1997-98 to 2002-03 period provinces will receive nearly $7 billion in extra cash compared to the previously projected levels. This was only possible because the government had already taken tough decisions on the deficit and the Minister of Finance had met the targets set out in successive budgets.

The 1996-97 budget increased tax assistance to higher education. The measures included the extension of the tuition tax credit, enriched treatment of registered education savings plans, and allowed single parents attending school to claim the child care expense deduction.

By 1998 the average post-secondary student will receive about $1,200 in combined federal-provincial tax assistance each year, in effect an increase of 30% from the $900 received before these measures were put in place.

These are significant changes. In the Chamber hon. members recently heard the Prime Minister announce the creation of the Canada millennium scholarship fund. The fund will provide assistance to Canadians pursuing education and skills upgrading. We will be giving a helping hand to low and middle income Canadians who are eager to meet the challenges of the 21st century labour market.

As I said in the opening remarks, the government's commitment is quite clear. The measures that we have and will put in place will give Canadians the tools to build a better future. We are certainly committed to ensure that Canadians and young people have an opportunity to improve their skills and access to education. We have committed to that before. We will continue to do so as we move forward.

PAY EQUITY

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, on December 1, 1997 I asked the President of the Treasury Board whether the government would settle the pay equity dispute fairly, once and for all, or signal to the public that pay equity dead.

Under federal jurisdiction section 11 of the Canadian Human Rights Act provides that it is discriminatory practice for an employer to establish or maintain differences in wages between male and female employees who perform work of equal value.

In 1984 the Public Service Alliance of Canada filed a pay equity complaint on behalf of its members. They are still waiting for their money in 1998. We have all had the honour of listening to every excuse imaginable as to why it has not been done.

In the past 14 years the Public Service Alliance of Canada and the Treasury Board have been through four years of joint union-management pay equity study, almost six years of hearings before a Canadian human rights tribunal and months of fruitless negotiations.

In the 1993 federal election the Liberals promised that if elected they would stop the stalling tactics of the Conservative government and work on an acceptable solution. I guess that was just another one of those promises the electors need to forget once the polling stations close.

The Liberals' idea of a solution was to continue the stalling tactics before the human rights tribunal. When that did not work they put some money on the table. The money is an amount which only partially closes the wage gap between male and female salaries for work of equal value. They are hoping that time will be on their side and that their employees will be forced to wait so long for pay equity that they will agree to any amount.

There is a perception that big business and the wealthy can tie things up in court through appeals for so long that it either breaks the small business or an average person runs out of money or dies. I do not think Canadians ever expected this to be the tactic of our government.

We see it with the Singer workers in Quebec. Government members do not care that they will be in their graves before that is settled. If they did they would have resolved it by now. We are still seeing it with the workers affected by the human rights decision.

Did Mr. Mulroney have as much trouble getting his money? Did the government wait 14 years to pay $474 million in cancellation fees to get out of the EH-101 helicopter deal? Will it take 14 years to finalize the Pearson International pay up? I think not. Why are they being paid and not the workers? Because government workers are ordinary Canadians, low and middle income Canadians.

In December the President of the Treasury Board misrepresented facts. At the same time that PSAC representatives were meeting with Treasury Board officials to continue the talks on pay equity, the President of the Treasury Board was conducting a press conference announcing that the negotiations were to end.

• (1750)

The government did not want to find a way to settle the dispute. The offer put forward by the Treasury Board fails to comply with the Canadian Human Rights Act and pay equity guidelines.

Have we reached a point where we have to go to the Department of Justice to encourage the government to comply with the law? Can Canadians trust that the government will comply with the decision of the human rights commission and pay the people all they are owed now?

Mr. Ovid L. Jackson (Parliamentary Secretary to President of the Treasury Board, Lib.): Mr. Speaker, it is time to set the record straight. We have nothing to be ashamed of when it comes to pay equity. We have made a firm offer of $1.3 billion to settle this longstanding dispute.

The union hides behind a smokescreen of rhetoric and refuses to have its members vote on this offer. The union leadership demands are in excess of $5 billion. The PSAC leadership says that it cannot in good conscience present the offer to its members. We believe its members should have an opportunity to decide on their own what is a fair and equitable settlement.

The government has the responsibility to protect and balance the interest of all Canadians. As such we must ensure that pay equity payments respond to legal requirements. The government is firmly committed to a principle of pay equity and wants to have a fair and equitable solution to this dispute with PSAC.

Treasury Board has shown considerable flexibility in its negotiations. In April we tabled an offer valued at $843 million. In August we enhanced it to $1.3 billion in a further effort to reach a negotiated settlement with PSAC. The government believes a negotiated settlement will be in the best interest of all parties and would end the uncertainty for employees.

The tribunal decision will most likely leave some issues unresolved which will require further discussion with PSAC. This means further delays. It may require that the parties file for judicial review on the decision.

Negotiations allow the employer and PSAC to resolve this matter and show that it must be accomplished to resolve these issues. A joint resolution would get the cheques in the hands of employees sooner and would be in everyone's best interest.

Give the workers a vote. Let us not hide behind rhetoric. Let the workers decide now.

[*Translation*]

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24.

(The House adjourned at 5.52 p.m.)

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