



CANADA

House of Commons Debates

VOLUME 136 • NUMBER 002 • 2nd SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Wednesday, October 13, 1999

Speaker: The Honourable Gilbert Parent

CONTENTS

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

All parliamentary publications are available on the
“Parliamentary Internet Parlementaire” at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Wednesday, October 13, 1999

The House met at 2 p.m.

* * *

[English]

Prayers

MENNONITES

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, it gives me great pleasure to recognize the 125th anniversary of Mennonites coming to Canada from Russia. One would be hard pressed to imagine what the province of Saskatchewan would be like if not for the hardworking, God-fearing Mennonites who chose to come to our country so many years ago.

Mennonites moved to the Saskatchewan River Valley from the east and west reserves of Manitoba in the 1890s. These pioneers have left us a rich heritage of faith and strong family values. The positive influence of these men and women remains with us today.

The contribution of the Mennonites to our present way of life is almost too difficult to enumerate. Agriculture, cuisine, churches, enterprise and innovation are all areas that were influenced as this group settled and took root in the valley area north of Saskatoon, Saskatchewan.

It is a testimony to God's enduring goodness that these Mennonite farmers, teachers, preachers and entrepreneurs flourished in this new land with harsh climate extremes and political uncertainties.

I am pleased to be a descendant of the Neufeld clan and wish to extend my congratulations to all my constituents of Mennonite heritage on the occasion of this special anniversary.

* * *

SAFE COMMUNITIES COALITION

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, I rise today to recognize the achievements of the Safe Communities Coalition of Brockville and District.

In the past three years they have worked with community partners to spread the message to local businesses and throughout the community that 100% of accidents are preventable. In fact, last Tuesday I attended a luncheon where over 100 local businesses divided up \$76,000 in rebates from the Worker Safety and Insurance Board under their Safe Communities Incentive Program.

• (1400)

[Translation]

The Speaker: It is Wednesday and since it is also our first full sitting day, we will now begin by singing O Canada under the direction of the member for Wentworth—Burlington.

[Editor's note: Members sang the national anthem]

STATEMENTS BY MEMBERS

[Translation]

GASOLINE PRICING

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, in recent months, the people of Abitibi—Témiscamingue and I find the price of gasoline too high in Abitibi compared with other regions of Quebec.

Except in a national emergency, the federal government does not have jurisdiction to directly regulate the price of gasoline.

The Canadian Constitution gives the provinces the authority to regulate prices. Only Prince Edward Island and Quebec have taken any action in this regard, although Newfoundland announced recently that it would look at the statute provisions that would permit it to regulate the price of gas.

Other provinces preferred to rely on market forces as the most effective means of determining the appropriate prices, while retaining the incentives that contribute to innovation and cost reduction.

The Government of Quebec has no choice: it will have to rely on the market forces and provide incentives for the people of Abitibi—Témiscamingue.

The time for study is past. It is time to get down to business, Mr. Bouchard.

S. O. 31

Thanks to the coalition, Brockville is fast becoming one of the safest communities in Canada to live, work and play.

The program is currently operating in 12 other communities in Ontario and Alberta and I would like to challenge other areas to get involved in this extremely worthwhile endeavour.

* * *

HOCKEY

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Mr. Speaker, hockey is our game and we play it best.

As we close the century it is fitting to acknowledge the game of the century, which took place 27 years ago on September 28, 1972. On that date the Canada-U.S.S.R. series, 480 minutes of nail-biting, heart-stopping hockey, was decided by only one goal with 30 seconds left in the game.

Everyone in my hometown of Sault Ste. Marie was riveted to their television sets to watch Team Canada and two of its favourite sons, Phil and Tony Esposito, who were instrumental in Team Canada's victory. In fact, it was Phil Esposito who set Henderson up for the winning goal.

Much has changed since that afternoon in 1972 but the people from my hometown will never forget this exciting series. There has not been one like it since.

These hockey legends live on. Both Esposito brothers are now hall of famers and I am proud to say that they were featured on CBC's *Life and Times* last evening.

The Sault is very proud of Phil and Tony Esposito.

* * *

WORLD POPULATION

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, on October 12 the Canadian Association of Parliamentarians on Population and Development celebrated its second anniversary with a forum in commemoration of the six billion mark of world population.

The day of six billion is a significant milestone in the history of population growth. In only 12 short years the world has realized an addition of one billion people, nearly half of whom are under 25 years of age.

Every year 78 million people are added to the planet and over 95% of this growth is in developing countries. This growing population of young people has yet to have the right and access to reproductive health services and information. They are without primary education and immunization. They are suffering from malnutrition and are afflicted with HIV-AIDS.

• (1405)

The international community can address these problems which seriously impair their quality of life.

I call upon Canada and all nations who are signatories to the Cairo Programme of Action to honour their commitment to put basic human needs of girls, men and women—

The Speaker: The hon. member for Calgary Northeast.

* * *

GULF WAR VETERANS

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, it is time for the government to acknowledge the existence of gulf war syndrome. Watching from the visitors' gallery today are gulf war veterans Louise Richard, Maurice Binard and Susan Roiron, wife of Terry Roiron, whose death this April was officially caused by gulf war syndrome. Captain Roiron died in the prime of his life.

They represent over 2,000 more infected soldiers. These veterans came to the Hill today to ask the government for answers. They deserve that much. They also deserve treatment.

The Liberal government has been unwilling to acknowledge or treat gulf war illness. Veterans are frustrated, sick and dying. They are tired of getting no response from the government. Canadian forces personnel are misdiagnosed, undiagnosed, untreated, then released from the service.

It is the minister's moral responsibility and his obligation to determine the following: Was the anthrax vaccine involved? Was exposure to depleted uranium to blame? Was it some other toxin?

These veterans have waged—

The Speaker: The hon. member for Vancouver Quadra.

* * *

DR. ROBERT MUNDELL

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, Canadian economist Robert Mundell has won the Nobel Prize for economic sciences for his analysis of exchange rates and their effect on monetary policies.

Professor Mundell graduated from the University of British Columbia in 1953 and received his Ph.D. from the Massachusetts Institute of Technology in 1956. He has taught at Stanford, Johns Hopkins, McGill and Waterloo. In the 1960s he published a pioneering study on the short term effects of monetary and fiscal policy in an open economy. His theoretical constructs were studied by the European Union's leaders and were influential in developing plans for a single Eurocurrency. They should also be influential in

future discussions on currency relations under the North American—Canada-U.S.-Mexico—Free Trade Agreement.

* * *

[Translation]

GENEVIÈVE JEANSON

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, never before have the Espoirs de Laval so lived up to the hope expressed in their name.

Last week, one of the club members, Geneviève Jeanson, made the news with a marvelous accomplishment: two junior cycling championships within the same week. This is a first in road cycling in Quebec and in Canada. Geneviève's exceptional success is already being lauded as the sporting event of the year.

Geneviève has already set her sights high for the future. Starting next year, she will move up to the senior ranks and she has hopes of earning a spot on the Canadian team.

This 18-year old athlete's maturity, tenacity and discipline have made her a model for an entire generation of young people. Her comment on this was "If I can serve as an example to other young people, that's fine, but they need to know there are no shortcuts. It takes a huge amount of determination and hard work".

Geneviève, has every right to those high hopes. The Sydney Olympics await her. We of the Bloc Québécois tip our hats to her, and it is with the greatest of pride that we offer our congratulations and best wishes for continued success.

* * *

JEAN-LOUIS MILLETTE

Mr. Nick Discepolo (Vaudreuil—Soulanges, Lib.): Mr. Speaker, to quote Edgar Fruitier, Jean-Louis Millette, man of the theatre, relentless perfectionist and actor extraordinaire, let his audience down for the first time in his career when he made his final exit on September 29.

Jean-Louis Millette the actor also left his mark on the culture of Quebec, through Quebec television. He also enjoyed a career in film where he often played seedy, disturbed or downright fiendish characters.

When interviewed last year, Millette himself said the best way to keep death at bay was to work passionately for as long as one's strength and time permitted.

We offer him this richly deserved tribute, along with our sincere condolences to his family members. Thanks so much for all the memories, Jean-Louis Millette.

[English]

S. O. 31

PAKISTAN

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, yesterday the democratic government of Pakistan was overthrown by a military coup. There have been months of internal strife in that country, with complaints of corruption, repression and growing Islamic fundamentalism. In this context we must remember that Pakistan has had several military governments in the past and that its political culture is complex.

The official opposition supports the restoration of the democratic government in Pakistan. The stability of Pakistan, a nuclear power since last year, is crucial to this region.

• (1410)

We understand the concerns of Canadians of Pakistani descent. That said, Canada should not make any rash decision to impose sanctions or talk about suspending anyone from the Commonwealth. The blustering we heard from the foreign affairs ministers yesterday was a typical overreaction.

We oppose sanctions and threats. Instead, why does the government not encourage Pakistan's Asian neighbours, the IMF and the World Bank to put pressure on this military regime?

* * *

[Translation]

SPEECH FROM THE THRONE

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, the opposition apparently did not appreciate the throne speech, which sets out the broad priorities of our government, nor did it take kindly to the government's interest in the quality of life of the Canadian public.

The opposition did not like it that our government wants to give priority to maintaining a strong Canadian economy that will create jobs.

And it was not at all pleased that our government is interested in our children.

No matter. Let the opposition go on with its search for identity and its in-fighting. In the meantime, the Liberal government will pursue its objective of improving the quality of life of all Canadians.

* * *

[English]

SPEECH FROM THE THRONE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the empty promises, hollow rhetoric and vague commitments in

S. O. 31

yesterday's throne speech were sweet nothings that Canadians have come to expect from the Liberals. What really cried out in this throne speech were the appalling gaps.

We heard about a children's agenda that does not include children or child care.

We heard a passing reference to homelessness, but nothing about providing affordable housing.

We heard about the knowledge based economy, but nothing about ensuring that all Canadians have access to high quality education.

I would like to say that we at least heard the words "family farm", but the biggest crisis to hit the prairies since the 1930s was not even mentioned.

If the Liberal government would for one moment stop the din and clatter of vague, meaningless pronouncements about nothing, what would it hear? In the deafening silence that remains it might hear the real priorities of Canadians.

* * *

[Translation]

SOCIAL UNION

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, yesterday, the Liberal government announced how it was going to go about implementing the social union framework agreement: absolute spending authority in just about every sector, from early childhood to education, health, culture, and a host of other jurisdictions exclusive to Quebec.

From now on, two instruments will underpin this increasingly unitary Canada: the Constitution, 1982, and the social union agreement, neither of which has been approved by the National Assembly and both of which have been denounced by every premier of Quebec.

Yesterday's throne speech mentioned Quebec only once and then only to give it a clear warning. The provinces are being reduced to the level of municipalities and community groups. There is the federal government, which was referred to as national yesterday, and the rest.

What part of this vision is still federal? What has become of flexibility? In the eyes of this government, Quebec no longer exists. Will things be taken to their logical conclusion and the abolition, pure and simple, of the provinces proposed?

* * *

[English]

PARLIAMENTARY COMMITTEES

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, although parliamentary Standing Order 106(2) states that the chair

of all parliamentary committees will be selected by the members of that committee, the *Globe and Mail* reports that the transport minister has already chosen the MP from Hamilton West to chair the new transport committee.

As well, the transport minister has established the agenda, which will include presentations by himself and Mr. Gerald Schwartz.

The minister has instructed his Liberal MPs on the committee on how to vote for the chair before the committee has even met. This violates the spirit and the process described in Standing Order 106(2).

Will the minister stop interfering and just allow the transport committee to function as defined in the standing orders?

* * *

NATIONAL HOCKEY LEAGUE

Mr. John Nunziata (York South—Weston, Ind.): Mr. Speaker, last Saturday I was watching the Leaf game with my seven year old son, Patrick, who plays tyke hockey in Toronto. When a fight broke out on the ice my reaction was to change the channel. This is not behaviour my son nor his teammates are being taught.

How do I explain to my children that violence and in particular fighting, both on and off the ice, is wrong when they see professional hockey players fighting on the ice?

Fighting is illegal in Canada. It is a criminal offence whether it is taking place on a street corner or on an NHL rink. Why is it then that we seem to have two standards of justice? Why is the NHL above the law? The NHL has an obligation to put a stop to fighting. What kind of role models are we putting forward to the millions of Canadian boys and girls who watch and play hockey? If the NHL does not step in, then the government should insist that the police and prosecutors lay criminal charges.

● (1415)

Fighting in the NHL is disgraceful and it has to stop for the sake of our children.

* * *

CANADA

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, Canada is one of the great success stories of the 20th century and British Columbia is a very important part of that success.

Our government has restored the nation's finances and modernized programs paving the way for sustained economic growth and job creation to build the future for Canadians.

It is through this government's vision of working together that has made Canada the best place to live in the world and will continue to be in the 21st century.

*Oral Questions***ORAL QUESTION PERIOD***[English]***SPEECH FROM THE THRONE**

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, it is a pleasure to be back for the fall session after a rather unusual summer. We had Tories joining the Liberals. We had NDP joining the Tories. We had Joe Clark united with Joe Clark, and Reformers were fighting each other.

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. Leader of the Opposition.

Mr. Preston Manning: Mr. Speaker, Reformers were fighting each other, so maybe it was not that unusual after all.

In any event, we are back and the throne speech has been presented. Lo and behold, it contains some vague expressions of tax relief.

My question is for the Prime Minister. Why should Canadians believe any of the promises of tax relief in the throne speech after six straight years of Liberal tax grabs?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are very happy to be back too.

There was some movement. We are sorry that the Reform Party might disappear or end up as some type of not very united alternative.

Canadians are very happy with the performance of the government. All Liberal members who have been in their ridings have reported to the caucus this morning that the people are extremely happy that we have no more deficit and that we have already started to reduce taxes.

Some hon. members: Hear, hear.

The Speaker: I am giving a little bit of room today but not lots and lots of room. The hon. Leader of the Opposition.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we got sharper responses when we were handling the question period by ourselves.

This summer I visited a lot of Canadians at their places of work: at factories, plants, offices and so forth. What these people are interested in is take home pay. They will not believe any promise of tax relief unless the federal government takes a smaller bite from their paycheques.

Why should Canadian workers believe any of these promises on tax relief when the federal deduction from their paycheques week after week and month after month keeps increasing rather than decreasing?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we started, the EI premium was at \$3.07. It is at \$2.55 at this moment.

There was a surtax of 3% imposed by the Tories some years ago because of the deficit. That is no longer there. There are 600,000 Canadians who are not paying any more taxes because my Minister of Finance brought in some good budgets. We will keep doing that in a rational, reasonable and sensible way.

• (1420)

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, once before the Prime Minister promised tax relief. He was going to abolish, get rid of, in other words obliterate the GST. Everyone knows what happened with that.

When the Reform Party started pressing the government on tax relief this was the Prime Minister's initial response: "I don't think it is the right thing to do in a society like Canada", as if giving tax relief was un-Canadian in some way.

With a record like that and with statements like that on the record why should Canadians believe they are going to get real tax relief out of the Prime Minister?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we came here we said we were going to reduce the deficit to zero. They did not believe us but we did it. For three years in a row we have had surpluses in Canada. We have not seen that in 50 years. Since we have a surplus, in a very humble way the Minister of Finance reduced taxes in the last two budgets. He will continue to do that in the next one. We have an agreement on that.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, when we clear all the rhetoric away from yesterday's throne speech what are we left with? No tax cuts, just a commitment to spend a whole lot more. The stark reality is that on January 1 the first act of the government in the new millennium will be to raise payroll taxes and personal income taxes through bracket creep.

Why does the finance minister not simply admit that after all the smoke has cleared from yesterday's throne speech what we are left with is a big tax hike on January 1?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I can assure the hon. member that on January 1, as indeed on January 1 of every year since we have taken office, there will be a reduction in payroll taxes.

I would also like to remind the hon. member that yesterday's throne speech was not a budget in which we deal with taxes but it did provide a profound vista on the government's plan for the future, one that has been universally well received right across the country. It is a perspective that says we will invest in education, we will invest in social programs, and that—

Oral Questions

The Speaker: The hon. member for Medicine Hat.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, maybe the finance minister should invest in a watch. He has taken up a lot of time.

We are looking at a finance minister who has a great future behind him. He had a chance to cut taxes but he blew it. Instead, he raised taxes 60 times. His whole record is a record of tax hikes. We are now paying the highest taxes in Canadian history.

Why does the finance minister not just give it up? Why does he not admit that his real agenda is to raise taxes in the next budget?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I have told the member a million times not to exaggerate.

This is a question of credibility. The fact is that the Reform Party has no credibility. Its tax plan in the third year would require a surplus of \$52 billion. That is smoke and mirrors. Until such time as the Reform Party gives the Canadian people a plan that is based on solid facts it will have no credibility in this debate.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the government is invoking the social union agreement to justify its forays into provincial jurisdictions.

It has announced that it will establish a national children's agenda, evaluate the effectiveness of social programs, and eliminate unjustified barriers to the mobility of citizens and students. Let us not forget, however, that this agreement was never signed by Quebec.

Are we to understand that the government intends to impose these new programs without Quebec's consent, once again demonstrating the one-sided nature of its flexible federalism?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the member is forgetting something, because the Government of Quebec went along with the national child benefit.

• (1425)

It agreed to take the resulting surpluses and reinvest them, because we were investing in families. That is what it did and we had its consent.

We are working with the provinces, although I am well aware that this does not serve the interests of the Bloc Québécois. But since what we are doing is good, as was the case with the national child benefit, the Government of Quebec has had to continue working with us.

We are going to keep on tackling real problems, particularly those having to do with children.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we have the leader of this government to thank for the two instruments driving federal policy: unilateral patriation, in 1982, and the social union agreement, both opposed by federalists and sovereignists alike in the Quebec National Assembly.

In the same vein, the government announced that it planned to establish a pharmacare plan. But Quebec already has such a plan.

Are we to understand that the only choice open to Quebec will be either to amend its plan, or to forgo the money from the federal program, some of which also belongs to Quebec taxpayers?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we did not announce a new program; we merely said that was a problem and that there should be talks with the provinces, including Quebec.

This is how a federation operates. It is still the best form of government in the world. As President Clinton said last Friday, federalism is always the best solution in a modern society.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in the Speech from the Throne the government has committed to eliminating the barriers it claims impede the mobility of citizens within Canada. We are aware of the tensions that exist between Ontario and Quebec in the area of construction.

Can the Prime Minister tell us whether this desire of the government to eliminate barriers to mobility means that it wishes to interfere in the discussions currently under way between Quebec and Ontario relating to construction?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there is a dialogue at the present time between the Government of Quebec and the Government of Ontario relating to protectionism in the field of construction.

I believe there should be an agreement to enable people to work anywhere in Canada that there is work, and to prevent excessive protectionism, which is detrimental to economic growth in any part of Canada.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister is getting into a particularly hot issue as far as Quebec construction workers are concerned. Perhaps he should think twice about doing so.

In another area of concern to us, again in connection with barriers to mobility, does the Prime Minister consider that the provisions of Law 101 relating to the language of work in Quebec constitute an obstacle to mobility?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is the problem.

Oral Questions

I deal with federal problems. Living here in Ottawa, I have had the opportunity to see that there are far more Quebecers working in Ontario than there are Ontarians working in Quebec.

* * *

[English]

AGRICULTURE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, there is a crisis on the farm and the government does not care.

Forty-six per cent of prairie grain and oilseed producers could be out of business this time next year if the government does not act. Our farmers are as efficient as any in the world, but the government has destroyed crucial agricultural support.

My question is for the Prime Minister. Why was the throne speech silent on the greatest, most serious farm crisis since the Great Depression?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the government has been working on the problem for a long time. We put \$900 million aside in the last budget for resolving this problem. This was long before the summer.

At this time the Minister of Agriculture and Agri-Food is communicating with his counterparts in Manitoba and Saskatchewan. The solution to this problem will come from both levels of government working together.

• (1430)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, being in communication is not exactly a solution.

Yesterday the Speech from the Throne was supposed to be about children, yet today children on the prairies are watching their farm families and farm communities fall apart. There was not even a mention in the throne speech.

Can the Prime Minister explain to these children why they do not count?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we had a Speech from the Throne where the main item was the future of children in Canada. It is a very big preoccupation for the government.

Probably she did not read the same Speech from the Throne as the minister of finance of British Columbia who said "I would give it seven or eight out of ten; I think the spirit is right in most areas". Thank you for the compliment we received from the NDP.

* * *

FISHERIES

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the 1990 Sparrow decision giving natives the

right to conduct a food fishery should have sent warning bells when Donald Marshall Jr. appeared before the Supreme Court of Canada to fight his conviction for illegal fishing.

Given the Marshall decision and the ample time the government has had to study all possible scenarios coming out of the supreme court ruling, can the Minister of Fisheries and Oceans explain why his department was so ill prepared to respond to the supreme court ruling?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, on the contrary, we have acted in a very expeditious manner. This has been a priority for me. We have been working around the clock to make sure we respond. Three days after September 17 we responded. We set up a short term plan and a long term plan.

We believe in dialogue and co-operation. That is what works. It has paid off. It is working.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the reason that the native fishing issue has escalated so dramatically is that the minister's department had no plan regarding the court ruling, no ideas, and exercised none of the leadership that the minister should have been exercising.

Can the minister now explain why DFO was caught so off guard? As minister, does he accept responsibility for the violence that has occurred thus far in the wake of his inaction? Will he take responsibility for the future risks?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, let me take the opportunity to thank members on both sides of the House who provided excellent input. One of the things I did was a lot of consultation. Following those consultations I said that we have to sit down, have a dialogue and co-operation.

Today we should applaud those aboriginal leaders, 33 out of the 35, who on a voluntary basis decided to have a moratorium and not fish for 30 days. That is co-operation and that is dialogue.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the throne speech yesterday did not even address the serious racial conflict which has erupted in the New Brunswick lobster fishery. Ethnic tensions have escalated and that is inexcusable for the government.

Here is a revealing quote from a former Indian affairs minister: "Special treatment has made the Indians a community disadvantaged and apart. Obviously the course of history must be changed". Who was that? It was the current Prime Minister speaking in 1969. Why, 30 years later, is he still ranking Canadians according to their bloodlines? Why would that be?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, let us be clear. We have a different position from the Reform Party.

Oral Questions

The Reform Party believes that if everybody is treated the same, it means everybody is treated equally. I have three children. I treat them equally but I do not treat them the same. As a country we were built taking into consideration the regional differences across the country. We want to make sure we include Canadians and take into consideration the needs of Canadians right across the country.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, what part of equal might the minister not understand?

Let us take a quote from the great guru of Liberal wisdom, and that would be Pierre Trudeau where in 1969 he said:

We can go on treating the Indians as having a special status— Or we can say you're at a crossroads, the time is now to decide whether the Indians will be a race apart in Canada or whether they will be Canadians of full status.

• (1435)

That was a Liberal. I would like to ask the Prime Minister what has changed his mind since then?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I was there and there is some—

Miss Deborah Grey: Mr. Speaker, he said it in 1969.

Right Hon. Jean Chrétien: Mr. Speaker, yes. In 1760 there was a royal proclamation that gave the national government an obligation to respect the treaties with the people who were here before the white people came. This is a treaty. This is a contract. A government has to respect obligations that were signed either yesterday or 300 years ago.

* * *

[Translation]

AIR TRANSPORTATION

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, since the minister suspended the Competition Act, the airline industry has been in crisis.

Yet nowhere in the throne speech is there any mention of the serious problem facing the industry, particularly in Quebec, where thousands of jobs are at stake.

Will the government tell us why it has absolutely nothing to say in the throne speech on this topic, when this is something that actually comes under its jurisdiction?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, obviously, there were problems with Canada's airline industry, particularly with the weak opposition from Canadian Airlines.

As a government, we have three options: first, we can provide financial assistance for Canadian; second, the company can declare bankruptcy; third, we can seek another solution.

We have chosen the third option, which is to find a private sector solution, and that is why we resorted to section 47 of the National Transportation Act.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, everyone is waiting to hear something about the strategic issue of the airline industry in Canada.

Why has the government chosen to remain silent about this in the throne speech, when it has found something to say about all sorts of matters that are none of its business?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, in our view, the situation is very serious and I am therefore prepared to answer questions in the House of Commons.

However, if there is a private sector solution, the Canadian government will insist on five principles: consumer protection, service to small communities, employee rights and concerns, competition, and effective Canadian control. And that is very important in this debate.

* * *

[English]

FISHERIES

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the government had months to develop a response to the Marshall decision and it did not. It had years to develop a fisheries management policy for this country and it has not. Under this Liberal government Canada now has a race based fisheries policy from coast to coast. A fisherman's livelihood is contingent upon his parent's bloodlines.

I would like to ask the minister why he has allowed race to become a cornerstone of fisheries policy in this country.

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, as I said earlier, clearly we have a different point of view on this side. Our view on aboriginals is that we have to include all Canadians to make sure they can participate. We have to make sure that we respect the treaties that we have signed. That is exactly what we are doing and that is exactly what we are going to do.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the fisheries minister is of no comfort to lobster fishermen who are afraid of losing their livelihoods. He is of no comfort to

native families who are now facing unfair recriminations from their neighbours. He is certainly of no comfort to those who are concerned about the pillaging of lobster stocks.

I went to the east coast. I saw the problem developing and I suggested a solution to the minister which was a way out of the mess we are in now. I would like to ask the minister why he failed to ask the supreme court to stay the decision and take a rehearing of this judgment.

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, let us examine the position of the Reform Party. The Mi'kmaq people, after 240 years, a quarter of a millennium, were given a treaty right. What the Reform Party wanted to do right away was to take that right away from the aboriginal people. We will not do that.

* * *

• (1440)

[Translation]

SPEECH FROM THE THRONE

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, without even once using the word education, yesterday's Speech from the Throne made reference to learning, skills development, knowledge, and internship programs.

Can the Prime Minister now admit that his government wants to implement a national education policy, when this is not an area within its jurisdiction?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the answer is not a very long one. It is no.

We have responsibilities toward all Canadians. We must ensure that Canada is in a position to move into the 21st century equipped to face the challenges that we will have to confront and, within areas under federal jurisdiction, to step up our contributions in order to ensure that Canadians are very well prepared to enter the 21st century.

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, if they do not want to get into areas of provincial jurisdiction, the throne speech states that they want to "eliminate barriers to the mobility of citizens" —I am quoting from page 21, to be exact—particularly those barriers "that deny some students use of their student loans when they study out-of-province".

Are we to understand that the government in Ottawa, after having inaugurated its millennium scholarship program, now wants to attack the award criteria for loans and bursaries that are in place in Quebec?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, what we are seeking is equality for everyone, for everyone to be able to go anywhere in Canada to further their education.

Oral Questions

I believe it would be very good for Canada if people from the English speaking provinces could go to Quebec to study, and if people from Quebec could go to study in the rest of Canada under the same conditions.

I feel that this is ideal, because everyone would gain from it.

[English]

AIRLINE INDUSTRY

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, yesterday the throne speech failed to mention the massive restructuring that Canada's airlines are about to face. Air Canada and Canadian Airlines were in merger discussions six months prior to section 47 being invoked. Could the minister please explain to Canadians why he invoked section 47 when he did?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, it is true it now appears that the two airline companies were having discussions earlier this year. In the month of March, Air Canada was the first to raise with my officials the use of section 47. We now know that it was in connection with those discussions, but no action was taken and there was no formal request because the talks fell apart.

In June of this year, first Air Canada, with its proposal for the Canadian Airlines international routes, and then Canadian Airlines came to us and talked about a need to restructure the industry. That is why we used section 47.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, yesterday the government failed to provide Canadians with its vision of our airline industry in the new millennium. One can only assume that it does not have one. Why has the government failed to provide Canadians with some indication of its vision of Canada's airline industry in the 21st century?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, the government is committed to a viable, strong and stable airline industry, but it is undergoing some very difficult problems, problems that will necessitate some very difficult choices on the part of Canadians and especially members in this House. We want a full debate in the House to elicit the views of hon. members on both sides of the House so we can develop an airline policy that will deal with the difficult matters we have to overcome in order to have a very strong and viable airline system in the 21st century.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the disastrous consequences of EI reform are well known.

Oral Questions

Nearly 60% of unemployed workers, youth and women in particular, do not qualify. This reform is creating poverty in Canada.

Setting aside the parental leave plan, will the minister explain why she has been unable to convince her Cabinet colleagues that the best way of fighting poverty is to restore access by the unemployed to the EI system, which is their ultimate safety net?

• (1445)

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member speaks about employment insurance. That is one part of the government's strategy to help Canadians get jobs. That program is working for those citizens who have had a job, are temporarily without work and are going back to work.

There are other programs. There is the youth employment strategy. There is the opportunities fund for Canadians with disabilities. There is the Canada jobs fund. All these are our government's approach to helping Canadians find and keep jobs.

* * *

PEACEKEEPING

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, my question is for the Minister for International Co-operation. She is a brand new minister and I congratulate her.

Will the minister inform the House of Canada's response to a call for humanitarian assistance as we commit resources and expertise to the UN peacekeeping efforts in East Timor?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, I must say that as soon as the East Timorese situation broke Canada offered \$420,000 immediately. We were the first country on the ground with CARE Canada to provide assistance to the East Timorese who were being held in West Timor. It was rather risky but we did that.

In addition we had \$300,000 from the Canada fund on the ground which was redirected. We also had \$300,000 from another program which was redirected, for a little over \$1 million.

We are monitoring the situation and in a few days I will be in a position to announce in the House some additional assistance as the situation in East Timor becomes such that we can go in and actually do our job in there as well.

AGRICULTURE

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, today the Prime Minister verbally proved he does not understand the farm income crisis, let alone able to devise a solution. Let us try the agriculture minister.

There is a 98% drop in realized net income and not a whisper of concern in yesterday's throne speech. There was no any mention of children going hungry or parents wondering if they could stay on the farm. Farmers never knew how far away Ottawa was until yesterday.

My question is for the minister of agriculture. Why is the plight of thousands of farm families not a priority for the agriculture minister and the government?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I remind the opposition and all Canadians that even prior to last year's budget in February the government announced \$900 million and, along with the provincial contribution, \$1.5 billion to assist producers who are under stress and need that help across Canada.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, the government cannot in good conscience allow farmers to head into winter with no hope. The government likes to throw around compassionate sounding buzzwords such as the children's agenda. There are thousands and thousands of farm children whose parents are trying desperately to make ends meet. Real children need real help and the government is turning its back.

If the agriculture minister and government are truly interested in helping children, what do they plan to do for them to get them through this winter?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I remind Canadian farmers again that they are very fortunate the Reform Party did not form the government, the party that was going to cut \$600 million in support to the agriculture industry in Canada, mostly at the primary production level.

We have a safety net program in place. We are working with it. We have made changes to it. We are not done making changes to it. We will continue to do all we can to find all the resources we can in co-operation with the provinces and the industry to assist all those that we can assist.

* * *

AIRLINE INDUSTRY

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the Prime Minister has said that the Onex takeover of Air Canada is strictly a private sector issue. The Minister of Transport has said that there might be some public interest at stake.

Oral Questions

Has the Liberal government made up its mind? Will it listen to Canadians or let only shareholders decide the fate of our Canadian airline industry?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, as I said earlier, we have chosen a market driven solution as the option for us to follow at this stage. It is up to the parties in the private sector to determine any arrangements in reorganizing the companies.

Once the private sector determines that, and once a conditional offer comes to the government, the government will be fully engaged in making sure that the five principles I enunciated a couple of weeks ago are adhered to and that the protection for Canadians on prices and other issues in the public interest is rigorously adhered to.

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the minister's market driven solution and his five principles just will not cut it.

• (1450)

Canadians were promised a healthy competition within the airline industry when it was deregulated. Instead we have seen fewer flights, wages driven down, jobs threatened, reduced service, more American influence and less Canadian influence, and now a weakened major airline.

Will the government now admit that its policy on deregulation has been an utter failure?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, to make the assertion the hon. member does about deregulation is a very facile way to approach the debate.

Deregulation had many successes but there is no question that severe problems have occurred in the last few years especially with one company, Canadian Airlines. Those issues have to be addressed and addressed in a way that protects the public interest to ensure that as we go into the next century we have a very viable air industry.

* * *

FISHERIES

Mr. Mark Muise (West Nova, PC): Mr. Speaker, if conservation of lobster stocks is of primary importance, will the Minister of Fisheries and Oceans insist that native fishers abide by the same seasons as non-native fishers?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I assure the member and the House that conservation is a priority. We shall ensure that we protect the resource.

However we do have a judgment of the supreme court. I took great honour in recognizing that treaty right and will ensure that we live in the spirit of the judgment.

We need to focus on the long term and make sure that we bring everybody around the table to work on a long term arrangement to fulfil and ensure that the Mi'kmaq and the Maliseet can exercise their treaty rights.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I have another question for the Minister of Fisheries and Oceans.

In the short term the lobster fishery is regulated by licences, trap limits, size restrictions, seasons and lobster fishing areas. Regulations ensure conservation and conservation ensures a viable fishery.

How could the minister allow any fishery not to be based on conservation? Will the minister answer that question?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, all fisheries are based on conservation. There is no fishery that is not based on conservation.

As I said in my statement last week, if there is a fishery it will be a regulated fishery. I assure the hon. member that the fisheries out there now are regulated. We are enforcing conservation practice and conservation rules.

* * *

NATIONAL DEFENCE

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, my question is for the Minister of National Defence.

In light of its embarrassing performance and inability to get to East Timor in time, could the minister tell the House when the government will replace the old and unreliable Hercules aircraft?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, it is unfortunate that one aircraft took a number of attempts to get off to the mission in East Timor. I must say that it was the high maintenance standards of our crew that ensured that the safety of our personnel was of paramount importance.

When the plane was fixed it did get off. It was one of the earliest to arrive in East Timor and it has provided terrific service to the allied troops that are there.

In addition, it is going through an upgrade. The avionics and navigation systems are going through an upgrade in the last couple of years and over the next couple of years so that they will continue to provide excellent service.

* * *

IMMIGRATION

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, people smuggling is rampant in Canada. Boatloads of human cargo land on

Oral Questions

our shores. Our airports are increasingly becoming sieves for illegal migrants and the government does not even care enough to prosecute the captains involved in people smuggling.

Canadians, especially new immigrants, have called on the government to make this issue a priority, yet there is no mention of it whatsoever in the throne speech.

Why is the smuggling of human cargo, the enslavement of thousands of people and the infiltration of organized crime not important to the government?

Ms. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the throne speech identified that people smuggling as a great concern to the government. We will not tolerate trafficking in human lives.

The concerns we have when it comes human smuggling is that not only does it endanger the lives of the people who are in the hands of transnational organized crime but it diverts our attention from genuine refugees.

Nine people have been charged and they are presently before the courts. We have the toughest laws and we are looking at making them even tougher to ensure that smugglers know they will not succeed in Canada.

* * *

• (1455)

[Translation]

ORGANIZED CRIME

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, in light of the threats made by organized crime against Quebec farmers, their families, and even my colleague, the member for Saint-Hyacinthe—Bagot, regarding the illegal growing of marijuana, would the Minister of Justice not have been better advised to table effective legislation in the House in order to finally do something about organized crime, instead of drafting legislation that Quebec does not want, legislation that would brand young offenders for life?

[English]

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, the fact is that organized crime does exist. That is why fighting organized crime is the number one law enforcement priority of the government.

I assure my hon. colleague that the RCMP has supported the SQ in fighting organized crime in Quebec against the farmers.

* * *

FISHERIES

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, in light of the Marshall decision

the severe lack of leadership has caused a devastating effect among the lobster fishermen in my home province of Nova Scotia.

Let us note the date. Tomorrow area 35 of the Bay of Fundy opens up to commercial fishery and Bay of Fundy inshore fishermen and the aboriginal people are working together toward a co-operative solution. Unfortunately they are doing it on their own.

Will the minister commit the necessary resources to help the Bay of Fundy inshore fishermen reach a co-operative settlement with aboriginal people for the future of the lobster fishery?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, in fact I went to Moncton and met with the commercial people. I also spent a whole day with the aboriginal people.

Some hon. members: Oh, oh.

The Speaker: I would ask hon. members to try to contain their exuberance.

Hon. Harbance Singh Dhaliwal: Mr. Speaker, the Reform Party which makes the most noise spends the least amount of time with the aboriginal community hearing about aboriginal concerns.

I went to Atlantic Canada and in fact encouraged dialogue and discussion. I was very happy to see that in Nova Scotia native and non-native fishing communities working together. We have said that we needed community based solutions and we have been there encouraging that.

I am very happy. I think we should applaud what is happening there. This is the way to resolve the problem. We have been working on a long term solution to get all the groups together to have a long term arrangement.

[Translation]

Mr. Mark Muike (West Nova, PC): Mr. Speaker, will the Minister of Fisheries and Oceans confirm here and now that non-native fishers will be included in negotiations on an equal footing with native fishers and the federal government?

[English]

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, we have said all along that to resolve these issues we must get all the parties working together toward a common solution.

I met with the commercial fishermen and the processors. I spent two days out there to ensure that I had the benefit of all views. I also consulted with all my colleagues on both sides of the House, as well as my counterparts in fisheries.

We have a solution in place. It is working because dialogue and co-operation are working.

* * *

LABOUR

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, my question is for the Minister of Labour. Construction workers at federal work sites deserve to receive not only a fair wage but also fair treatment.

Could the minister tell me what she will do to ensure fair treatment?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, as of September 29, 1999, fair wages in our labour act has been in place in the country. That will mean for our workers that any workers who work on a federal contract will be paid fair wages. The schedule will be posted and the workers will know what their wages should be.

I would like to thank the unions and the construction workers across the country for helping us to put this in place. I am very happy that it has been done.

* * *

• (1500)

IMMIGRATION

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, the taxpayers of Canada's largest cities and the provinces bear the brunt of the government's bungling on immigration. Yesterday Toronto's mayor, Mel Lastman, said he is tired of the government's excuses and his city can no longer afford the Liberal's broken immigration system. The mayor of Toronto is simply expressing the frustration on immigration felt across this country.

How does the minister respond to Toronto's mayor and Canadians who share his concerns?

Ms. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, my department is working co-operatively with the city of Toronto. We are trying to gather the data and the information. We know that this requires a response from three levels of government: the federal government, the provincial government and the municipal government. I want to point out that the refugee population that the mayor is concerned about represents about 10% of the concerns that he has and we are working with him to resolve those issues.

I want to make one point very clear. As we do this, the government remains committed, as opposed to the opposition

Points of Order

party, to upholding the Canadian Charter of Rights and Freedoms; not just for some, but for all.

* * *

[Translation]

PAKISTAN

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Foreign Affairs.

Subsequent to the military coup d'état in Pakistan, serious warnings were issued by the United States, most of the countries of Europe, the European Community, the secretary-general of the Commonwealth, and the head of the IMF. All of these called for a return to democracy as quickly as possible, and respect of the Pakistani constitution.

Can the Minister of Foreign Affairs tell us what Canada's position is?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have done the same as the other countries.

[English]

In addition, we have also arranged to have a meeting of the Commonwealth ministers on Monday which will apply the Harare principles to Pakistan concerning this military takeover. In fact, I think we are ahead of all these other countries.

* * *

POINTS OF ORDER

SPECIAL DEBATE—FISHERIES

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think you would find unanimous consent to withdraw any existing motions for emergency debates on the fishery issue and to adopt the following:

That on October 13, 1999 the House shall continue to sit after 6.30 p.m. and, commencing at 6.30 p.m. or when the House leader of the Progressive Conservative Party completes his remarks in the debate on the proposed Address in Reply to the Speech from the Throne, whichever is later, the House shall consider a motion "That this House take note of the difficulties in Canadian fisheries, especially as complicated by the Queen and Marshall case and its implications for both aboriginal and non-aboriginal peoples and for the future management of natural resources"; provided

That during the said debate: (1) no member shall speak for more than 20 minutes, with a 10 minute question and comment period being permitted, and provided that time may be divided pursuant to Standing Order 43(2); and (2) the Chair shall not receive any quorum calls, dilatory motions or requests for unanimous consent to propose any motion; and

That, when no member rises to speak or at 12:00 a.m., whichever is earlier, the motion shall be deemed to have been withdrawn and the House shall adjourn to the next sitting day.

S. O. 52

• (1505)

The Speaker: Does the member have the unanimous consent of the House to put the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the first report of the Standing Committee on Procedure and House Affairs regarding the membership and associate membership of the Standing Committee on Transport.

There is a procedural motion contained within the report to enable that committee to begin business immediately, and I should like to move concurrence in the first report.

(Motion agreed to)

* * *

• (1510)

REQUESTS FOR EMERGENCY DEBATES

The Speaker: I received six applications for emergency debates for this evening. Two of them have been withdrawn by the unanimous consent of the House, namely the applications made by the member for Pictou—Antigonish—Guysborough and the member for Delta—South Richmond.

That leaves me to deal with four others. I would ask the hon. members, as I call upon them, to state their case for an emergency debate in a very concise fashion. I would first call on the hon. member for Palliser.

AGRICULTURE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, I rise under Standing Order 52(2) to seek leave to propose an emergency debate to address the deepening financial crisis that is affecting far too many Canadian farm families.

I remind the House that we had an emergency debate on this crisis on November 30, 1998. However, since then the crisis has only deepened in its intensity. Last November the agriculture minister predicted that as bad as 1998 was for farmers, in particular those in western Canada, particularly Manitoba and Saskatchewan, the forecast for 1999 was even worse. Unfortunately, that prediction has been realized.

Spring flooding has compounded the situation. Those that escaped the devastation of rising waters continue to be battered by record low commodity prices and highly subsidized competition from producers in the U.S. and Europe.

Without immediate and effective help, up to half of the farmers in western Canada could be out of business by next year. Bankruptcies on the prairies are already up 24%. Statistics Canada reports of the situation in Saskatchewan this year indicate that take-home farm incomes are forecast to be the worst in more than 70 years.

I believe that an emergency debate is required in order to urge the government to address this crisis. Parliament has the responsibility to find long term solutions. Mr. Speaker, I would urge you, respectfully, to consider an emergency debate in an immediate and timely fashion.

The Speaker: I will hear the member for Selkirk—Interlake because his request deals with farming. I believe from the letter I received that it is in the same genre.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, the crisis situation I referred to in my letter to you asking for an emergency debate absolutely involves the statistical analysis of Statistics Canada, which has clearly indicated that farm incomes will be flat and will be dropping as a result of low commodity prices and the actions of our competitors.

This emergency arises now because last fall the standing committee on agriculture held hearings on the problem. As a result of those hearings and the report that was put forward it was determined by the government that the only problem was a sharp drop in income for farmers for 1998-99. According to Statistics Canada, the truth of the matter is that during the past five or six years incomes have been dropping to very low levels and they are projected to remain flat.

The fact is, the federal government has addressed a short, two year program that is not providing money to the majority of farmers. That is the reason we must have an emergency debate. The government has not addressed the issue. Farmers are going bankrupt. Calls to the Brandon, Manitoba stress line for farmers are up three times over what they were a year ago.

We are dealing with a true crisis. The number of farm groups coming to Ottawa to stress their point to the minister requires that we in the House debate the issue to bring forward what the real problem is and what the solutions are.

• (1515)

The Speaker: My colleagues from Palliser and Selkirk—Interlake, not diminishing in any way the importance of such a topic, I feel that at this time it does not meet the criteria for an emergency debate.

I will now hear from the hon. member for West Vancouver—Sunshine Coast.

CHILD PORNOGRAPHY

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, pursuant to Standing Order 52, I request leave to make a motion for the adjournment of the House for the purpose of discussing a specific and important matter requiring urgent consideration.

Following a January 1999 British Columbia supreme court decision concerning the possession of child pornography, the British Columbia Court of Appeal did, on June 30, 1999, dismiss the appeal to reinstate subsection (4) of section 163.1 of the Criminal Code.

The supreme court has scheduled a hearing on this matter for mid-January 2000. Given the normal time required for the supreme court judgments, this issue will not be disposed of until perhaps 2001.

The legality of the possession of child pornography is not limited to the province of British Columbia. In fact, defence counsel in Ontario, Quebec and Alberta are arguing cases now based on the British Columbia decision to make child pornography legal in those provinces.

The government did not find reason in the Speech from the Throne to discuss this issue. That is why I served notice after the speech yesterday.

On February 2 the minister said in the House that the government was acting immediately on the issue and would not wait for the case to reach the Supreme Court of Canada. Sixty-three Liberal MPs and six senators signed a notice to the Prime Minister asking him to use the notwithstanding clause in this child pornography issue because it was so important last February.

The children of this country cannot wait until 2001 to find out that child pornography is illegal to possess in Canada.

This is an issue of children. Children were mentioned in the throne speech yesterday but this issue was not mentioned.

I think all members of the House agree that the law we have is a good one; it is only some judges who do not. We have to debate that issue in the House and come up with a solution to protect our children a lot quicker than the judges of this land want to protect our children.

The Address

The Speaker: I do confirm that the hon. member did write to me explaining this particular case, but I do not feel at this time that it meets the criteria for an emergency debate.

With reference to the member for Lakeland, if there was some confusion and if I did misread the information I had, I will entertain a letter to be sent to me again today so that the hon. member can address his subject tomorrow.

We will now go to Orders of the Day.

GOVERNMENT ORDERS

[English]

SPEECH FROM THE THRONE

RESUMPTION OF DEBATE ON ADDRESS IN REPLY

The House resumed from October 12 consideration of the motion for an address to Her Excellency the Governor General in reply to her speech at the opening of the session.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, I rise to reply to the Speech from the Throne presented yesterday by Her Excellency the Governor General. In doing so I want to take the opportunity on behalf of the official opposition to extend our best wishes to the former Governor General on his retirement as well as our congratulations to the new Governor General on her appointment.

[Translation]

This summer, my wife and I had the pleasure of visiting the region of New Brunswick in which Mr. LeBlanc will be enjoying his retirement, and we can readily understand his desire to live in that magnificent part of the country.

[English]

Along with other members of the House, we also had the opportunity to listen to another speech by Her Excellency the Governor General at her swearing in ceremony a week ago. I might say it was an excellent speech. It was much better than the speech prepared for her by the Prime Minister. We wish Her Excellency well in all her future communications.

• (1520)

I also want to extend on behalf of the official opposition our best wishes to the members of the Canadian Armed Forces both at home and abroad. Their contributions to maintaining peace in the world are even more significant in light of the hardships and resource

The Address

limitations that they must endure, not the least of which are those imposed upon them by their own government.

In the next few days my colleagues will be dissecting the Speech from the Throne in considerable detail, pointing out its deficiencies, which are many, and presenting constructive alternatives. My task today is to deal with the big picture which I will now proceed to do.

We stand on the threshold of a new century. Canadians have a right to expect that the legislative program presented by their government would put forward bold solutions to old problems and chart new directions for a new century, solutions and directions inspired by principles and vision. We see none of that in the Speech from the Throne. What we have here is essentially more of the same, perpetuation of the status quo.

For example, over the summer the country faced specific problems demanding government action. We heard of some of them today, from people smuggling on the west coast, to violence in the east coast fishery, to an agricultural crisis on the prairies, to the need to completely reorganize the airline industry. The Speech from the Throne does not even acknowledge the existence of these problems, let alone offer solutions that are based on some kind of vision of the future for those sectors or some kind of fundamental principles.

The greatest defect is the deficiency in principle and vision, a deficiency for which the government attempts to compensate with bland rhetoric. For example, the government refers in the speech to the principle of clarity as essential to national unity. It talks about the importance of principles to the national children's agenda. It talks about the need for principles to govern co-operative approaches to infrastructure development. But in none of the sections where it mentions the word principle does it spell out what these governing principles are. In most of the other sections of the speech there is no attempt to specify at all the principles that will guide the government's actions.

Since the government has chosen to exit the 20th century not with a bang but with a whimper, it is my intention to present an alternative set of principles for directing the legislative program of the government and an alternative vision for Canada in the 21st century, alternatives which I believe are in keeping with the deepest convictions and hopes of Canadians.

Let me start with the principles of fiscal responsibility. When Reformers were first elected to parliament, we won support on the basis of a commitment to certain clear-cut principles of fiscal responsibility. Today we are even more committed to those principles because we are even more convinced they are right for Canada and Canadians.

As our chief finance critic, the member for Medicine Hat, has repeatedly argued, we want a federal government that is committed to controlling and prioritizing its spending, to balancing its books, and having a legal commitment to balance its books not just a

policy decision, to lowering its debt and reducing federal taxes, and doing so at a pace that is far faster than that being followed by this timid and tired administration.

One of the things that bothers me profoundly is that it can be demonstrated from polling data and research data that there was majority public support in this country as early as 1984 for balancing the federal budget. There was majority public support for balancing the federal budget as early as 1984 and yet it took two administrations and 15 years to achieve what for most of us is a self-evident objective that should have been achieved far sooner.

This Speech from the Throne is rife with government references, bowing and scraping toward the recognition of the global economy and high tech knowledge and computerization. The essence of all of that is speed in decision, yet when it comes to meeting the fiscal obligations of this country and implementing fiscal policies, the government moves at the pace of a snail dragging a chain through the mud.

• (1525)

It should be understood that the official opposition wants real tax relief and debt reduction, not as an end in themselves but because of the benefits that will flow to Canadians. We do not have just an academic interest in this principle. It is the benefits that will flow.

I have a dream. It is a simple one and it gets reinforced every time I go to a factory or a plant and talk to workers. It is a dream of getting a pay increase, just a pay increase for every Canadian worker and family. That is reasonable. It is a pay increase that does not come from their employer but from a reduction in the high taxes collected every day and every month by a tax crazed government.

We are talking about real, substantive tax relief. It is quite evident that the Canadian public, and particularly workers, are simply not going to believe promises of tax relief from anyone unless they can see it in a tangible form. They are going to look at their paycheques at the end of the day and they will believe they have tax relief when the federal deductions have been reduced. They will not believe any other promise or commitment to tax relief unless it shows up on the bottom line.

This is our vision of tax relief. Its impact on families could deliver up to \$4,600 of tax relief per year per family for them to use on whatever they choose, such as education, shelter and clothing. We think the people themselves are the best ones to direct those expenditures whether they are socially directed or economically directed.

But what do we see in the Liberal administration's implementation of these principles of fiscal responsibility? We see a government whose main financial priority has been to collect and spend as many taxpayers' dollars as it can, from \$107 billion, or almost \$14,000 in federal tax revenues per family in 1993, to \$148 billion, or \$18,150 in federal tax revenues per family in 1999, and still growing.

The Address

We read in the Speech from the Throne on page 9 that the government will follow a multi-year plan for tax reduction. Why would anyone take this at face value when we consider what the government has said and done on this subject in the past?

On one occasion the finance minister said that the ultimate goal was to lower taxes but—and unfortunately there is always a but—lowering taxes and reducing the fiscal load would not be possible. He then promptly raised federal tax revenues to \$14,835 per family. The next year the finance minister said that we could not have a massive tax cut across the board, and promptly raised federal tax revenues per family to \$15,614.

The next year, speaking about across the board tax cuts, the Prime Minister said “I do not think it is the right thing to do in a society like Canada”. Somehow it is un-Canadian to give them back some of their money. That year, as if to reinforce the point, the finance minister raised federal revenues per family up to \$16,550.

The next year, along with the budget close to being actually balanced, the finance minister said that to put in place a broadly based tax cut now would be irresponsible. That year he raised federal tax revenues per family to \$18,000.

Is it any wonder that Canadians will regard tax relief promises from the throne speech with extreme, justifiable scepticism. The government’s taxation record is in precisely the opposite direction to the direction it promises in the throne speech.

The most deceptive half truth in the entire throne speech is on page 9. I could hardly believe the statement, when I heard it standing in the other place. If it had been in the prospectus of a company filed with the Ontario Securities Commission, this half truth which fails to disclose the other half of the truth, whoever put it together would be liable to spend up to five years in a provincial institution.

This is the statement: The government says it has begun to deliver broad based tax relief totalling \$16.5 billion over three years. It gets this figure by adding up projected tax reductions for the financial years 1999-2000, 2000-01 and 2001-02, for a total of \$16.5 billion. What it fails to mention is that during those same three years it also projects tax increases, namely through increases in CPP premiums and bracket creep, amounting to \$18.4 billion for a net increase in the tax burden on Canadians of \$2 billion.

• (1530)

The first great deficiency in principle and vision that we see in the Speech from the Throne is the lack of principle and substantive commitment to the great principles of fiscal responsibility, in particular tax relief that is the key to both sound government and a prosperous economy for the 21st century.

In our judgment, this is a deficiency which cannot be remedied by trying to change tax and spend Liberals into tax cutters. It is a deficiency which will only be remedied by the election of 150-plus members to the House who on a certain night in a certain month—probably February or March—are prepared to stand up in the House and vote for real, genuine, substantive tax relief.

Let me turn to economic policy in general. The official opposition’s vision of an economically prosperous and secure Canada for the 21st century includes much more than just a fiscally responsible federal government and lower taxes. It includes a Canada where jobs with good incomes are plentiful rather than scarce because the job creation engine is fueled, not by patronage-tainted and politically motivated grants, contracts, handouts and subsidies from the government but because it is fueled by dollars left in the pockets of consumers to spend and businesses to invest. It is private enterprise. It is an old concept but it happens to work.

We envision a Canada where the younger generation is valued and encouraged by economic opportunity to make their future in Canada rather than being told by the Prime Minister to go to the U.S. if they are not prepared to pay exorbitant taxes. Talk about a children’s agenda. He is telling our children, “If you don’t like the tax system here, if you think the levels are too high, go somewhere else”.

We envision a Canada where economically disadvantaged regions and people, including aboriginal people, are given the tools to direct and create their own economic future by participating in a free enterprise, market based economy, not a country where aboriginal people are given the obsolete, dependency creating instruments of government planning and socialist economics.

One of the big reasons we object to the Nisga’a treaty is that it is straight out of the 19th century. There is no other group in the country that the government would have the nerve to say, “Your economic development is going to be achieved through collective rights and collective ownership of property and resources”. There is no other group that the government would have the nerve to say that to. It then hands off those types of tools to aboriginal people. Exactly the same mistake the country made in the 19th century we are making as we enter the 21st century.

We envision a Canada where challenges faced by agriculture, the infrastructure sector, the airline industry or professional hockey are met by policies that give them tools and frameworks to solve their own problems rather than increasing dependency on the government.

Time does not permit me to deal with all the points in the Speech from the Throne where the Liberal government’s approach to economic problems or the problems of particular sectors violate these principles, but let me touch on just three examples.

The Address

The first example is the brain drain. The official opposition has some of the youngest members in the House. Many of them spend a lot of time on university campuses and they hear about this problem all the time. I hear it every time I go to a campus. What is the question that we are asked by younger people at the universities? Some person will go to the microphone and say, "I'm graduating next year with such and such a degree and my wife is graduating with such and such a degree. Here's my tax position in Toronto. Here's my tax position in Chicago. You tell me why I should stay here one day after I graduate".

When I see the new pages in the Chamber I do not just think of the pages as servants of the House. I know many of them have ambitions and are studying far beyond spending time here in the House. I think of them as representatives of the younger generation who are looking for incentive, opportunity and things like that from government, not punitive taxes that create the opportunities for them somewhere else.

• (1535)

The government fails to see that high taxes drive youth, capital, jobs and companies out of the country. Its response to the brain drain is to deny it. It does not bring to the problem of the brain drain what free enterprise, market based principles and fiscal responsibility in government can offer those people. That is a huge mistake. It is a deficiency in principle, not approaching the problem from a principled basis, and a deficiency in vision.

Let us look for a minute at the agriculture situation. This summer the member for Selkirk—Interlake and the member for Souris—Moose Mountain arranged for me to spend a little time talking to farmers and producers from southwestern Manitoba and southeastern Saskatchewan. I do not have to tell the members in the House who have a background in agriculture about the depth of the dilemma. We have thousands of farmers who have suffered two disasters beyond their control. In that particular region, the disaster was an enormous amount of flooded acreage, an inability to seed after the flooding and late seeding leading to frozen crops in the fall. We now have the bigger problem of foreign subsidies driving commodity prices down to the point where a large number of our farmers cannot make a living.

It is worth looking at some of the statistics that the hon. member referred to a minute ago. Statistics Canada confirmed that 1998 was a disastrous year for Canada's farmers. Realized net income was down 21% over the year before. Agriculture Canada forecasts even worse for 1999. National realized net income of \$2.2 billion and that figure includes payments from the government's AIDA program. The hardest hit will be Saskatchewan where Agriculture Canada predicts a net loss of \$48 million. Manitoba will fare only slightly better earning \$64 million, a little less than the net realized

farm income of Prince Edward Island. This is one of the great agricultural provinces of the prairies yet that is what its net income is.

I ask the Prime Minister to listen to this. Put another way, the realized net income for all farmers in Manitoba and Saskatchewan taken together will be down 98% from the previous four year average. I cannot imagine that if any other group had statistics show that its net realized income had fallen 98% because of something beyond its control the government would not respond. However, in the Speech from the Throne there is no visionary response to this problem.

I do not want to labour this but I will read the statistics. The statistics do not tell the real story. Behind the statistics are incredible amounts of heartbreak. I have been going to farm meetings ever since I belonged to a 4-H club in the Horse Hill area of Alberta in the 1950s. I have gone to all kinds of agricultural meetings with different commodity groups, et cetera.

At some of the meetings we went to this summer we talked to people in this dilemma. I cannot recall ever having seen people who could not even talk about the problem. These are stoical, independent western farmers who would go out behind the barn and shoot themselves rather than acknowledge that they have a problem. They tend to be that way.

At these meetings we saw grown men breaking down and crying. It was not because of their bottom lines but because they were losing the farm that their grandfather had. It was because of what it was doing to their families, the stress lines that the hon. member mentioned. People are calling for help from psychiatrists, ministers and everybody else and the government does not respond.

The government has to do three things. It must first recognize that its AIDA program is a joke and is not working. The agriculture minister goes around saying that the government has promised farmers \$25 or \$50 an acre to put together with the provinces. I defy the government to find one farmer who has actually received \$25 an acre. Some farmers pay \$500 to accountants to fill out the forms to get \$40 back while others pay \$500 only to be told that they do not qualify for anything. Nobody gets what is in the press releases because there are a whole lot of strings attached: what was their last three years' average; what is their deductible, et cetera. There are 100 reasons for not getting the money. They want to know where the replacement for AIDA is and they want it fast.

Secondly, where is the expanded crop insurance program that includes disaster relief? This business of inventing a new ad hoc program every time there is a natural disaster is crazy. It politicizes the thing. It causes all kinds of problems for the minister. Why do we not extend crop insurance to include broad based disaster insurance?

The Address

• (1540)

Thirdly—and this is one for the prime minister—where is the team Canada mission to Europe that is not just a glad-handing exercise but includes the prime minister, the minister of trade, the foreign minister and the agriculture minister and which makes a powerful argument with the Europeans that their subsidies are killing our farmers?

If we are committed to free trade, and the government professes to be committed to free trade, this is not just knocking down trade barriers and subsidies at home. Yes, it does include that and we have supported that, but it also means being even more vigorous at knocking down the other guy's trade barriers.

If the prime minister has great influence with President Clinton, why does he not use it on behalf of the farmers? If Canada and the U.S. teamed up to fight European subsidies rather than the U.S. just outbidding them, we could have an impact on those subsidies which are killing our farmers. I suspect the reason the government does not take this approach is because it really is not committed to market based, free enterprise ways of solving this problem. It will cut our subsidies but it does not go after the other guys.

There is one other sector where I see a deficiency in the government's approach which is again a backward looking approach. The Speech from the Throne has a little section on physical infrastructure. It makes only token references to the demands for new highways, new roads, new bridges, new airports, new ports and all types of physical infrastructure development. The speech states nothing at all about the need for north-south trade corridors, the need to build the transportation networks and rebuild the transportation networks that are moving a billion dollars of trade a day across the American borders.

If the government looked at that it would soon come to the conclusion that there are not enough dollars in the public works budget of the Government of Canada and the highways departments of all the provinces to even meet the physical infrastructure investment requirements of the west. If we add them all up, there is not enough to even meet the requirements for building infrastructure in the west over the next 20 years.

What does that mean? It means we are going to have to find massive amounts of capital for investment and infrastructure from other sources. I say that the only place we are going to find that is in the private sector. We are going to have to look to these public-private partnerships in order to build that type of infrastructure. Guidelines will be needed from the federal government to make sure that these projects are not screwed up the way the federal government did it in Atlantic Canada where it picked public-private projects which did not meet the requirements or the priorities

of the provinces and where the project got tainted with patronage right at the beginning which discredited the whole approach.

My conclusion is that the second great deficiency of principle and vision that we see in the Speech from the Throne is the lack of a principled substantive commitment to encouraging and facilitating individual and corporate enterprise and better operations of free markets to solve the actual practical problems in many of these particular sectors.

I have already spoken of Reform's vision of fiscal responsibility and the need for governments to constrain their natural appetites for excessive taxation and misdirected involvement in the economy. However, fiscal and economic ideals are not ends in themselves. They are but means to more important ends. Those more important ends for us are social and moral in nature.

I now want to turn to the social and moral dimensions of the Speech from the Throne. In the judgment of Reformers, the highest moral responsibility of government is the passage of just laws and the maintenance of law and order. The most important social responsibility is the protection and nurturing of the family. Let us look at what this throne speech does in those two areas.

When it comes to criminal justice, we have a vision of Canada as a safe society where people can live their lives, walk on the streets, drive on the highways, go to school, go to work, shop in the stores, visit the parks and live in their homes without fear of harm to themselves or their property or, even worse, fear of harm to their loved ones.

• (1545)

I think of the many seniors we run into when we are door-knocking as all of us do. They live in fear in Canada inside their own homes. They are afraid of theft. They are afraid of assault. They are afraid to go out at night. They are afraid of a knock at the door. Some of them are men who risked their lives for the country when they were young, and they have to live their older years in fear. Some of them are women who pioneered in the workforce while raising families. Many of them are people who built our homes, our towns and our cities.

Do we not owe our seniors more than a pension? Do we not have a moral and social obligation to protect their physical safety and to lift the federal government's constitutional obligation to create peace and order off the dry pages of the constitution and give people peace and order in the place where they live?

It seems to us the only people who are really sticking their necks out to protect citizens from crime are police officers, particularly the ones who work on the streets. These are the men and women who literally put their lives at risk every day to make public safety a reality. How does the government treat them? It slashes their budgets and it turns their work and their risks into a mockery through a revolving door parole system and an unbalanced justice system.

The Address

To achieve the idea of genuine public safety for Canadians we believe the federal government must embrace the principle that the protection of the lives and property of the citizens must be the highest ideal of the criminal justice system. The right of Canadians to this protection and consideration must take precedence over the rights of the perpetrators of crime.

When we examine the policies and actions of the government we find them lacking in commitment to this principle. Let me take the classic illustration of this point from the events of this summer. Federal law, as everyone in the House knows, provides for the legal entrance into the country of immigrants and genuine refugees. However those laws were repeatedly violated this summer by international gangsters smuggling illegal entrants into Canada on our west coast.

This people smuggling is not only illegal but is a gross affront to the hundreds of thousands of legitimate immigrants and legitimate refugees who have waited patiently in line and fulfilled everything we have asked of them—all the hoops, all the paperwork, all the time delays—in order to have legitimate legal standing in the country.

The points I am making have been pointed out by official opposition critics for immigration and justice, but I want to repeat them again. The official opposition has called for expedited procedures to detect, detain and assess illegal immigrants and to immediately deport those who are not genuine refugees. In doing so we are not calling for something unusual or draconian. This is what the 1987 amendments to the 1976 Immigration Act were supposed to accomplish.

However there is a problem which those and subsequent amendments to the Immigration Act have not remedied. Many members in the House know what it is. Why do we not do something about it? The problem is that in 1985 the Singh decision by the supreme court ruled that the Charter of Rights and Freedoms applies to everyone who is physically present in Canada, even if they got here illegally and even if they have no legal standing whatsoever. So we hand to those engaged in people smuggling and to illegal entrants, regardless of their status, all the legal tools required to fight deportation hearings, deportation procedures and deportation orders. They can fight it for years to the point where the whole process of dealing with illegal immigrants and refugees becomes a farce.

This is an issue of law and order. It is an issue of criminal justice. We look to the federal government for a solution to make its laws enforceable so that rights granted to persons without legal standing in our country and violating its laws, are not allowed to tarnish or diminish the rights and privileges of those who fully comply with our laws.

When we look at the Speech from the Throne, what do we see? Sad to say, we see nothing in the Speech from the Throne to correct

this deficiency in principle and vision with respect to the Canadian criminal justice system.

What is the third great deficiency in principle and vision that we see in the speech? It is a lack of principled and substantive commitment to criminal justice reform, in particular reforms which ensure that when the rights of law abiding citizens and victims of crime conflict with the rights of the perpetrators of crime it is the former that prevail over the latter.

• (1550)

As I said earlier, the social vision of Reformers attaches the highest priority to the protection and nurturing of the family. Our vision of Canada regards the family as the most important organizational unit of society. This is a statement of principle to which I believe many members of the House subscribe. Surely for each of us it has some real and substantive meaning.

Last weekend was Thanksgiving. Mr. Speaker, what are you thankful for? What am I thankful for? Well, many things. I am thankful for being a Canadian. I am thankful for growing up within driving distance of the Rocky Mountains. I am thankful for a Christian heritage and for the religious liberty which allows each of us to turn toward God or away from God and to accept the consequences of our own moral decisions. I am thankful for political freedoms. Reformers complain a lot about the political system of the country, but I am thankful for the freedom that allows my friends and me to start a political party and to try to change the government.

I am most thankful in my life for my family, and I think a lot of members share this. What was the most important thing Sandra and I did on Thanksgiving? We spent time with our family, as many other members did.

I am thankful for the kindness and nurturing of my mother and for the wisdom and example of my late father. He was my hero. I am thankful for my wife, Sandra, and for the spiritual foundations of our marriage which have enabled us to withstand all the stresses and strains that everybody here knows politics puts on a marriage.

I am thankful for the effort Sandra makes to keep our family healthy and strong and the way so many of our spouses sacrifice their own interests for us to be playing in this game.

I am thankful for my own boys who have grown up to be strong and sensible with the help of a lot of other people besides myself, and who can do so many things from fishing to making music to operating computers far better than I can do.

I am thankful for my daughters; for their relentless pursuit of excellence in sport and education; for making life and faith

commitments of their own; for their choices in husbands, the two who are married; and for the strength that these men bring to our family. I am thankful for three precious little grandchildren, with another one on the way, who find love and acceptance and roots in the family while at the same time becoming its brightest promise and prospects for the future.

I am thankful that such a family allows us to support and care for each other: children, parents, grandparents, great grandparents and siblings, and turn to one another in times of need instead of having no one to turn to other than a stranger on the end of some government telephone line.

In expressing this thankfulness for family I am not denying for a moment the importance of government services, whether it is health, education or social assistance, that help the well-being of families. I am not denying for a moment the harsh realities of all those who because of economic, social or personal circumstances have lost or been denied the benefits of family, or those for whom family has been transformed into a place of violence and insecurity.

My heart aches for such people, especially for the children in such circumstances, to do something to preserve the health of more families in the face of economic, social and personal hardships and adversity to give today's young people, regardless of the family circumstances in which they started out, at least a fighting chance to avoid some of the mistakes of our generation and to provide the benefits of healthy family relationships at least for the next generation, for their children and their grandchildren.

May I suggest that if the Liberal government really wants to do something for children there are a number of other practical things it could do that are not in the Speech from the Throne. For example, it could focus first and foremost on doing something for families. It should not focus on government programs that attempt to substitute for families. It should focus first and foremost on supporting the family directly. It might start at the beginning, if it had the moral nerve, by defining the rights of the unborn. This it will have to do if it intends to reintroduce its bill on reproductive technologies. It will have to get into that subject and it would be better to do it sooner rather than later.

Second, if the Liberal government really wants to do something for children, it should state clearly the definitions of marriage and family which it believes are most conducive to the well-being of children.

• (1555)

On June 8, 1999, for example, the House passed by a vote of 216 for and 55 against a resolution moved by the hon. member for Calgary Centre which read as follows:

That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man

and one woman to the exclusion of all others, and that Parliament will take all necessary steps—

Where are the steps? We did not see any in the Speech from the Throne.

—within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada.

The government's support of this motion was a good step but it should be followed by another. If the Liberal government really wants to do something for children, it should also clarify the definition of family as the primary biological and social context into which our children are born.

It is the Reform Party's conviction that a family should be defined as individuals related by blood, marriage or adoption. Members should note that this definition is broad. It is not a narrow definition of family. It is broad enough to embrace a so-called traditional family, common law relationships, the single parent family and the extended family which is so important to many new Canadians.

Affirming these definitions of marriage and the family is not to say that parliament cannot recognize in law other relationships of dependency, but in our judgment these should not be confused in law or public policy with marriage defined as the union of a man and a woman or the familial relations based on that union.

Some might argue on the basis of the supreme court's recent *M. v. H.* decision that the court is headed, whether we like it or not, in the direction of saying that in Canadian law a couple is a couple is a couple, regardless of the basis of the relationship. However I believe I speak for the majority of parliamentarians, not just Reformers, when I say that it is parliament's intention, that it was parliament's intention and that it is still parliament's intention that the union of a man and a woman, which is unique in its potential for the natural procreation and nurturing of children, should be in a category by itself as should be the familial relations based upon it.

On page 22 the throne speech states that Canada will champion efforts at the United Nations to eliminate the exploitation of children. If this is the case, the government should then direct the courts here at home to stop protecting the consumers of child pornography. When parliament passed that section of the criminal code, and that debate has gone before the B.C. court, it intended that the possession of child pornography should be treated as a crime. Why? Because possession represents the demand side of the pornography industry. If one wants to shut down the pornography industry one has to go after the demand side and not just the supply side.

If the criminal code does not make it crystal clear that is what parliament intended, the government should introduce legislation that makes that crystal clear to the courts. If the courts still insist

The Address

that section of the criminal code is not charter compatible, the government should not hesitate to use the notwithstanding clause now to enforce such a provision. Surely if the government values children it will put their right to protection from the evils of pornography ahead of any adult's right to possess child pornography.

The throne speech also expresses particular concern about child poverty while often ignoring the family context in which much of that poverty occurs. Again if the Liberal government wished to do something about child poverty, it could do two practical things which do not require the invention of some new program. It could stop overtaxing the parents and stop taking up to \$6 billion a year from people making \$20,000 a year or less.

The government takes in \$6 billion and tries to figure out how some complicated program, which will cost a lot administratively, will give them back a couple of hundred dollars for this or that. Am I missing something, or would it not be simpler to leave the dollars in their pockets, stop the unfair taxation of single income families and see just how many new child care spaces that creates?

• (1600)

What is the fourth great deficiency in principle and vision that we see in the Speech from the Throne? It is the lack of a principled priority commitment to the protection and nurturing directly of the Canadian family, the human context, the primary biological, economic, social, cultural and spiritual context into which our children are born.

It is a deficiency which in our judgment cannot be remedied until there are 150-plus members in the House who are convinced in their hearts as well as their heads that the number one social priority of government should be the protection and nurturing of the family.

There is another set of principles nowhere alluded to in the Speech from the Throne and yet absolutely essential to the implementation of any legislative program approved by parliament. They are those principles that define the proper line between the executive, parliament and the courts. In recent years we have seen these lines increasingly blurred by this administration. We have seen the courts increasingly encroach on the prerogatives of parliament to the point where one might argue that one cannot fully interpret the Speech from the Throne until after hearing the speech from the bench. I have three examples.

There is the impact of the Singh decision on the government's ability to halt people smuggling. What difference does it make if this parliament sets up the ideal system for handling immigrants and refugees? As long as the Singh decision stands, there are legal ways around it. It can be fought every step of the way for seven years.

There is the impact of the B.C. court decision in the Sharpe case which legitimates demand for child pornography. It is already having a secondary impact in other parts of the country while we wait and wait for a court decision that may not come.

There is the impact of the Marshall decision on the management of the east coast fishery. I understand we will have a debate tonight during which we can get into this in detail. The member for Delta—South Richmond will be saying a lot on this a little later. In the Marshall case the court affirmed an aboriginal fishing right from a treaty that does not contain the word fish. Talk about writing things in, that is a good example.

Apparently no one, and this is the responsibility of the government and not the court, made a convincing case for the dangers of having one law for aboriginals and another law for non-aboriginal fishermen. No one made the case apparently of the threat that unlimited fishing rights create for destroying the biological basis of the fishery. And apparently no one made the case that the government, through its constitutional right under section 91 of the Constitution and its responsibility for fisheries, also granted rights to fish under certain licences and if the court was going to deal with this problem at all, it was a matter of balancing two sets of rights, one against the other, not simply affirming one set of rights.

The court made a fishery policy as distinct from parliament making a fishery policy leading to, in this case, violence and chaos on the east coast fishery.

Switching to the positive, the official opposition has a vision of the proper relationship between parliament, the court and the executive. It is a vision that is rooted in our own Constitution and several hundred years of British constitutional convention and precedents. It is based on a simple principle, that parliament makes the law, the administration administers the law and the court interprets the law. In our judgment any delegation of law making by the executive to the courts by default, which is what this government does, or any proactive assumption of law making functions by the courts is a violation of this basic constitutional principle and it needs to be corrected.

Maybe the following explains why the government is not enthusiastic about correcting it. The root of the problem is that the BNA Act of 1867 founded Canada on a constitution "similar in principle to that of the United Kingdom". One of the founding principles is that parliament makes the law, the executive implements the law and the courts interpret it.

But in 1981-82 the Liberal administration of Pierre Trudeau, an administration in which the current Prime Minister was the justice minister, initiated and secured the passage of the Constitution Act, at the heart of which was a constitutional device similar in principle not to the constitution of the United Kingdom but to that of the United States. I refer of course to the charter of rights and freedoms. This law included for the first time in Canada a

constitutionally entrenched guarantee of civil rights. It served the same function in Canada as the U.S. bill of rights but without any of the checks and balances on the three branches of government which are found in the American Constitution.

• (1605)

That is what happens when you transplant an idea from one constitutional system to another. You do not necessarily bring along with it the checks and balances that made it work in the original situation.

With the introduction of the charter to the Canadian Constitution a great departure began from the historic division of responsibilities between parliament and the courts which continues to this very day. The consequences of that departure include replacement of the supremacy of parliament with the supremacy of the Constitution as interpreted by judges. They include a transfer of power from parliament and the legislatures to the courts, including a transfer of the ultimate right of interpretation. The other consequence is the thrusting, whether they want it or not, of unelected judges with no direct accountability to the people into the realm of decision making and political activism.

The consequences of this great departure and the political activism of the courts are enormous. I suggest to members that they go far beyond simple legal and academic questions concerning the appropriate balance between the courts and parliament. Look at the list of things into which this great departure has taken the courts whether or not they wanted to go there.

The Mahé decision of 1990 took the courts into the operation of school boards. The Eldridge decision of 1993 took the court into affecting provincial government budgetary decisions. The Singh case of 1985, as already pointed out, took the court into the administration of immigration and refugee procedures. The Therens case of 1985 created an enhanced role for lawyers in criminal proceedings that went far too far and which has had negative effects. We saw further evidence of political and social activism by the courts when they created the defence of self-induced intoxication, something parliament never ever dreamed about in any of its wildest moments. That was via the Daviault case in 1994.

There was court direction of public policy with respect to vagrancy via the Heywood case of 1994. There was the extension of the requirement for the use of warrants to unreasonable lengths via the Feeney case of 1997. It took the courts into the elevation of the protection of language rights ahead of the protection of citizens from criminal activity via the Beaulac case of 1999, and into the establishment of procedural delays as grounds for abandoning thousands of criminal prosecutions via the Askov case of 1990.

The Address

We saw further evidence of the great departure when the courts extended the democratic franchise to prisoners via the Sauvé decision of 1993. It legitimated the rights of adults to possess child pornography via the Sharpe decision of 1999. It imposed a limit on the sanctity of life by striking down provisions for the regulation of abortion via the Morgentaler decision of 1998. It interjected a court ruling on spousal benefits into the politics of a provincial election, which I find utterly inexcusable, via the M and H decision of 1999. It has triggered violent confrontations over diminishing fishery resources on the east coast via the Marshall decision of 1999.

I could keep the House here all night reading court cases, but on some future occasion I am hoping the Prime Minister will ensure this parliament addresses this issue explicitly. At such time it would be my intention to lay before parliament a number of measures for clearly delineating a line between ourselves and the courts. These measures include a number of things, of which I will mention three.

First would be measures to ensure that parliament specifies in each statute it passes the intent of that statute and that it obtains independent legal advice, because we cannot get it from the justice department, on the charter compatibility of bills before they leave this place rather than after. It is a process of pre-legislative review.

We would also recommend that these remedial measures include the establishment of a judicial review committee of parliament to prepare an appropriate parliamentary response to those court decisions that misconstrue parliament's intent, and include recommendations of the appropriate use of the notwithstanding clause which I remind hon. members is just as much a part of our Constitution as is the charter of rights and freedoms.

• (1610)

When we look at the Speech from the Throne we do not see any recognition of this even though it affects everything we pass here. Why is that? I suspect it is because on many of the issues affected by the political activism of the courts, especially in moral and social areas, the Liberal administration would prefer to have the hard decisions made by Liberal appointed judges rather than by the elected members.

If that is the case, we will not see a remedy to this problem until there are 150-plus members elected to this Chamber with a commitment to change and to draw the line crystal clear between parliament and the courts.

I turn now to the state of our federal union, a subject on which the Speech from the Throne devoted about four specific paragraphs and yet is one which is central to everything we do.

As all members here know, Canada is the second largest nation in terms of territory on the face of the earth. It consists of ten

The Address

provinces and three territories encompassing an enormous breadth of cultural and regional diversity. In order to unify this great diversity into one nation from sea to sea to sea, our forefathers rightly chose to apply the principles of federalism. Canada is therefore a federal state, but because of its size and diversity it is a federal state that cannot take its internal unity for granted even for a month.

This parliament has the right to expect that every Speech from the Throne would contain at least two things. One is substantive measures to address the particular concerns and aspirations of the great regions that make up this country. The other is something substantive with respect to the application, preservation and advancement of the principles of federalism on which our continued unity depends. Let us look at the present state of our federal union and the Speech from the Throne from this perspective.

This summer my wife and I spent several weeks in the west, two weeks in Quebec, two weeks in Ontario, and almost three weeks in Atlantic Canada. We attended some 80 different functions, many of them informal social functions which gave us a good opportunity to interact with people. We listened to the predictable concerns of people about taxes, jobs and health care. But we also perceived something else, something less defined and yet very real and something that is bigger than people's day to day concerns.

There are four big regional concerns and aspirations which I believe are abroad in our land and which this federal parliament must recognize and address in order to maintain the unity and progress of this country in the 21st century. Four strong winds are starting to blow with increasing velocity; four strong winds which, if we ignore or misread them, can put our federal ship on the rocks; four strong winds which, if properly harnessed, can propel this federal union forward with confidence and security into the uncharted waters of the next century.

Let me begin in the west. I like beginning in the west. In June, Sandra and I travelled to the Milk River country of southern Alberta. There we borrowed two horses and a tent from a longtime rancher in the Milk River area, Tom Gilchrist. For three days we joined the anniversary trail ride commemorating the 1874 march west of the original North West Mounted Police contingent; a great adventure which originally took 275 officers and men from Fort Dufferin south of Winnipeg all through the southern part of Saskatchewan and southern Alberta to Fort Whoop-Up 125 years before.

That original group of North West Mounted Police included Colonel James MacLeod who would lay the foundation for a treaty with the great Blackfoot confederacy on the basis of a simple principle: equality under the law. I wish James MacLeod had been around when they were putting together the Nisga'a treaty. That is how he made peace with the fiercest group of aboriginals left on the

prairies. It was the last group to have a confrontation with the Europeans. He made it on a simple basis. A couple of RCMP walked into a huge camp. There was one law, the same law, for whites and Indians. He did a few things to back it up and that was the basis of that peace.

The fort he established on the Old Man River became home to F.W.G. Haultain a few years later. Haultain was a lawyer from eastern Canada who came out west. He became the greatest premier the old North-West Territories ever had. He was the one who negotiated the provincial terms of entry of Alberta and Saskatchewan in the federal union as provinces. What was the principle he insisted on, even though he did not get it? Equality for provinces. Equality between the new provinces and the old provinces.

● (1615)

Members of that same old Northwest Mounted Police contingent would soon establish another fort at the confluence of the Bow and Elbow Rivers, Fort Calgary, the place where over a century later nine premiers and two territorial leaders would meet and produce a declaration asserting the principle of equality of all Canadians and provinces under the law and that any power given to one province to protect and develop its uniqueness would be given to the others. Equality for individuals and provinces was as much a founding principle of the old west as accommodation to the French-English fact was a founding principle of central Canada.

That old west, including British Columbia, was wild and vast with enormous potential. It attracted people of enterprise and initiative who overcame all sorts of obstacles and hardships. Members should read the story of the original march west by the RCMP if they want a story of overcoming hardship.

That old west had all sorts of new ideas and convictions on how the west itself should be governed. But politically the old west had one huge problem. It was politically impotent. At the turn of the last century the west produced less than 10% of the GNP, had less than 10% of the population and had less than 10% of the seats in this parliament.

The old west lacked political clout to impress its concerns on the federal government, let alone impress its ideas. It quickly and unfortunately developed an underdog attitude that if it participated in negotiations with the national government or if it participated in political dialogue with people in other parts of the country it would rarely win the debate and would always be outvoted and outnumbered.

What struck me as I rode through that country commemorating the opening up of the old west was how far the west has come in a century and how different the position of the new west entering the 21st century is in comparison to what the old west was at the turn of the century.

The Address

In that Milk River country, if one stands at the right place, the Cypress Hills can be seen to the east, the Sweet Grass Hills of Montana to the south and Chief Mountain to the west. These were all sacred places to the Blackfoot. They were high places from which the Blackfoot believed they could see forever and from which they believed they could see the future. It was a place where the young saw visions and the old dreamed dreams. Could any of the people who mounted those heights at the turn of the last century, aboriginal or non-aboriginal, possibly have envisioned the new west of the 21st century?

The new west is no longer politically impotent. In the 21st century it will produce over one-third of the wealth of this country. It will have over one-third of the population of this country. British Columbia will become the second largest province in the country and the west will control over one-third of the seats in this parliament.

In the 21st century it will be impossible to implement any truly national policy without the west's concurrence or to form any truly national government without western participation. The great challenge for westerners is how to use this newfound influence.

There will be some, "little westerners" Haultain would have called them, who will advocate that the new west should use its growing influence simply to settle old scores and that the west should confine itself to addressing its own immediate regional interests. These people will prefer regional parties over national parties. There will even be some who will say, regrettably, that the new west should use its influence to separate from Canada. Fortunately there will be others, "big westerners" Haultain would call them, who will advocate a much more positive and inclusive course.

Reform is the principle and Reform is the voice of the new west. We say yes, the new west should use its influence to protect and advance regional interests, to raise the agricultural concerns of the prairies higher on the national agenda, to protect the oil and gas producing regions from another raid by the federal government, to prevent the west coast fishery from suffering the same abuse as the east coast fishery and to make B.C. Canada's gateway to the Asia-Pacific.

We also say that the new west should use its new influence in the federation to address and resolve the problems of the federation as a whole, to get the federal financial house in order by insisting that tax and debt levels be lowered for all Canadians, by advocating that national health care—medicare, after all, was born in the west—be reformed for the benefit of all Canadians, by insisting that federal institutions be made more representative and democratically accountable for all Canadians, and by insisting that the equality of all Canadians and all provinces under the law become a governing constitutional principle throughout the entire country and be pounded into the heads of members of parliament.

• (1620)

When we look at the Speech from the Throne from this perspective, what do we see? We see no evidence at all that the federal government even recognizes the existence or emergence of the new west, let alone a preparedness to accommodate its aspirations.

The federal government is at odds, in particular with British Columbia, on everything from the mismanagement of immigration and refugees to the mismanagement of the fishery to the mismanagement of aboriginal relations. It has negotiated a treaty with the Nisga'a which is based not on the principle of equality of all under the law, but on the divisive principle of one law for aboriginals and another for non-aboriginals.

Rather than offering tax incentives to reduce greenhouse emissions, the government has mused about imposing a green tax which would discriminate against the petroleum producing regions without proposing any compensatory measures or equivalent environmental taxes on competing energy sources.

By failing to propose or mount a concerted international attack on European agricultural subsidies, it refuses to get at the root of the low commodity prices that are doing enormous damage to our farmers.

The Prime Minister has never followed up on that resolution we passed in the House one night, which members voted for, calling on the federal government to help communicate the real significance of the Calgary declaration to Quebec.

The Speech from the Throne and the Liberal government are completely oblivious to the spirit and the aspirations of the new west. This is a deficiency which is inexcusable in a federal system where the federal government must recognize regional aspirations and respond to them for the sake and well-being of Canadians living in those regions, as well as national unity.

I said there were four strong winds. The wind coming out of the new west is only one. In Ontario, the federal government must recognize and accommodate the aspirations of the common sense revolution. It has not done so and there is little in the Speech from the Throne that indicates it is prepared to do so.

In 1993 the people of Ontario elected the tax cutting, common sense government of Premier Harris to get that province's financial house in order. Premier Harris proceeded to do so by cutting taxes 30%, introducing programs like workfare as preferable to welfare, while still spending 50% more dollars on health care in that one province than this government spends on health care in the entire country.

The Address

In 1997 Mr. Harris asked the people of Ontario whether they wanted his government to continue on this common sense course and, in particular, whether they wanted him to continue to cut taxes. Despite the fierce opposition of both federal and provincial Liberals, the Harris government was returned by the people of Ontario with a solid majority. We offer them our heartiest congratulations.

There is a strong wind blowing across Ontario. It is the wind of the common sense revolution. It is completely counterproductive for the largest government in the country, the federal government, to pursue tax policies that are at cross purposes with the tax policies of the largest provincial government. People in Ontario are concerned, like people in Alberta, that tax and spend federal Liberals will move into the hard earned vacated tax room created by the provincial government. They want the principles of the common sense revolution to be respected and implemented in Ottawa as well as Queen's Park. Yet, there is not a flicker of recognition in the Speech from the Throne of that political reality. It fails to recognize, let alone respect, the principal fiscal interest of the largest province in Canada.

I talked about four strong winds. I have two so far. There is an easterly wind beginning to blow in this country. The Atlantic provinces are bestirring themselves in a manner which is good for them and good for the country.

• (1625)

When I talk to business, labour and academic interests in Atlantic Canada I hear a desire to pursue new paths to economic growth; not the tired and discredited Liberal policies of trying to stimulate growth through patronage tainted subsidies, grants and handouts to the few, but new and more credible policies. I will list them: tax relief for the many to put more dollars in the pockets of consumers to spend and Atlantic business to invest; a concerted effort to expand trade between Atlantic Canada and the New England states, which was the basis of the old Atlantic economy before it entered Confederation and in which Atlantic Canada was stronger than it is now; a vigorous effort to expand Atlantic rim trade to make Atlantic Canada the gateway for European-North American trade; rebuilding the infrastructure of the whole east coast through public-private partnerships, but partnerships acceptable to the province and untainted by federal Liberal patronage; creating a tax and investment environment conducive to the growth of the knowledge industry in Atlantic Canada to take advantage of the many excellent institutions of higher learning and to create 21st century jobs for Atlantic Canadian youth close to home.

Some of these policies, and they represent a departure from what the federal government has done, were first proposed and pursued by Premier McKenna of New Brunswick, who has just denounced the federal Liberals' approach to regional economic development

in the strongest possible terms. According to a *Globe and Mail* report, Mr. McKenna has unleashed a scorching indictment of the federal government's treatment of Atlantic Canada. The federal Liberals, he said, have nothing in the window for his region. He speaks of "their total ignorance of the issues of shipbuilding, their total ignorance of the very highly developed information technology sector which is taking place here, their disgraceful management of the fisheries issue and the resource issue having to do with the natives". All of these things, he said, are just more nails in their coffin.

Premier McKenna's initiatives were largely abandoned by his successor at the provincial level, who paid the price at the polls. In both New Brunswick and Nova Scotia two tired and discredited Liberal administrations have been turned out of office and replaced by the Conservative ministries of Mr. Lord and Dr. Hamm. In both elections the smell of patronage and federal political interference in provincial highway projects was a factor in the defeat of the provincial Liberal administrations, and both of these administrations are seeking to pursue new approaches to economic growth. We extend our heartiest congratulations to both.

The winds of change are blowing in Atlantic Canada. Yet, when we examine the Speech from the Throne, supposedly the speech laying out the legislative program of the federal government which claims it lies awake nights trying to figure out how to make this federation work better, there is no recognition of this regional fact at all, no new principles or visions that respond to the new wind that is blowing out of Atlantic Canada.

That brings me to the fourth wind. The fourth wind that a perceptive and sensitive federal government would be recognizing and seeking to accommodate would be the new wind that is stirring in Quebec. It is still a light breeze, but there are signs in the polls and the political discussion in that province that perhaps up to 15% of the Quebec electorate is open to a third way, une troisième voie: not separation for Canada, not the status quo federalism of the Liberals and the Prime Minister, but reform of the federation with a rebalancing of the powers between the federal and provincial governments for the 21st century, a rebalancing that would strengthen the federal government in some of its key areas of jurisdiction, strengthen the provinces in some of their key areas of jurisdiction, particularly health, education and social assistance, and include jurisdiction for the provinces over language and culture.

Yet, when we examine the Speech from the Throne and the application of the principles of federalism to the maintenance of national unity, what do we see? As I have said, we see nothing that truly recognizes the growing and diverse regional aspirations of the west, Ontario or Atlantic Canada. When it comes to addressing the concerns of Quebec we see nothing of the principle or the vision of a reformed federalism, only a continuation of the status quo plus a

veiled reference to defining a federal position on the secession process and question.

I find it absolutely amazing that a government that prides itself on always taking the balanced approach—how many times have we heard it, always seeking the balanced approach between spending and tax cuts, between debt reduction and taxation—when it comes to national unity it takes a totally unbalanced approach. When it comes to national unity and adjusting federalism to accommodate the strains of regional-provincial interests, the government spends 90% of its time thinking about Quebec and 10% of its time thinking about the rest of the country. When it comes to Quebec, the government spends 90% of the time trying to defend and perpetuate an unacceptable status quo. When it comes to advocating something new to provide a way out of the constitutional box for either discontented federalists or for weary nationalists in Quebec, instead of presenting both plan A and plan B in balance so Quebecers understand all their options and the consequences of them, the Speech from the Throne contains no plan A and only a veiled reference to a plan B proposal for federal legislation on the secession referendum process and question.

• (1630)

The Prime Minister must come across in Quebec as the school-yard bully. When the sovereignists show strength, as in the last referendum, he grovels and promises anything, like constitutional recognition of distinct society which he had opposed for 36 years. However, when he thinks his opponents are weakening, he plays the tough guy who is willing to go to court.

[Translation]

On the question of national unity, Quebecers are used to seeing the Prime Minister playing the blow-hard. That has been his style throughout his political career. The Prime Minister is brave when his adversaries are disorganized, but he makes himself scarce as soon as they begin to rally round.

[English]

If federalists are going to speak credibly to Quebecers we must be consistent and balanced. We should recognize that status quo federalism has little appeal in particular to the young. We should not risk a revival of support for separation as a reaction to clumsy miscalculations by status quo federalists. If plan A and plan B are to be presented they must be presented in balance, with plan A representing reform of the federation with the priority being given to communicating it to those who are searching for a third way.

Those are the four big winds that we see blowing across the country. We see nothing in the Speech from the Throne that shows any recognition of them whatsoever, that shows any preparedness to harness them for the benefit of the country in the 21st century and no adjustment of federalism beyond the status quo. In our

The Address

judgment, this deficiency will not be remedied until there are 150-plus members of parliament from all parts of the country committed to that vision of a reformed federation for the 21st century.

One might ask why there is so much public interest and support throughout the country for things like tax relief, criminal justice reform, the strengthening of families, health care reform and the reform of federal-provincial relations to make them more co-operative and productive, and yet so little principled commitment or action on these fronts in the legislative program of the federal government. The answer lies in the fact that the federal political institutions of the country, in particular this parliament and this House of Commons, are defective in terms of their capacity to accurately assess and represent the public will and to respond democratically to public demands.

This is why Reformers want not simply to reform particular fiscal, social, economic or justice policies of the government. We want to reform the system itself whereby these policies are developed and implemented in the first place. We have a vision of a country and a system of government that is truly democratic, not simply democratic in appearance, not an autocracy where people get a chance to vote for the autocrat every four years, but a genuine democracy where the institutions are truly representative and accountable and where the first allegiance of members of parliament is not to their party or to themselves but to the people who elect them.

We envision a parliament where the upper house is a credit and a complement to democracy, not the disgrace to democracy that it is now. We envision a Senate that is democratically elected with equal numbers per province and effective powers to safeguard and represent regional interests. If the country had a workable Senate, in particular the way the Fathers of Confederation envisioned it to be, the first place where these four regional winds that are blowing would register in Parliament is the Senate. As it is, it is the last place. They could have a hurricane over there and they would not even recognize it as a wind.

• (1635)

We envision a parliament where there is genuine free voting in both the Houses, not just on private members' bills or on exceptional occasions when the government does not want to touch a moral issue with a 10-foot pole, but every day on issues of substance and on government bills and opposition motions of every description.

We envision a house of commons where a prime minister with genuine democratic convictions has risen to his feet. The Prime Minister might want to take some notes on this. We would like to see a prime minister stand in the House and say, "It is not the policy of my government to regard every vote as a vote of

The Address

confidence in the government. If a government motion is defeated or an opposition motion is carried the government will not resign. It will respect that vote and only resign in response to the passage of an explicit vote of no confidence”.

Can hon. members imagine even for a moment what a difference that one simple change would make to improve the democratic nature of this place? The capacity of every single member to more effectively represent constituents' interests would be increased, in particular when the constituents' will conflicts with the party line. The power of the leaders, in particular the prime minister, to coerce votes would be restrained. Committees would be more independent. They could initiate legislation. Debates would no longer be meaningless, sequential soliloquies because members would actually be free to change their mind or their positions as a result of something that some other member had said. Legislation would be enacted perhaps not in exactly the same form that it was originally introduced by the government, but enacted nevertheless by majority vote and in accordance with a broader cross-section of public and national opinion than would otherwise be the case.

We envision a parliament that regularly invites the public to participate in making major national decisions; a democracy where referendums on key issues are regularly held; where citizens can initiate a referendum if enough of them feel strongly enough about the need for a legislative measure; a democracy where elected officials who abuse their public trust can be fired for cause by an electorate itself through a recall mechanism; a democracy where parliament is willing to give the public a chance to vote in favour of reforms to the electoral system itself, inviting Canadians to choose from among such options as continuation of the first past the post system, adoption of some form of preferential balloting, a system of proportional representation or some combination of these measures.

In other words, we envision a democratic parliamentary system where the principles of genuine democracy, of effective representation, of true accountability, of free votes and of public participation are actually practised and reflected in the day to day operations of our institution.

This is the scale of the demand for democracy that is abroad in the land. We see it in British Columbia where just the prospect of a recall mechanism has the anti-democrats quaking in their shoes, as they should. We see it in Alberta where hundreds of thousands of people went out and participated in a Senate election knowing that the Prime Minister, in all his stubbornness, would not respect their wishes. They went out anyway. They went to the meetings. They marked their ballots in the spirit of democracy.

Perhaps the most encouraging thing for Canadian democrats this summer was a conference held at Bird's Hill Provincial Park in

Manitoba by the First Nations Accountability Coalition, a group now representing grassroots aboriginal people from more than 200 first nations communities across the country. What were they talking about? They were talking about fiscal and democratic accountability for on-reserve governments and the department of Indian affairs.

The spirit of democracy is alive in the country. However, when we look at the Speech from the Throne what do we see? Not a flicker of enthusiasm for any of the great democratic principles and reforms that would make the country a model democracy for the 21st century.

• (1640)

People from emerging democracies, some from the former Soviet Union, from Africa and from Asia, visit the House and the Speaker's chambers. They sit in the balcony expecting to see a model democracy. If we handed them the Speech from the Throne they would not guess that there is a commitment to democracy, to democratic reform or to making this democracy work better. It is a shame.

I have devoted almost the entirety of my reply to the Speech from the Throne to demonstrating its greatest flaws: its deficiency in principle and vision. In order to be constructive, I have also endeavoured to outline by contrast the principles and vision to which the official opposition is firmly committed and which we believe should animate and direct the legislative program of the Government of Canada; principles of fiscal responsibility; vigorous encouragement of private enterprise and free markets; principles of social responsibility for law and order and integrity of the family; respect of the line between the courts and the parliament; principles of reformed federalism; and, principles of genuine democracy.

This brings me to my final point. The official opposition is deeply committed to these principles. We have left our homes and our normal occupations to fight for them in elections and in parliament. However, the official opposition is not naive enough or egocentric enough to believe that we have some exclusive monopoly on these principles.

For example, across the country there are hundreds and thousands of supporters and voters for various political parties who believe in the principle of fiscal responsibility, in particular the need for national tax and debt reduction. However, because so many of the people who hold these convictions are divided in their political loyalties between various political parties, between several federal parties, or between provincial parties that espouse these principles and federal parties of the same name that do not, it has not been possible to amass the political support required to elect

The Address

the 150-plus members needed in this parliament to make real tax reduction and tax relief a reality.

Across the country there are millions of people who would agree in principle that Canada needs to make a new commitment to law and order, to preserving the family and to reforming federal-provincial relations. However, again, because the political loyalties of those people are divided among various political groups, the country ends up being governed by a party that is committed to none of these principles and elected with only 38% of the vote.

It could be argued that if only we could secure some of these democratic reforms I have enumerated, in particular free voting in the House or some change in the electoral system, it would then be much more possible to form temporary or permanent coalitions of members of the House who are committed to the same principles but find themselves currently divided by party lines and loyalties.

There is a catch-22 to that argument. In order to implement those democratic reforms, we need the 150-plus votes required to carry a motion or a bill and no such free voting or committed majority exists in this Chamber at the present time. What is this telling us? What is this telling Canadians? It is telling us that there is a need for a realignment of the party lines in the country in order to implement policies based on widely shared principles and values be they those that I have enumerated or some other set of principles that others may define.

It is to advance the principle of political realignment, the principle that party lines and party structures must be adjusted from time to time to better unite rather than further divide all those who share certain common principles essential to the implementation of public policy conducive to good government, that the official opposition has offered to work with others like-minded, regardless of past party affiliation, to create a principled united alternative to the current administration in time for the next election.

In this partisan House, I am well aware that arguments in favour of co-operation across party lines for the sake of the country usually fall on deaf ears. However, out in the real world where voters and taxpayers live this is not the case.

• (1645)

I believe that increasing numbers of Canadians are watching us with two questions in mind whether or not we as practising politicians want to recognize it. They are watching first to see whether any existing party is willing to make a sincere effort to define new common ground on which large numbers of Canadians could unite in new ways to lower taxes, to heal the health care, to democratize their institutions and to unite our country, all the

things the status quo Liberal administration has been unable to provide.

Second, they are watching to see if any existing party is so committed to these principles that it is prepared to set aside its own partisan goals, even if for a moment, and work with others who are like minded, regardless of past party affiliation, in order to implement those principles at the federal level.

Two weekends ago the once great Progressive Conservative Party of Canada said no to both the idea of seeking new common ground and setting aside its own narrow partisan goals to work with others. It will have to live with the consequences of that decision, the kind of inward looking thinking that reduced its representation from 169 seats in the 34th Parliament to 2 seats in the 35th Parliament, that has reduced its party membership from 90,000 a year ago to 18,000 under the current leadership, at least half of whom reject the traditional conservative principles of both fiscal conservatism and free trade.

The Reform Party of Canada and the official opposition in this Chamber has said yes to both those questions. Over the next few months it will continue to explore whether it is possible to build a new principled alternative to the unprincipled and visionless administration in time for a new century.

The original Fathers of Confederation had a dream. We should remember this because a similar challenge was faced by a parliament long ago that created our country. The original Fathers of Confederation had a dream that could not be realized until there was a political realignment in the old parliament of Canada.

I too have a dream of a new and better Canada that requires a political realignment if it is to be fulfilled early in the new millennium. It has sometimes been asked how was it that the original Fathers of Confederation, a group which contained people who wanted to conserve certain old things like the French language and culture and the British connection and which contained people with radical new ideas on federalism and advanced democracy, were able or willing to work together to bring into being the new confederation.

The short answer which has meaning for us today is that the conservers of the old and the advocates of the new learned to bear with one another and to recognize each in the other the necessary complement of their one-sidedness. The defenders of the old need the challenge of new ideas. If they do not have that the old ossifies and eventually decays.

The advocates of change need the influence of the advocates of old principles to constrain them from going too far. If the two can ever bear with one another, one of the products of their doing that at the turn of the last century was the country of Canada itself.

The Address

I invite all Canadians who share in their hearts a vision of a better Canada where taxes are lower and government less intrusive; where law and order and the value of the family are enhanced rather than undermined by federal policy; where federal and provincial governments co-operate rather than bicker in a better federal union to provide better health, education and social services for our people; and where federal political institutions like the Senate and the House command a new respect because of their effectiveness and commitment to democratic accountability to work together.

I invite all who share in this vision and the principles on which it rests to work together to remedy the deficiencies in principle and vision that characterize this last gasp throne speech from a tired and visionless administration.

In the meantime I move that the following words be added to the address:

And that this House regrets that your Government has failed through a lack of vision and commitment to sound principles to adequately address the allegations of corruption against it, including the abuse of patronage; failed to bring integrity to Canada's immigration system by allowing organized crime to take advantage of Canadians' generosity and by undermining the standing of legitimate immigrants and genuine refugees; failed to seriously deal with the problems of drug trafficking, youth crime, and child pornography; rejected the common sense policies of other governments, most notably the Ontario and Alberta Governments, of lowering taxes to create jobs and prevent companies, young people, and capital from leaving the country; failed to maintain the supremacy of Parliament in relation to the court; failed to recognize the serious plight of Canadian agriculture and to provide a framework for reorganizing the airline industry; failed to provide for the democratic reform of federal institutions and the reform of federal-provincial relations through the rebalancing of powers; and therefore, having failed to demonstrate the capacity, commitment, and vision required to lead this country into the 21st century, has lost the confidence of this House and the Canadian people.

• (1650)

The Speaker: The amendment moved by the Leader of the Opposition is in order. Debate is on the amendment.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I begin my remarks today by congratulating the hon. member for Windsor—St. Clair on the excellent speech he made in moving the Address in Reply to the Speech from the Throne.

[*Translation*]

I would also like to congratulate the member for Laval West, who also made an excellent presentation in seconding the address yesterday.

I was very impressed by their presentations and I am sure that they will have a fine career here in the Parliament of Canada.

[*English*]

On behalf of all members of the House I congratulate Her Excellency on assuming her functions as governor general. We all wish her well.

• (1655)

Today we are on the eve of what many predict will be the century of the Pacific. How fitting it is that the remarkable woman who now occupies the highest office in the land is an immigrant from the Pacific, Chinese born, a refugee who came here as a young child with her family, a woman who has made a major contribution to the cultural life of her adopted country.

One hundred years ago who would have predicted that a woman immigrant from China would one day become Governor General of Canada? It is with great pride that I say we have come a long, long way in this wonderful country.

We are now 75 days from the turn of a new century. As the current century draws to a close, the century Laurier predicted would be the century of Canada, it is appropriate to pause and reflect on where we have come from, what we have achieved together and why we enter the next century with such confidence, such hope and such optimism.

It has been said that Canada is a triumph of will over geography and economics, and what a triumph it has been. How easy it would have been for a small population, spread over vast spaces across the entire continent, to succumb to the forces of manifest destiny. But succumb we did not. We grew and we flourished.

How easy it would have been for a small French speaking population, concentrated on the banks of the St. Lawrence, to succumb to the forces of the English speaking North American melting pot. But succumb we did not. We grew and we flourished.

How easy it would have been for our first citizens, the aboriginal people, to succumb to the forces of assimilation. But succumb they did not, and a new relationship is growing and flourishing.

In a century of tyranny Canadians gave their lives in the far corners of the world so that others could live in freedom. Today I would like to pay tribute to the troops who are all over the world at this moment working for peace.

In a century of intolerance Canada became a beacon of freedom. In a century of brutal dictatorships Canada became an advanced pluralistic democracy. In a century of the worst excesses of nationalism Canada became a multicultural post-national society. In a century of human rights oppression Canada embraced a charter of rights and freedoms. In a century of growing gaps between the

The Address

haves and have nots Canada developed an advanced system of social security and a social safety net.

[Translation]

In a century of great economic progress, from the small agrarian society that it was, Canada has become one of the seven great industrialized countries. In a century of entrepreneurship and innovation, Canada has been at the forefront.

In a century in which artistic creation has had unprecedented growth, Canadians hold a place of honour: from Robertson Davies and Morley Callaghan to Gabrielle Roy and Antonine Maillet, from Oscar Peterson to Gordon Lightfoot and Susan Aglukark, from Céline Dion to Atom Egoyan and Denis Arcand and Margo Kane, with new talent appearing every day.

• (1700)

We Canadians have proven to be a very determined people. We have established a distinct Canadian way, a distinct Canadian model: accommodation of cultures; recognition of diversity; a partnership between citizens and state.

It is a balance that promotes individual freedom and economic prosperity while, at the same time, sharing risks and benefits. The world has sat up and noticed.

President Chirac expressed it so well last month, in Moncton, when he said, and I quote “This Canada, land of first nations, Francophones, and Anglophones, which today stands as an example of linguistic and cultural diversity, as an object of value and everyday life”.

The world values what we have accomplished. It wants us to succeed. And succeed we have, and succeed we will. We will build on our strengths. We will take bold action for the future. The Canadian way will be a model, setting standards for the whole world.

[English]

We all know that there are some in Canada who will judge the success of countries solely by how much money they can make. Ironically, many of those who today judge us harshly on our economic policy have actually made a great deal of money in Canada.

That is certainly not the only criterion for judging success, nor should it be the only criterion for governing. Life is about more than just making money. There may be other countries that are better for those who are already very well off. I am not sure, but there may be. However, if I have to choose between decisions that make life better for those in the middle and for those who have less or decisions for those who already have a great deal, I know how I

choose. I know how this government chooses and I know how Canadians choose. We choose the Canadian way.

We have every reason to be very proud of what we have accomplished. We have every reason to be full of hope, of confidence and optimism for the future. That does not mean that everything in Canada is as it should be for everyone. It is not. That does not mean that everything is as it can be and must be for everyone. It is not. There is no room for complacency. There is no room for self-satisfaction. There is a lot of room for rolling up our sleeves, looking forward and working harder together.

We have much work left to do, not only for this parliament but for the next parliament as well. With an appreciation for our past, boldness of vision and the courage to act, we can take what is clearly the best country in the world in which to live and make it better for everyone.

• (1705)

Our vision of the Canada of the 21st century is clear: a society of excellence with a commitment to success, a strong and united country, a dynamic economy, a creative and innovative population, a diverse and cohesive society where prosperity is not limited to the few, but is shared by many. It is a Canada where every child gets the right start in life, where young people have a chance to grow and be the best at whatever they want to do, where citizens have access to the skills and knowledge they need to excel. It is a Canada where citizens, regardless of income, receive quality health services, where families enjoy safe communities and a clean environment and where we work together with other countries to promote peace, cultural diversity and the human purpose and benefits of the new global economy. It is a country, Canada, that is the place to be in the 21st century, the place where people want to come and stay, to learn, to pursue opportunities, to raise children, to enjoy natural beauty, to open new frontiers and to set the standard for the world for a high quality of life. It is a Canada that is a leader and an example to the world.

[Translation]

Today, I want to set out a comprehensive strategy that enables Canadians and their governments, working together, to turn this vision into reality, a comprehensive strategy for leadership in the knowledge-based economy and for promoting our interests and projecting our values in the world, a strategy that integrates the economy, social policy and the environment, a strategy faithful to the Canadian way.

We cannot do everything. But that which the national government can do, we must do wisely and well. We must set ambitious, concrete objectives, and work with Canadians to achieve them. That is what leadership is really about.

The Address

That is why the government is setting out both five-year objectives and concrete steps over the next two years to achieve them.

Above all, a strong economy is the indispensable foundation for all we can do and all we want to do.

The government's economic strategy is clear and comprehensive; it is to make Canada a world leader in the next century.

When we took office six years ago, we had a plan. We have followed our plan. It is working. And we will continue to follow it.

We are now in a position to build on it by setting ambitious new goals and objectives for the next five years. We have to build a common vision of how Canada will take on the world, and win, in the 21st century.

We have to think globally.

We have to brand Canada, at home and abroad, as a dynamic and skilled knowledge-based economy. And we must do these things faster than our global competitors, because speed wins.

But to compete on an equal footing, we first had to restore the country's fiscal health.

The era of growing debt and large deficits is now behind us once and for all. The budget will be balanced in each and every year through the life of this Parliament and beyond, something that we have not seen for generations, for at least 50 years.

• (1710)

In each and every year, instead of adding to the national debt, we will pay it down. The debt to GDP ratio will decrease year after year, after year.

[*English*]

The economy is growing strongly and sustainably. Canadians are more optimistic about the economy and their individual prospects today than they have been for a long, long time.

Unemployment is lower than it has been in almost a decade and more Canadians are working today than ever before in our history. The country is on the right track. We are very well positioned to be a world leader in the new economy.

A lot of people deserve credit for the economic success of the last six years, but no one more than the Minister of Finance. I want to express to him my personal gratitude as Prime Minister, the gratitude of his colleagues in caucus and cabinet, and that of all Canadians.

With the fiscal house in order, with the strong and growing economy, we can move forward boldly to implement our economic

strategy, to strengthen the economic and social fabric of Canada and to seize the opportunities of a new century.

The government, the Prime Minister, the Minister of Finance and the Liberal Party have been and are committed to reducing taxes as the finance of the nation improves. We have already started and we will carry on. But lower taxes are not an end in themselves. They are an essential part of an economic strategy to provide jobs, growth, rising incomes and a higher quality of life.

We began targeted tax relief even before the budget was balanced. As soon as the books were balanced the Minister of Finance introduced broad based tax relief. The budgets of 1998 and 1999 have together cut taxes by \$16.5 billion over a three year period.

This is a good beginning, but it is only a beginning. Now we will do more in a responsible and sustained way, year after year after year. With continuing improvements in the financial health of the nation we will do more to reduce taxes in the years ahead.

In the next budget the Minister of Finance will outline a multi-year tax reduction strategy to ensure that Canadian families have more income in their pockets than they had when we started as government, and that Canadian businesses are better able to compete in the global knowledge based economy.

Tax reduction is only one part of the equation. A comprehensive, balanced economic strategy requires investment, public and private, in children, knowledge, creativity, innovation, health and the environment. It also requires maintaining flexibility to meet urgent needs such as the problems in agriculture today in western Canada.

Contrary to the Reform Party, this government is helping farmers with programs. It is against that. I hope people will note that.

• (1715)

This government committed itself at the beginning of this mandate to using 50% of any surplus for tax and debt reduction and the other 50% for investment in economic and social needs that will increase our quality of life over the long term.

There is a growing Canadian consensus that this is the right approach, that this balanced approach is the Canadian way. In August in Quebec City we saw agreement on that from Tory premiers from the west and from Atlantic Canada. The NDP governments were there as were Mike Harris and Lucien Bouchard. In fact, Premier Harris read from the red book. He saw that as real common sense and that is why he approved of it. I do not blame him. I applaud him. He has to like it.

Our comprehensive strategy to make Canada the place to be in the 21st century means focusing on children, on knowledge, on youth, on health and on the environment.

The Address

The best place to start is with Canada's children. If we want the brightest future possible for our country, we must ensure that all our children have the best possible start in life.

Our plan for the next two to five years is comprehensive: one, increased maternity and parental leave benefits; two, a federal-provincial agreement on more supports for early childhood development; three, more after tax money in the hands of families; four, more family friendly workplaces; five, modernization of family law; six, a third significant investment in the national child benefit; and seven, strengthened learning opportunities through an expanded SchoolNet. Real support for Canadian families in the Canadian way.

[*Translation*]

Let me elaborate on three aspects of our strategy.

There is now overwhelming scientific evidence that success in a child's early years is the key to long term healthy development. Nothing is more important than for parents to be able to spend the maximum amount of time with newborn children in the critical early months of a child's life.

Therefore, I am proud to announce today that the government will introduce legislation in this parliament to extend employment insurance maternity and parental benefits from the current maximum of six months to one full year.

We will make these benefits more flexible to meet the different needs of families. We will make them more accessible by increasing the number of parents eligible for support. This will be in effect no later than January 1, 2001.

Together with the provinces, we have begun to put in place the national children's agenda to improve supports for families and children.

I believe this work has to be accelerated.

• (1720)

Provincial premiers think so as well and discussed this last summer. We must move as quickly as possible from talk to action.

Today I challenge all governments to have in place by December 2000 a federal-provincial agreement consistent with the social union framework to strengthen community supports for early childhood development, an agreement on principles and objectives, on measuring outcomes and reporting to Canadians, as well as an agreement on a five-year timetable for increased federal and provincial funding to achieve our shared objectives.

We have demonstrated over the last three years that federal and provincial governments can work together to help families with

children. The national child benefit is an outstanding example of federal-provincial collaboration.

We must now continue toward our goal that parents will no longer have to choose between a job and benefits for their children. Too often, we have seen people turn down jobs because they might lose their government benefits. Under the system we have introduced, in collaboration with provincial governments, people are motivated to keep their job because they are not penalized for working, as they were in the past.

We will therefore—and this is very important—make a third significant investment in the national child benefit for low income families with children, to be in place no later than July 1, 2001.

And we will seek a commitment from the provinces, who have all asked for this further federal contribution, to build on our investment by increasing their own investments in early childhood development.

Many years ago, Canadians and their governments, Liberal governments, I may add, of my predecessors, Mr. Pearson and Mr. Trudeau, committed themselves to a bold and noble objective.

In a country as prosperous as ours, senior Canadians should not be denied the security and dignity of an income.

We did not build our system of old age security and public pensions overnight. But we focused on our goal and, by and large, we succeeded.

Let us today make another ambitious commitment, this time a commitment to take the action necessary as a country, all levels of government working in partnership together with communities and the voluntary sector, so that every Canadian child can have the best possible start in life.

[*English*]

What kind of world will these children live in? Well, we can see it already. And we can also see how they will succeed. We enter a new century at a time of rapid change, the scope and speed of which the world has never seen.

It was a Canadian, Marshall McLuhan, who coined the phrase "global village". Our researchers no longer compete with each other; they are in competition every day with the whole world. Our industries no longer compete locally; they compete globally. Globalization and technology have redefined the concept of the marketplace. This has a major implication for public policy.

To seize the opportunities of the new knowledge based economy requires a comprehensive and ambitious strategy. We have begun this in the last six years.

The Address

• (1725)

Our goal is for Canada to be known around the world as the place to be, the place of exciting opportunities.

If we set the right objectives, if we make the right investments, if we create the right partnerships and if we work together as a country, not only will we keep the best and the brightest in Canada, but we will attract the best and the brightest from around the world to Canada. And we will give more people in Canada the chance to become the best and the brightest.

The knowledge based industries which will provide the jobs of the future require access to a diverse range of skills close at hand to support them.

This is much easier for a large country like the United States to achieve than it is for a relatively small country like Canada. If we want to attract the investment Canada needs, we have to establish a type of critical mass and we can only do it through collaboration between governments, our universities, research institutions and the private sector.

Today our challenge as a country is to create a climate of opportunity for our graduate students and our graduates and to provide exciting opportunities for Canadian researchers and to attract the best academic researchers in the world to Canadian universities, and to do so at a time when worldwide competition for them has never been so fierce. And particularly at a time when United States universities benefit from both permanent endowments and the generosity of private foundations out of all proportion to those of our universities.

Over the years through the granting councils, the Medical Research Council, the Social Sciences and Humanities Research Council and the Natural Sciences and Engineering Research Council, the Government of Canada has been far and away the largest contributor to university research in our country.

In recent years the granting councils have contributed to the pursuit of excellence by creating and supporting hundreds of research chairs in our universities. They are now prepared to build on what they have already begun.

The heads of the granting councils and the Canada Foundation for Innovation, working with some university presidents, in particular Dr. Robert Lacroix, the rector of the Université de Montréal, and Dr. Martha Piper, the president of UBC, have come to the government with an exciting and ambitious proposal.

They want to build on existing partnerships between our universities, the granting councils and the Canada Foundation for Innovation, to brand Canada around the world as the place to be for knowledge creation as we enter the 21st century, to enable Cana-

dian universities to create outstanding research opportunities for the best and brightest Canadians.

They want to make Canada a place where Canadian students and graduates want to be, and to attract the global research stars of today and the future research stars of tomorrow, to attract to Canada some of the world's best minds from other countries and to create an environment to produce Canadian Nobel prize winners in the future. It is a plan for brain gain, not brain drain.

They have proposed a plan to establish over the next three years 1,200 new 21st century chairs for research excellence in universities across Canada.

• (1730)

They want to provide enough financial support for the total costs of research for each new research chair to make them internationally competitive and to set as an objective reaching a total of 2,000 new chairs for research excellence across Canada as soon as possible thereafter.

It is a plan I welcome and we welcome on this side of the House. It is a plan for excellence and international competitiveness which the government endorses enthusiastically. We will provide the required funding to the granting councils and the Canada Foundation for Innovation. This investment in our granting councils to promote research and the quest for excellence will truly make Canada a leader in the knowledge based economy and will truly brand Canada as a country that values excellence and is committed to success, a country that is the place to be in the 21st century.

This is not all. We will introduce legislation in the next few weeks to create the Canadian institutes of health research to ensure that Canada stays in the forefront of health research, to create a more integrated system of health related research than in any other country, to ensure the pursuit of excellence in health research, to keep the best and brightest practitioners in Canada, and to attract to Canada the best and brightest from everywhere.

With the Canada millennium scholarship fund, the Canada Foundation for Innovation, the 21st century chairs for research excellence and the Canadian institutes of health research, the government is putting in place a sweeping and comprehensive strategy for putting Canada in the forefront of the knowledge based economy of the 21st century.

[*Translation*]

Getting Canadians connected, to each other, to schools and libraries, to our diverse stories and voices, to government, to the marketplace and to the world, is one of the key elements in establishing Canada as a world leading economy and as a country of opportunity.

We must aim to be the most connected country in the world, a country which uses these connections in a dynamic and original

The Address

way. Our goal is to make Canada a world leader in the smart use of electronic ways of doing business and to encourage the rapid use of e-commerce throughout the economy.

Today, I challenge all sectors of our country, private and public, government and business, to work together toward the goal of capturing 5% of the world share of e-commerce for Canada by the year 2003, and to do over \$200 billion of business in this way.

By 2004, our goal is to be the most electronically connected government in the world to its citizens, so that Canadians can access all government information and services on-line at the time and place of their choosing.

• (1735)

Our success in the future will as never before depend on a population committed to learning, adapting to change, at ease with new technologies and the digital economy, and able to master new media.

Our ability to continue to lead in the world demands a commitment to ensuring that young Canadians have opportunities to acquire direct experience in these areas.

By March 31, 2001, 6,000 new community access sites will be established in urban and rural Canada, to ensure that all Canadians, regardless of geographic location, have affordable access to the Internet. To ensure they have the skills required to use new information technology, we will recruit up to 10,000 young Canadians to train community members of all ages.

[English]

The quality of our lives and the future strength of our society require a new generation of Canadians who have the skills of citizenship and leadership, who understand themselves and their country, and who are open to the world.

Our government has committed to an accord with the voluntary sector that will lay the foundation for a new, more effective partnership in the service of Canadians. We will work together to build a national volunteer initiative to mark the International Year of the Volunteer in the year 2001.

In collaboration with the voluntary sector the government will create a single window service called Exchanges Canada to give 100,000 young Canadians every year the chance to learn about another part of Canada, to live and experience another culture and language.

To develop projects in the arts, sports, science and community development, the development and maintenance of a strong basic infrastructure as well as a knowledge infrastructure are also key components of a competitive economy for the 21st century.

The environment, water and air quality, public health, tourism, transportation, telecommunications and cultural infrastructure

must be well planned to meet the needs of a modern economy in urban Canada and in rural Canada. It will require partnership, federal, provincial, municipal and the private sector. It will require new resources from all the partners. It will require a commitment over the years. Therefore we will seek to reach an agreement with our provincial and municipal partners by no later than the end of next year to begin in 2001, or before if possible, a five year modern national infrastructure program for Canada.

In the new global economy a healthy environment and high quality of life go hand in hand. This is a matter of very high priority for the government. The environment is of importance to all Canadians and particularly to young Canadians. Our generation will be judged on the environmental legacy we leave to our children and grandchildren. Environmental quality is both a local and a global challenge. It requires both national action and international partnership.

Legislation will be introduced in this session of parliament to protect species at risk and their critical habitat. We will continue to extend Canada's national parks system. We will clean up contaminated sites in the country and protect the health of Canadians.

• (1740)

Canada enters the next century with enormous advantages. In an era of globalization we are a multicultural society whose people have roots in almost every country of the world. We are an Atlantic, a Pacific and an Arctic country. We belong both to the Commonwealth and to the Francophonie. We speak to the world through the values we have developed at home and we speak in two international languages.

As such we are well placed to promote human security and cultural diversity. We have earned a respected place in the world community. Over the last six years we have taken significant initiatives to help achieve shared international objectives like the land mines treaty and the International Criminal Court. We participated very actively at the beginning in the former Yugoslavia, in Bosnia and in Kosovo. We took a leadership role in Haiti and now we are in East Timor.

In the post-cold war world it is more and more possible for foreign policy to focus not only on the relations between states but on the needs of people, needs that transcend borders. We are seeing the human side of globalization, human security, cultural diversity and human rights. The more people are safe and secure in their own countries, the more Canadians can live in safety and security at home, and our quality of life will be higher.

Our objective is to make a difference by using our ingenuity, the history of our international achievements and the respect with which Canada is held in the world to make progress on the human security agenda and to recognize that in a difficult world there will always be more progress to be made.

The Address

We are a very fortunate country. We are an affluent country. We have an obligation to do our part to help those who are very poor. This is our obligation to our fellow human beings. This too is the Canadian way. Therefore we will increase our international development assistance.

The foreign policy through which we project our values, coupled with the trade oriented economy and vigorous promotion of trade and investment interests, will make Canada very well positioned for the global economy of the 21st century.

[Translation]

This afternoon I have spoken about the country that we are so proud of, the country that we have built so well in the 20th century.

Today I have set out a comprehensive strategy for Canadian leadership in the knowledge-based economy and for promoting our interests and projecting our values in the world, a vision for the Canada of the 21st century and a plan to achieve it, a vision of the Canadian model, a modern project of a society, the project of a forward-looking country.

These are not old solutions to the problems of today, but new plans to meet new opportunities. It is a strategy to ensure that the opportunities of all of Canada are available to all Canadians, a strategy to ensure that Canadians shape their future in the Canadian way; a strategy for people, for opportunity, for excellence, for success, for a high quality of life, for sharing, dignity and mutual respect, for creativity and innovation.

• (1745)

[English]

It is a realistic strategy for a realistic country, a caring strategy for a caring country, a modern strategy for a modern country, an ambitious strategy for an ambitious country and a bold strategy for a bold country. It is a strategy for the future for a country of the future, a country that is open to the world and willing to lead.

Canadians are not a boastful people. We are not given to flag waving or emotional excesses. In a century, indeed in a millennium, that has seen so much bloodshed over differences of faith, race and nationality, perhaps that is a good thing. Instead, with quiet confidence we have adopted a Canadian way of living together, resolving differences, reasoning together and creating what is quite simply the best country in the world in which to live.

I began today by referring to the famous remark of Sir Wilfrid Laurier about the 20th century belonging to Canada. I do not know if the 21st century will belong to Canada, but I do know something even more important: Canada belongs to the 21st century and Canada will be the place to be in the 21st century. The world has seen the future and it is Canada.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, some weeks ago, the throne speech was being touted as the opportunity for the Prime Minister to demonstrate a vision of Canada for the 21st century, as we enter a new millennium.

It is a pretty unsubstantial vision: what it treats us to is more of an invasion by the federal government into areas of provincial jurisdiction. Instead of a vision, we have an invasion. For Quebec this throne speech is fraught with meaning and with consequences.

So much for Plan A, if ever there was such a thing as Plan A. Bad news for the Quebec federalists, moreover. This prime ministerial vision of the future is one of a Canada that excludes Quebec, that thumbs its nose at Quebec's concerns and traditional demands.

The Prime Minister is now putting into practice his famous statement made just before the last election in Quebec "The general store is now closed". With this throne speech, the federal government is slamming the door closed on all the commitments toward Quebec that were made leading up to the 1995 referendum.

There is also a message for all Quebec federalists in this speech: this is the end of renewed federalism, of Quebec's traditional demands, this is the end of the concept of founding people, of distinct character, all those formulas that were found in an attempt to renew Canadian federalism.

• (1750)

From now on everything is clear: one country, one people, one government. All the rest is nothing but public administration, nothing more than public administration and the implementation of a social union, an agreement that once again excludes Quebec. All political parties in the National Assembly have rejected the social union framework agreement. Mr. Dumont and Mr. Charest have made it clear that they would not have signed it either.

In the throne speech, the federal government indicated both its intention to work in collaboration with its partners and its intention to do without their approval. Where exactly does this leave us?

The answer is blatantly obvious when we read the Speech from the Throne. Let me quote an extract from it from page 5. The speech talks of national will, of national strategies and of the partnerships across the country that are required. That are required—that is the word, the essence of the Speech from the Throne.

How will federal government go about achieving this? It tells us that it is going to establish standards of its choosing, since it is omnipotent. The government talks about operating on the basis of the social union agreement. What does this agreement on social union say? There is discussion, but if no agreement is reached, the

The Address

federal government—Ottawa knows best— announces three months in advance that it will intervene in areas of provincial jurisdiction where direct services are provided to the public, and the provinces are requested to take note. This is what Ottawa calls partnerships.

In what areas will it impose its standards and set up its programs? National defence or the Royal Canadian Mounted Police or air transportation come to mind. There is no shortage of problems in these sectors, which are under federal jurisdiction.

The federal government could ensure pay equity in its own public service or correct the huge injustices caused by the employment insurance reform, which is nothing more than government robbery on the backs of society's most disadvantaged.

Instead, it is in areas of provincial jurisdiction that it intends to impose its standards. For example, in family law; in family policy or in policy on childhood; in the area of culture; in the area of language, especially language of work. In fact, this afternoon the Prime Minister could not deny that, under the social union and the unjustified barriers to mobility, he could take action regarding Bill 101, regarding the language of work in Quebec. This is serious stuff. It jeopardizes a vital prerogative in Quebec.

The Prime Minister also talks about getting involved in Quebec's environmental sector, as if his government had lived up to its commitments in its own jurisdictions, including air pollution.

The government talks about justice. It claims that it will reform family law. Does it intend to tamper with the Civil Code, which is the foundation of the Quebec law and an exclusive Quebec jurisdiction, as was the case even before the Constitution, in 1867?

On page 23, the government reiterates its intention to impose a repressive act on young offenders, an act that no one in Quebec wants. The government is prepared to sacrifice the future of hundreds of young Quebecers to gain a few votes in western Canada. This issue does not fall under its jurisdiction. The government could have acted through the Criminal Code, it could have taken action against organized crime, which is corrupting our young people and our economic institutions, both in Quebec and across the country, which is going after farmers, and which has even targeted my colleague from Saint-Hyacinthe—Bagot. It could have tabled anti-gang legislation.

But there is not one word about the fight against criminals. Yet, in order to get some votes in western Canada, the government does not hesitate to jeopardize Quebec's rehabilitation program for young offenders. This is an unacceptable, shameful and cowardly attitude.

The government also talks about families and young children. It now wants to help families and children after having drastically cut employment insurance, health, education and income support. The government wants to impose, and I am quoting from page 7, "common principles, objectives and fiscal parameters for all governments".

• (1755)

This government is so arrogant that it is trying to impose policy by stating that the provinces, and Quebec is in the forefront with its exemplary policies on daycare and early childhood, will be able to provide additional services in their own areas of jurisdiction.

It takes no little arrogance, indeed a lot of it, to say that the provinces will nevertheless be entitled, in their fields of jurisdiction, to propose policy that is complementary to that decided here in Ottawa.

In the cultural sector, the federal government mentions Quebec only once. We will see later on that it is in order to threaten it. Otherwise, nothing. As if Quebec and Quebec culture did not exist.

The government has announced a whole series of new cultural programs, but it is also promising an approach that it calls encompassing for national unity. We know what that means. It means submitting cultural institutions and programs to propaganda on national unity.

The government will, I imagine, ask book publishers receiving a subsidy from the federal government to put the maple leaf on the first page and the last page and why not on the theatre curtains. The maple leaf could appear after the first act even. That is totally crazy, but I know just how much that inspires the Minister of Canadian Heritage.

The government talks about the environment as well. However, this government's performance in this area is disastrous. It has failed to achieve the very modest objectives it set for itself in Kyoto. It refuses to sign the protocol on biodiversity that 140 countries have already signed. So much for the federal government's jurisdictions.

What is it doing? Well, once again in the provinces' jurisdictions it will try to impose bills and programs on endangered species and habitats, two areas under provincial jurisdiction.

This government, from one end of the speech to the other, is ignoring the existence of Quebec and making a mockery of its powers. A head-on collision is in the works. Plan A is not just being ended, it is being buried.

When I speak of head-on collision, I refer particularly to the area of education. Naturally, nowhere in the text of the speech does the word education appear. I am sure the thesaurus was well used in the

The Address

writing of this text. It mentions knowledge, skills, learning, training, but this is not education. Of course not. Everyone knows that. It probably refers to agriculture when using those terms.

Ottawa is therefore announcing a national plan related to skills and learning for the 21st century, with a one-stop entry point, one marked "made in Ottawa". This means that Ottawa is announcing no more and no less than a national policy for education, a provincial area of jurisdiction if ever there was one, one that has been recognized as exclusive to them since this country began back in 1867.

A vision of the future? More of a systematic invasion plan into areas of provincial jurisdiction, with or without the provinces' consent. This means the end of Plan A, but it gives a good idea of what Plan B will or may be, thus leaving Quebec with the sword of Damocles hanging over its head.

There is of course reference to the referendum process, to rules of clarity. As far as the rule of 50% plus one is concerned, which is a democratic rule recognized even here in Canada, it seems to me that this ought to be clear. There cannot be two rules, one for Newfoundland, where it was 50% plus one, and where the outcome was just a touch above 52% after two referendums, and another rule for Quebec in a third referendum, whereas in the first two, where the federal government was involved, it was 50% plus one. It is a pretty strange game when one player wants to change the rules partway through.

As for the matter of the referendum question itself, that is a prerogative of the National Assembly. I would remind you that, right before the last referendum, the Prime Minister himself said "The question is clear. If you vote no, you stay in Canada. Vote yes, and you leave Canada." I would submit that if the Prime Minister understood it, then everybody understood it.

In conclusion, as far as plan B is concerned, although I am not sure that is what it should be called since there is no longer a Plan A, I would say that the government ought to start by applying to itself the clarity it demands of others.

• (1800)

It will have to tell us clearly whether it intends to honour a majority that is democratic and recognized by the people of Quebec in a referendum and whether it intends to negotiate with Quebec, as the supreme court requires it to do, the terms of its departure from the federation.

I challenged the government to state clearly what place Quebec has in this country called Canada, where the government talks of the quality of life of Canadians, as in the throne speech. At a time when Canada is enjoying one of the largest surpluses in a number of generations, according to the Prime Minister himself, nothing

has been announced to lighten the tax burden of Canadians and Quebecers, particularly that of middle class families, which represent 27% of the population and pay 50% of what goes to Revenue Canada. There is a significant imbalance.

The Speech from the Throne should have served as the government's opportunity to make a solemn commitment in this regard. However, we got simply a vague promise that there may be something in the upcoming budget without anything specific being indicated. So it is very vague, wishful thinking, general remarks.

We were promised vision, we got repetition, and especially no specific action in order to ensure and develop Canadians' quality of life. This theme of the Canadians' quality of life appears as a leitmotif throughout the throne speech, as if it only needed repeating in order to convince Canadians and Quebecers that they live in the best country in the world, as the Prime Minister puts it.

Let us talk about the quality of life of Canadians. Quality of life involves, first, direct services to the public, primarily in health and education. It also includes income support. In this area, the provinces provide the services to the public. And herein lies the contradiction in this country of Canada in which, on the one hand, those who provide direct services to the public do not have the means to do so and, on the other, the government that does not provide these direct services has all the money in its pockets. Herein lies the contradiction.

One would expect the government, which will have cut \$33 billion between 1994 and 2004, to restore transfer payments to the provinces, precisely to improve health and education services. Yet, there is not a word about this in the throne speech. The only thing one sees is the old Liberal habit of getting involved in provincial jurisdictions as soon as they have money. The government is now promising a pharmacare plan, something which already exists in Quebec, homecare and help for families and young children, instead of giving back the money to those who provide the direct services to help them fulfil their responsibilities.

The federal government is collecting too much money, given its own jurisdictions. It is the provinces that are responsible for the programs whose costs are skyrocketing, primarily because the population is aging. The federal government does not provide these direct services to the public.

It is more than an imbalance, it is a profound injustice, a major dysfunction in the federal system. This imbalance leads the federal government to establish new programs to gain greater political visibility. This is the whole issue.

The Liberals see the federal government as the major league. To them, the provinces are mere junior partners they consult when they see fit to do so and on whom they impose their will, with

money taken from the citizens of those provinces, and often from budgets that should have been given to these provinces.

As I said earlier, the federal government is not proposing anything to correct the major flaws in employment insurance. Indeed, 60% of those who contribute to the program are not eligible for benefits if they become unemployed. This is highway robbery. An insurance agent who behaved like the Prime Minister and the Minister of Human Resources Development would be taken to court and at risk of being sent to jail. This is fraud, no more and no less.

People were expecting tax cuts for middle income families. Nothing, once again. Nothing about re-establishing transfer payments. They talk of poor children. Tears are shed about the fate of the poor children. Might people not realize that there are far more poor children since this government has been in power? Are people going to finally realize that, if there are poor children, it is perhaps because they have poor parents, and the parents are poor as a result of this government's policies? That is why there are poor children. It seems to me this is easy to understand. Perhaps there would be less visibility but greater responsibility.

• (1805)

Let us look at problems of immediate concern to the government, for instance air transportation. At the present time, there are between 5,000 and 10,000 jobs at stake, in Quebec in particular.

Does the buddy-buddy relationship between certain members of government and the main stakeholders in this matter have anything to do with this? According to the Minister of Transport himself, this afternoon, this is a highly important question, one he described as too important to be in a throne speech. I imagine he took a page from the book of Kim Campbell, she who did not want to discuss important issues during the 1993 election campaign. Too important to discuss—better to discuss such things behind closed doors at fundraising dinners.

There is nothing about shipbuilding either, yet the Bloc Quebecois had made some proposals, supported by the other three opposition parties, for a serious and rigorous shipbuilding policy. On the other side they are constantly boasting about this country reaching from sea to sea to sea—three oceans but no shipbuilding policy. They do not have much imagination.

All of the premiers who met together in Quebec City last August supported the shipbuilding policy we proposed. Yet there is no reference to it in this Speech from the Throne.

And what about the situation of aboriginal people and the fisheries issue? There is a mess in both cases, and now the two messes are combining into one big one. There is a major crisis and even if one reads this speech from start to finish, there is nothing to be found about this problem.

The Address

I am thinking of mobility,—because we heard about mobility for citizens and students,—and because we are required to eliminate unjustified barriers to that mobility. This afternoon the Prime Minister was asked whether this meant that the federal government could intervene—because Ottawa knows best—in disputes such as the one between the construction industries of Ontario and Quebec. He left the door open. Can we expect to see the federal government blunder into this sector?

And can we expect it to meddle in the loans and scholarships issue? We were told that someone should look into all the people from Vancouver who go to Montreal, and all the people from Montreal who go to Vancouver. Come on.

As for language of work, is Bill 101 a barrier to mobility? Your guess is as good as ours. It is to weep. I knew that the ambassadors have their little question and answer books, but now the Prime Minister and his ministers will be able to spread the good word throughout the country. It could go something like this: Where is Ottawa? Ottawa is everywhere. Why is Ottawa everywhere? Because it has money. Why does Ottawa have money? Because it made extensive cuts. What does Ottawa do with its money? It does wonderful things and establishes new programs everywhere in order to enhance its visibility. This sounds silly, but it gives the idea.

Obviously, this government has too much money for its areas of jurisdiction, views the provinces as mere intendants, and denies the existence of the Quebec culture and people.

Therefore, I move:

That the amendment be amended by adding, between the words “powers” and “; and therefore”, the following:

“, especially by failing to recognize the existence of the Quebec people; failed to carry out its responsibilities in the area of social welfare by not re-establishing transfer payments for programs relating to healthcare, postsecondary education and social assistance, while maintaining an inequitable and unjust employment insurance scheme”.

• (1810)

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it occurs to me that this afternoon's speech by the Prime Minister is one of the more revealing deathbed repentances I have ever witnessed in my 20 years in political life.

After so many years of the federal Liberal government tearing down, backing away from commitments and creating crises for many Canadians and many Canadian communities, what we heard from the Prime Minister this afternoon was potentially very good news, and I say that quite sincerely. It is also a reminder of why it serves Canadians well to have sufficient numbers of New Demo-

The Address

crats back in parliament to be able to push back against that reform dominance of the federal Liberal government's efforts over the last six years.

On that very positive note I welcome the opportunity to enter the debate this afternoon on the throne speech that we heard yesterday.

The throne speech is an important opportunity for members of parliament to speak about their own constituencies. I will say a few words about my constituency of Halifax that I am privileged to represent in parliament. A portion of that constituency has been responsible for electing and re-electing me to public office for almost 20 years.

I am immensely grateful for the privilege my constituents have bestowed upon me and for the trust they have placed in me. I take that trust very seriously. I believe that it is my responsibility to gain and regain that trust each and every day I have the privilege to remain in office and to serve as their representative in the House of Commons.

The throne speech offers members an opportunity to note some of the particular contributions one's constituents have made to one's community and province. I will say a few words this afternoon about the sadness I feel, and I know the great sadness that many Canadians feel, about the recent deaths over the last 10 days of three very distinguished Canadians, Nova Scotians who have contributed enormously to the life of my province.

One was the long serving conductor of the Atlantic Symphony and more recently the Nova Scotia Symphony, Georg Tintner. He was a marvellous man who came to Canada as a refugee. He created joy and harmony in the community through the music that he contributed and through a wonderful philosophy on life. He was truly a leader who provided inspiration to all of us.

Second, I was very saddened to learn yesterday of the death of Reverend Donald Skeir, a leader in Nova Scotia and particularly on behalf of black Nova Scotians for over 40 years. He was someone whom I had the privilege of knowing personally and of observing his terrific commitment to creating harmonious race relations and advancing the status of black Nova Scotians. He will be sorely missed, but he has left a great legacy for all Nova Scotians.

Third, I was very saddened this morning to open my newspaper and find that Lee Creemo had passed away on the weekend as well. He will be known certainly to Nova Scotians who serve with me here in the House of Commons as a great Cape Bretoner, a wonderful Mi'kmaw who also provided music that will long be remembered. He was a fiddler, a champion in Canada and internationally. He will be missed sorely. I want to express my condolences to his family and to his community of Eskasoni.

• (1815)

I also want to take a few moments to speak about what for me have been several highlights in my past year. I will long remember them as among the most inspirational in my 20 years of political life.

We have many things that we are privileged to participate in as members of parliament in our own communities and across the country. For me it was a privilege that I will never forget to have been present in Nunavut on April 1, 1999 for the official launching of the newest member of the Canadian family, the territory of Nunavut. I was accompanied by my colleague from Churchill River who had many friendships and relationships over the years with some of those I had the privilege to meet while in Nunavut on that special occasion.

I think it was one of the happiest and most promising things that happened in the past year. It really is a testament to the many years of patient, persistent struggle by Inuit Canadians in working toward a dream that would not only provide for some reconciliation after literally centuries, of 400 years of exploitation and hardship, but would serve as a model of what people can achieve if they come together, if they work together toward a dream that they share. It was indeed a privilege for me to be in attendance at that very exciting event.

I want to make mention of an event that took place on Canada Day in my riding of Halifax. That was the official opening of Pier 21. Pier 21 will be known to many members of the House and certainly to millions of Canadians as the point of entry for over one million immigrants, many of them refugees, to Canada between the years of 1921 and 1973. My colleague from Sackville—Eastern Shore is a member of one of the immigrant families that came through Pier 21.

That occasion was a wonderful celebration of the contributions immigrant Canadians have made to Canadian society over not just that period of 52 years during which many immigrants and refugees came through the Halifax harbour, but the past, present and continuing contributions of the millions of immigrants and refugees who have come to Canada throughout all of our history.

Pier 21 is a very important living, breathing memorial to the contribution immigrants have made. It is a very timely reminder of that important immigrant history and that reality in Canada at a time when there have been some very unhappy sentiments aroused and fears generated around the arrival of Chinese refugees on our shores over the last several months. We have seen less than a welcoming, compassionate response to the plight of many of those people who in some cases are young children who have been exploited by a criminal element for reasons of profiteering. We need to be very much on guard against the kind of fearmongering that has been generated toward many of those exploited and desperate people.

The Address

Finally, I want to speak about a more recent event, the installation of Canada's newest Governor General on October 7, 1999. If I am honest about it, I attended that event without any terrific expectations. I attended it because that is one of the things one does as a member of parliament. I want to take this occasion to say that I found it to be a tremendously inspirational event. I believe the speech delivered by Canada's newest Governor General on that occasion was a great moment for Canada.

• (1820)

What we saw in the vision put forward by Canada's newest Governor General was one that will be long remembered. We would all do well to keep in mind the very powerful message she delivered about how there are two kinds of societies in this world, forgiving societies and punishing societies. She urged that Canada always remain and continue to strive to be a forgiving society in every sense of the word.

It brought to mind a similar image that I have always carried with me. Stanley Knowles used to express it when he talked about how one can accomplish much more with an open hand than with a closed fist. I think it is the same concept. Sometimes we do not build enough on those positive images as we try to go about dealing with the major challenges we face in contemporary political life.

It struck me that it was somewhat ironic, in a way a sad irony, but also a telling disappointment that a woman who came to Canada as a refugee, who has never held political office in this country and who has never to my knowledge sought political office nevertheless was able to put forward in her speech to Canadians last week a more compelling vision for the future of Canada, a more profound appreciation of Canadian history and Canadian culture and a better grasp of the challenges that we face in this country today than the current Prime Minister who has actually held office for over 30 years, and the current government that by my calculation has actually been in power in the country for 63 years during this century. One has to wonder what that says about the current government and the lack of leadership we have seen from the government over the six years since it was elected to office in 1993.

When I spoke in the address in reply to the Speech from the Throne on my first occasion in this House in 1997, I quoted from one of my favourite passages and one of my favourite authors and also a very accomplished actress, Anne-Marie MacDonald. She is best known perhaps for her epic novel *Fall on Your Knees*. Like all good literary references, I will again quote briefly from that book because it bears repeating:

There is nothing so congenial to lucid thought as a clear view of the sea: it airs the mind, tunes the nerves, scours the soul.

For a maritimer there is no question that references to the ocean, to the seaside, to our marine heritage are always very positive, particularly when one comes from a riding where so much of the

way of life depends on our proximity to the ocean. There is shipbuilding, shipping, our naval history, marine related industries and so on, and of course fishing.

It occurred to me that maybe part of the problem with the lack of vision from the government and the Prime Minister is the fact that he spends too much time on landlocked golf courses and not enough time beside the sea where he could gain the kind of inspiration that is very much needed today in public office.

• (1825)

Nevertheless, the Prime Minister has made it clear that he intends to remain at the helm. Some of his colleagues would say it would appear to be forever. It is certainly creating some difficulties and some manoeuvring below decks among his colleagues. But he has made it clear that he wants to continue to be at the helm. It is becoming something of a long running soap opera, not to be outdone by the continuing national soap opera between the Reform Party and the Conservative Party in trying to decide whether they want to be a divided alternative, a united alternative, or split off in three different directions.

[*Translation*]

The Prime Minister wants to remain at the helm, but he is a bad captain. He has no vision and no idea of which direction to take. Consequently, he relies on pollsters and uses taxpayers' money to determine Canada's destinations for the 21st century.

Unfortunately, even with the range of destinations identified by pollsters and hoped for by Canadians, the Prime Minister and his Liberal crew are unable to safely take Canadians there, as they have demonstrated in the past.

Seven years ago, the Liberals told Canadians "Put us at the helm and we will set the course", a course which was supposed to lead to the abolition of the GST. Not only have we not arrived at our destination, but Canadians continue to pay this charge, which is particularly unfair to the poor.

[*English*]

In 1993 Canadians were told that if they put Liberals at the helm, they would launch a national child care program. They said that they would add new child care spaces, 50,000 new child care spaces for every year in which economic growth exceeded 3%. In three out of four of the subsequent years, economic growth has attained or exceeded 3% yet we do not have one single solitary additional child care space as a result of the initiatives of the federal government. The result is that hundreds of thousands of children and their families remain stranded when it comes to access to affordable, safe and quality child care.

We were promised that we were on our way to home care so that families could care for their loved ones. We were promised that we

The Address

were on our way to pharmacare so that families without drug plans could cope with inflated prescription drug costs. That ship has not even set sail. No wonder Canadians do not believe that Liberals can be trusted to keep their promises that have been set out in the throne speech.

Liberals pretend to care about our children. They talk in the throne speech about the importance of the early years of a child's life, to his or her own well-being. I want to say that we welcome the Prime Minister's announcement this afternoon of extending parental leave and maternity benefits. I congratulate my colleagues from Bras d'Or—Cape Breton and Acadie—Bathurst for having worked strenuously to achieve that kind of commitment from the government.

The question is what has the government actually done about children who are living in grinding poverty in this country? There were close to one million children living in poverty already when this Prime Minister came to office. What has the government done? It has added 500,000 more children to the ranks of poverty in Canada. When did the Liberal government decide that 1.5 million poor kids do not count in this country?

[*Translation*]

The throne speech shows clearly that the Liberal government has no intention of acting to help our young people gain access to the higher education they need.

The Liberals' laissez-faire attitude means more debt for our young people and more profits for the banks that finance their education.

• (1830)

Last year, the average debt of a graduate was \$25,000. Yet, there is no mention in the throne speech of reducing students' indebtedness or of reducing tuition fees to make education more accessible.

Could it be that the government does not care about young people?

[*English*]

The government pretends that it wants to help Canadians flourish in a dynamic economy. Yet there is not one single solitary mention in the throne speech about the greatest crisis in farm income, the worse agricultural crisis experienced in the country since the Great Depression. When did the government decide that farm children and farm communities did not count?

There was not a word in the throne speech about the upheaval in families and communities in Cape Breton that are facing the shutdown of the coal mining industry or those who are facing

uncertain futures in the steel industry. When did the government decide that the families in those communities do not count?

The government pretends that it cares about Canada's physical infrastructure. Yet we are experiencing a severe crisis with respect to the future of our airline industry. The government has decided to abandon any leadership. It has decided to allow the shareholders to determine absolutely the future of our airline industry. It has shown no leadership to bring together the other stakeholders in our airline industry: the travelling public, airline employees, and small and remote communities that need the assurance of continued service.

The Speaker: I think we might have a solution to continuing a bit longer. We have just a few more minutes and I will go to questions and comments. A member came up and asked me if she could ask a question so I will give her the floor to do so.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I would like to pose a question to my leader, the member for Halifax, pertaining to the very difficult economic situation facing many families and communities everywhere in the country. I would like to ask the member to respond to what is in the Speech from the Throne for that situation and what solutions she sees.

Ms. Alexa McDonough: Mr. Speaker, I think we have already heard that a number of Canadian families have been completely ignored by the government. Let me speak about the complete lack of leadership by the government with respect to those who do not have a family with whom they can find a home, with whom they are able to live, the homeless.

We have watched the government completely abandon any responsibility to put in place a national housing strategy, the only industrial nation in the world which does not have a national housing strategy. When did the government decide that the homeless did not count?

The government pretends that it cares about aboriginal families. Yet we have seen the government virtually turn its back on many of the most important recommendations of the Royal Commission on Aboriginal People.

One of the most important principles of the recommendations in that commission's report was that treaty rights should be negotiated, not litigated. Yet it is the lack of leadership by the government which has driven many aboriginal people into the courts to seek justice and to seek their rights. The result is that many tensions have been created by a government absolutely not prepared to provide any leadership in dealing with the inevitability of finally addressing treaty rights long overdue and disregarded.

Later this evening we are to have a take note debate on some of the tensions created in the fishery industry. Again it is important to

note that the Union of Nova Scotia Indians began to provide leadership six months ago on April 29 around the failure of the federal government to address what kinds of tensions would be created by a favourable decision on the Marshall case when it came before the supreme court. We now have to repair the damage done by that lack of leadership.

• (1835)

There are many other areas in which the government has disregarded its responsibility to provide leadership. The government says that it cares about the environment all of a sudden, and thank goodness it is back on the agenda. However, let me say that it is very difficult for Canadians to be confident that the government will deliver on any new commitments to the environment when it has done nothing to put an end to the export of our most precious resource, our water.

It has done nothing to address the concerns of communities in Ontario in speaking out against the importation of MOx plutonium, MOx fuel, with all the implications both short term and long term that holds for damage to our environment.

Having gutted the most important provisions and improvements to the Canadian Environmental Protection Act, Canadians are wondering how they can trust the government to make a priority of the environment.

Before I wrap up I want to make one further brief mention of the complete absence in the Speech from the Throne of any commitment to meaningful electoral reform or parliamentary reform. The government knows and understands how serious it is in a democracy to have more and more cynicism toward politics, more and more people feeling that their vote does not count and they cannot hear their voice in parliament. It is a privilege to live in a democracy. We understand that politics is the lifeblood of a free and democratic society.

The New Democratic Party absolutely believes in the importance of modernizing our electoral processes and our democratic institutions to ensure that they remain responsive, effective and accountable. The federal Liberal government has delivered many promises in its Speech from the Throne, but Canadians can be forgiven for not trusting the Liberals to deliver on those promises because of their dismal record of not doing so.

My colleagues and I will use every opportunity available to us inside and outside of parliament to act on the concerns of ordinary Canadians to push the government to address the concerns of working people because we believe in a responsive, positive and proactive role for government.

We believe in a vision for 21st century Canada which includes the notion of political leadership not just by the federal government

The Address

but by all levels of government working in effective partnerships with the private sector, the non-profit and co-operative sector, labour representatives, and primary producers for something that is bigger than ourselves. That is the legacy of my party's contribution to Canada. That is what inspired each and every one of my colleagues to seek public office and to represent our constituents and our communities as New Democrats.

In conclusion, that is what will inspire our every move as we go about our work on behalf of our constituents. As Tommy Douglas once said, it is never too late to build a better world. Let us get on with the task of working together on behalf of all constituents to build a better Canada and a better world as we go into the 21st century.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I listened with interest to the leader of the New Democratic Party in her response to the throne speech. I would like to ask one brief question. We heard the leader of the NDP talk about the programs and the spending which the federal government plans to undertake. We also heard of some programs that she and her party would like to see added to that list.

• (1840)

Exactly how much higher would the leader of the New Democratic Party like to see Canadian taxes go?

Ms. Alexa McDonough: Mr. Speaker, that is a very unhelpful question which breeds much cynicism toward politics in a lot of Canadians who look at what goes on in parliament today with some distress.

Let me say very clearly that we believe the federal government or any government has a responsibility to act in a fiscally responsible manner. It is very difficult for the vast majority of Canadians to understand how the party the member represents can on one hand say that it is committed to reinvesting in health care and to ensuring that the agricultural crisis which many families and communities are experiencing are addressed with public dollars. On the other hand, that party talks about the kind of across the board tax cuts which would give millions and millions of dollars to the wealthy and absolutely nothing, or pennies, to those who need assistance most.

That is what the Reform Party stands for. That is why my party is very happy to be here with sufficient force to stand and not only push against the Reform Party agenda but finally begin to push the Liberal Party back toward a more responsible stand on some of these issues than the dominance it has had over its actions over last six years.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I begin on a congratulatory note. I extend my

The Address

congratulations to all previous speakers and leaders. I also extend congratulations on behalf of the party to the new governor general, Madam Adrienne Clarkson, and offer our best wishes to the outgoing governor general, Mr. LeBlanc. Some congratulations are also in order with respect to the Speech from the Throne which broadly and vaguely stated the government's willingness to look to the future.

It is necessary to compliment the Liberal government for finally recognizing that the modern economy exists, for showing an awareness for the next century and for spending some time in the throne speech telling Canadians that new technologies will play a larger role in all our lives. These are penetrating statements of the obvious, yet it marks a shift in simply following the policies of a previous Conservative government and reaping the benefit of those visionary initiatives.

[Translation]

We are on the verge of the 21st century; that is an undeniable fact. The Liberals acknowledge it, and that is encouraging. They may have taken six years to do so, but finally the government has taken the risk of stating that the country is in a period of transition and that there are a number of challenges ahead on the horizon. Yet there is nothing in the Speech from the Throne that helps Canadians understand the direction in which the Liberals wish to steer Canada. Nothing in the throne speech assures Canadians that the country is going in the right direction. The Speech from the Throne says nothing about all the complicated workings of governmental affairs.

[English]

I compliment the government for making a grand gesture to the Canadian public yesterday, a gesture that exhibited supreme confidence in the future of the country and the ability of Canadians to respond to future challenges. Unfortunately it was an empty and shallow gesture, one which offered no vision and no leadership. This was not a blueprint of where the country is headed. It was a pencil sketch or connect the dots. Sadly it showed a government with no ideas, no focus and no sense of how we move the country forward, only vague notions of what the future might look like.

Canadians want some serious issues addressed, issues like increasing the tax burden, the agricultural crisis in western Canada, the issue of immigration, or the consequences of a hostile takeover resulting in a single national airline. Those looking for these issues to be addressed in the throne speech were sadly disappointed.

• (1845)

There were a lot of right sounding words in the throne speech, words like knowledge economy, building a higher quality of life, technology and advancing Canada's place in the world. These are all important issues that this parliament will have to address, but beyond the catch phrases themselves there was nothing, nothing new and nothing that explains the purpose of the government.

It is disheartening to see over the course of several months that the federal government failed to prepare itself for this new parliament, even with the three-week delay in the opening. It failed to meet the demands of Canadians for a responsible government and for the delivery of a vigorous new plan for this parliament.

It has also failed to anticipate the Supreme Court decision in Marshall, the void that it would create and the chaos it would initiate.

It is appropriate now to quote a respected Canadian philosopher, John Ralston Saul, who wrote:

The modern tools of communication become the tools of propaganda. And fear of the consequences of non-conformity is propagated.

This statement takes on a wonderful clarity and irony in the context of yesterday's throne speech. What was the meaning behind the promises we heard? Were they one line promises with little if any detail on how exactly these promises were to be implemented? It was much like we have seen from previous throne speeches from the government. Much of what we heard were ideas generated by the PC Party of Canada or ideas that have been long media tested, words that sound wonderful and warm people's hearts but do not amount to much.

No one would deny that we need to improve our commitment on children's issues, to a stronger economy, to a quality health care, to aboriginal peoples amongst other issues. These we can all agree on but where were the details? When can Canadians count on the government to explain its vision in a manner that provides answers rather than more questions?

We have heard much about the Liberal's concept of diversity. We heard it many times in yesterday's speech. How can the government speak of respecting diversity when it chooses to antagonize Quebec, when it chooses to antagonize Atlantic Canada, the west and other regions and when it chooses to antagonize every region of the country with alienating provocative approaches to federalism?

When the government boldly states that the supreme court decision on the clarity of the referendum question must be respected it makes clear that the goal is to provoke Quebec. The Liberal plan B approach has done nothing but antagonize Quebec and is completely unconstructive.

We need to encourage Canadians if we are to evolve as a strong and united country. When the government ignores the plight of western farmers or Atlantic fishers it shows that it respects diversity only when it falls within the Liberal agenda. It demonstrates that it is only a true crisis that evokes a response and even then the government responds slowly and inadequately.

It is heartening to know that the government has finally recognized the priority that needs to be given to environmental issues, six years too late, I might add. And still the Liberals have done

The Address

nothing more than to affirm and reaffirm Canada's commitment to the Kyoto protocols and the reduction of greenhouse gas emissions.

The government speaks of a children's agenda but it has not taken any meaningful action to protect the environment in which our children will live. Thankfully, some industries have stepped up the challenge and have taken meaningful steps to reduce their greenhouse gas emissions and to do so from their factories. Others have not been so noble. The government needs to stop talking about the reduction of harmful greenhouse emissions and start meaningful implementation of those commitments.

I talked about what was in the throne speech. What we uncover more about the government is in discussing what was left out of the document.

The throne speech delivered the message of the new economy, of high technology and of the Internet, but here we have a government that has abandoned the country's traditional industries, industries that have powered our economy for more than a century, industries such as forestry, fishing, oil and gas, mining, farming and ship-building. These industries continue to play an invaluable role in keeping our communities alive, prosperous and thriving, traditional industries that have sustained Canadians and provided not only income and occupation but also pride and purpose. They continue to do so. They continue to be a part of Canada's overall economy despite Liberal government indifference. Where on earth was the commitment to our brave men and women of the armed forces for equipment and resources to ensure their safety and success? This glaring omission speaks volumes.

• (1850)

Within the pages of the speech there was a flavour of the abandonment of the past. While the push to the future is a noble ideal, we cannot forget the fact that our traditional industries continue to provide meaningful work in areas of high unemployment. The speech was littered with reaffirmations of previously unfulfilled promises or commitments.

As a Maritime member, it becomes obvious that the lack of focus on significant industries will have a negative impact. It sends a message to Atlantic Canadians and others that they are not a high priority for the Liberal government. One only has to look at the results of the last federal election and two recent provincial elections in the Atlantic provinces to know how Atlantic Canadians react when ignored.

When the Liberal government speaks of high technology and of the knowledge based economy bringing a higher quality of life to Canadians, it neglects to mention that the costs to the quality of life in our smaller communities amongst fishers, farmers and miners will be hurt. Let us build a stronger future by encouraging and

connecting Canadians from coast to coast. Let us not disconnect from the important industries that continue to drive the economy.

It is appropriate tonight that we in the House will be participating in a debate on the crisis emerging in the commercial fishing industry between native and non-native fishers. The government has tiptoed around this critical issue for weeks allowing it to fester and grow to the point of confrontation and violence.

Let us hope that the government uses tonight's debate as an opportunity to reset its priorities and focus on the necessity of finding a swift and long term resolution to this crisis. This must be an inclusive focus on consensus building and it must avoid the base political antagonism that has been practised by some.

We have learned recently that aboriginal chiefs, including those who have until now supported the moratorium, have just left the meeting in New Brunswick and that the fisheries self-imposed moratorium is now off. This means that boats and traps will be put back in the water and there is a serious issue that needs to be addressed and addressed quickly.

Across the country other crises emerge. The crisis faced by the western farm families went literally and figuratively unnoticed in yesterday's throne speech. The low agricultural prices caused by subsidies among our trading partners threatens to put many Canadian farmers out of business completely. This issue needs government action before it is too late.

There is nothing in the throne speech that will stem the brain drain. The government must move to keep highly skilled Canadians from emigrating to the United States. As well, there is nothing to stem interprovincial brain drain. Far too many young Canadians are forced to move away from home and family depriving their communities of the knowledge and the skills necessary to build a strong foundation for the country in the 21st century.

We cannot wait for more Centres of Excellence to be established and more implementations of millennium scholarships. A focus on research and development and the improvement for our children is laudable. However, if our children are to simply grow up, become well educated, armed with skills and then move to the United States what have we accomplished and what have we gained?

We can do more than simply applaud the government's commitment to a free trade arena or area of the Americas by the year 2005. We can do that but it is finally heartening to see that free trade has become a government priority. Free trade is something that this party initiated. I would certainly like to see the Liberal government undertake this effort with as much vigour and tenacity as it did with its anti-free trade efforts in 1993.

It may have taken the Liberal government six years but it appears that it has finally realized that for Canadians to succeed they must be innovative and productive. They must invest in skills

The Address

development and they must seek new opportunities around the world.

The reality is that the Liberal track record has been about declining productivity and investment, record levels of taxation and punishing regulations and red tape. Pie in the sky platitudes are not enough for Canadians and after six years they should and do expect more.

The Liberals are simply paying lip service to increasing our quality of life. Under this Prime Minister, Canadians have seen their federal tax revenues go up while their disposable incomes and revenues go down. At best, we have seen incomes decline. The Liberal government's lack of vision and leadership is actually destroying and undermining Canadians' quality of life not improving it as the throne speech would have us believe.

- (1855)

The government needs to cut taxes starting with personal income taxes and capital gains taxes. We must put money back in the pockets of those who have earned it and allow them to generate economic growth. The government must set firm, achievable debt reduction targets.

The PC Party of Canada has given specifics about where it stands on tax issues such as the decrease in the capital gains tax and a full indexation of tax brackets. The Liberal government has remained silent. Our party will continue to consult with experts and Canadians on this matter. Our federal government chooses to avoid consultation.

This reluctance to put forward a plan for tax cuts is part of a trend. We have not seen any ground-breaking initiatives in the last six years that would reverse the trend. The government's commitment to seasonal workers is abysmal. Agriculture, natural resource workers, middle class families and scores of other Canadians have been ignored and undercut by the government.

Tax reduction is fundamental to the economic well being of Canadians and tax relief, more dollars being left in the hands of families with children, would be a step in that direction. To help children, the government must help parents of those children with meaningful tax relief. In the throne speech, the government said it would make a third significant investment in the national child benefit but there are no details of exactly how much the government will invest nor are there any contingency plans should the provinces and territories choose not to co-operate.

Just as it has done with a series of other issues, issues such as poverty where the Liberals identified a problem that was obvious to all and then provided Canadians with false hope. Canadians are becoming cynical and despondent. The government even created a

separate ministry aimed at poverty but with no budget and no mandate and then tried to convince Canadians that it had addressed the problem. Canadians will not be fooled.

There are more examples of more promises and no action. The government's day to day management of native issues contradicts the promise that aboriginal people will be able to more fully participate and contribute to Canada's economy. This paternalistic attitude flies in the face of the government's pledge to promote greater aboriginal self-reliance.

The government's attempt to present itself in a caring and compassionate way as a government that helps families and children in particular is a sham. However, in the Year of Older Persons nowhere was there even a mention of seniors. To quote my colleague from Saint John:

Too often in our society today, seniors are overlooked and ignored. Our society is aging, and as it does, more and more seniors are falling through the cracks—substandard housing, inadequate health care, and in many cases, just plain neglect. Yet this government didn't see fit to mention them even once in their blueprint for the new millennium.

Whether I speak of families, children or of the elderly, it is obvious that when it comes time to implement legislation that would be truly beneficial the government has constantly failed to deliver. One need only look at the government's chance to reform family law and strengthen support with the joint common senate committee on child custody in 1997. The government ignored its report and the justice minister has already indicated that she wants more consultations that will last until the year 2002.

Another area where the Liberal government has failed to deliver has been with the new Youth Criminal Justice Act. It has called this legislation a priority yet it has refused to acknowledge how it is going to pay for this when it is already not living up to the monetary commitments under the old young offenders act.

The lack of attention to youth crime has spilled over into other areas of law enforcement. An abysmal lack of funding for the RCMP has constantly forced our Mounties to do more with less. This has literally endangered the officers and the public at large. Bowing to public pressure, the government is now expecting the already overworked members of our national police force to combat high tech crimes such as money laundering, organized crime and the smuggling of people, guns and drugs.

The government speaks of public safety as its number one priority yet it continues to release dangerous offenders into our communities.

Finally we have more Liberal rhetoric regarding the future of health care. It is fine for Liberals to talk about improving our health care system but it cannot be forgotten that the dire straits of health care in the country was created by this government. By simply

putting money back in when it does not even equal the amount of money that was taken out, our health care system will not improve.

• (1900)

This approach simply will not cut it. Accessible and universal health care is one of the things for which Canadians take the most amount of pride. We are very anxious to see how this government plans to keep the proud tradition of our health care system alive. Certainly this throne speech gives no hint. Medical research is vital. If the government intends to foster an international reputation as a world leader in this field, we cannot continue to ignore the daily health care needs of Canadians. They are sadly off course.

[Translation]

The Throne Speech represents a government whose vision is a mile wide and an inch deep. There were some fine platitudes about this country's potential but there was nothing that provided Canadians with an understanding of where this government is coming from, and where it is going.

[English]

With the dawn of the new millennium, this Liberal government had a golden opportunity to present a comprehensive plan on the path that the country should take. Sadly that opportunity was missed and the government has traded vision for vagueness at the expense of all Canadians.

Madam Speaker, on behalf of the Right Hon. Joe Clark and the Progressive Conservative Party of Canada, I thank you for the opportunity to present our response to the throne speech.

Mrs. Elsie Wayne (Saint John, PC): Madam Speaker, something was left out of the throne speech. I am wondering what my colleague feels about the situation with regard to the aboriginal chiefs, our native people and the lobster industry at the present time and what is happening with the fishery.

I am not sure about this, but my understanding is that there was a meeting held in Moncton, New Brunswick today and the chiefs have decided to put their traps back in the water tomorrow. These are not just the New Brunswick chiefs, but the Atlantic chiefs.

What the government did with regard to the fishing situation in all of Canada from coast to coast was not addressed. I would like to hear from the hon. member as to what he thinks should have been in that speech.

Mr. Peter MacKay: Madam Speaker, it has become obvious that not only was there an omission in the throne speech but also there was a lax approach by the government to this emerging crisis. It was two weeks before the government chose to act. Going back

Fisheries

even further, it is shocking to think that the government did not anticipate or foresee that this was one of the possible scenarios the supreme court could follow in its decision in the Marshall case.

I know that members of this party, members from South Shore, West Nova, Southwest Nova, Petitcodiac, Beauséjour, our newest member, and Saint John have worked very diligently to meet with both the native and non-native fishers to get their ideas and input. I am encouraged to see that the Minister of Fisheries and Oceans has followed that tack. Now the time has come to sit down with these members to try to come up with a solution that is going to work respecting the need for conservation and respecting what the supreme court has done in a meaningful but measured way to avoid violence or possible death in this issue. It has to be done quickly.

[Translation]

The Acting Speaker (Ms. Thibeault): Pursuant to order adopted earlier today, the House will now proceed to the consideration of the motion concerning Canadian fisheries.

* * *

[English]

SPECIAL DEBATE

FISHERIES

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.) moved:

That this House take note of the difficulties in Canadian fisheries, especially as complicated by the Queen and Marshall case and its implications for both aboriginal and non-aboriginal peoples and for the future management of natural resources.

• (1905)

He said: Madam Speaker, I will be sharing my time with the Minister of Indian Affairs and Northern Development.

I appreciate this opportunity to bring members of parliament up to date on the developments in Atlantic Canada following a recent decision of the Supreme Court of Canada. Many members have been following the story in media reports over the past four weeks, but this is the first chance I have had to tell the House personally what is happening.

I think it is important for members of parliament to understand the background to this issue and what I am going to do to resolve it. The judgment of the Supreme Court of Canada in the Marshall case is an important judgment that affirms certain rights of the Mi'kmaq and Maliseet peoples flowing from the historical treaties with the crown. In short, the supreme court decision affirms a treaty right that deserves our respect; but that right is a regulated right, it is not a blank cheque to fish anywhere at any time.

Fisheries

As a result of this judgment we will have to consider a number of fundamental questions about the management of the fishery. In this new reality our challenge is to find ways to work together to secure the future of the fishery for both aboriginal and non-aboriginal communities. We must formulate a process for integrating fishing under the treaty right in the overall fishery. We need to develop a management scheme that will respect the treaty right described by the court while being sensitive to the social and economic realities of the Atlantic fishery and those who depend on it.

When the supreme court handed down its judgment on September 17, the issue had my immediate and full attention. We have been working with federal departments to analyse the implications of the judgment. In addition, we engaged in immediate and continuous dialogue with aboriginal communities, provincial governments and other stakeholders in the fisheries. Throughout this past month I have been heartened to hear the clear commitment to conservation and to co-operation expressed by the Mi'kmaq chiefs.

From the beginning our objective has been to achieve an effective management regime which represents a supreme court judgment and is fair to the interest in the fisheries. Through the goodwill, patience and restraint that has been demonstrated by all participants, we have made considerable progress toward this goal. The treaty signed in 1760 between the British and the Mi'kmaq was called the Peace and Friendship Treaty. We should keep those words in mind, peace and friendship, as we work together toward the long term solution.

The supreme court decision is complex and its full implications are not yet totally clear. However, since September 17 we have clarified a number of issues raised. Let me summarize what we understand about the judgment.

The court has affirmed that the beneficiaries of the treaty have a right to, among other things, fish, hunt and gather and trade the products of these activities for necessities. Translated into modern terms the judgment indicates this right entitles the beneficiaries to have the opportunity to gain a moderate livelihood from the exercise of their fishing, hunting and gathering activities.

The court has also told us that right is limited. It does not extend to the open-ended accumulation of wealth, nor does it provide for an unregulated harvest. While the court has made it clear that there is a treaty right to fish, it has also made it clear the exercise of the right is subject to regulation by government. Catch limits that would reasonably be expected to provide a moderate livelihood can be enforced without infringing the treaty rights.

There are many considerations that will be central to our efforts as we move forward in concert with all the parties. For example, we consider this to be a communal right and not an individual right. To be clear, even though the right is exercised by individuals, it is for the benefit of the collective.

Another issue that is fundamental to the interpretation of the judgment is that in order to accommodate the treaty right, we must understand who are the current beneficiaries of that right. It is our view that the treaty applies to the aboriginal communities that best represent the modern manifestation of the original signatories. Our initial assessment is that the Mi'kmaq and the Maliseet Indian bands in Nova Scotia, New Brunswick, Prince Edward Island, and the Listiguj first nation in Quebec are the modern manifestations of the collectives that benefited from the treaties. We now need to focus on a process that will allow us to accommodate the treaty right. We will involve in this process all who are directly concerned with the sustainability and the viability of the Atlantic fishery.

• (1910)

I became involved earlier on this issue and I have worked closely with natives, with commercial fishers, with federal departments and with provincial premiers to find short and long term solutions.

When the supreme court judgment was delivered on September 17 and others in government sought a clear understanding of the implications, we worked quickly to analyse some fundamental questions about the management of the fishery and how to address them.

There may be some critics who think we should have been able to guess what the court would say and that we should have jumped immediately into action, but it is difficult to predict the supreme court decisions and the terms used within the judgments. Some court decisions take years to interpret. In this case we had a preliminary assessment in less than two weeks' time. Unfortunately, emotions ran high in some communities which resulted in serious property damage, injuries and violence. Those events deeply saddened me and many other Canadians across the country.

It is important for us to work together. We must not allow hot tempers and poor judgment to tarnish Canada's reputation for tolerance, for generosity and respect for the law. I am encouraged to see that calm and goodwill have returned to most areas of Atlantic Canada. In the meantime we are working on a process that will accommodate both commercial and native fisheries for years to come.

I would like to extend my personal thanks to all the chiefs and members of the industry who took the time to meet with me to share their views and concerns. Since the beginning I have said that I would respect the decisions of the chiefs, and that continues to be my position.

I also want to commend the people in area 35 who together, aboriginal and non-aboriginal, found community based solutions.

The decision that was handed down on September 17 by the supreme court left many unanswered questions. We need time to work together. But thanks to the willingness of all those who keep the lines of communication open, we have made progress. Aborigi-

Fisheries

nal members of the fishing sector, the province, the federal government have all shown a strong will to resolve this issue.

What was really important when I met with the chiefs in Atlantic Canada was the long term issue. Many of the chiefs felt that we must not focus on the short term and detract from what are the real issues, which is a long term issue. That is what I hope to focus on, that we begin a process, a comprehensive plan of progress with all those parties that are affected by the fisheries issues, to bring them together and talk about real solutions. Real solutions can come about through dialogue and through co-operation, with people working together, sitting around the table looking at each other eye to eye and talking about the problems and how they can resolve them.

We have been working on a short term solution. I know the chiefs are meeting today. Until I hear from them directly, I will not comment whether they in fact have decided to lift the moratorium or not, because this is something that they have done on a voluntary basis. Certainly I would be disappointed if that is the decision they have made, but I will wait until they have directly contacted me before I comment on that. An hon. member has said that I have not had contact. I will wait to see if that is the case.

We must go back to the fact that this treaty was a peace and friendship treaty. It was signed more than two centuries ago. Natives and non-natives have lived and worked together for generations since that time in peace and harmony. Together with patience, restraint, respect for the law and with the co-operation of everyone, we can turn the spirit for the next century.

Mr. John Cummins: Madam Speaker, I rise on a point of order to seek the unanimous consent of the House to extend the Q and A of the minister to allow the House to fully question him about this issue.

• (1915)

The Acting Speaker (Ms. Thibeault): The House order made earlier today provides that there shall be no request for unanimous consent, so I am afraid that request cannot be granted. We will proceed to questions and comments.

Mr. John Cummins (Delta—South Richmond, Ref.): Madam Speaker, the government failed to obtain the court's objectives in the Marshall ruling. It had no management plan in place in the event of a decision in favour of this treaty right and it has made no attempt either in its presentation to the court or since to balance the interests of other Canadians in the face of the treaty right granted by the court.

The minister has suggested in his speech and elsewhere that he will apply this treaty right as a communal right. He has said that the communal right will be exercised by individuals for the benefit of all. I would like to know how he will be able to determine a moderate living if he is going to apply this as a communal right. If we consider a moderate living for all of the Mi'kmaq, if that is his objective, it is obvious that there will be nothing left for anybody else.

I would like the minister, very clearly, to answer the question of how a moderate living could be determined if the treaty right is applied as a communal right.

Hon. Harbance Singh Dhaliwal: Madam Speaker, the communal right is seen as a collective right. I am sure the hon. member is very much aware of what that means.

How we define a moderate livelihood, as described by the courts, is something that we have to sit around the table on. We have to work with the aboriginal community and with all the parties together. We must ask how we can ensure that the aboriginal people who are the beneficiaries of this treaty right are going to exercise it. We need to define those terms, but we need to define them in conjunction with the aboriginal people, by sitting around the table and talking with them.

If we were to ask everybody in this room how to define that we would have 30 different definitions. It is something that has to be negotiated. We have to sit at the table and do it.

I have always felt that it is better to negotiate than to go to the courts, but there are others out there who refuse to move forward. Even when we introduced the aboriginal fishing strategy after Sparrow many said that we could not move forward. The last Conservative government was not any better at predicting what the supreme court was going to do with respect to Sparrow. However, we were trying to bring the aboriginal community into the fishery. Buying up licences was one way we were doing it. We have already tried to work things out through negotiation.

We have to negotiate. At the end of the day, if we cannot find some sort of mediation, we will have to go back to the courts. However, when we go to the courts we have to go by what they put forward and we have to live with their views.

One of the challenges we have is to define a moderate livelihood. It is something we will have to sit around the table to deal with. That is why we need to focus on the long term and not on the short term issues that distract us. The courts have recognized it as a treaty right and we have to ensure that we work together so they can exercise that right by taking due consideration of the interests and being sensitive to the other interests in the fisheries.

Fisheries

Mr. John Cummins: Madam Speaker, I rise on a point of order. Let the record show that there was not one mention by the minister of the people who are going to be displaced.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Madam Speaker, I welcome the brand new Minister of Fisheries and Oceans to the portfolio. I was glad to hear him tell the House and all Canadians listening that it is indeed better to negotiate than it is to litigate.

• (1920)

We know the historical aspect. The previous Conservative government and the current Liberal government told the aboriginal people “Take your cases to court”. In the Bay of Fundy region, District 35 opens up its commercial offshore season tomorrow. The Bay of Fundy inshore fishermen are working very closely with the aboriginal people to come up with a long term solution. The problem is, they are doing it on their own with no help at all from DFO officials.

Will the minister commit the necessary human and financial resources to aid those people in their co-operative effort toward a long term solution?

Hon. Harbance Singh Dhaliwal: Madam Speaker, I welcome the hon. member’s comments. What we want to do is start working as soon as possible on a long term solution by bringing people together. In the next weeks I will come forward with a plan, which will include all parties, to bring everyone around the table. We want to make sure that we start as soon as possible. Certainly the input of the member will be very valuable as we move forward.

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, I look forward to Reform members’ interventions in this debate. It is always very interesting to see where they are coming from.

I am pleased to join my hon. colleague in debating this motion.

The supreme court has provided valuable guidance on how an agreement between two parties, the 1760-61 Mi’kmaq treaty, should be interpreted as we enter the 21st century. However, the court did not specify how those treaty rights are to be implemented and respected both now and in the future.

It is very important for people to understand that the court’s decision is complex and far-reaching. There are no quick and easy solutions, as has been suggested by some people already this evening. A constructive resolution requires that all parties work together to respect an affirmed treaty right in a way that is sensitive

to the interests of all those who rely on the fishery for their livelihood.

We have much more work ahead of us—governments, first nations and non-first nations—to reconcile and understand the court’s interpretation of this and other historic treaties. The process by which we can work together toward finding a settlement is not new. In fact, it is well under way. Our commitment to negotiate with first nations in the spirit of partnership is ongoing. So too is our commitment to finding settlements to legitimate outstanding first nations obligations. These commitments were reconfirmed last year with the launch of “Gathering Strength—Canada’s Aboriginal Action Plan”.

The government’s response to the Royal Commission on Aboriginal Peoples affirmed that agreements are best negotiated in a way that respects the rights and concerns of first nations and those of their neighbours.

This is nothing new. We see it taking place across the country every day. On the west coast the British Columbia Treaty Commission is negotiating modern day treaties with 51 first nations where no settlements were negotiated. In the Yukon, comprehensive claim settlements, self-government and shared resource management are returning certainty to the territory. In the Atlantic region a process is under way with first nations to find approaches to identify and settle legitimate outstanding obligations to first nations. The same spirit of partnership will be needed to understand historic treaties.

In “Gathering Strength” we said that the continuing treaty relationship provides the context of mutual rights and responsibilities which will ensure that aboriginal and non-aboriginal people can together enjoy the benefits of this great land.

Unfortunately, for too many years first nations have not fully enjoyed the benefits of this great land, in part because they have had limited access to fish, forests, minerals and other natural resources. Yet, court rulings have consistently and clearly demonstrated that first nations do indeed have rights. They have worked relentlessly to have aboriginal and treaty rights recognized.

• (1925)

I would like to quote from a letter to the editor in today’s edition of the Vancouver *Sun*. Miles Richardson, the chief commissioner of the British Columbia Treaty Commission, writes: “Aboriginal rights exist whether or not they are set out in a treaty or agreed to by anyone. But without a treaty it is unclear about how and where those treaties apply. The courts have continually said that the best way to resolve these issues is through good faith negotiations with give and take on all sides”.

Fisheries

I agree completely with those words. I can confirm that my department is working in partnership with first nations and other governments across Canada to ensure that treaties are fully respected.

It is clear that the supreme court ruling on the Marshall case has implications for the people of Atlantic Canada, both first nations and non-first nations. My colleague, the Minister of Fisheries and Oceans, is working very hard to arrive at a fair and equitable solution involving access to Atlantic fishery resources in light of the Marshall decision.

The impact of the Marshall case likely will not be confined to fish and it likely will not be confined to Atlantic Canada. I will be reviewing with others involved how these broader issues should be addressed. After all, this is a shared responsibility among all parties. It is up to all of us to help explain to all Canadians the meaning of treaties and the treaty relationship.

I think we are seeing that the days are gone when one minister, the minister of Indian affairs, is the only one working on or speaking to aboriginal issues. These issues are of significant importance to all ministers and I commend and support my colleague, the Minister of Fisheries and Oceans, for his efforts.

My role is broader. I see it as having the federal lead to work closely with first nation leaders, my provincial counterparts and my cabinet colleagues to explore together an overall approach to the broader question of the treaty relationship and aboriginal access to resources.

As the Minister of Indian Affairs and Northern Development I am just one person among many who is working on or speaking to aboriginal issues. These issues are of significant importance to all ministers. Again, I commend the Minister of Fisheries and Oceans for his efforts. Together we will explore an overall approach to the broader question of the treaty relationship and aboriginal access to resources.

The Acting Speaker (Ms. Thibeault): There are many members who wish to ask questions tonight. Therefore I suggest that we limit our questions and answers to one minute in order to give as many members as possible the chance to intervene.

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, it is very difficult to get the opportunity to ask a question tonight and I will keep it to one minute.

With regard to the minister's statement there is one looming question that needs to be asked. We all know that there is no plan by the department of Indian affairs and there is no plan by the minister of fisheries to integrate natives into the fishery, but I want to know the minister's reasoning behind his statement when he said that natives were kept out of this fishery in the past.

In the 1950s and 1960s a lobster licence in southwest Nova Scotia could be bought for \$1. I believe prior to that a licence was 25 cents.

What kept any first nations from the lobster fishery at that time?

Hon. Robert D. Nault: Madam Speaker, obviously members who have a preoccupation with the fishing strategy are asking very specific questions, but they seem to have lost the gist of the speech and what I was trying to suggest.

I want to make it very clear to members that when the courts rule on particular rights of first nations they rule with the intent of saying to Canadians and to governments, provincial and federal, that the rights exist. Then they suggest to parliamentarians and members who are on the government side that they sit down with the aboriginal people to negotiate how those benefits from the treaty will flow, and they flow in a number of ways: from the economic development side of the issue, which was mentioned by my colleague earlier in his question to the Minister of Fisheries and Oceans; the issue of how first nations people would be involved in the regulatory regime of the fishery itself; how they would be involved in other resources; and in gathering, which was part of the statement that was made by the court. Those issues were not defined. That was the whole issue. For someone to be as simplistic as to say that we should be prepared and coming out with a plan tomorrow and saying here it is, that is not what the courts asked us to do. The courts have asked us to sit down with the first nations and to define exactly how that treaty right will benefit them.

• (1930)

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, we have been hearing a lot of words over there about how the government will try to work to effect a compromise between aboriginal and non-aboriginal fishermen on the east coast. For the benefit of those listening or watching the debate tonight, I would like them to know that this is the same minister, when push came to shove on the Musqueam reserve, who sent eviction notices to all non-aboriginal leaseholders on that reserve because the insensitive and belligerent chief of the Musqueam insisted that be done.

Could the minister tell us what comfort the fishermen on the east coast can take by his words and those of the Minister of Fisheries and Oceans when this is the kind of action we have seen from the government consistently, time after time, when it has come down to an issue between aboriginal and non-aboriginal rights?

Hon. Robert D. Nault: Madam Speaker, any time an aboriginal community tries to create an economic development opportunity for themselves it becomes a win-lose for the Reform Party.

I see the Musqueam issue as a win-win in the sense that first nations people will make economic benefit from this legally binding contract. I do not know what the Reform Party would like

Fisheries

to see the Government of Canada do. If its members would give us their position on that particular file, if they would like us to subsidize the first nations to the tune of \$7 million to deal with it, I would be prepared to look at it. So far all the Reform Party is doing is running at aboriginal people but not giving us solutions as to how we deal with the situation.

The Minister of Fisheries and Oceans and I will be setting up a number of tables. Those tables will be like any other negotiation that we have done in B.C. or across the country, as I have mentioned earlier. We will sit down with the people, the chiefs of the Atlantic region and other interest groups, and we will then come up with a resolution as to how best to proceed with the treaty right confirmed by the court.

That will not happen tomorrow, next week or the week after. We will set up these tables and we will work through it over the winter. We hope that in the short term, which is in the next year, we will have some solutions to the issues. That is how it will be done. It is not the simplistic view of some members opposite that we should just go out there and ask people to break the law or change the law because we do not like the results of what the courts have ruled.

Mr. John Cummins (Delta—South Richmond, Ref.): Madam Speaker, on September 17, 1999, the Supreme Court of Canada rendered its decision in *Regina versus Marshall*. The effect of that judgment is quite clear. The situation in law now is that before fisheries managers can lawfully open the fishery to others, the Mi'kmaq people must be accorded the opportunity to fully satisfy their rights for a moderate livelihood. In other words they are given a priority right to fish.

This follows from the order of priority set out in *Sparrow* and in other cases which establish firmly that aboriginal treaty rights have priority over general, commercial and sport fishing rights.

Moderate livelihood is defined as including such basics as food, clothing and housing supplemented by a few amenities, but not the accumulation of wealth. It simply addresses day to day needs. This definition is broad and hopelessly vague. It is likely that there are few existing commercial fishermen who enjoy any greater standard of living than that from the inshore fishery. These fishermen will now have to stand aside while each and every Mi'kmaq who chooses to go fishing does so and earns enough to achieve this level of income.

● (1935)

What happens if there is some doubt as to when to close the fishery? Our experience is quite simple. When in doubt fisheries managers will be inclined to err on the side of allowing too much Mi'kmaq fishing rather than too little. This has been our experi-

ence. It happens because non-aboriginal fishermen do not have constitutional remedies for infringement of their fishing rights as aboriginal fishermen do.

The practice of erring on the side of aboriginal fishing rights seems to have been adopted as a method of keeping DFO managers on safe ground and free of legal challenges to their decisions.

The present situation also allows for the courts to strike down the current regulations of the fishing rights of the Mi'kmaq because these regulations did not have any specific accommodation in regulation as a priority right. The minister's absolute discretion under the Fisheries Act, which is the basis for the current regulations, was not held to be adequate protection of the treaty right. Accordingly at the moment there is no valid regulation of the Mi'kmaq right. There is a legal vacuum. Unrestrained fishing can take place by the Mi'kmaq until such time as a valid regulatory regime can be put in place. That may take months or even years since consultation must take place beforehand.

Before I go any further I will look back at the situation in British Columbia because the experience there with preferential fishing rights accorded to natives is not a happy one. The problem in British Columbia was visited upon us by the Conservative government, in particular John Crosbie, minister of fisheries at the time. He allowed for a separate native commercial fishery in British Columbia in June 1992. There was a tragedy that year for fish stocks. The situation only worsened until 1994 when there was a complete breakdown in enforcement. We have encountered some of the lowest spawning escapement on the Fraser River in history.

As a result the Liberal government asked John Fraser, a former Minister of Fisheries and Speaker of the House, to investigate the management system in place on the Fraser River. He found that the natural disaster excuses the government had offered to be without much substance. It had said that the water was too high and the water was too warm. The fact of the matter was that the problem was visited on us because of the poor regulations which were in place, poor enforcement and so on of that native commercial fishery.

That was the experience of British Columbia. It has been a tragedy. Prior to 1992 the fishery on the Fraser River was a profitable one. This past year commercial fishing was completely closed on the Fraser River for the first time in history. That came about as a direct result of the aboriginal fishing policy and the commercial fishing regulations which were put in place by the government. There is no question about that.

Over time the government has blamed nature, acts of God: the water was too high; the water was too low; the water was too warm; the water was too cold; it was El Nino; it was La Nina, all these problems. When they look at that collapse they say it was El Nino in the north Pacific in the last couple of years.

Fisheries

What happened? Why was it that there were strong returns of sockeye to Port Alberni on Vancouver Island this year? Why is it that in Alaska they anticipated 25 million sockeye to return to Bristol Bay and we ended up with over 40 million? Those fish were swimming in the same waters in the north Pacific as the fish from Fraser River. Those returns came back strong. The only difference was the aboriginal fishing regulations in place on the Fraser River and the cutbacks by the government resulted in a lack of enforcement and a lack of proper monitoring of the fishery.

The minister talks about supreme court decisions and the effect they have on the government. Supreme court decisions are not made in isolation. The government was there and it was supposed to address the issue on behalf of all Canadians. It was supposed to present its case and especially the case of the fishermen who would be impacted by the decision to the court so the court could have something to base its judgment on.

• (1940)

What did the crown do, the crown being the Liberal government? In the first instance the crown expert witness described the prohibition on Mi'kmaq trading peltry with any other than the British as a Mi'kmaq right to trade. How we can get from a restriction on trading, which that was and which the truck houses were, to a right to trade is beyond me, but that point was conceded by the government.

Second, the expert witness conceded that the treaty right included a right to trade fish although peltry was the only commodity cited in the treaty and the price list agreed to by the chiefs and the British did not include fish.

How do we get from an agreement which does not include fish and which is a restriction on trading rights to a priority right to fish? I will tell the House how. The government had in place a policy on the west coast which gave to natives a priority right to fish. How can it have that kind of policy in place and sustained on one coast and then go to court and try to deny it on the other? It cannot be done and the government knows it. It did not do it and that is why we are in the jam we are in now.

There is another interesting oversight by the government. The crown also failed to enter into argument the public right to fish. The public right to fish has existed in British common law since the Magna Carta. The public right to fish guarantees all of us equal access to the fishery. That public right can only be broken by the House. It takes an act of parliament to allow for separate native commercial fisheries. That has not happened on the west coast. There is no act of parliament dealing with it. Those fisheries are operating illegally.

That argument should have been put to the court when the decision was argued so the court would understand the legal

condition in which that treaty was signed. That treaty should not then have been interpreted as an exclusive right or as a priority right given the underlying right that we all enjoyed, the public right to fish.

The crown failed to enter evidence demonstrating the social and economic impact on the maritime fishery if the Mi'kmaq were awarded the right to fish commercially. The crown also failed to argue that a decision in favour of a commercial fishery on eels, there being no viable commercial fishery in the maritimes on eels, could result in a commercial fishery on other species such as lobster. The crown failed to introduce evidence such as the 1995 fisheries conservation council report which suggested that lobster were already overharvested so that any official entry into the fishery through a treaty would mean an existing participant in the public commercial fishery would have to be displaced.

In other words, the crown failed to represent to the court the situation that currently exists, a situation in which a fishery is already oversubscribed, in which there are already too many participants according to the Fisheries Resource Conservation Council, and in which allowing the entry of others would require the displacement of those who are currently exercising rights to fish. That argument should have been put in place and it was not. The government overlooked it.

It is not the first time a tragic oversight by the government has happened in arguments before the Supreme Court of Canada. It happened in *R. v Nikal*, which I will not go into now because of time limits, but I will reference the recent *Delgamuukw* decision of the Supreme Court of Canada.

• (1945)

In *Delgamuukw*, the federal government supported aboriginal claims to self-government and the continued existence of aboriginal title. Although the Supreme Court of Canada did not deal with self-government, it did find in favour of unextinguished aboriginal title which continues to cause chaos throughout British Columbian resource industries. That is tragic. It caused the logging disputes we had this summer and the flagrant breaking of law, not to mention the hardship. The minister, himself, mentioned just moments ago that these rights would extend to logging, mining and so on.

There is chaos and turmoil in eastern Canada. Shortly after this decision came down, I offered the minister a reasonable and legal escape route. I sent it to him in a letter and I sent that letter to the provincial governments affected. I told him that what he should do first is to seek a stay of judgment and, second, to seek a rehearing of the case.

It is clear what the effect of a stay of judgment would be. It would simply allow for a cooling off period. It would have allowed

Fisheries

the government time to pool its resources and to figure out what it was going to do with the situation it was faced with.

The second thing it would do is this. By asking for a rehearing it would have given the government, the attorneys general of the provinces involved and other stakeholders, whether they be fishermen's organizations, processing organizations or the communities affected, the opportunity to go to the supreme court and say "Look, if this decision moves ahead this is the impact it is going to have on our communities". It would have given those stakeholders a chance to say "Look, when you dealt with the Gladstone decision of the supreme court you acknowledged that others had rights". That Gladstone decision dealt with an inherent aboriginal right to commercially fish herring roe on kelp.

Even though it was found to be an inherent aboriginal right, the court acknowledged that others had acquired rights as well. That argument was not taken to the supreme court by the government. It left it out. It refused to bring that forward. It refused to defend the interests of current stakeholders.

The fisheries oversubscribed. If one drives down the coast of Nova Scotia and takes a look at those small towns and villages one will see that the only building standing is the lobster processing plant and behind every house there are lobster pots. That is how those communities exist. If we take away their access to the resource what is left? It is not only the fishermen who will go out of business, it is the processors, the guy who runs the gas station and the guy in the grocery store. It trickles right down. It will destroy the economy. Nothing is gained by taking from one who is simply making a living and giving it to another.

In my view it is imperative for the court to rehear this matter. Neither Parliament nor the provincial legislatures have the power to deal with the matter, it having been put out of reach of the legislative branch by sections 35(1) and 52 of the Constitution Act, 1982. The notwithstanding clause is not available since section 35(1) is not a part of the charter.

The only legislative remedy is a constitutional amendment by Parliament and the legislatures of seven provinces containing 50% of the population of Canada. This is probably impractical.

The minister says to negotiate. Negotiations would be lovely but they can only be successful if one goes to the table with something in one's hand. The minister has no cards. He has no chips on the table. He gave it all away when he failed to score points and make the proper arguments before the Supreme Court of Canada.

• (1950)

I want to quote three passages from the Gladstone decision of the Supreme Court of Canada. I want to show which references the

government could use if it sought the court's advice on this matter. These three passages would provide legal weight to an escape route from this problem. The first quotation reads:

It should also be noted that the aboriginal rights recognized and affirmed by s. 35(1) exist within a legal context in which, since the time of the Magna Carta, there has been a common law right to fish in tidal waters that can only be abrogated by competent legislation.

This is from *R. v Gladstone*, paragraph 67.

The second quotation reads:

While the elevation of common law aboriginal rights to constitutional status obviously has an impact on the public's common law rights to fish in tidal waters, it was surely not intended that, by enactment of s. 35(1), those common law rights would be extinguished in cases where an aboriginal right to harvest fish commercially existed.

This is *R. v Gladstone*, paragraph 67.

The last quotation reads:

Although by no means making a definitive statement on this issue, I would suggest that with regards to the distribution of the fisheries resources after conservation goals have been met, objectives such as the pursuit of economic and regional fairness, and the recognition of the historical reliance upon, and participation in, the fishery by non-aboriginal groups, are the type of objectives which can (at least in the right circumstances) satisfy this standard. In the right circumstances, such objectives are in the interest of all Canadians and, more importantly, the reconciliation of aboriginal societies with the rest of Canadian society may well depend upon their successful attainment.

This is *R. v Gladstone*, paragraph 75.

That says it all. By not arguing for the rights of other Canadians when this matter was before the court, the government has put peace and good government in the country in jeopardy. It has walked away from the very legitimate concerns that other Canadians have for their fishery, the legitimate interests that other Canadians have to earn a living from the fishery. It is beyond belief that this could happen.

DFO could balance the interests of Canadians in several ways. It could state, as did the court: that the federal government has the ultimate responsibility to balance the interests of all Canadians; that there will be only one commercial fishery operating under the same rules and regulations; that the treaty right will be accommodated by issuing commercial licences to fish in the public commercial fishery alongside other Canadians; that any licence issued to the treaty fishery will be offset by a licence that the government purchased from a voluntary seller of a licence in the public commercial fishery.

The Acting Speaker (Ms. Thibeault): I must interrupt the member. His time is really over.

Mr. Scott Brison (Kings—Hants, PC): Madam Speaker, given that the hon. member made the suggestion to the federal government that it seek a stay of judgment to allow a cooling off period during which legitimate and constructive negotiation to allow

Fisheries

peaceful aboriginal entry into the fisheries could occur, what was the government's response? Why did the government not pursue a stay of judgment and pre-emptively perhaps make a recommendation to the supreme court in anticipation of the potential ramifications of the Marshall decision which would have allowed a peaceful entry for the aboriginal fishers and would have prevented some of the chaos that exists now?

We are on the eve of the Bay of Fundy lobster season beginning tomorrow morning. It is going to affect communities in my riding. We understand that there is now a withdrawal by some of the native fishers on the 30 day moratorium. There is tremendous chaos looming right now which the government could have prevented with an appropriate pre-emptive strategy that was more long term in nature. I would appreciate the member's feedback on that.

• (1955)

Mr. John Cummins: Madam Speaker, the government's response to my position that a stay could be sought from the Supreme Court of Canada and that a rehearing of the judgment would be appropriate was simply to reject it as unfounded. I did not just pull that suggestion out of the air. I consulted with some prominent constitutional lawyers in my home province of British Columbia, lawyers who have experience before the Supreme Court of Canada. It was their suggestion and one that is very real.

A caller mentioned to me early this morning that some of the bands that had committed to participating in the moratorium had simply moved their gear and placed it elsewhere. I cannot confirm this, but if the moratorium has been broken, the government should use the opportunity to say that the situation is out of hand and out of control and that it would be best to go back to the supreme court to seek some legitimate advice on how to handle the situation. It has 30 days to do that. In other words, there are only about three days left for the government to make that representation to the supreme court.

Mr. Gordon Earle (Halifax West, NDP): Madam Speaker, we have a very serious situation on our hands. As everybody can appreciate, it is very serious for those of us who live in coastal communities and for those of us who live along the sea.

It always disturbs me when I hear the situation presented as the hon. member who just spoke presented it, to rehear the case. It reminds me of people tossing a coin to see who goes first. If they do not get the right answer they go for the best two out of three. If they still do not get the right answer they go for the best three out of five. They want to keep going until they get it the way they want it.

It seems very unusual to talk about rehearing a supreme court decision. I wonder if the hon. member would have taken the same

position if the decision had come down not in favour of the aboriginal treaties.

We have a very serious situation. The court has ruled. It has made a decision. We should now be focusing our attention on giving a practical application to the decision that will be beneficial to all who are involved, to all the stakeholders in the industry. We have to do that through negotiation, which is where the government has fallen down. It waited until the decision came down before it looked at the prospect of negotiation despite the fact that Delgamuukw had talked about negotiation and the Royal Commission on Aboriginal Peoples had spoken about negotiation.

We have known for a long time that there must be a sharing of resources and that it must be done in a way that will maintain peace and harmony but we wait until a very crucial decision comes and now it comes down to one side against the other side, communities being divided against communities.

I have heard a lot of goodwill spoken on this issue by people on all sides, by the aboriginal people and by non-aboriginal people who want to resolve this issue in a favourable way. This is where the minister and the government must take the lead and show leadership. They must not wait and see whether the negotiations have broken down. They must not wait and see if the traps have been pulled. Rather, they must initiate leadership and do something now. It is great to hear about the long term plans but we have an immediate situation that must be dealt with now. It is a matter of getting the priorities around the table now to deal with the crisis that is facing us.

Mr. John Cummins: Madam Speaker, the objective of asking the court to rehear the case is simply this. There is obviously turmoil on the east coast. People are upset because they are not sure what the decision means. They are not sure whether this priority right allows for others, non-aboriginals, to have access to the fisheries resource. We need clarification from the court.

The rehearing is not to rehear the judgment. The court has spoken on that right. It has acknowledged that the treaty right exists. What it has not done is to clarify what right others have given this decision.

• (2000)

We can argue this out until the cows come home but the quickest way to solve this problem is to go back to the court and ask it for clarification. What balance did the court have in mind when it allowed this treaty right? Was it going to allow that treaty right to be infringed? The suggestion in Gladstone and in other cases is that yes, others have rights, but those rights are not stated in this case. In fact, the people affected by the decision were not represented in court.

It is beyond me why the member would not want others to be heard by the court as well. The government did not represent the

Fisheries

interests of existing commercial fishermen when it made that case in court. Those people had a perfect right to be heard in that court. For the member from Halifax to suggest that they do not have a right to be heard in court is beyond me.

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, I have two quick questions for my friend.

The first question is when we heard the Minister of Indian Affairs and Northern Development make his intervention, he suggested that aboriginal people had been denied access to resources. My experience in British Columbia is that that is not the case. Could the member elaborate on what the aboriginal participation is in the regular commercial fishery in British Columbia?

The second question is a genuine question. Can the member explain to the House and Canadians what the aboriginal experience is on the east coast with respect to the lobster fishery? Is this fishery a traditional fishery that existed prior to European contact and colonization? Was there a reliance on lobsters by the Mi'kmaq Indians as a part of their culture and as a part of their subsistence prior to Europeans coming to North America?

Mr. John Cummins: Madam Speaker, with reference to the first question, aboriginal people played a big role in the British Columbia fishery. Prior to 1992, when the former Conservative government introduced this racially based commercial fishery which gave natives a priority right to commercially fish in British Columbia, 30% of the commercial fishermen in British Columbia were native. Some of the most prosperous fishermen in British Columbia were native Canadians.

If we went to Prince Rupert in the member's riding of Skeena, 60% of the people working in the fish canneries were natives. There was a high participation of native people in the fishery in British Columbia where the native population represents about 3% of the population.

With regard to native participation in the lobster fishery on the east coast, one circumstance that a historian described to me today was that fish were not mentioned in that treaty because they held very little value at the time the treaty was made. They were readily available to anybody who wanted them. If they wanted fish, it was not hard to catch them. As a trade item they had no value. Certainly lobsters were probably not a commodity that was sought after by natives. There is no evidence to suggest that they were.

As the member behind me said earlier, prior to 1968 anyone could have got a lobster licence. For a long period of time they were available to everybody for 25 cents. The people who participated in that fishery did so for a variety of reasons, but it was tough to make a living. Since the restricted licences came in, the fishermen, the processors and DFO have worked hard together to

put a quality product into the marketplace, a product which has gradually risen in value. Now that it is a valuable fishery, obviously there is interest from others.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Madam Speaker, I wish to state at the outset that the aboriginal fishers and the commercial fishers on the east coast have my sympathies.

I had the pleasure of touring Nova Scotia in the summer of 1998. I would remind hon. members that, at the time, the entire area of education had been vested in the aboriginal people of Nova Scotia.

● (2005)

I took the opportunity to tour. I went to Indian Brook, and this summer I went to Prince Edward Island to see the people on Lennox Island, the Micmacs. I noticed one thing during my visit. There was social peace everywhere. The native community, and the non-native community, shared a lot of visions on the sea.

Then there was the famous Marshall decision. Unfortunately, I find that the government handled it very badly. If we look at the turn of events, what is occurring in the Atlantic provinces is not very happy.

I decided to raise the issue of the vision of the treaties, because, as we recall, the supreme court analyzed the Murray treaty before making this decision. The native peoples viewed the treaties very differently from the Europeans. For them, the treaties were not just between governments, but between nations as well.

What we can also see in history is that all of the people in an aboriginal nation felt bound by the treaty. Whether it was an ordinary treaty, a friendship treaty or a treaty of co-operation, all of the members of the nation felt bound by it.

I mentioned the example of the Micmac guardians of the treaty known as the Putu's. The guardians of these treaties, brought together the Micmac communities every year, reread the treaty and discussed it.

We realize that the native view of the treaties is something both quite sacred and important. Naturally, everyone knows, even if it is something rather folklorical for us, still it is a tradition that remains current. There were a lot of festivities when a treaty was signed: singing, dancing and so on.

Things were not the same for the Europeans. It was more a business matter, where the signing meant as much hold as possible on all of the land. Treaties were often signed by generals. This was the case with the treaty at issue, General Murray's treaty. No one knew the ins and outs of this treaty. They simply left it to the government or to the general signing the treaty and then forgot it.

When the treaty became a bit of a bother, it was stuck away in the bottom of a closet and forgotten. This is the way the native people have always been treated.

I would like to tell a story to explain what is going on in the Atlantic provinces. Two hundred years ago, a neighbour of my family decided to put up a fence that took in 50 feet of my property, and things stayed that way ever after. Each successive generation said it would straighten the matter out, reclaim our land and our jurisdiction. Two hundred years later, the highest court in the land, the Supreme Court of Canada, decided that the fence was in the wrong place. How long will it take for the fence to be put back where it belongs? No more than a day.

It was no surprise that native fishers set out in their boats immediately after the decision, because they want to force the issue. They see that they have been left out in the cold and that it is very important that they get out quickly so as to perhaps force negotiations. Unfortunately, negotiations are very slow in coming.

I would not want to forget the Murray treaty, because I mentioned this famous general earlier. Early in the 17th century, there were a series of treaties in Virginia, Massachusetts and Pennsylvania. As I said earlier, the British crown drew up treaties with all aboriginal nations.

There were treaties of this sort in Halifax in 1750. Grand chief Jean-Baptiste Cope, the aboriginal negotiator, concluded treaties. The one in dispute today, the 1760-1761 treaty, was concluded by General Murray, and had to do with matters of trade, including such things as trading posts. This was the dispute, according to the Marshall decision.

• (2010)

Nowadays, are aboriginal people allowed to trade a commercial fishery for goods or money? At the time, they had the right to do so and specific counters were set up for such activity. The English had total control over all commercial trading because, in signing the treaty, the aboriginals pledged to negotiate only with the British crown. That was for the Murray treaty.

Centuries have passed and a number of major events have occurred, including the Constitution Act of 1982, which includes section 35. That section, which was drafted after long battles by aboriginals, was included in the Constitution Act. In my view, three paragraphs are particularly important: The existing aboriginal and treaty rights of the aboriginal peoples of Canada are recognized and confirmed. So, this type of treaty was reconfirmed by the court which said “Yes, this is valid”.

In the current act, “aboriginal peoples of Canada” includes the Indian, Inuit and Metis peoples of Canada. This means that the

Fisheries

Micmacs and Malecites meet the definition of aboriginal peoples and Indians. For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired. This means that any land claim will now automatically be included and protected under the Constitution.

I looked at how the jurisprudence has evolved over time, because I feel it is important. Since this debate began, I have been hearing my colleagues commenting “We should go back to the supreme court in order to get it to specify what reasonable livelihood means; we should go back to the supreme court and ask it to suspend its decision”. Since 1973—I have gone back to 1973 but there are other earlier ones—aboriginal people have won just about all supreme court decisions. The first one I will refer to is Calder.

Mr. Calder is a Nisga’a—we shall shortly be addressing the Nisga’a question in the House—and he took a case to the supreme court back then, and the decision was as follows:

Six of the seven justices of the Supreme Court recognize the existence of ancestral title based on land occupancy Canada law. The justices acknowledge that aboriginal territorial rights exist not only by virtue of the Royal Proclamation of 1763 but also under Indian title as the result of ancestral occupancy. Above and beyond the rights guaranteed by treaties or laws, aboriginal ancestral rights exist in Canada, that is to say customary rights that have survived colonization and the political transformation of the country.

The year 1973 constituted a very significant breakthrough for aboriginal peoples before the supreme court. Then in 1984 there was Guérin. In this case, the majority of the justices of the supreme court reaffirmed the existence of ancestral title and emphasized the federal government’s fiduciary role.

The federal government, therefore, has an obligation to become involved in what is going on at the present time on the east coast.

The Justices recognize that aboriginal ancestral rights existed before the British and Canadian regimes.

Thus, the rights existed even before the Europeans arrived here.

The relationship between the Government of Canada and the aboriginal people is a fiduciary one and imposes real obligations on the federal authorities.

Note the wording “real obligations”.

Then came the Simon case. The decision was as follows:

The Supreme Court finds that native ancestral or treaty rights are not extinguished through the implicit effect of a statute.

That means that the Parliament of Canada, even if it passes a law, cannot extinguish native rights. That is explained clearly in the decision in the Simon case, which dates back to 1985. I am following a time line up to the present. Members will realize that the solution is not necessarily a return to the supreme court.

In 1989, there was the Sioui case. In this decision:

Fisheries

The Supreme Court recognizes the validity of the treaty signed by General Murray. . . in favour of the Hurons—

He had concluded an agreement with the Hurons on September 5, 1760.

The Court recognizes that the consent of the native peoples is obligatory to the extinguishment of treaty rights.

That means that, without the agreement of aboriginal peoples, rights cannot be extinguished. Furthermore,

An ancestral or a treaty right may not be limited if public interest is served.

Now we come to the Sparrow case, which was pivotal to commercial and fishing activity in Canada. A lot of things were said in it:

—provincial laws cannot limit an ancestral right, even if public interest is claimed. Native fishing rights have absolute priority over others' fishing rights. Only the survival or the depletion of wildlife stocks may limit this right.

I think that is currently recognized now.

● (2015)

It goes on to say that, furthermore, an ancestral right cannot be interpreted so as to take in the particular regulation prior to 1982. Regulations that applied to one thing way back then could apply to something totally different today. That is the gist of the Marshall ruling. It says that there were trading posts at that time, and today native peoples are being given the right to engage in commercial fishing. This was the decision from which the case law evolved.

It added that any government measure detrimental to the ancestral rights of native peoples must be justified explicitly and in a convincing manner. And the interpretation of treaties in particular must be generous and liberal. This means that when the supreme court judges look at a case, they are going to give the broadest possible interpretation to the words and provisions of the earlier decision.

Then there were the three famous decisions we often read about in the newspapers: Gladstone, Van der Peet, and Smokehouse.

In Gladstone, the ancestral right to fish commercially was recognized. In Van der Peet and Smokehouse, the claimants had to show that their nation had already fished commercially in order to be granted the right to continue doing so, and failed to make their case.

The Calder decision of 1996 recognized that the right to regulate for conservation still exists. The minister is therefore right in saying that regulating conservation is an important role he must play.

Finally, there was the Delgamuukw ruling, which is revolutionizing our approach to aboriginals. Not only do we take into account the treaty, but also oral traditions. This means that someone appointed by his community could come before a court with oral

traditions and say "I am in a position to demonstrate that we have always occupied that land". If the oral tradition is accepted by the court, it would be as powerful as the signature on a treaty.

What I am trying to show is that the legal basis of the aboriginals is absolutely unshakable. Whenever the minister of Indian affairs comes before the committee, once a year, I always make a point of asking him or her the following questions "When are you going to act regarding the aboriginal issue? When will you stop waiting for the courts to rule on this issue?"

Today, parliament is faced with a supreme court ruling, and it is always the same story. All these decisions have led to minor changes in the government's policy. There are 1,000 grey areas in the Indian Act. There are 1,000 grey areas in the treaties. And what does the government do? It manages, but from one crisis to the next.

Since the crisis began on September 17, the government's attitude has been "If we can manage to solve this crisis and get it over with, we will go back to our business". That has always been the problem. There will be other crises in natural resources. There will be other crises in forestry. There will be other crises regarding self-government, because of this government's total carelessness. It does not deal with the issue.

The government begins discussions with various aboriginal groups and overlooks potential crises. When a crisis erupts, parliament must be called. Parliamentary decisions must be made. The minister needs to get his feet wet.

In Marshall, as in all the other decisions, the government is completely subservient to the courts, not only to the supreme court, because the situation had to gravitate there. Instead of seeing what was up ahead, instead of saying "We will sit down and negotiate", the government says "We will wait for the court to decide and then we shall see".

The Marshall decision recognized the rights of aboriginal fishers on the east coast and now we are stuck with having to make room for them. Certainly, this upsets the old way of doing things. Ingrained habits die hard. White fishers were not used to seeing other people allowed to enter their market, their fishery. Someone is going to have to give in, and it is not the aboriginal people. Frankly, we are not going to send out the RCMP to arrest them when they have a Supreme Court of Canada decision that says they are entitled to be there.

The minister ought to settle this by negotiation. Earlier, I received some most alarming news over the news wire.

● (2020)

Instead of the minister coming along with his colleague, the minister of Indian affairs, both of them proud as punch, to inform us that everything is just fine, that there are no problems, that now

there is a moratorium, that the people will talk to each other, he should hop a plane this very night with his colleague, go down there to sit down and define what is a reasonable livelihood. That is what the Marshall decision is all about.

In Marshall, it is stated that they are entitled to fish commercially for a reasonable livelihood. What does this mean? As I said, the Bloc Québécois will certainly not be in favour of going back to the supreme court to ask it to define "reasonable livelihood". Is that minimum wage? Is it \$100,000 a year?

This needs to be thoroughly discussed. These discussions should be held at the bargaining table. The definition of the suitable subsistence level must be negotiated, not determined by moratoriums that no one respects and by other interpretations that could be requested of the Supreme Court.

I think historical errors have been made. For example, when the Fathers of Confederation signed the Constitution in 1867, the native peoples were not represented.

Treaties have always been made for the benefit of the moment. When they were unfavourable, they were stuck in the closet. There is good reason why native peoples are reacting aggressively today.

The government totally lacks courage, and shows a total lack of care. The Indian Act dates back 100 years, and the government is still trying to manage the aboriginal peoples with an act that is 100 years old. Why does the government not speed up the issues of self-government and territorial claims?

So long as the native peoples lack the land and resources to be self-sufficient, we will go round in circles in this parliament, and the native peoples will react, especially since the supreme court decisions are in their favour. As I said earlier, the score is about 50 to nil in their favour.

It seems to me there are things to be done. I say that Quebec's approach will be different. It has always been different and will continue to be in a sovereign Quebec. In the bill that was introduced in the National Assembly, it was clear that aboriginal nations would sit down with the government to draft the Quebec constitution, something the Fathers of Confederation did not do in 1867. We want to avoid past errors.

Finally, I say to aboriginal people that Quebec will always abide by the treaties that were signed by the British crown. It goes without saying that we must maintain the same statutes and the same conditions. In fact, we will probably improve them.

The James Bay agreement signed in May of 1975 is proof of that. The Quebec government has already said to the Cree "If you want to update the agreement, we are prepared to do so". This is not done in this parliament. Here, the government goes from one crisis

Fisheries

to the next. Right now, some serious and dramatic events are taking place on the east coast. I will get to that in a minute.

I want to tell aboriginal people that the Bloc Québécois will always support their efforts to gain greater autonomy. The Bloc Québécois is probably the one party in this house that is best able to determine and appreciate what it means to strive to achieve greater autonomy. I want to tell aboriginal people that we are on their side in this endeavour.

It is unfortunate that the minister is not here, and that the minister of Indian affairs is not here either.

Some hon. members: Oh, oh.

Mr. Claude Bachand: It is true that I am not allowed to say that. Perhaps they are listening to me in the lobby.

I have here with me the communique issued about an hour ago by all the chiefs on the east coast. I will read it in English. They say:

[*English*]

We the chiefs wish to state that we are no longer asking our members to stop fishing.

[*Translation*]

Tomorrow morning there will be problems. That is why I told the minister to get on a plane this evening with the Minister of Indian Affairs and Northern Development. They should go to the east coast. The chiefs have just said that the moratorium is over and that they will resume fishing tomorrow. Their communique also states:

[*English*]

"We are no longer asking our members to stop fishing should they wish to fish", said Ben Sylliboy, Grand Chief of the Mi'kmaq Nation, in a statement.

[*Translation*]

This was released at 7.16 p.m. Here is proof of the government's negligence and carelessness, and we are paying the price. I suggest that they take a plane this evening and sort this out.

The solution lies in negotiation, not in going back to the supreme court.

• (2025)

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Madam Speaker, I thank my colleague for his comments.

We see that there is a crisis in the lobster fishery, but we also often forget to mention the social crisis in our regions. Tomorrow morning, our communities will still be facing a crisis. Tomorrow morning, children will go to school, and natives and non-natives will still be divided. It is sad; families are affected by this problem. Unfortunately, the Liberal government has refused to show leader-

Fisheries

ship and take action. It has left communities to fight it out, instead of stepping in, taking control, and sitting down and negotiating.

It is very important to remember that what is involved here is not just a crisis in the lobster fishery. What my constituents are facing is a social crisis. We have worked very hard to get along, to work and eat together, and in less than two weeks, everything is being destroyed.

I hope that the minister will take this into consideration and take action to ensure that we will be able to repair the damage to our communities.

I wonder whether my Bloc Quebecois colleague would agree with me on this.

Mr. Claude Bachand: Madam Speaker, I am totally in agreement with my colleague from the Progressive Conservative Party.

As I said at the start of my speech, I was in the aboriginal communities this summer and the summer before that. I noted a very fine social peace between aboriginals and non-aboriginals. My fear now is that the government's carelessness and permissiveness in making decisions, and its lack of courage, will tear the community apart, as it has already begun to do.

The minister has stopped momentarily. I believe from the communique I have just received that it is absolutely urgent to negotiate. That is why I am suggesting that the minister take the plane tonight. If he is short domestic travel points, I would give him one, two even, if he wants to take his Indian affairs colleague to the east coast.

[English]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Madam Speaker, would my colleague from the Bloc Quebecois not agree that because of the void in leadership in past Conservative governments and the current Liberal government the current government must allocate financial and human resources? The real leadership in this crisis will come from the grassroots. The fishermen themselves and their communities will come up with short and long term solutions to the very serious crisis we now face in Atlantic Canada.

Would my hon. colleague not agree that the government must provide immediately the human and financial resources to help solve this problem?

[Translation]

Mr. Claude Bachand: Madam Speaker, I totally agree that, the mess having been caused by the federal government, it is once again up to the federal government to go and clean it up. When I refer to cleaning up the mess, my colleague from Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok will surely have suggestions shortly on how that can be done. For instance, buying back

licences, something that is often done, so that more space can be made for the aboriginal fishers who have had the supreme court rule in their favour.

Now the government is going to have to roll up its sleeves and show some courage. Instead of going back to the supreme court it is going to have to negotiate immediately, so that social peace may be restored to these communities.

The mess is of its doing, as my colleague has said, the Progressive Conservatives as well. When the Bloc Quebecois is in a sovereign Quebec, I will always be able to support my NDP colleagues, for I find their positions very close to those of our party.

[English]

Ms. Alexa McDonough (Halifax, NDP): Madam Speaker, every member of the House and every Canadian who has been following recent events in the east coast lobster fishery appreciates the fragile nature of the situation that has developed in the aftermath of the recent supreme court decision affirming treaty rights for Mi'kmaq and for aboriginal people in Canada.

• (2030)

Confirmation within the last hour of the collapse of the voluntary moratorium is very worrisome. It underscores the importance for every member of the House to try to do everything humanly possible not to inflame the tension that has gripped communities in the east coast fisheries.

I must say in that regard I find it frankly abhorrent to hear the intemperate, inflammatory and simply historically inaccurate references again and again by Reform Party members to a racially based fishery. That does nothing to help move us toward a solution which will ensure a sound, sustainable fishery for all those who deserve their fair share in the aboriginal and non-aboriginal communities of the east coast.

It is evident that major challenges are posed by the Marshall and the Delgamuukw decisions which will impact on a host of resource sectors and not just the fishery. Both aboriginal and non-aboriginal will now be vying for access and will be demanding their fair share.

There seems to have been very little appreciation of the enormous significance of these legal decisions, and I might say not only by the federal government but by the Government of Nova Scotia as well. If there had been, both levels of government would surely have been working together and working overtime with all the stakeholders affected to develop a plan which would be ready to be put in place when the supreme court brought down its decision on the Marshall case. Instead what we have seen is paralysis and ineffectual action, in fact virtual inaction by the federal government.

The government's failure to have a contingency plan was inexcusable and has resulted in a vacuum into which various legitimate stakeholders inserted themselves with predictable results. It is a response, incidentally, that is becoming all too frequent these days as Liberal lack of leadership in the agricultural and airline industry crises so sadly demonstrates.

As I mentioned earlier in my throne speech remarks, that same lack of foresight was not displayed by the Mi'kmaq leadership. As early as April 1999 the Mi'kmaq implored governments to recognize, and I quote directly from a document dealing with the issue of the Mi'kmaq fishery, that the impending decision from the Supreme Court of Canada in the Queen versus Donald Marshall, Jr. case had increased Mi'kmaq expectations for greater access to the east coast fishery while at the same time creating uncertainty and anxiety within the existing industry.

It is regrettable in the extreme the federal government did not have the foresight to at least take under serious advisement the urgings of the Mi'kmaq leadership to anticipate the outcome of the decision.

[Translation]

The Liberal government did nothing as it awaited the Marshall decision. Its inaction allowed tensions and chaos to take hold in the Atlantic fishing communities.

[English]

Regrettably calm heads and voices were absent in the aftermath of the Marshall decision, precisely because the current fisheries minister and his predecessor had been conspicuously absent from this file prior to the supreme court decision.

It is little wonder that lobster dependent coastal communities in Atlantic Canada have been wracked with tension and dissension in recent weeks.

• (2035)

Surely the answer is not to blame the supreme court for ruling on a treaty rights issue which was placed before it. Nor is it acceptable, as the Prime Minister suggested, to stay the court's decision or, as some members in the debate keep insisting, to send the matter back to the supreme court.

It is important for us to acknowledge that aboriginal people have been waiting for two and a half centuries for a ruling to clarify their rights of access to the fishery under existing treaties. A lack of preparation and foresight by the government is a lame and feeble excuse on which to criticize our highest court. Talk about shooting the messenger.

What is the right policy response to the challenges now confronting the lobster fishery and other commercial fisheries on the east

Fisheries

coast? Atlantic Canadians want and deserve a coherent answer to this question. They want to see a post-Marshall regime based on principles of fairness, equity, sustainability and long term commercial viability.

[Translation]

In the wake of the Marshall decision, Atlantic Canadians want a fair, just and sustainable fishing arrangement. To achieve this end, those involved must be consulted and listened to.

[English]

To arrive at a workable set of rules governing access to the resource we first need to consult those who are directly involved, to listen patiently and respectfully to all the stakeholders. Without their insights, knowledge and at least tacit agreement we cannot proceed.

Permit me however to outline briefly some broad ideas which might inform that process and might form the basis of an acceptable solution. First, emphasis should be put on conservation, on preserving the long term health of the stocks. Sound principles of management and conservation based on well grounded science must be implemented.

Atlantic Canadians cannot afford another government induced collapse along the lines of the cod fishery fiasco. Independent expert advice must be sought and must be heeded.

Second, we need to find a way to allocate licences to aboriginal Canadians so that they may enjoy legal and uncontested access to the resource. This may involve the government buying back some licences from commercial fishers. Indications are that maybe 10% of those who are currently fishing would welcome the opportunity to make way for aboriginals to make their rightful claim to their fair share of the fishery. Let us be clear that we are talking here about those who would choose voluntarily to exit the lobster fishery at this point in their lives.

It is absolutely critical to build consensus on a set of rules governing conservation, allowable catches and so on. A level playing field is the only way that we are likely to get buy-in from all groups concerned.

Third, we must work toward establishing community based fishery policies to replace the corporate industrial model which has enriched a few large companies at the expense of many independent inshore fishermen and their families. The unemployment, the poverty and the out-migration in many of these fishery communities is eloquent and distressing testimony to the failure of that approach.

[Translation]

Over the long term, we must work to establish fishing policies that are more community oriented than industry oriented.

*Fisheries**[English]*

It is important to recognize that the modest entry of aboriginal fishers into this resource is not the reason various Atlantic fisheries are under threat.

In my discussions with Mi'kmaq representatives over the last week they have expressed what is understandably a great deal of distress and, I think it is fair to say, hurt at the implication that the problems caused to the fishing stock in the east coast are in any way attributable to their entry into the fishery.

• (2040)

The real threat comes from the indiscriminate and unsustainable practices of corporate fish companies and multinational conglomerates. In my view the Leader of the Opposition was wrong today to condemn a communal approach to resource allocation as he did in respect of the Nisga'a treaty.

There is every reason to believe that increased meaningful local control and responsibility for the resource by fishing communities would generate rules that guarantee a reasonable livelihood for fishers, aboriginal and non-aboriginal, while preserving the future of the resource. To believe otherwise is to demonstrate a striking lack of faith in the decency, fairness and sense of responsibility of fishers.

I pay tribute to the important and ongoing work of the joint working group on the Mi'kmaq commercial fishery that was established in February of this year. Let us hope that same careful, respectful, collaborative approach can get important progress back on track in moving us toward a solution by involving all stakeholders: aboriginal, non-native and government. That working group has been earnestly laying the groundwork for a viable commercial fishery that looks after the interests of all fishers, aboriginal and non-aboriginal alike.

This kind of forward thinking is what we need from our leaders and decision makers at every level, and especially from the federal government where it has been so notably absent.

Let me conclude by saying that we need public policies to govern our fisheries and other resources that are grounded in long term thinking, in devolving decision making to those closest to the resource, and in a sense of fairness and respect for the livelihoods of all. The existing industrial factory style approach underwritten by bad science and greed has taken us to where we are today.

Let us turn this page and refashion the fishery and our other resource industries as well so they will be around to provide a decent livelihood for our children for many generations to come.

Mr. Charlie Power (St. John's West, PC): Madam Speaker, I have a question for the member whose comments were quite insightful on this whole issue.

Today in the House the minister was asked several questions. On a couple of occasions the minister said that today we should applaud those aboriginal leaders, 33 out of 35, who on a voluntary basis decided to have a moratorium and not fish for 30 days. He went on further to say that was co-operation and dialogue and that they had a solution in place which was working because dialogue and co-operation was working.

Does the hon. member now begin to believe that in order to have dialogue and co-operation it takes two trusting parties? In this case where the aboriginal leaders have absolutely no trust in the minister and no trust in the government, how then can we have co-operation and dialogue and therefore how can we have some kind of co-operation with the minister and the department to solve this very serious issue?

Ms. Alexa McDonough: Madam Speaker, I do not think it gets us to a solution to be stating absolutely that this problem cannot be solved because aboriginal and non-aboriginal fishers in Atlantic Canada do not have trust in the minister.

It is absolutely true that fishers need to be able to build trust in the minister. They are shaken by the fact that it was not just this minister who has been very absent and in fact stayed completely out of the arena when there was an urgent need for immediate leadership in the aftermath of the Marshall decision. However, I think they are badly shaken by the fact that the federal government and the Conservative government before it showed so little respect for the issue of treaty rights that they basically were forcing people into the courts, turning their backs on the important principle laid out in the recommendations of the Royal Commission on Aboriginal Peoples that we need to adopt an approach that says we negotiate, not litigate, these matters.

• (2045)

There is a long legacy of this government and the previous government, not just the current minister, not showing appropriate respect for aboriginal Canadians, who now, understandably, want their fair share of the Atlantic fishery.

Mr. Derrek Konrad (Prince Albert, Ref.): Madam Speaker, I want to state that the leader of the NDP in her speech did not offer any constructive or workable solutions, unlike Reform, which called for a stay and a rehearing of the judgment so that they could work it out and get it right instead of getting it wrong and then the government going in with all kinds of weaknesses trying to negotiate, let alone legislate, an end to this problem.

I was interested in her comments that slammed large companies as causing widespread poverty in the region affected. I wonder how she squares that with union support for her party that thrives in large successful corporate environments. Is she totally against the

corporations that fish in that area for lobsters? She would rather see them all go out of business I take it.

Ms. Alexa McDonough: Madam Speaker, again, I do not think it is very helpful to make sweeping statements about anything so ridiculous as condemning all large companies.

What we are talking about are fishing methods used by some of the large companies that virtually involve raping the ocean floor, ignoring the ecosystem, ignoring the food chain and ignoring the fact that if they are going to suck up everything that is in sight and throw fish overboard because they do not meet certain specifications what they will do is cause the kind of crisis that we now see in the east coast fishery. I do not think it takes us anywhere to go down that blind path of ridiculous conclusions.

We need to look carefully at what kind of fishing practices are sustainable and what ones are not. For the benefit of all concerned, we need to adopt a regime of practices and regulations that will ensure a sustainable fishery over time.

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Madam Speaker, the leader of the New Democratic Party says we must try to develop a viable and sustainable fishing industry. Could she give her opinion on the most recent international agreement that Canada signed this summer? I am speaking of the UN fishing agreement. Article 5 of that agreement provides that the signatories pledge to develop and to maintain a sustainable and cost-effective fishery.

My problem here is that Canada must now deal with a requirement from the Supreme Court of Canada to the effect that we must guarantee adequate livelihood to aboriginal people. However, we still do not know what is meant by a cost-effective and, more importantly, a sustainable fishery, in the language and vocabulary used by the Department of Fisheries and Oceans. Sustainable has to do with the proposed fishing gear, but will it be viable?

● (2050)

What is the expected level of cost-effectiveness, particularly in the context being dictated at the UN by all the countries of the world, including France, the United States, England and so on, and without subsidy? What will this “without subsidy” mean? What do the words “viable” and “cost-effective” currently mean?

Right now, we are asking Gaspé Peninsula fishers to share their resources with aboriginal people. If the court forces them to do it, they will do it, but they will also share their misery. In the wintertime, they have to rely on employment insurance.

Fisheries

How are we going to define the terms “viable” and “cost-effective”? Is the NDP prepared to team up with us to put pressure on the Liberal government to force them to develop that definition? We need it not only to solve the aboriginal crisis, but also to ensure sustainability in the fisheries of eastern Canada.

[*English*]

Ms. Alexa McDonough: Mr. Speaker, let me say first that I think the member who has raised the question would be the first to admit that the specific questions he raises are immensely complex, both in scientific and legal terms. However, I agree absolutely with the point of the member’s question, which is that the federal government has to be prepared to allocate the appropriate resources to ensure that we come up with answers to those questions.

The situation that the member describes in his own riding is one that is recognized by all of us who represent coastal communities. It is a problem that results from the crisis management approach that this Liberal government and the Conservative government before it took by not recognizing that the concept of sustainability is absolutely crucial. It is not a matter of unilateral regulations imposed by the federal government; it is a matter of recognizing that there have to be appropriate restrictions on fishing efforts for the benefit of all who are involved in the current fishery and those who want to depend on the fishery in the future.

It is a matter of recognizing that solutions have to be local, regional, national and international. That is why it is so important that we have international fishery agreements such as the one that is under discussion.

It is a complicated scientific and legal issue and it is incumbent upon all of us to put pressure on the federal government to allocate the appropriate resources and to give the kind of respect that is needed to local fishers being involved in helping to devise the scheme and the regime that will govern the current and future fishery and to ensure that it is sustainable.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, it is my pleasure to rise in the emergency debate on the native commercial fishery on the east coast. I will be sharing my time with my colleague for West Nova.

I would like to thank our fisheries critic, the member for St. John’s West, and our House leader, the member for Pictou—Antigonish—Guysborough, for tabling this debate and bringing it to the floor of the House of Commons.

I tried several times to make a comment when the leader of the New Democratic Party was speaking. I will make that comment now because I am sure the member must think that this is a catch and release fishery. I would like to tell this House today that it is not a catch and release fishery. This is very real to the people in eastern Canada.

Fisheries

This debate comes as the result of the implications of a September 17 decision of the Supreme Court of Canada recognizing the treaty rights of the Mi'kmaq, Maliseet and Passamaquoddy people. The Marshall decision states:

The 1760 treaty does affirm the rights of the Mi'kmaq people to continue to provide for their own sustenance by taking the products of their hunting, fishing, and other gathering activities, and trading for what in 1760 was termed "necessaries". This right was always subject to regulation.

This quote from the supreme court decision indicates that the impact of this decision could be far greater than simply fishing rights. All crown based resources in Atlantic Canada, including logging, fishing and possibly even sub-surface rights, may be affected by this decision. That is why it is imperative to have direction and leadership from the government on this issue, something that has been lacking so far.

• (2055)

It has been 26 days since the supreme court decision and still the federal government does not have in place any sort of long term plan for regulating a sustainable fishery. The lack of leadership the government has shown on this issue, and therefore the lack of confidence both native and non-native communities have in the minister and his department, will only worsen if we do not hear something concrete from the minister soon. As it is, there has already been violence and near chaos in the fishery in Atlantic Canada. Because the leadership has not been there to establish a clear plan for the future of the fishery this has occurred.

I would like to take a moment to reference the speech made yesterday by the member for Windsor—St. Clair. In his comments on the throne speech he spoke well and he was extremely articulate. In fact, he was too articulate. He went on, and he went on, and he went on. I thought for a moment that his grandmother had mistakenly vaccinated him with a gramophone needle. I suspect that was not the case. I reference it only because the government has been very quick to pat itself on the back whenever the occasion arises and it can find all kinds of accolades to congratulate itself with.

In comparison, I point out the lack of comments, speeches and leadership, and the lack of a plan of any type coming from the Minister of Fisheries and Oceans before, during or after the September 17 decision of *Regina v Marshall*.

It also needs to be mentioned that former Liberal cronies in the Nova Scotia government did not even see fit to represent the province of Nova Scotia as an intervenor in the supreme court case.

Indeed, it is not leadership from the Minister of Fisheries and Oceans that has put in place the 30 day moratorium. Instead, this was the result of consultations and agreement among 33 of the 35 chiefs of the assembly of Atlantic Mi'kmaq chiefs who agreed to

voluntarily suspend their fishing to allow all parties to reach a negotiated settlement. Not the minister but the chiefs themselves put this in place. Unfortunately, through continued government mismanagement and incompetence this is being rescinded.

Fisheries leaders have worked with native chiefs to find a way to recognize native treaty rights. The result had been this 30 day moratorium that should have given the government time to implement some plans and set in place guidelines and regulations for a long term, sustainable fishery, if we would have seen leadership. It comes back time and time again to leadership and the confidence in this minister and in the government.

All fishers recognize the need to negotiate room in the fishery for native fishers, but conservation remains a concern for everyone. The Sparrow decision acknowledged that there are arguments for limiting the aboriginal food fishery. Conservation and resource management are justification for such measures.

We have 4,900 fishing licences in the South Shore riding that I represent. We have 1,700 lobster licences in the South Shore and West Nova. All of these fishers fish under conservation. They fish under rules. They fish under management. It is now the government's responsibility to ensure that conservation remains the priority of the department and that regulations are in place and enforced against everyone involved in the fishery.

Resource management is based on conservation and regulations. Regulations were introduced back in the 1930s and continued with trap limits, size restrictions, licences, seasons and lobster fishing areas. This and only this has preserved the resource. It is due to the fishers who have followed these regulations that we have the lucrative industry we have today.

These rules apply evenly, whether they fish in Southwest Cove, Blandford, Indian Point, Port L'Hebert, Port Mouton, Little Harbour, Barrington, Clark's Harbour, Woods Harbour, Shag Harbour or Lunenburg. Every one of those licences I mentioned earlier is more than a licence. It also represents a family and in some cases two or more families.

We all know where the Reform Party will stand on this issue. It will argue that the native fishery is a fishery based on race. We must make sure that we do not fall into its trap. There are answers, but inciting racism is not one of them.

The minister still has an opportunity. It is still within his reach—

• (2100)

The Acting Speaker (Mr. McClelland): Order, please. I do not think it is appropriate, especially in light of the words of the hon. member for Halifax earlier, to ascribe inciting racism to any party or any members in the House.

Fisheries

Mr. Gerald Keddy: I withdraw those comments, Mr. Speaker. The point is well taken.

The minister still has an opportunity to reach a settlement with native and non-native fishers, but to do so he must show leadership. Leadership requires taking a position and having a plan. The government did not have a plan A let alone a plan B.

I state once again that this is about lack of leadership and the lack of confidence fishers have that their livelihoods are being protected. It is also about lack of confidence by first nations that the government intends to integrate them into the fishery. Separate seasons, no conservation and no way to regulate the native fishery will not integrate natives and non-natives in this fishery. It will and has caused violence. Believe me when I say that this is only the tip of the iceberg.

I mentioned earlier that Chief Justice Binnie stated in the Marshall case that the 1760 treaty right was always subject to regulation. This is not complicated. This right was always subject to regulation. Fishery representatives have stated from the beginning that the industry can accommodate the gradual integration of first nations if they fish the same seasons and have the same licensing structure and same regulations as non-natives.

We all know that because of the supreme court ruling we now have an important new player in the fishery. If the government had shown any leadership at all, we would not be in the situation we are in tonight.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the priority native commercial fishery mandated by the Supreme Court of Canada in the Marshall decision reflects precisely the separate native commercial fishery imposed on British Columbia fishermen by the previous Conservative government.

The regulations the minister is imposing on the east coast fishermen to manage the fallout from this decision are precisely the regulations that were imposed on the fishery in British Columbia and which have taken that fishery from profitability prior to 1992 to the point this year where there is no fishery on the Fraser.

Why should I believe the crocodile tears that are coming from the member who just spoke when the policy of his party was precisely the same as the policy mandated by the Supreme Court of Canada?

Mr. Gerald Keddy: Mr. Speaker, is the hon. member suggesting for a moment that we do not listen to the Supreme Court of Canada, that we are somehow above the law?

There was an opportunity all along. We were following this debate and the issue very closely. The government failed to show leadership. For the hon. member to raise questions and innuendo in

the House on issues which he is obviously not cognizant of and for which he does not have the facts, including the aboriginal lobster fishery that existed previously, is a serious mistake.

If we have leadership from the government we have an opportunity to bring an end to the problem in this fishery right now. We can put a moratorium in place. However it was the Reform Party that did not want a moratorium. It insisted that we could have a stay of proceedings. Look where the stay of proceedings is right now. We are 72 hours from the end of this. The stay of proceedings will not happen. We went in the wrong direction with it. We should have had a moratorium in the beginning. That is the problem.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I appreciate the concern of the member from the south shore of my beautiful province of Nova Scotia. Many of the fishermen in these communities we are talking about are in his riding.

• (2105)

I have spent an awful lot of time on the phone in the last few days talking to fishermen and representatives in the hon. member's riding. A lot of them have said that possibly for the short term in terms of a solution to incorporate the aboriginal people into the fishery is a sort of voluntary buy-back program. There are 6,300 licences in the maritime provinces right now that incorporate lobster fishing. Of those, roughly 10% belong to people who would voluntarily exit the industry if they got a decent price for their licences.

Would the hon. member not agree that could be a short term solution as we work toward a long term goal? The government could purchase these licences, transfer them over to the Mi'kmaw nation and everyone could fish under the same conservation guidelines.

Mr. Gerald Keddy: Mr. Speaker, I think the problem here is that the hon. member is mixing up short term and long term solutions.

That could perhaps be part of a long term solution. It is a way to integrate the native fishery into the existing fishery. The bottom line for the fishery has to be very simple: a commercial fishery based on rules and regulations, the same seasons, the same trap limits and the same lobster fishing areas for everyone in the fishery.

We can find ways and we can be innovative and we can bring the Mi'kmaw fishers into the fishery, but we have to do it under one set of rules with one set of regulations for everyone in the fishery.

Mr. Mark Muise (West Nova, PC): Mr. Speaker, the supreme court rendered its decision on the Donald Marshall Jr. case on September 17. Almost a month has gone by and only now has the government recognized the seriousness of this particular ruling.

Fisheries

Tonight's emergency debate is focused primarily on the fishery and more specifically on the lucrative Atlantic lobster fishery. Yet the supreme court ruling will have far greater implications for all future federal government negotiations with our aboriginal peoples.

As my hon. colleague from south shore has mentioned, this ruling will most definitely be used as a benchmark for future discussions over such things as logging rights, mineral rights and even land claims.

Despite the importance of this decision, the government chose to postpone the opening of parliament by three weeks to introduce a new throne speech rather than reconvene parliament to address this situation. Shame.

What is more disturbing about the government's obvious contempt for the parliamentary process is the fact that Canada's fishery industry was almost totally ignored in the Speech from the Throne. Except for a very brief mention in the speech, it would appear that this Liberal government could not care less about what happens to Atlantic Canada or the fishery.

After watching the aftermath of the supreme court decision, can there be any doubt that the government was totally and utterly ill prepared to respond to the violent reaction among fishers that such a decision was bound to create? It is absolutely unbelievable that the government did not have a strategy prepared for whether or not the supreme court ruled in favour of Mr. Marshall. That was exactly what happened. Instead of being a leader in this dispute, the minister has left it to the affected parties to come up with their own solutions to this impasse.

Native leaders have just come up with their own solution. Following an emergency debate this afternoon, it was reported that native leaders have now decided to withdraw their support for a 30 day moratorium. This means that native fishers will once again take to the waters without any government restrictions. Such action will certainly heighten tensions in an already hostile environment.

Native leaders are charging the Minister of Fisheries and Oceans with negotiating in bad faith by imposing trap limits on two native reserves in Burnt Church and Indian Brook who refused to enter into a moratorium agreement along with the 33 other band members.

Native leaders went to great pains to explain to the media that their original decision to agree to the moratorium was taken of their own accord and was not influenced by the request of the Minister of Fisheries and Oceans. It would appear as though they do not recognize the authority of the minister to impose a solution to this impending crisis in the fishery. And why should they? The minister and his own senior officials have shown clearly that they have no solution to offer either native or non-native fishers with regard to this dispute.

• (2110)

In light of the decision taken by native leaders today, it is vital that this minister and this government act immediately to establish at least a short term solution until a long term solution can be negotiated.

What was this government thinking? Why was it so cocky that it could not even fathom the possibility of losing this case before the supreme court? On what did it base this arrogance? It could not be based on the Sparrow decision. It could not be based on the recent logging disputes in New Brunswick. The rulings in these cases should have triggered some kind of warning bell within the government. Let me ask the question millions of Canadians have been asking themselves, one that our party repeated in the House today. Why was the government not prepared to respond to this situation? Why?

This case has been ongoing since 1993. It is now 1999 and this government is acting as though the situation suddenly appeared from nowhere. I have been in the House asking questions on the illegal lobster fishery that has been going on for the past two years. The minister and his officials knew that was happening. He cannot say that he did not know. He should have had a plan in place. It is not acceptable.

Our West Nova fishers perhaps are victims of their own success. Not so many years ago a lobster fisher was said to be involved in a poor man's profession. There were virtually no markets for lobster. Lobsters were used as fertilizers on our fields.

The lucrative lobster industry did not just happen overnight. Through conservation, dedication and a lot of hard work, industry leaders slowly began developing markets for this crustacean. We have gone from exporting lobster to the U.S. to opening lucrative markets in Europe. A lobster licence that may have sold for \$5 30 years ago is now worth \$250,000 in some cases.

Lobster fishers risk huge amounts of money to participate in this lucrative fishery. Besides the expense of a fishing licence, investments include the purchase of a vessel, fishing traps, bait, fuel and wages for their employees. There is a huge overhead involved in this industry. So much money is tied up in their investment that any major decrease in catches or a significant reduction in the price received for lobster would be catastrophic for many fishers, particularly those who have just recently entered into the fishery.

Let us face it. The government was caught with its pants down by not having a strategy in place to address the supreme court ruling. Rather than admit its lack of preparedness and thereby ask the supreme court to grant a temporary stay of its ruling until new regulations could be established, the minister simply allowed a free for all within the Atlantic fishery which led to fear and ultimately violence. This could all have been avoided had the minister of fisheries taken a leadership role in establishing temporary rules and

Fisheries

regulations that would have encouraged dialogue leading to long term solutions.

As tensions continued to rise, the minister kept telling Atlantic Canadians that he had the authority to impose restrictions based on conservation. I asked the minister why, if he were legitimately concerned with conservation, he would allow anyone, native or non-native, to fish out of season.

The supreme court has rendered its decision. The native people's right to participate in the fishery has been upheld by Canada's highest court. However, the decision did not clearly define how the fishery was to be conducted. The supreme court decision left many questions unanswered, such as what constitutes a moderate livelihood and how those displaced by this decision will be compensated.

Many non-native fishers are frustrated by the lack of leadership coming from the minister's office. The minister's initial reaction to the supreme court decision was to allow native fishers to participate in an unregulated, unrestricted fishery. Naturally, tensions were bound to escalate as commercial fishers feared the potential loss of their livelihoods.

The Atlantic fishery is worth over \$1 billion to our economy. I would consider that quite significant, yet this government has responded with a casual air of indifference toward this crisis.

• (2115)

The fishers of West Nova are some of the finest fishers in the world. Although the minister and his government colleague appear ready to turn their respective backs on the industry, I want them to know that I will not. I will continue to demand from the government that we work with the stakeholders to come to an acceptable solution of this serious issue.

On behalf of our fishers I implore that the minister begins addressing the issue immediately before the lobster industry is damaged beyond repair.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I thank the member for West Nova for his remarks with regard to his fishermen. As I mentioned to his colleague from the south shore, I have been dealing exclusively with people in fishing and representatives in that area.

The one thing I would like to add is that he is correct that we need immediate action from the minister. Would he not agree that with the recent decision by the aboriginal chiefs in Nova Scotia and New Brunswick to lift the moratorium it would be a very wise idea for the Minister of Indian Affairs and Northern Development and the Minister of Fisheries and Oceans to get on an airplane and head down to that area to deal with the issue immediately?

Mr. Mark Muise: Mr. Speaker, I thank my hon. colleague for his question. I guess the answer is very obvious. I have been saying all along that the minister should have been on the ground in Atlantic Canada three weeks ago, the day after the decision happened, so he could get a sense of what was happening.

I walked those streets for 42 years and I have never, ever sensed the tension that is in my part of the province. The hon. member for South Shore and my colleagues from New Brunswick tell me the same. The ministers should be on the ground. They should be talking to be people who have a chance of resolving the problem. They should show leadership and they should be there immediately to start working on it right away.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, I cannot help but comment on the last remarks of the hon. member. The tensions and whatnot that he is describing, the fears and the hurts that people are relating to him, are the same problems that we have been listening to for the last six or seven years in British Columbia. They are problems that were brought on by the policy of the former Conservative government.

The solution that is proposed is the same solution. The one season, one set of regulations solution is the same one that was proposed by the fishing industry on the west coast and was rejected wholeheartedly by the previous government and by this caucus all the way along. That has been our proposed solution.

I am still curious as to why the suggestion I made that a stay of judgment and a rehearing of the case be sought is rejected by my friend who just spoke. The facts are clear that the moratorium will not work. There is no compulsion on anybody to comply with the terms of the moratorium, but a stay of judgment would have some legal authority. It would give voice to those people who are affected by the decision. I would like to know why they reject that notion.

Mr. Mark Muise: Mr. Speaker, I am always impressed or not impressed by my hon. colleague's inflammatory remarks. It is by working together in trying to come to a solution that we can achieve peace and some kind of acceptable solution of the matter. It is not by driving a wedge between both parties or using derogatory or inflammatory comments that we will come to a solution. We have to represent our people. We have to speak out on their behalf. We also have to encourage people to work together because that is the only way.

Once the court has made a decision it cannot be reheard. There is no room for appeal or there is no ability to appeal a supreme court decision. We have to work together instead of trying to drive a wedge, which my hon. colleague seems to be doing so well. I will have no part of that.

Fisheries

• (2120)

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, I would like to provide a preamble to the comments I want to make with the fact that throughout the great country of Canada for centuries aboriginal people have very generously stood by and watched the development of the country for commercial purposes, whatever the resources are. It could be oil and gas. It could be forestry if we look at B.C. It could be mineral resources. Aboriginals have reaped few of the benefits. They have no resource sharing revenue mechanisms to have returns of revenues to them.

At this point in time in our history aboriginal people are saying that they want equity of access. We want to be self-sustaining communities and we want to participate. Quite clearly, to put this debate in context, we must understand that aboriginal people and non-aboriginal people have to work hard to allow cooler heads to prevail, to be reasoned and logical, and to try to find constructive solutions.

In dealing with the debate and trying to help clarify the government's position on the Marshall decision, I am extremely impressed with my colleague, the minister of fisheries, who very appropriately went to the aboriginal people and the commercial fishery in the Atlantic region to deal with the problem. It was very skilfully done. The level of arbitration and consultation had proven results. We have to work not only at dealing with an interim crisis but at a long term and strategic solution for it.

When the supreme court ruling was handed down on September 17 some people said we should have provided an instant analysis and announced some bold new initiatives. Kind of a knee-jerk reaction was what was wanted. Some critics even suggest we simply put down our fist and simply close the lobster fishery indefinitely. Closing the fishery would have been in some respects an easy way out but would have been unproductive for all parties.

The supreme court decision, my colleagues across the way should know, is the highest legal voice in the land and we must respect its rulings. We cannot cherry pick on a decision that the supreme court makes when we feel that we do not like it or other people do not like it. What kind of a country would we have? What would happen to the charter of rights under those conditions?

In this case the court upheld the 1760 treaty with the Mi'kmaq but with the modern interpretation of what it means in 1999. The judgment spoke of a moderate livelihood for natives and not an open-ended accumulation of wealth in the fishery.

Just as important, the court also said the right could be regulated. I am sure some people who want to inflame and create fear unnecessarily would have us believe that there would be anarchy on the seas, that native people would go out there indiscriminately

after decades and years of depending on country foods and on the fishery for sustainability. That they would go out there and pillage is ludicrous.

As we can see, the judgment is complex and there are still a number of issues to be resolved. The minister immediately sought clarification of the ruling to provide the best possible response in the shortest period of time. This analysis took less than two weeks when many other cases have required months.

We have heard in the House of Commons today a reference to what the opposition considers the fact, that this is a race based right. It is very important to understand that the collective rights of aboriginal people are not race based. Those comments are race based. The collective rights of aboriginal peoples are human rights that accrue to them by virtue of their existence as people with their own cultural, legal and political traditions.

• (2125)

Aboriginal peoples have welcomed others to this land and have asked only for a reasonable accommodation of their fundamental human rights as individuals and as people. With our particular brand of Canadian ingenuity we as Canadians have inherited and built upon a constitution that seeks accommodation between those people that were here and experienced colonization and all those that have come afterward.

The Mi'kmaq of the maritimes have waited 240 years to have their fundamental rights respected under a treaty entered with the crown, a treaty that is part of the constitutional fabric of the country. The Mi'kmaq like other aboriginal people have been asked to respect the rule of law and they have done so by taking their claims to the courts.

I cannot express strongly enough my belief that Canadians of all origins are by nature a generous and accommodating people who respect the rule of law. I have no doubt that we will continue to prove ourselves to be so in the future, but the will and the spirit to co-operate has to be there. We cannot achieve that level of accommodation if we create fear in the public. It is our responsibility to instil hope. It is our responsibility to be responsible in what we say to the public. If we inflame with those kinds of comments we are doing nothing to resolve the issue.

It is important for the House to know the roles the minister of fisheries has played. Instead of closing the fishery, as I mentioned earlier, the minister took the harder road of negotiations. The minister and the government wanted to respect the supreme court ruling. There were other suggestions that were not taken up for obvious reasons.

Where others might have given up the minister continues to seek solutions through dialogue and co-operation. The minister continues to be involved on a daily basis. He is in constant touch with the

aboriginal leaders, the commercial fishery, government officials and Atlantic premiers.

Early on the Marshall decision was a prominent issue when the Atlantic Council of Fisheries Ministers met in Quebec City last month. There was a clear recognition from all jurisdictions of the need to clarify the implication of the court decision and to put in place a management regime. The council recommended that regime must ensure the conservation objectives are not compromised and be fair to other interests in the fisheries.

Conservation is one issue but there is another issue. We can play on that. We can use that to be partisan. We can use that to be smaller than we should be. We can do that and that is about economic preservation. Major investments have been made by the commercial fishermen out there. They have increased the value of lobster licences. It is a major investment. It is their retirement package. If we have a sudden influx of other people who would take up in that industry it devalues that investment. That is a major concern. That is an economic preservation concern. That is another thing to think about.

However it is quite interesting if put it into the proper context. On district 23 in the Burnt Church area of Miramichi Bay the number of lobster traps used by aboriginal people adds up to less than 1% of the number of traps used by the non-commercial fishery. Is that a conservation crime? Is that something that at this point we will have to be totally unreasonable about? It is something we should think about. We have to put everything in context.

I agree that we should be looking at finding a solution. We all witnessed the unfortunate incidents in the days following the court. In conclusion, we have to work hard.

• (2130)

As I said in the beginning, closing the fishery would have been the easy solution, the quick fix. But there is no quick fix on an issue that affects people's rights, lives and livelihoods. I am confident that the minister's staff and department will continue working in the right direction to better the lives of everyone involved.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I want to congratulate the hon. member for her remarks. They were very insightful, passionate and sincere. I could not agree more with the need for reasoned and moderate debate.

However, along that line I would ask the hon. member, in all sincerity, that if this was the true intention, why did her government, three days after the Marshall decision was handed down, decide to prorogue parliament, thus hamstringing and in no small way completely doing away with the ability to debate this issue in the House of Commons? It was the Progressive Conservative Party that had to call for this debate. It was not done voluntarily by the government.

Fisheries

If that is the case and if debate is what will lead to a solution—and I agree with the member that it will—why did her government do away with that ability by proroguing this House?

Hon. Ethel Blondin-Andrew: Mr. Speaker, I think the issue on proroguing the House is a red herring. It is irrelevant to the very important issue at hand. We had a lot of things to consider. There were a number of requirements that had to be met. We were preparing for a throne speech and the installation of a new governor general. Those are not excuses; those are reasons. However, that does not take away from the importance of what was occurring, which was demonstrated in the action that the minister took.

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I would like my hon. colleague opposite to repeat part of her speech. I want to be absolutely sure that I understood the interpreter.

When she says that catches by native fishers represent approximately 1% of commercial catches, is she not contradicting the Minister of Fisheries and Oceans who says that we must ensure conservation of our stocks? One percent is nothing.

I would like to know if she is contradicting the Minister of Fisheries and Oceans and if the problem is more of a management problem. How will the fishing be done—that is the problem we have with non native fishers—and, particularly, who will be doing it? That is the problem.

[*English*]

Hon. Ethel Blondin-Andrew: Mr. Speaker, I would never consider contradicting the minister. The minister indicated that conservation is important, and it is an important issue, not just for the fisheries but for every resource. That is an important issue and it is a general statement.

What I did say was that the number of lobster traps used in District 23, Burnt Church, on Miramichi Bay by aboriginal lobster fishers adds up to less than 1% of the number used by the commercial fishery.

We can assume whatever we want, but what I went on to say was that there are other considerations besides conservation. Conservation is always important when we are dealing with a resource, but there is also economic preservation. That was the point I was making.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I have great respect for the hon. member and the area from which she comes. If the member believes that this minister is doing such a fine job, then would she

Fisheries

not try to convince her minister, because the people's perception of politics is their reality, and the Minister of Indian Affairs and Northern Development to get out of Ottawa, to get down to the maritime region and to deal with this issue firsthand, instead of dealing with it by long distance from Ottawa? Would the member not make that suggestion to her minister and make it an imperative motion for him to get down there immediately to deal with this issue?

• (2135)

Hon. Ethel Blondin-Andrew: Mr. Speaker, my hon. colleague knows that this is important to the minister. I also know that the minister has a great deal of respect for members of the House and would want to be here to respond to their questions as he did today in question period. He would want to be here to respond to those members who represent the people in the area, and he has been dealing with those people continuously. That is not an issue. The minister has demonstrated quite clearly that he is capable, committed and has the confidence to do the job.

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, Miramichi, as the hon. member opposite noted, is where Burnt Church is, where Red Bank is and where Eel Ground is, three of the reserves that I represent in the House. Listening to some of the debate tonight I wonder how well some of our native people are being represented in the House.

Across this country there are nearly one million status and non-status people who were the original people of this country. I take affront with some of the statements made in the House in terms of the rights those native people have and should have under the agreements our ancestors made with them.

I also have a very valuable industry in my constituency, which is fishing. Tonight we are talking about lobsters, but in terms of the fishery it is a much broader issue than just lobsters. Lobsters over the last 40 to 50 years have become one of our most valuable species, along with our snow crabs. Those two species provide a lot of income to the people along the Baie de Chaleurs and Miramichi Bay areas.

We also have to recognize what happened and be very aware of the situation that developed which pitted one group of people against another group, the commercial fishermen. I would like to point out to the House that some commercial fishermen are natives.

The aboriginal fishery strategy over the past decade has offered fishing licences and in fact the Burnt Church reserve has approximately 10 licences. It is the same with the reserve at Big Cove where they have fishing licences and also with Indian Island.

It was a very unfortunate incident that happened on that Sunday some weeks ago when fishermen decided to take the law into their own hands. There was a certain degree of frustration because they

saw, in terms of the supreme court ruling, that their industry and their livelihood was at stake. I met with some of those fishermen. They came to my office in great numbers on the Wednesday prior to the incident that happened on Sunday. It seems that there were other people who came into our area. There were lobster boats and commercial boats that came from outside the Miramichi constituency to fish on the shores of Burnt Church.

We have to recognize the value of conservation. The inner Miramichi Bay in the fall of the year has very warm water. The lobsters come to change their shells, to moult. It is a nursery where the lobsters procreate and develop for the next season ahead. With that, the commercial fishermen saw a danger to their industry.

We also have to recognize that for the native people of Atlantic Canada the treaty rights they obtained as a result of the Marshall decision created a great period of exhilaration, a great victory they had won, a point they had been striving for and reaching for over many years. Many of the native people took to the shores to set their pots and fishing traps to see what lobsters they could obtain.

We talk of this in terms of wisdom. Many of us are pointing at certain people who have made mistakes. I would like to point out, Mr. Speaker, that when I point at you with one finger, I am actually pointing back at myself with my other three. I think a lot of us in the House tonight, as we try to find some villain in this, are actually doing three times as much damage to ourselves as we are to the people we are pointing toward.

Some will criticize the supreme court. They feel that the supreme court did not have enough wisdom in terms of the outcome of the decision it rendered. The court might have stated in its own behalf that it recognized rural Canada and especially the Atlantic provinces if it had foreseen the difficulties, but that wisdom was not seen by the supreme court.

• (2140)

Some will criticize the minister, but the minister has to look at those judgments. He and his staff and the Department of Justice have to decide just what is said in those pages that have been written by the justices. It takes some time for that to be brought to light and for the proper decisions to be made.

Some will criticize the fishermen who were taken back by the decision. They were very much concerned that an immediate process should evolve and that the minister should simply say "no native fishermen". That would not be a wise decision. The native people have as much right to the resources of the country as anyone else.

In terms of perspective, we must mention that the fishery has grown over the years. In the 1960s a commercial lobster licence could be obtained for about 25 cents. Today licences are worth somewhere between \$50,000 and \$100,000.

Fisheries

We also have to recognize that over the years the lobster industry has been developed.

I read an article some years ago about teachers being sought in the southern part of New Brunswick. At that time, during the great depression, teachers often boarded with parents in the community. One promise that one school board made in southern New Brunswick was that no one boarding at their house would have to eat lobsters more than twice a week. Lobsters were frowned upon in terms of being a commodity and only poor people ate lobsters. Today, of course, such is not the case.

We have to recognize that in Atlantic Canada the fishery has been developed. The various species all have different values. We talk about smelts, clams, oysters and the list goes on. In fact, the Marshall case dealt with eels. The fact is that all of them will have to eventually be translated into accommodations in terms of how native and non-native fishermen will approach the fishery.

The point is that not only have native people been restricted in terms of the fishery; the people on the west coast talk about the public right to fish. On the Atlantic side we do not have the public right to fish. Fishing has been closely regulated and people have obtained fishing licences as a result of having paid fees over the years which have been applied by certain regulations.

I hope that in some way this matter can be resolved. In the Miramichi constituency we have people with fear. People are afraid that others may infringe on their rights. We have had burnings, we have had trucks destroyed. There was a special healing site that the native people in Burnt Church burned by fire. A house has been destroyed. All of those things have created great problems in our community. With it, people who have lived side by side for some 200 years are suddenly no longer great friends.

I hope that in the debate tonight we can bring some reason to this problem that has been created in the Atlantic fishery, that people can restore some faith in their ability to relate and understand other people and that, above all, in the near future we can develop a fishery which can accommodate people, both native and non-native, and that the fishery can work in the best interests of the economy of Atlantic Canada.

I also wish to point out one final point. Burnt Church is a very isolated reserve. It consists of between 900 and 1,100 people, depending upon the season. The people of Burnt Church have great economic needs. I think that is true of a great number of reserves across the country. There are some 600 of them. Many of them lack the economic resources to develop their own people and to provide a livelihood for their children.

Let us put all of that into perspective and hope that we as Canadians and as parliamentarians can join together to see a resolution to this great problem that will accommodate most of our people.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, it was suggested that returning to court for a stay of judgment and a rehearing was cherry picking. It is not the case. The purpose of returning to court would be to avoid the type of confrontation we have seen and to seek a clarification of the court's intent in this decision.

• (2145)

For example, would they permit an infringement of the treaty right that they recommended? I refer to paragraph 75 of the Gladstone decision where the court itself recognized that others had acquired rights to fish. It said that reconciliation of aboriginal societies with the rest of Canadian society may well depend on achieving that balance.

Does the member opposite not see a value in returning to the court and getting the court's opinion on how these conflicting rights could be adequately addressed?

Mr. Charles Hubbard: Mr. Speaker, I am not a lawyer and I certainly have to take under advisement what the hon. member has asked.

The conclusion I come to is that since the early 1980s we have brought the Constitution home and the supreme court is the supreme court. Certainly the Department of Justice may work out with members of the court an interpretation of some of their statements in terms of that judgment, but we cannot turn our backs on a supreme court decision.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I would like to ask a question of my colleague from the riding of Miramichi, which is adjacent to the riding of Acadie—Bathurst.

I sympathize with the problems in his riding, but they are the same as in my riding.

My colleague told us that fishers went to see him in his office on Wednesday, and all the problems occurred on Sunday. Then we learned that the minister went there two weeks later. I would like my colleague to comment on this situation. Is he disappointed with his minister's attitude or does he approve of the minister's slowness in handling this whole issue? There is a crisis in our region, and we must take action. I think the minister should not even be here tonight. He should be in Atlantic Canada trying to solve the problems of native and non-native fishers.

[*English*]

Mr. Charles Hubbard: Mr. Speaker, in New Jersey on Thursday of last week I met with a number of people and I visited the Burnt

Fisheries

Church reserve a short time later. I made a statement that generally all people are good people but there are people in every group who want to create major problems.

I know that in terms of what happened there, we were unfortunate to have outsiders come to Burnt Church. It was also unfortunate that some of the fishermen did what they did.

On the afternoon in question, members of the MFU and I spoke with the Minister of Fisheries and Oceans. I called him on the phone and he was readily available. We discussed the problem in the presence of the MFU representatives. We said to them that there should be a solution early next week.

That the boats came from outside the constituency on the weekend certainly was a major factor. From that, the Sunday morning episode resulted and then the Sunday night episode shortly after I visited. I was down there that evening from about 6.30 to 7 p.m. and shortly toward dark those vehicles were destroyed. It is a very unfortunate thing, but the point is that it happened and we all have to live with it. Hopefully the minister in the fine efforts he made in the week since has brought some resolution to it. He has met with the 30 chiefs. He certainly had great courage in doing so and I want to commend him for it. He met with the MFU and hopefully we can resolve this.

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Mr. Speaker, native communities, like many non-native communities, are in some economic difficulties. The hon. member for Miramichi mentioned that. There are a lot of native communities in difficulties. That is why it is so important now that there is an opportunity for them to have some work in the fishing industry we make sure that 10 years from now there are still lobster out there. That is going to benefit both communities.

Would the hon. member agree that we could have seen more leadership on the part of his government, because conservation is the solution to this? We have to get around the table. It is very clear that conservation is what—

The Acting Speaker (Mr. McClelland): The hon. member for Miramichi has 30 seconds, please.

• (2150)

Mr. Charles Hubbard: Mr. Speaker, the leadership was very evident. I was satisfied with the leadership the minister provided. I am glad to see the hon. member opposite, who has a very large native community of her own, speaking up for them and representing them in the House. I thank her for that.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I am happy to engage in the debate this evening.

I would like to start by focusing my remarks on the supreme court. I do not doubt for one moment its sincerity. I do not doubt for

one moment its character or the integrity of the nine justices who sit on the supreme court, as I do not doubt the integrity and the character of members opposite and of members in other political parties who hold different views than I do on this issue.

I would hope that members opposite would refrain from attacking the character and motives of people in this party every time the Reform Party disagrees with them on a philosophical basis on issues that are so fundamentally important to the future of Canada.

In saying that, I want to focus on the supreme court. Many people and many members in the House look at the Supreme Court of Canada in awe. They somehow see these nine justices as being virtually infallible and that somehow we have to accept anything handed down from the supreme court as being the final word. It is as if these people were anointed or appointed by some higher being, by some deity that is unknown to us.

The fact is that the nine justices on the supreme court were all appointed by partisan prime ministers, either Conservative or Liberal. Over the past 30 or 40 years all the existing justices on the supreme court have received their elevation to the bench in that manner. While I would never want to accuse any of the justices on the supreme court of being partisan, it is important to note that I recognize that they are appointed within a certain milieu, a certain political prevailing philosophy.

For about three decades or more that certain political prevailing philosophy can be characterized in several different ways. We could call it more and more the posture of the politically correct. We could call it progressive enlightened thinking. Or, let me borrow from Thomas Sowell, the great American writer who said in his excellent book *The Vision of the Anointed* that these people have become enraptured with a certain vision that is predominantly a Liberal left vision. The philosophy of that is so evident in our political, social and academic institutions. It has become progressively more so over the last three or four decades.

We are not saying that these are bad people. We are not saying that their characters are flawed. We are not saying that they ought to be harshly rebuked and criticized for the views they hold. What we do say is that they are fundamentally wrong in their thinking. That is the problem we have with this issue today.

The people who embrace this vision of the anointed, again to borrow from Thomas Sowell, assume their own moral superiority because they are convinced of the rightness of their cause. Therefore, they believe they are somehow morally on a higher plane than anybody else. They believe that anybody who disagrees is not only morally wrong, but is in sin. We can see the evidence of that in the debate in this chamber from time to time.

Also, these people who are ensconced in this vision of the anointed also tend to insulate themselves from the reality of the

Fisheries

impacts of their own decisions. They do not want to see the reality of the decisions they make. When they make a decision and feedback comes back to them that somehow something has really gone wrong, they point their fingers at anyone and everyone and any other thing they can possibly dream up rather than seriously examine from an intellectually honest point of view their own positions and decisions to see how they affected the outcomes that they do not really want to see.

• (2155)

I submit that the Supreme Court of Canada is very much caught up in this vision of the anointed. The political institutions of this country, the Liberal Party in particular, are also very much caught up in this vision of the anointed.

What we have is a people who fervently believe that they can right the wrongs of history by ignoring the lessons of history. They do not want to give any regard to history's lessons. They do not want to give regard to basic democratic principles and values. They think they can ignore basic democratic principles and values and that because they are somehow more clever, gifted or more able, they can concoct some kind of new societal arrangement that will be successful while ignoring those principles.

I submit that 10,000 years of human history has proven that cannot be achieved. Without democracy we return to the barbarism that all our ancestors experienced in the past. Regardless of who we are in this House, that is where we came from. We learned that through 10,000 years of recorded human history. We learned from experience. We learned by trial and error and many different kinds of societal arrangements that the best way to arrange our affairs so that we can have peace, harmony, prosperity and human rights is through basic democratic institutions.

The cornerstone or founding principle of democracy is the equality of all people before the law. We cannot have it any other way. We cannot be so smart, egotistical or arrogant as to believe we can somehow rearrange society and give special status and rights to be assigned on whatever basis, blindly ignoring the lessons of history and basic democratic principles and expect that we will have peace and harmony in society.

I submit that the evidence of that is before us today. We have had three or four decades of successive policies emanating from government that have tried to encourage Canadians, aboriginal Canadians in particular, that this somehow can happen and that it somehow can work. Not just in the case of the east coast lobster fishery but right across the country we are seeing more and more evidence that not only does it not work but it is leading to real conflict and disharmony in our society. It is not healthy.

I do not doubt the sincerity of the justices on the supreme court and that they were trying to do the right thing. I question how they

could come up with the decision they did when the treaty of 1760 on which they relied to render this decision does not even mention fish.

Clearly what they were trying to do was right the wrongs of history by reading into this treaty things that were not there and trying to create some kind of different societal structure that would in their view be a benefit to the Mi'kmaq people.

As much as there are people in the east coast lobster fishery right now who are being displaced and are hurting financially and will continue to hurt financially until this issue is resolved, the people who will pay the biggest price for this folly before it is all said and done will be the Mi'kmaq people themselves.

I will say it again for anybody in the House who cares to listen. The people who will pay the biggest price before it is all said and done will be the Mi'kmaq people themselves.

Unless the government can demonstrate leadership on this and can break with its failed vision of the past and embrace the genuine basic principles of democracy and encourage our aboriginal brothers and sisters to do the same, we will be in real trouble. We can see it coming everywhere. I take absolutely no pleasure in saying this but it is coming. It can be seen everywhere: the Musqueam in Vancouver, the east coast lobster fishery, in Manitoba and in Northern B.C.

It is coming because we have had this political rhetoric in Canada that has encouraged aboriginal people to go down this path. Think about that for a minute. Talk about encouraging aboriginal people in the wrong direction. I would wager that the sons and daughters of members in this place are not trying to forge a future for themselves in a fishery somewhere. The resource industries in Canada are mature to say the least and some of them are over mature as my colleague from Delta pointed out. Some of these are declining industries.

• (2200)

The future economy in Canada and in the world is in high technology, in transportation and in the global economy. It is not in fish. The people who are in the fishery right now are there because they have a historical attachment to it. They have a history with it and are earning a living right now. I would wager that if we were to ask virtually any of those individuals, were they 18 or 19 and had to make the decision all over again, they would not be going into a fishery. They would be going into something else where they could see a much more sustainable and prosperous future for themselves and their families.

What we are telling all other Canadians is that they should get into the information age and the technological age and think about the future in terms of global trade and global economies. We then turn to the aboriginal people and tell them to think of the future in

Fisheries

terms of the fishery and logging, in terms of resource extraction and those industries that are already mature in Canada.

It is only within democratic institutions that the value and worth of the ordinary individual is found. When we get into assigning rights and status on the basis of anything other than individual equality, we end up going backward in time. We end up building walls rather than bridges and we end up creating real conflict in society over time.

The supreme court and the democratic institutions of the country genuinely believe they can achieve what human beings have never been able to achieve in the past 10,000 years. The evidence that they cannot is before us today.

The Marshall decision from the supreme court should be a real wake-up call for everyone who is considering what the Nisga'a agreement means. The treaty I am talking about in this instance is a very thin document. The Nisga'a treaty is 200 pages long with 400 pages of appendices and 50 or so agreements that have yet to be negotiated and do not even fall within the agreement as it exists today. Each one of those conditions is subject to a supreme court decision at some point in the future. Consider what that might mean for our country.

The people who have negotiated these treaties have no idea. When we suggested in the spring that they submit that treaty to the supreme court for a reference so we could find out what the supreme court's view would be on the application of the charter of rights and freedoms and what the supreme court's view would be with respect to the constitutionality of that agreement, those people were so arrogant and so sure of themselves, again assuming their own moral superiority, that they looked at us, tried to mischaracterize what we were saying and ignored the warnings we were trying to give them.

We have been trying to give these warnings for six years in this place. We have been trying for six years to say, "hold on, we think you'd better think this through again. You'd better take another look at it". It is not because we question their character, not because we question their motives, not because we think they are bad people, because we do not, but because we know they are fundamentally wrong.

I would argue that the empirical evidence supports us. The empirical evidence supports exactly what the Reform Party of Canada has been saying since its inception. When we break away from the equality of all Canadians, when we start assigning special status or special rights or special access to resources, when we start assigning different rights to people on any basis, we have a recipe for disaster. We have a recipe for disaster on the east coast of Canada right now.

I do not know what the answer is but I do know how we got here. I know the government needs to take leadership. It needs to

demonstrate that it has the ability to lead and to govern for peace, order and good government which it fails to do. It routinely allows decisions to be made by the supreme court so it can duck the responsibility and the potential follow up for making those decisions itself. That is why we are in the predicament we are in today.

• (2205)

I submit that there are people in the federal government and the justice department who are constitutional and legal experts. There has to be ways of dealing with this issue that will be fair, affordable and lead to a resolve of the issue.

The very first responsibility of this government or any federal government has to be to reach out to those aboriginal people who are caught betwixt and between and tell them that their existence with special status has never been of any benefit to them at all. We need to rethink the relationship between the aboriginal people and the Government of Canada and the rest of Canada. Obviously the existing relationship has not worked to the benefit of aboriginal people and has not worked to the benefit of Canada.

It is time that we broke from the failed thinking and failed policies of the past and came up with some new ideas, some new visions and some new ways to move forward. If we do not do that, I fear that we are in for more conflict, more unrest and more of these kinds of events that have been occurring on the east coast of Canada. I do believe that there is a potential for that if this government does not demonstrate that it has the ability to lead and the ability to change its thinking on these fundamental issues.

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I can see that many members want to put questions, so I would like to give the hon. member for Skeena the opportunity to speak while the Ministers of Fisheries and Oceans and Indian Affairs are here, by asking him the following question.

Since the House of Commons has recognized the need to hold, on this very first day of the session, after the government has prorogued Parliament, an emergency debate on the fishery crisis and the Marshall judgment, would it not have been important for the government to immediately re-establish both the standing committees on aboriginal affairs and fisheries, so that we could find out who would be representing the government on these committees?

Some members have told us tonight "We are not lawyers nor constitutional law experts". This committee would have had the opportunity and the money to examine the ins and outs of this issue and help us make a more informed decision on what is happening here.

Fisheries

I have the feeling that the government, just like the minister who would like us to believe that he is doing something, would have us go round in circles. I would remind the House that we do not even have the right to vote on the issue being debated here tonight. In the end, I feel like I may be losing my time here, when there are things to be negotiated.

In the meantime, to be able to inform the people we represent, we should have access to correct and relevant information. I would like to know if my hon. colleague from Skeena is as eager as I am to find out the truth and to see if the government is indeed out of money.

[*English*]

Mr. Mike Scott: Mr. Speaker, I certainly appreciate my friend's question. We have sat on the fisheries committee together in the past and I have appreciated his contribution.

I think the member would agree with me, since we have both sat on committees for a number of years now, in some cases together and in some cases apart, that the Liberal government is not fundamentally interested in having committees decide anything. It does not really want the committees to get into these issues and examine them because the committee might make some recommendations that it would not want to have to deal with.

I am sure the hon. member would tend to agree with me that the government really does not know how to deal with the issue in front of it right now. It is almost like somebody rolled a grenade into the room. The government does not know how to deal with it but it certainly does not want to allow any other body other than itself to come up with the final decision on it. Part of the problem with our parliamentary system is that it is just not functioning the way it is supposed to.

• (2210)

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I listened with interest to the comments of the member for Skeena and the fact that he believes there are enough constitutional lawyers, enough legal opinions and enough bureaucrats in Ottawa to help find some sort of solution to this problem.

Would the member not agree with me that the real solution to this issue probably lies in the fishermen themselves and in the coastal communities of Atlantic Canada? In the last 26 days that this decision has been rendered, we have heard time and time again that the aboriginal people and non-aboriginal people have been getting together to come up with short term and then long term solutions for the long term viability and conservation minded aspects of the fishery. The problem of course is that the government is not giving any human or financial resources to aid those people in their consultations.

Would the member not agree that a better solution to this would be from the ground up instead of the top down?

Mr. Mike Scott: Mr. Speaker, I would have to agree with my friend that in most cases bottom up solutions are better. Being a member of a populace party, we certainly believe in populism and in grassroots democracy. I would like to think that there is hope for a resolution along those lines and maybe there will be. I am not saying there will not. Far be it for me to throw cold water on that idea. Obviously something has to be done.

What we have right now are two fundamentally competing interests. Human nature being what it is, it is going to be very difficult to reconcile those competing interests. Whether it can be done from the bottom up or not remains to be seen. Hopefully there is some goodwill on both sides. Hopefully there is an attempt being made as we speak to reconcile and to move forward in some spirit of cooperation.

We have seen other examples in other parts of Canada where we have competing interests and where there is a real economic value at stake, it is often difficult if not impossible to have that kind of reconciliation from the ground up. I am not saying it cannot happen. I am just saying that I am not holding my breath.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, our national anthem states that this is our home and native land. That applies to all Canadians. The Mi'kmaq and the fishermen of Atlantic Canada have lived side by side in peace for hundreds of years. All of a sudden one segment of society feels like it has a second class citizenship, that their citizenship is not a full citizenship anymore and we have bad relations all of a sudden.

My hon. colleague has commented on the bad situation that is occurring. Before I ask him to comment further on that, I would like to say that our national anthem also says that we stand on guard for thee. I would like to know who is standing guard for the nation?

Every group has its defenders. Every group has people who speak for it. I would like to know who is going to speak for the nation in this debate.

Mr. Mike Scott: Mr. Speaker, speaking for the nation is the role of the federal government. Obviously right now we feel that it is sadly failing in that capacity. There is no demonstrated leadership from the federal government right now and that is a big part of the problem.

In speaking to the first comment made by my hon. colleague, I would have to go back to the comments I made in my intervention. When we break from basic democratic principles and values, when we wander away from the principle of the equality of all citizens before the law, regardless of how good our intentions are, regardless of how noble our motives are, we are creating the environment that leads to the kind of conflict and confrontation that we see today.

Fisheries

• (2215)

Human nature is universal. Human nature has been with us as long as there have been human beings. It is universal and it does not change. We have learned over a period of 10,000 years that with basic democratic institutions we can arrange society in a way that we can move forward in peace and harmony. When we start to undermine those basic core principles and values we get the kind of results that we see today on the east coast of Canada.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the Nisga'a treaty gives 25% of the salmon returning to the Nass River to the Nisga'a. Four other bands are competing for access to that resource whose treaty claims have not been negotiated.

The Nisga'a treaty is a modern version of the 1760 treaty in Marshall that the supreme court ruled on. It is a much expanded version, by the way, in that it gives natives a priority right to fish.

Seeing that there is so much consternation in the House today I would like to ask the member to his knowledge what position have other parties taken with regard to the Nisga'a treaty, given its close proximity in relationship to the treaty we are discussing.

Mr. Mike Scott: Mr. Speaker, to the very best of my knowledge every party in the House save the Reform Party of Canada is supportive of the Nisga'a treaty. Every party has indicated that they will be voting in favour of the treaty. Every party has expressed a desire to have the treaty passed with speed.

Frankly that is a good question by the member from Delta because with the problems that we see coming out of the supreme court in the Marshall case, based on this ancient treaty which as I said is very thin, we can just imagine the kinds of problems that could arise from the Nisga'a treaty. It really bears sober second thought. It really bears a good debate and it really bears careful consideration of the kinds of problems we might be opening ourselves to down the road, given the instance of the Marshall decision and how it has impacted on the east coast fishery.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Malpeque.

This has been an interesting debate, a fruitful debate. Sometimes I wondered what the debate was about. We had a lot of discussion about the Supreme Court of Canada and about judicial law making. That is a valuable subject but it might deserve an arena in its own right. It does touch on the issue of the fisheries and the issue of aboriginal rights, and I will treat it only in that context and where it does have a relevance.

The important thing to remember here is the maxim of the wisest of common law legal philosophers, Jeremy Bentham. He was

saying that law was not made by any single person or institution. He used his great phrase "by judge and company". When one asked him what he meant he said it was not simply the judges but it was the people who make the laws, the people who apply the laws and the parties who bring cases to the court. I will have something to say on that in a moment.

There has been criticism of our supreme court but I suggested at the time of the adoption of the charter of rights and freedoms in 1982 that it would effect fundamental changes in our constitutional system and it logically should be accompanied by a reform, a recasting of the supreme court and the judicial role. Not having had this advice followed, I have sympathy for judges who are under attack. What I am about to suggest is a larger role for the judiciary and for other constitutional players.

One of the most thoughtful of our members of the press gallery, Jeffrey Simpson, wrote several weeks ago in an article that reminded me of something I wrote many years ago on the discussion of *Brown v Board of Education* which has been much criticized in the House and elsewhere but by people who never read the judgment. This so often happens.

Brown v Board of Education is really two cases. One is the actual judgment on school segregation.

• (2220)

The second is the follow-up decision in *Brown v Board of Education*. That is where we get the famous phrase which was borrowed directly from English law in the 17th century of moving with all deliberate speed. It is a phrase taken from equity. It was used by Mr. Justice Felix Frankfurter, the greatest of the Roosevelt appointments to the supreme court. It directed attention to the basic point that complex social problems require complex solutions which need complex evidence.

This is where the United States supreme court has perfected a role that may be helpful to us to study. The solution of fisheries problems on the east coast, the solution of logging problems on the west bank of Okanagan Lake, and the solution of other problems of aboriginal rights should be done best against a background of social economic evidence. We have in this country, because I see them consulted internationally, experts in economic resources and economic resource management. This is the sort of case for wise decision that requires taking that type of evidence into account.

The big thrust of the second decision in *Brown v the Board of Education* was that there was a role for a third party in monitoring the solution. The emphasis of the phrase "with all deliberate speed" was that it would not be a solution achieved in one day, or in a single ruling, but might require a number of years of supervision, monitoring, consulting with and directing the parties.

Fisheries

This is where a role, whether it is executive, legislative, judicial, or a combination of both, is an essential part of the problem solving. In the American context it was clearly an ample judicial role. This in the Canadian context has to be borne in mind in connection with the nature of our supreme court.

I am very much surprised and a little disturbed because I think it follows from lack of study of supreme court decisions a suggestion of class bias in the Supreme Court of Canada. I would not have found that at all. I would have suggested a highly technical approach that sometimes would benefit by more opening to sociological facts, economic facts which are the root of decision making. In this case I would call for a Brandeis brief. The whole nature of jurisprudence before the constitutional court is the adducing of evidence, social and economic evidence.

In the case of fisheries it would be the nature of the resource, how much is there, what proposals can be made for its utilization and for its sharing. Here I take us back to one of the nicer phrases of our supreme court, one of the wiser counsels, the obligations to negotiate and to negotiate in good faith. It is a very positive factor in my approach to the Nisga'a treaty which I believe the chief and council of the Nisga'a band negotiated in good faith.

I would be less supportive of other initiatives in this area if I did not have the same feeling of satisfaction that negotiation in good faith involves a concept of recognition of good neighbourliness. These are phrases that the World Court has used but they apply equally in the common law from which the Polish judge who cited them borrowed those phrases directly.

There are important gaps in our law as to aboriginal rights and treaty rights. One of these very obviously is the meaning of aboriginal rights and treaty rights. They are in sections 25 and 35 of the charter, but they were put there as what is called saving clauses. There is a Latin phrase for them. I will simply translate it for greater caution. They are put in there because they were not there in the original charter of rights. It was correctly felt to be necessary to put them in, but it was left to later constitutional actors to define and flesh them out. Whether executive, legislative, or judicial was not made clear, but that is certainly open to development.

There are further gaps in the law in so far as section 35(1) saves existing rights, but section 35(3) which was adopted 12 months later recognizes and constitutionalizes future treaties.

• (2225)

I have expressed in the House some questions on this point. Could a future treaty which ran counter to the charter or the constitution proper be constitutionalized and override them? That is an error or a gap being pointed out that was carefully corrected by the then minister of Indian affairs in the Native Lands Adminis-

tration Act, Bill C-49. I believe it is corrected in the federal enacting legislation for the Nisga'a treaty. I simply point out that there is the need for work to be done.

I welcome in the exchanges in this debate the recognition by the two ministers who have spoken, the Minister of Fisheries and Oceans and the Minister of Indian Affairs and Northern Development, that it is not possible to view aboriginal rights in the context of single departments isolated from each other. We are moving toward a comprehensive view, but it is an educational process that involves all the institutions of government and may, I respectfully suggest, involve all the members of Parliament. It is a learning experience for us.

In particular, one of the things I would suggest is that there is too much absolutism in this area. The original theories of acquisition of rights by European settlers, whether they were British, French, German or Danish—one can run through the list—were based on absolutist theories such as terra nullius or unoccupied land. These theories were rejected by the International Court in 1975 and, to give credit, were accepted by the early 1980s in Canadian thinking as incorrect. The evidence led to the constitution repatriation project that was accepted.

I would also suggest that it is an equal error to proceed to other absolutist views that it is one or the other, that one party wins absolutely and one loses absolutely. The wise solutions here are in the recognition of comparative rights, that original so to speak inherent rights may also be subject to being balanced by supervening rights, particularly supervening rights obtained in good faith by those exercising them.

What we are getting into is a complicated process of identifying, quantifying and balancing different competing rights. The solutions here, and there ample ways of doing it that require work, are in terms of comparative equities. Some of this work has been done in the complicated business of deciding property rights in central Europe which was originally under national territorial title, then under Soviet occupation, then under local communist governments, and then under post-communist governments. The solution is never one absolutely that these are one's rights and everybody else loses. It is a complicated process of sorting out and in a way sharing. This is where we come back to the concept of judge and company. All the players are involved.

This debate shows a recognition that some sort of long range solution is needed, but I do think we will need the courts as a part of it. I do not think executive legislative authority can do it alone. I do not think legislation can do it. I think the court can be brought into the processes more fully.

Those would be my suggestions to the House. Criticisms of the court, as such, should be saved for another occasion and we will put

Fisheries

forward suggestions for improving the court. We may find that the judges are very well—

The Acting Speaker (Mr. McClelland): I am terribly sorry to interrupt, but if I did not stand I do not think the hon. member for Vancouver Quadra would sit down.

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I can see that you are trying to please everyone, but you should not make enemies in your own party.

Many members would like to speak, so I will ask the two questions I have. I am a bit surprised at the suggestion that we should go back to the court with this decision.

• (2230)

Let me ask first this question, just to make sure I did not misunderstand the last remarks of the hon. member opposite. Did he say that we will have to go back to the court to get an interpretation of the decision in the Marshall case?

Here is my second question. The hon. member has been talking about absolutist views, whereas in reality nothing is ever totally black or white. How can we deal with the situation, when the court asks us to do our job and negotiate what a moderate livelihood should mean?

Would the hon. member care to comment?

Mr. Ted McWhinney: Mr. Speaker, I suggested earlier a much more complex process involving the co-operation of three institutions, that is the supreme court, the executive and the parliament. I think that with such a process, it would take years to work out solutions to problems like the one on the east coast.

Could the hon. member repeat his second question?

Mr. Yvan Bernier: I wanted to know what a moderate livelihood is.

The Acting Speaker (Mr. McClelland): I am sorry to interrupt, but the hon. member's time is up. The hon. member for Delta—South Richmond.

[*English*]

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the member opposite raised the column by Jeffrey Simpson which appeared in the *Globe and Mail*. I quote from a couple of paragraphs:

That court ruled in 1954 in *Brown v Board of Education of Topeka* that the so-called "separate but equal" doctrine used to justify segregation was unconstitutional because "separate educational facilities are inherently unequal".

It is an interesting concept when applied to the fisheries here. Mr. Simpson went on to write:

Usually forgotten is that there were two *Brown* cases. The next year, after hearing evidence about how the 1954 ruling should be applied, the court gave school and political authorities breathing room to implement the first decision. The judges said authorities should act with "all deliberate speed" and required them to "make a prompt and reasonable start".

They did not, in either the first or second *Brown* rulings, require that the next day the existing order of things be overturned. The court was obviously alive both to the important principles it enunciated and to the need for a period of adjustment.

Would that the Supreme Court of Canada had been so alive in the Marshall case.

Given these comments, would the member opposite not think it wise and prudent to go back to the court for a stay of judgment and a rehearing of the case to give some advise to the government?

Mr. Ted McWhinney: Mr. Speaker, that was the question of the hon. member opposite and we answered it on the general point.

What Mr. Simpson is referring to is what in fact followed with *Brown v the Board of Education No. 2*. It was a process that was before the courts over a considerable number of years, not just a one shot return. I have nothing against the one shot return, but I would envisage the solution of this problem, west coast logging and similar problems, a process that involves court and executive power working together, the parties constantly before the courts and over a period of years. In my view that would be a sophisticated solution.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, with respect, I have a question for the member on a point that the Reform is making. We should be going back to the courts. Part of the problem is that we have depended upon the courts to settle these issues instead of depending upon modern day treaties where we look at some type of conclusion and closure to the entire issue.

If we continue to fight the before the courts we will get deeper and deeper into the quagmire we are in. It is a mistake to go in that direction. I would like the member's comments on that and the fact that if we continue to go before the courts we should listen to what the courts have told us in every solution they have brought down. This is not their job. They do not see it as their job and they do not want it to be their job.

Mr. Ted McWhinney: Mr. Speaker, I would not put words into the mouth of the courts as to what they want and do not want. I would simply say, though, that this sort of solution when we are dealing with sharing a scarce resource does not allow for quick judgments by executive or legislative authority. It is better done by a third party that can examine evidence and weigh it.

• (2235)

That seems to me to be best done by a court. I envisage a process where evidence is led to the court and where it is reasoned over and

Fisheries

argued over. If we go that way we are into comparative equities. That is what I was talking about.

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, a lot has been said tonight but we need to take a look at the motion itself and pull things into perspective. The motion reads:

That this House take note of the difficulties in Canadian fisheries, especially as complicated by the Queen and Marshall case and its implications for both aboriginal and non-aboriginal peoples and for the future management of natural resources.

Some have taken sides on that motion tonight. I want to specifically say that I am not taking sides. We have to recognize the decision and try to figure out a strategy as a government and as members of the parliament of Canada on how we implement that decision in a fair and reasonable way and ensure that all those players who fish and make their livelihoods at other natural resources can do so in a way that conserves the stocks and live in reasonable prosperity.

As the motion says, we are indeed faced with a serious crisis. Some members have mentioned this evening that this crisis seems to be escalating with the potential collapse of the voluntary moratorium negotiated by the minister last Sunday. I have talked to the minister a number of times about the issue. I know he had hoped that goodwill and tolerance would prevail. Over the weekend the minister had gone a long way to achieving a satisfactory interim solution.

Given the news we heard in the media tonight that may have broken down. I would appeal and I hope others would join me in appealing to the Mi'kmaq chiefs and others in those communities to let the agreement of last Sunday stand. What we really need is peace in the water and a timeframe in which to institute a regulatory plan to manage the fishery situation in a reasonable way.

The seriousness of the situation is perhaps outlined best by a constituent of mine, Barry Murray, who is a fisherman in the Malpeque Bay area. He wrote to the Minister of Fisheries and Oceans. I will quote sections from his letter because it outlines the seriousness. He wrote:

There are individuals with strong feelings on both sides of this argument, and these personalities are at a heightened state of volatility that will take very few more sparks to ignite violence. Once started, this slippery slope may quite possibly devastate both communities. I am not trying to exaggerate.

There is potential for a lobster stock crisis and community unrest that would rival the cod crisis of the early eighties.

He closed by saying:

Mr. Minister, please close these out of control aboriginal fisheries for conservation reasons until such a time that an agreement can be put in place that will amply protect the stocks and protect our fishing communities.

Mr. Murray outlines the serious volatility and the serious situation in terms of the lobster fish stocks in Malpeque Bay, the area he knows best.

I do not mind admitting I am disappointed that the supreme court did not grant a timeframe. I do not know why, whether it is the responsibility of justice lawyers or the supreme court, but I am disappointed that the supreme court did not grant a timeframe within which to institute the regulatory plan to address the treaty rights.

• (2240)

It is important for us to look at the facts tonight. We are hearing all kinds of things, and people are basing their interpretations of what the supreme court said on the media instead of on reading the judgment.

What did the decision say? The supreme court found that Donald Marshall had a treaty right to fish for and to sell eels, which extended beyond the already established right of aboriginal people to fish for food and ceremonial purposes.

The court also stated that this right to sell fish would be carried out within certain limits. Section 58 of the decision states:

What is contemplated is not a right to trade generally for economic gain but rather a right to trade for necessities. The treaty right is a regulated right and can be contained by regulation within its proper limits.

The court indicated that necessities had been defined as moderate livelihood which according to the court in section 59 includes "such basics as food, clothing and housing supplemented by a few amenities but not the accumulation of wealth. It addresses day to day needs".

Section 61 of the decision places the limitations of the Marshall decision within context. According to this section it is very important that "catch limits that could reasonably be expected to produce a moderate livelihood for individual Mi'kmaq families at present day standards can be established by regulation and enforced without violating the treaty right. In that case regulations would accommodate the treaty right".

That is what the decision states. Members opposite have accused the minister and the government of not acting on the issue. The fact is that the government had been proactive. The aboriginal fishing strategy has been in place since 1992. Because of the Sparrow decision it was moving along the line and doing what the supreme court now recognizes as a right.

The aboriginal fishing strategy was the government's response to the Sparrow decision. Through the aboriginal fishing strategy the Government of Canada and DFO were buying licenses from retiring fishermen and turning them over to the aboriginal community so it could have a livelihood on the water as the supreme court

Fisheries

said is its right. Thirty-two million dollars annually has been spent on the aboriginal fishing strategy. The member from Delta can like it or lump it. Those are the facts.

The court did affirm certain rights of the Mi'kmaq that originated with the treaties extending back to 1760. What is at issue here is not the ruling but how to respond in a balanced way to the aboriginal community and the non-aboriginal community so they can survive and prosper together.

I applaud the minister for his efforts through dialogue and co-operation. However, if things might be happening tonight and the fishing effort is above the amount anticipated when the minister made his decision last Sunday, I believe he should consider using his authority under section 43 of the Fisheries Act in the interest of conservation. At the moment the impact of even a small fishing effort on lobsters could be serious.

Let us we look at what has been happening with the government over the last number of years. We could go back to a release by the former minister of fisheries on April 22, 1998. It outlines that the November 1995 report of the Fisheries Resources Conservation Council advised that lobster fishermen were "taking too much and leaving too little".

• (2245)

As a result of the FRCC report and as the minister of the day decided that we needed to double lobster egg production in the lobster fishing areas, new conservation measures were instituted. Escape mechanisms were put on traps. Lobster tariffs and sizes were increased. V-notching was considered. Quite a number of management measures were imposed upon the industry. It is serious.

I maintain that if there is any lobster fishing over and above what the minister anticipated on his agreement reached last Sunday, then he has the authority to act under section 43 of the Fisheries Act. He should take that authority and institute that action to prevent jeopardizing the future of the lobster fishery.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, even though the Liberal member who just spoke has a lot of support for his comments from the Conservative Party behind me, that does not mean to say that he is correct. When he said that the aboriginal fishing strategy of British Columbia was a direct result of the efforts by the government to try to enact the provisions of the Sparrow decision of the Supreme Court of Canada, he is just plain wrong, as was the judge in the *R. v. Houvinen* case, which was recently ruled on by the British Columbia supreme court.

The Sparrow decision of the Supreme Court of Canada expressly refused to deal with the native commercial fishery. That was left for subsequent cases, namely Gladstone, Vanderpeet and NTC Smokehouse.

The Acting Speaker (Mr. McClelland): I am sorry, we will have to ask the hon. member for Malpeque to respond to that because there are two others.

Mr. Wayne Easter: Mr. Speaker, I would very much love to answer that question.

If members will recall what I said to the member for Delta—South Richmond and what I said in my remarks, it was that the government was being proactive. The government recognized in the Sparrow decision the right of the fishery for food and ceremonial purposes.

We recognized as a government that there may be other treaty rights coming along and that we had to involve the aboriginal community in the fishery sector. We took a proactive strategy by trying to do that through the aboriginal fishing strategy to bring the aboriginal community in, in a managed way. That is what we were doing and we were moving well on it. That is what it is all about.

[Translation]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I have never seen so many people taking part so enthusiastically in a debate on fisheries.

I would like to ask a question of the former parliamentary secretary to the Minister of Fisheries and Oceans. I would like to ask him to comment on the speech made by the Secretary of State for Children and Youth, who said that, according to her, catches by native fishers on the east coast represent only 1% of commercial catches.

I would like to know where the member stands on what the secretary of state said. We just heard his call for calm to both native and non-native fishers.

If this is about 1%, then somebody in the government must tell us how the others will be compensated. Otherwise, I see a double standard.

[English]

Mr. Wayne Easter: Mr. Speaker, I will let the ministers speak for themselves. I will as well. I always have spoken for myself and I will continue to do that.

I do not want to get into a numbers game. The numbers game has been played in the media a fair bit, that there is only such and such a number of traps. We have to keep in mind that in Malpeque Bay and some areas in Nova Scotia and New Brunswick at this time of year they trap at about five times the rate of that in June. We cannot go by the trap numbers or percentages necessarily.

• (2250)

If we go back to my remarks, what I argued was conservation. The food fishery for the native community in Malpeque Bay was

Fisheries

shut down. In my view, any lobsters taken over and above the current management plans, which are already maxed out in terms of the pressure on the resource, could be considered a concern for conservation. We have to look at the current management plans and ensure that there is no greater effort on that resource as a result of this decision until we have the regulatory regime in place that recognizes this decision and does it in a managed way.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I have listened very carefully to the remarks by the hon. member whose riding is across the Northumberland Strait from my own in Nova Scotia. As parliamentary secretary he was very involved in the ministry and speaks quite authoritatively about issues like conservation, changing the carapace size, which he supported even against some of the wishes of the fishers in his area, and other measures which were taken.

How is this tardy response on this decision, which permits native fishers to enter this fishery unfettered by regulation and all the rules and regulations in place that are consistent with conservation, and his minister's inaction and his government's decision not to respond consistent with conservation?

Mr. Wayne Easter: Mr. Speaker, I really do not think the member opposite can accuse the minister of inaction. He went down and visited with the native community and the commercial fishers. He said very clearly that there will be a regulated fishery or no fishery at all. What he tried to achieve through goodwill and discussion was to keep people off the water until the proper regulatory regime could be put in place. He has the authority under the Fisheries Act to act if the conservation is jeopardized. I think we will see he will take that kind of action if necessary.

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I will have to share my time with my colleague from Beauharnois—Salaberry, unless the House gives us more time. The motion says that speeches cannot exceed 20 minutes, but if I can have more time, I will take it.

I took a few notes during the minister's speech, and since he has not yet left to catch a plane despite the advice he was given, I will take this opportunity to tell him what I think. We like having the opportunity to talk to him, but when there is an emergency, he should be there where he is most needed.

The minister recognized right from the start that the natives have rights, which were confirmed by the supreme court, and that these rights are subject to regulations.

All we need to do next is to define the words "moderate livelihood". It is unfortunate that at this stage I am the one who has

to answer the questions. However, I will ask a series of questions he can answer in the questions and comments period if he wants to.

What we are trying to get a definition of is the expression "moderate livelihood". That is the hardest thing to do here. And I know that the minister, who was a businessman, knows that. For a businessman, the hardest thing to do is to bring people to the negotiation table, but the minister's experience could be helpful in this instance.

I think that the court gave some useful indications. I mean that when one does not want to be stuck, as we are, with a bad judgement, one tries to negotiate an agreement, even a bad one.

In the present situation, the minister will have the opportunity to introduce legislation, to regulate fisheries. I recognize that the other party will not like the first set of rules. However, the only way to settle the issue is to go to court or sit down and negotiate.

• (2255)

I imagine I am not telling the minister anything new this evening, but I am keen to see the agenda he will set. All we saw on the television was the minister calling for a 30 day moratorium. We were not told who he would be sitting down with to negotiate.

I also noted in my speech today the fact that he intends to negotiate with the current beneficiaries, and mentioned that they are the current incarnations of the treaty signatories. I would like to get to know this better in good French or in business language, but I would like a complete list to be sure that there will not be other players joining a month after negotiations have begun.

I would also like the minister to take note when I ask what he is going to do during his 30 days. We would need to know his agenda, what will be negotiated and who will be sitting around the table. Certainly, there will be representatives of the fishers, other federal ministers and provincial ones too, I hope. The House must be reminded that, for every seafaring man, there are, as a rule of thumb, five people working on land. Thought must be given as well to the consequences of processing.

Still in the context of what is to be prepared, when will we know exactly who will be involved in the negotiations? Negotiations must deal with "moderate livelihood", but the Minister of Fisheries and Oceans signed the UN fishing agreement this summer. Article 5 pertains to commercial fishers as we know them and mentions that the signatory countries are committed to establishing and developing sustainable and profitable fishing.

In this international agreement definition, I do not see the beginnings of the definition of profitable in the vocabulary of the Minister of Fisheries and Oceans here in Canada. It is an interna-

Fisheries

tional agreement in which all the UN countries say, each time the development of fisheries is discussed, "without subsidies".

What does "without subsidies", as used internationally, mean in Canadian terms? Does it include EI? Does it include the interest deductions allowed by certain provinces on boats?

I need to know what form the profitable fisheries the minister has already administered would take, because I already imagine the moderate livelihood they have in mind for aboriginals is at least one step up from the threshold of profitability.

I would also like to see a start made on defining the level of profitability as understood by the Department of Fisheries and Oceans.

One thing that worried me about the minister's remarks was his comment that they had not yet taken in all the implications of the decision. I would have preferred not to harangue the minister unduly when he is new to the job, but it is unfortunate that his department did not have a plan B, particularly when they lost.

Out of respect for native and non-native fishers, I will perhaps avoid trite plays on words here this evening but, in some cases, they have a plan B ready, and in some cases they do not.

I would also like to know what the minister thinks about the different management styles throughout the world because, while we are on the aboriginal problem, I think that the 1867 legislation as it pertains to fisheries should also be revisited because, under the treaties, the discretionary nature of licences does not meet the aboriginal criterion.

We should take this opportunity to dust off Canada's old fisheries act. But the most serious problem is the historic sharing between the provinces.

If we end up having to define the resources we are going to have to give the native fishers, we will need to know where those resources are coming from. Rather than get into individual calculations, why not take the opportunity to look into some form of sharing?

• (2300)

There are management systems and Canada is part of one in which the percentage of each participant is determined before the total allowable catch is calculated each year. I refer to NAFO, the Northwest Atlantic Fisheries Organization, to which Canada belongs.

Why could what is good for Canada when it seeks to reach agreement with its colleagues outside its borders not be good for working with colleagues within its borders? I ask the minister that.

If my choice of vocabulary happens to grate on the ears of the minister or his officials, I would invite them to re-examine the French model, which speaks of stabilization criteria rather than historical share. In other words, I am appealing to a quality in the minister that can sometimes be a defect, but in this case can be positive.

A businessman needs tools if he is to manage. In order to manage, he must be able to plan, and to know how he is going to pay for his boat and for his groceries. The same thing goes for an aboriginal fisher, who has to know how and where he is going to fish, and in what quantities.

Meanwhile, there are short term tools to determine what is needed to buy social peace. Second, the government must make it known to the fishers that it intends to make long term plans and it can take advantage of this winter season to start a permit buy-back program. There are some people who need to make decisions about investing in a boat this winter. They may say to themselves that it is better for them to sell their fishing licence to Fisheries and Oceans because the size of the quota for the coming years is too unpredictable. The government needs to take all of this into account.

If it does not do so as soon as possible, I think it will be irresponsible, and things will be worse than they were right after September 17.

[English]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I want to ask my hon. colleague who sits on the fisheries committee, who is from the beautiful area of the Gaspé, one very simple question.

Prior to my colleague's speech we heard the speech of a member of the Liberal Party, the governing party, and I am singing hallelujah for this. They have finally recognized and are starting to believe exactly what the auditor general said last April, that shellfish stocks, mainly lobsters, are in trouble. This was back in April, long before the Marshall decision was rendered.

Who does the member think is responsible for the downturn in the lobster fishery which the auditor general pointed out and which DFO itself still does not recognize as a very serious problem in Atlantic Canada?

[Translation]

Mr. Yvan Bernier: I am glad the member has raised this point. This is something the auditor general raised. I know the representatives of some fishers' associations believe the auditor general is not really the one who should decide this. However, there is a problem. The member's question was right and very much to the point. It is

up to us now to look into all this. I would remind the House that what the auditor general said and what is contained in the report of the Standing Committee on Fisheries and Oceans about the situation on the Atlantic coast— and this was a unanimous all-party report—is that everybody agrees that there is a management problem at Fisheries and Oceans and that things have to change. If the Marshall decision is the opportunity to start anew, I think we should seize it.

What is being pointed out is significant. However, what is going on in one lobster fishery differs from what is going on in another. There is a management problem. I am tired of hearing the same worn out old record to the effect that it is a conservation problem when it is in fact a management problem.

[*English*]

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, the hon. member has been in the Chamber tonight and he has listened to the to and fro of the debate. There has been a lot of discussion about the Nisga'a treaty and about the supreme court. These are two issues upon which we need to shed more light.

First of all, as was said earlier, the supreme court said in many of its earlier rulings that it does not see this as its job. The supreme court sees this as the job of the government. That is the first point.

• (2305)

The second point is that the Nisga'a treaty will bring consistency to that area of the west coast, to B.C. in particular. What we have now are inconsistencies. We do not have a modern day treaty. We are dependent upon supreme court judgments, which have caused serious confusion, and we have also had a lack of response from the government on this issue.

Would the member prefer a modern day treaty and consistency, or would he prefer that the supreme court deal with this so that we would have inconsistencies and a lack of response from the government? What is his feeling on that?

[*Translation*]

Mr. Yvan Bernier: Mr. Speaker, if I understood the question, the member is asking me whether I prefer to go back to the courts or put up with further laxity and carelessness from the other side of the House.

Pardon the expression, but there is a French saying about it not mattering whether one is bitten by a dog or a bitch. I would not like to give the judges this responsibility, and I see that there is a lack of leadership on the other side. How will we, on this side of the House, find a way to put pressure on them so that they come to their senses? I do not know.

Many people have suggested that the truth or the way to get out of this mess might well come from the grassroots, and I believe that. Once the stunned reaction of our non-native fishers has

Fisheries

passed—I believe them to be very peaceful people—they will be able to come up with solutions. We must have confidence in eastern Canadians. We have always overcome crises, and we will again.

Together, with the communities involved, we must find a way to get the government to take its responsibilities. But, I repeat, Grit or Tory, the problem always remains the same. There is a management problem at Fisheries and Oceans, and it is not for nothing that the standing committee unanimously pointed the finger not necessarily at the government but at the management style in that department.

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, I will try to breathe a bit of life into this debate in spite of the late hour.

I am pleased to rise after my colleague from Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, who also speaks with so much conviction when he deals with fishery matters and when he talks on our party's behalf on those subjects that interest him so much and for which he serves his constituency so well.

I was also pleased to hear my colleague from Saint-Jean, our critic for aboriginal affairs, who presented his concerns on the subject debated tonight.

I would like to remind the House that the Bloc Québécois is really interested in this subject because of its constitutional aspect. It is a matter that touches on the relations between the native people, or nations as we prefer to call them in Quebec, and the other inhabitants of the country. We now have to participate in a debate that will have consequences for our future, the future of Quebec and the future of Canada, the relations between Quebec, Canada and the natives people who belong to one or the other of those jurisdictions.

I believe that this kind of debate was fully justified, especially as a solution must be arrived at quickly. There is increasing urgency, given the well-known facts that seem to have deepened the crisis, which gave rise to violence and to behaviours that are unacceptable in a free and democratic society.

I have had the opportunity to hear part of the debate and I would now like to talk about constitutional issues and the Constitution, and mention that in a sovereign Quebec we will avoid problems such as those faced today by Canada as a result of the laissez-faire attitude of this government, and of its failure to truly follow through on its constitutional commitment as stated in section 35 of the Constitution Act, 1982, which says, and I quote the first subsection “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed”.

• (2310)

Enshrining things in the Constitution is not enough. Native peoples know full well it is not enough to have their rights

Fisheries

recognized and affirmed in the Constitution. These rights must be implemented and exercised; the existing laws, the laws which were in force when this section came into force in 1982 must be reviewed and amended to reflect those rights. This is the root cause of the problem we are facing today and which is the topic of the motion before us.

Nothing has been done for 17 years. This provision came into force 17 years ago and successive governments have failed to implement it properly.

As a matter of fact, if one looks at the Marshall decision, the court says something very telling about the refusal to recognize the treaty rights at issue in this case.

The court said, and I quote:

[*English*]

“Mi'kmaq treaty rights were not accommodated in the regulations because presumably the crown's position was and continues to be that no such treaty rights existed”.

[*Translation*]

The court affirms that such were the position and the views of the crown. This clearly explains why regulations were adopted to give total discretion, and that discretion was exercised to deny rights granted by treaties that were, appropriately, widely and liberally interpreted by the Supreme Court of Canada.

So, it is carelessness on the part of the government that has put citizens, people sharing the land who also want to share the resource, in a crisis situation.

We Quebecers experiencing this constitutional crisis fully understand and share the concerns of aboriginal nations, which have seen their constitutional rights trampled, a government hesitate and refuse to sit down and negotiate in good faith not only as regards the way their rights are recognized, but also the limitations that can be imposed on these rights, since the jurisprudence of the Supreme Court of Canada has led to the adoption of restrictions that are reasonable when it comes to the treaty rights of aboriginal nations.

All this to say that, from a constitutional point of view, this shows once again the flaws of our constitution when dealing with one of the peoples of Canada, with aboriginal peoples in general.

We are here not only to discuss and to protect the interests of Quebec, but also to promote the sovereignty project, which is the reason for the presence of Bloc Quebecois members in this house. I simply want to solemnly reiterate to Quebec's 11 aboriginal nations, that the Quebec government pledged long before other governments to recognize aboriginal nations. It did so in 1985 for 10 of them, and in 1987 for the Malecite nation. Not only did the Quebec government recognize their existence, it also indicated its

determination to conclude agreements with each of the aboriginal nations.

In the 1985 motion, these agreements guaranteed the right to hunt, fish, trap, harvest and participate in the management of wildlife resources. This explicit recognition of the right to fish was expressed in a motion dating back to 1985.

● (2315)

Since then, negotiations have been carried out in good faith to follow up on these commitments. Sovereignist parties and members of this sovereignist coalition have also re-iterated the commitment they made in the 1990s to ensure that aboriginal people would be entitled to self-government within a sovereign Quebec and would even be able to take part in the drafting of a constitution where their autonomy would be recognized.

As we have so clearly said before, once the draft legislation on sovereignty has been proposed to Quebecers, once the bill on Quebec's future has been drafted, following numerous consultations of Quebecers through regional and national commissions, the Parti Quebecois's current agenda provides that:

—the constitution of a sovereign Quebec recognize the right of the native people to govern themselves on lands belonging to their people and to take part in the development of Quebec. Also the current constitutional rights of aboriginal people, their treaty rights and their aboriginal titles would also be confirmed by a sovereign Quebec.

Lastly, I want to say that the Bloc Quebecois is currently considering a major proposal in which its members are also urged to re-iterate their commitment to recognizing the existing rights of the aboriginal people, to confirming these rights and to ensuring that negotiations are carried out with the native people of Quebec in order to recognize their right to self-government.

We also stipulate in this major proposal that the relationship between the native people, a sovereign Quebec and Canada could be governed by a partnership agreement that would ensure that these people and nations continue to enjoy a friendly relationship and that the native people would not, as the supreme court said in the Marshall judgement, be considered as “citizens minus”, but as first-class citizens in a sovereign Quebec and a sovereign Canada.

[*English*]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, the member for Vancouver Quadra mentioned that in terms of long term solutions the executive legislature and the judiciary of the supreme court should get together to work toward solutions or come up with definitive reasoning for long term solutions not only in this particular instance but in other instances.

Would the hon. member from the Bloc agree that there needs to be a joint effort between the elected officials of parliament who

Fisheries

represent Canada and the supreme court to come to reasonable conclusions in this particular instance?

[*Translation*]

Mr. Daniel Turp: Mr. Speaker, I think the supreme court has done its job. My colleague from Saint-Jean set out the decisions that attempted to interpret section 35 and give it content. The supreme court told the government that it could limit rights in order to manage and conserve the resource.

It might be advisable for the legislators in this House to revise old legislation on fishing, as my colleague from Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok proposed, to incorporate the full scope of the ancestral and treaty rights of the aboriginal nations in a broader fishing policy.

That seems more preferable to me than a regulation that would be adopted and selected by the government and only the government. I can see a role for this House in implementing ancestral and sub-treaty rights for other aboriginal nations.

In my opinion, this House must assume its responsibilities. It is up to the government especially to ensure that this House assumes its responsibilities, something it does not seem to want to do at the moment.

• (2320)

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, the question raised by the NDP member and the reply from the member for Beauharnois—Salaberry brings me to another point.

What other skeletons are the Liberals hiding in their closet? Are there other costs like this that we are not aware of? I do not mean to describe the aboriginal nations as skeletons. What I mean is that the truth is being withheld from parliamentarians and non-native fishers. People have a right to know. All of us, myself included, were kept in the dark.

When I was a little boy, I played with friends, not knowing that they would have more rights than I do today. I am very glad for them, but I did not know. Canadians should be told once and for all what other swords of Damocles are hanging over their heads, and not necessarily just in the fishery.

This evening, we are looking at the native problem in the context of the Maritime fisheries crisis. But to use a good old Maritime expression, this is perhaps just the tip of the iceberg.

Mr. Daniel Turp: Mr. Speaker, I will only remind the House that the present crisis seems to be triggering other crises, since the Innu said that they could have additional claims relating to the Churchill Falls project. In British Columbia, the chief of the Nanoose first

nation would like the confirmed or at least claimed rights of his people reviewed in light of the Marshall decision.

Like my colleagues, I will say that there is a transparency problem; the government is not telling all and prefers to keep the information for itself for all kind of reasons. The House is often consulted only for appearances and I do not think that it is an acceptable way to govern.

Earlier today, we heard the Prime Minister say in his speech that Canada was a country about which many people dream. However, I do not think that it is the case of the Mi'kmaq today. Canada probably gives them nightmares. This is unacceptable in a country that some people boast about being the best country in the world.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, it is getting late. It is 11.25 p.m. here and it is 12.25 a.m. in my riding. However, knowing that there are quite a few night owls among Acadians, I am sure some of them are listening to me right now.

It is a pleasure for me to say a few words tonight about the decision handed down by the supreme court in the Marshall case. This decision has been taken seriously by all Canadians, and we have been hearing about it for several weeks.

The peace treaty was signed in 1760 and, 250 years later, we have to interpret what happened. We must not forget that, in those 250 years, the Conservatives were often in office, including for a period of nine years mostly in the 1980s. They cannot stand up and blame the Liberals, because problems occurred when both parties formed the government.

But, tonight, we can blame everybody. One thing we know is that there was a treaty. We can say that governments did not respond to the requests made by aboriginal people after the treaty. Today, we have to deal with a decision which was brought about by the inaction of governments.

• (2325)

Burnt Church is very close to my riding of Acadie—Bathurst, which means that people in my riding are also deeply affected by this decision.

Fishers from my riding have contacted me to tell me that they are willing to recognize the rights of native fishers, but that we must negotiate.

The more we wait, the harder these negotiations will be and the more it will hurt. An aboriginal woman from Burnt Church was quoted last week as saying that native-white relations had been developing in the right direction over the past hundred years. Today it seems to her that everything has to be started all over again.

Fisheries

We have some responsibility in all that. When the decision was released, I recall that my colleague, the fisheries critic, sent a letter to the minister asking him to summon the all-party standing committee to a meeting in Ottawa in order to discuss the situation.

Last week, I myself sent a letter to the minister, with no reply. He is asking us all to work together. Even today, as we speak, the all-party committee has not yet been called together to discuss the situation.

The only thing, then, is that violence is a possibility. All sorts of things can happen, but in the end it is negotiation that will solve these problems.

Therefore, I am calling upon the people in my riding, as well as those in the neighbouring riding of Miramichi, to take things calmly, and to enter into negotiations in order to solve the problem. That is the only means to settlement.

Judging from my labour union experience, regardless of what conflicts have taken place, regardless of whether it took three months to settle them, or six, the only place there was a settlement was at the negotiating table.

This invitation must therefore be responded to. The two groups, native and non-native, must be invited to the negotiating table, and it must be done as soon as possible. Not a week from today. Let the invitation go out tomorrow morning. Tomorrow morning the two groups need to sit down at the table: the aboriginal people and the unions representing the coastal fishers.

I will go even farther. I will tell you that I have concerns. You know why? The people at home tell us, for example, that crab fishers are now beginning to be concerned.

Are we going to wait yet again to have a crisis in the lobster industry and after that another crisis in the crab industry? And after that we will respond to that crisis and then we will have another one in the herring industry and after that we will respond to the crisis in the herring industry.

I say no. I say the industry must be brought to the bargaining table. This applies to all of the fishing industries, be it herring, groundfish or crab.

We must find a solution together. We must find a solution for everyone. Otherwise, we will end up with the violence that has been going on in recent weeks, and this is unacceptable in 1999.

The government is capable of choosing an approach the fishers would agree to. Some fishers might be ready to sell their license. Some people who have reached the age of 55 or 60 would be prepared to retire. So the government could become involved in buying back their licenses and make these licenses available to the native bands in order to resolve this problem that has gone on unresolved for 250 years. We have a 250 year old treaty, with all

the lawyers we have in Canada. They are intelligent enough to be in the House of Commons?

I am happy today not to be a lawyer. I am also happy that the minister is not a lawyer. So, perhaps we can solve the problem today.

• (2330)

It took 250 years to interpret a peace treaty signed with the aboriginals. Today, we are all panicking and we are not prepared to react after 250 years. We should be ashamed of our governments.

This is why I urge you not to wait for a week. We cannot wait until people fight with one another. We cannot wait until violence erupts. People are concerned. They want to sit down, negotiate and find a solution.

It takes leadership to achieve that. When a party steps forward and says it wants to form the government, that means that it has leadership and that it is capable of leading the country. It should be able to manage the crises that we are facing today. There are crises everywhere these days. There is a problem with the airlines. There are two airlines in Canada, Canadian Airlines and Air Canada, and the government does not even know how to deal with this issue. There is a problem with the immigrants arriving in the Vancouver area. Again, the government does not know how to deal with this issue.

There are problems everywhere. It is time to act before we lose control of our country. The federal government and the Liberals have that responsibility that Canadians have given them.

The government waits for weeks on end, but the aboriginal people have been saying for years that they want a solution to their problems.

When the Conservatives signed the free trade agreement, it did not take them long to adjust the whole Canadian program to free trade. It did not take them years to do that.

It seems as if the issue between aboriginal and white peoples could take a year or two to solve. This is not true. We cannot have such an attitude. We must settle the issue now. We must not wait a year to do that. We must sit with these people and solve the problem. There are solutions.

I am convinced that when fishers, aboriginals and a government that shows leadership sit together at the table, solutions will be found.

I urge the government, I urge the minister, who just got the job, to make a name for himself by being a good Minister of Fisheries and solving the problems we are facing in Canada. This is what I ask him to do.

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I will try to be brief, because I see that members still have many questions to ask.

Fisheries

I would like to tell my colleague that he is right when he says that our constituents are wondering what they will be allowed to fish, even if they are not fishing lobster right now. He mentioned those who fish herring or crab.

He is right to say that some of them are wondering whether they will be able to go on fishing with the uncertain quotas the minister is offering, or whether they are ready to retire. I think the member is quite right, and knows whereof he speaks.

I would like the member to tell us what we can do to get the Liberals to see reason. At the same time, I would like to draw a parallel with what he said about their dealing with problems on a timely fashion. Let us not forget that, in the Atlantic provinces alone, it cost \$1 billion to harmonize the GST. They sorted that out one spring.

This time, people need to understand that a similar amount is involved, even more than with the moratorium on the fishery, with the Atlantic Groundfish Strategy, or TAGS. This program cost \$2 billion. The ineptitude and negligence have been going on for 240 years and that is going to cost something. The sooner we tackle the problem, the less painful it will be.

Mr. Yvon Godin: Mr. Speaker, I would like to thank my colleague for his question.

He spoke about the harmonized GST and said that the matter was settled quickly. It does not mean, however, that we, the people of the Atlantic, welcomed it. But they did it anyway and it did not take long.

• (2335)

I wish to thank the government for having allowed us, tonight, to discuss part of the problem. After all, I hope the minister, who is here tonight, who is listening to what we have to say, can react.

I agree with my colleague who said that it will cost money and that the government must be ready to invest, but, then again, I would like to reiterate that the only place where it can be solved is at the negotiating table, and immediately—tomorrow morning, if necessary. We must act now and force the government to act and tell it that if it does not, it should not ask us to work with it.

It wants us to work with it. Therefore, we will make suggestions tonight and then we tell it to act. If it does not act, it should not tell us that we are unwilling to co-operate because, tonight, we are working with it and offering solutions.

[English]

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I heard a fair amount of discussion tonight from the NDP members who rose to speak. There was discussion earlier that they had been in contact

with fishermen who live in the South Shore riding and in West Nova riding.

I was at the meeting in Yarmouth. I was at the meeting in Shelburne. I was at the meeting in Lunenburg. I did not see any NDP members of Parliament there. I have talked with hundreds of fishermen and I have not talked to one who has been in contact with these NDP members of Parliament.

I have listened to what these members have said, which is little better than nothing. What I now want to know is simple and I want a straightforward answer. Would the New Democratic Party support a moratorium on this decision immediately to allow time for first nations, fishers and DFO to sit down and formulate a plan for the peaceful integration of first nations into the fishery? Will it support an immediate moratorium on this decision?

Mr. Yvon Godin: Mr. Speaker, it is very sad that after 250 years these members still cannot recognize that we have a problem and that the Supreme Court of Canada has made a decision. That is why I am recommending that we be at the negotiating table tomorrow morning to negotiate something with the two groups who are the non-natives and the native people.

The member talked about the NDP not doing or saying anything. I was on a radio station the other day when my colleague from Beauséjour—Petitcodiac said that it was not the government's responsibility to resolve the problem but the responsibility of the community and that the community was destroying itself right now. It is the responsibility of the government to come down and resolve the problem with the people down home and get to the table. We have spoken to more fishermen than you ever have as a Conservative.

The Acting Speaker (Mr. McClelland): I would like to remind hon. members to address each other through the Chair please.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—East-ern Shore, NDP): Mr. Speaker, it is getting late in the evening and it looks as if I may be the last speaker on this very valuable debate.

I want to thank the Conservative Party's House leader for Pictou—Antigonish—Guysborough for bringing forward this issue for a take note debate. It is too bad it is not an emergency debate. I also wish to thank the government for allowing us this take note debate. Unfortunately it is just a take note debate. I hope the government is doing more than just taking notes. I hope the it is understanding the very serious nature of this issue.

My colleague from New Brunswick mentioned that this is not just about lobsters. This is about every single fish species that we have, not only in Atlantic Canada but clearly right across the country.

Aboriginal people in our prairie provinces are looking at the Marshall decision to see what it means to their role at the FFMC

Fisheries

that they have in Winnipeg. They have great problems with that. Aboriginal people on the west coast are looking at this decision in terms of what they believe are their timber rights and their fishing rights. People across the country are very seriously concerned about what this decision means in their lives. It is not just about lobsters.

We are talking about the lobster issue right now because tomorrow morning area 35, the Bay of Fundy region in Nova Scotia—New Brunswick, will be opening up to the commercial fishery which normally opens up this time of year.

• (2340)

Those men and women will be putting out their boats and going out to catch lobsters. We have still not heard a word from the government on how it plans to incorporate the Marshall decision with the aboriginal people to get them into this fishery.

We have heard from people like Mr. Arthur Bull of the Coastal Community Network of Digby who said they have been working overtime, literally day and night since this decision, to come up with reasonable compromises so that both sides, the aboriginal and the non-aboriginal people, can work together. Unfortunately there is nothing but silence from the minister's department and the government.

We must bear in mind, for those who do not know it, that the minister was recently appointed to his position at the Department of Fisheries and Oceans. The people he has around him are fairly new to the portfolio as well. Therein lies the problem. Obviously the minister is getting his advice from what I consider to be very elderly and tired people on the east coast in terms of DFO, people I have had many concerns about in terms of their management policies. They are the policies of this government and previous governments. It is interesting to hear the Conservatives talk about concerns when the Conservative government from 1984 to 1993 did absolutely nothing to deal with the issue. The Liberal government from 1993 to 1999 has done absolutely nothing.

The attitudes of the Conservative government and the Liberal government toward aboriginal people in the nation have been very much paternalistic. They have told the aboriginal people time and time again that they refuse to negotiate and refuse to legislate. In fact they are telling them to spend taxpayers dollars and go to court.

That is exactly what the aboriginal people have done. They have gone to court and now the court has rendered its decision. Whether or not we like it, it is the legal opinion of the country. The supreme court has ordered it. It is not parliament's obligation and it is not the right of parliamentarians to tell the supreme court that we do not like the decision so it should be stayed, got rid of, changed or whatever. If we start doing that to the Supreme Court of Canada within our constitution we are opening up a bigger can of worms

than opposition members or anyone else who is claiming that would be the solution.

I am going to give the minister four very concrete points on how he could come up with a short term solution. One is to immediately reconvene the all party standing committee of fisheries and oceans down in the maritime region. The minister and his department obviously refuse to go down there on a long term basis to deal with the issue. Perception is everyone's reality. They cannot be seen to be making decisions from Ottawa for Atlantic Canada. They must be in Atlantic Canada to put the human and financial resources on the table.

The grassroots people who work the resource know the resource better than the minister and most politicians in this room. They know what the short and long term solutions are. The minister must commit the human and financial resources for them to carry on their work.

Second, the minister must consider a voluntary buyout package and a transfer of the licences over to the Mi'kmaq nation to include them in the fishery. There are about 6,300 licences in the maritime region right now. Roughly 10% of those people would be willing to sell their licences tomorrow morning. The government must find out exactly how many licences would be required on the short term to bring the aboriginal people into the fishery. This is very important because conservation is the key. Everybody must fish under the same conservation guidelines. I do not think there is any debate on that.

The auditor general said last April that lobster stocks, and in fact all shellfish stocks, were in trouble in Atlantic Canada. Many people criticize the auditor general and me for espousing those views. The fact is the auditor general was absolutely correct. Last April he said that the management policies which caused the cod collapse in 1992 were the same policies in place to handle the groundfish stocks.

Let us not forget that in the spring the Mi'kmaq asked the Government of Canada to sit at the table to come up with solutions for the short term because they suspected that the Marshall decision would go in their favour. They came with an open hand to government asking it to come up with solutions so we can evade the problems that are happening now.

• (2345)

My colleague from South Shore and my colleague from West Nova are absolutely correct when they say they have never felt the tensions greater than they are now. They are absolutely correct when they say that.

The fact is that the government by sitting back in Ottawa trying to come up with some solution it can grab out of the sky or grab out of the air will not solve the problems. Government members have to go down there and talk directly to the people involved. They must do that in order to add calm to the equation of the argument that is happening right now.

Fisheries

Another thing that has happened within DFO is severe budget cuts to the department itself. The department does not have the human or financial resources to monitor enforcement policies, so it calls upon the RCMP to help. However, that department's resources were cut as well. The fact is that we do not even have the proper resources allocated right now in order to protect the stock. That is the most important thing. It is not just lobster stock but all other shellfish species out there as well. If the auditor general was correct and they do collapse, it will make the cod prices look like a drop in the bucket. Again, the responsibility falls upon this government.

Every single member in this argument today, my colleagues in the Conservative Party, the Reform Party, the Bloc Québécois and ourselves, has asked for and demanded leadership on this issue. It is imperative that the minister show leadership. He should get down there and start talking to these people. He should not do it from Ottawa. This is very important. While he is down there discussing this issue, he should seriously consider a community based allocation of these stocks.

Mr. Arthur Bull of Digby has asked many, many times of the Coastal Community Network of Atlantic Canada and those in western Canada as well to get away from the corporatization of our fish stocks which have concentrated the wealth of the fish stocks in very few hands. It is time to start looking at a community based strategy so that all people, aboriginal and non-aboriginal, can work together for the long term benefit of this resource.

We also have to include what the corporate sector is saying right now. The one thing missing in this debate right now is what Clearwater, Highliner Foods and Donna Rae Limited are saying. What are these big corporations that have huge access to fish resources saying in this debate? They have been very, very silent. We have all been working very hard trying to concentrate on protecting the interests of the inshore fishermen.

What is needed now is leadership from this government. This government should not be an ostrich and put its head in the sand and hope the problem goes away. Government members must get down there and work with the people toward immediate short term solutions that have been presented by all members of the House today. They must incorporate those ideas so that we can have a calm fishery. We will all benefit in the long term.

The Acting Speaker (Mr. McClelland): Before we go to questions and comments, I want to remind everyone once again to address each other through the Chair.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, it is not a matter of liking a decision or not liking a decision. The reason for going back to the court is to get some guidance on what the court meant by the decision. For example, the Supreme Court of Canada failed to accurately describe moderate

living. Some native advocates contend that a net annual income of \$80,000 is a moderate living.

The Supreme Court of Canada did not say whether the aboriginal tax free status which exists would reduce needed fishery earnings. The Supreme Court of Canada did not say whether government contributions to aboriginal communities through the Department of Indian Affairs and Northern Development can offset earnings required from the fishery. The Supreme Court of Canada did not determine whether non-status Mi'kmaq or Maliseet are legally able to participate in the fishery. There are an unknown number of non-status Mi'kmaq or Maliseet, but it is estimated in the tens of thousands. DFO is determined that non-status Mi'kmaq or Maliseet are not eligible under the treaty. This will probably be met with a court challenge.

All I am saying is that these issues will come before the court sooner or later. Why not do it sooner? Why not get the answers now before we go down a garden path that we do not want to be going down?

Mr. Peter Stoffer: Mr. Speaker, I welcome the question.

• (2350)

We are the elected officials of this country. My colleagues from the Reform Party, the Conservative Party, the Bloc and the Liberal Party, we are the ones who are responsible ultimately to answer to the constituents of this country for legislation.

If previous Conservative governments and the current Liberal government have refused to negotiate and to legislate, then it is quite obvious that the supreme court will dictate to us what it interprets as the rules and what it interprets as the law. Once it does this, whether we like the decision or not, we have to live with it.

We find ourselves in the pickle we are in today because of the failed policies of the current Liberal government and past Conservative governments where they have refused to negotiate long term solutions for the resources of this country. It is up to parliament to finally decide this issue. It is not up to the supreme court. It is our responsibility as parliamentarians to take this issue very seriously.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, the hon. member is absolutely right. It is up to parliament. I will ask the hon. member the same question I asked of the hon. member for Acadie—Bathurst. Would the NDP support a moratorium on the decision to allow time for first nations, fishers and DFO to sit down and formulate a plan for the peaceful integration of first nations into the licensed fishery?

Mr. Peter Stoffer: Mr. Speaker, if I may throw the question back so he can ask it of me again. Is the member for South Shore asking me about a moratorium on the aboriginal fishery or about a moratorium on the non-aboriginal fishery?

Fisheries

Mr. Gerald Keddy: Mr. Speaker, right now we have a supreme court decision dealing with the aboriginal fishery. I suggested a moratorium on the aboriginal fishery because that is the only non-licensed fishery out there. Any licensed fishery, any aboriginal boats that are involved in the licensed fishery would not be subject to it. We are only dealing with what the supreme court decision brought down. Will the NDP support that? I see no other way or plan to bring everyone to the table to allow for the resolution of this matter.

Mr. Peter Stoffer: Mr. Speaker, as much as I would like to say yes to that solution in order to bring some calm to the irrationality, I cannot. It is not up to us to break the law. The fact is that the supreme court has ordered that. It has laid down quite clearly that the aboriginal people have the right to fish in this regard. I do not like the idea of their fishing without proper conservation guidelines and without working under the same rules everyone else does. However the fact is we cannot override the supreme court decision and say quite clearly that because we are in a mess and a pickle and because parliamentarians and government have screwed this issue up so badly that we are now going to say to the aboriginal people who have waited 240 years for their right that they can no longer do what the supreme court has said they can do.

The majority of people I have spoken to down there are willing to incorporate the aboriginal fishery into the fishery. This is what needs to happen, dialogue and conversation and not useless rhetoric.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am very pleased to have the opportunity to participate in the final dying moments of this debate.

I begin by congratulating the minister of fisheries who in a rare show of interest and willingness to listen to opposition members has stayed here in the House. Even against the advice of some members of the House that he should be in New Brunswick or in Nova Scotia, he has stayed here and has genuinely listened to and participated in the debate. I and other members of this party appreciate that effort and show of good faith.

I must take him up on a comment he made in his remarks that he had acted quickly. We have to revisit the chronology of what has taken place.

On September 17 the Marshall decision was handed down by the supreme court. He said that he acted within three days. But what happened? Within three days the Canadian public learned that the House of Commons was to be prorogued so he did not have the benefit of the wisdom of members who were very close to the issue, like my colleagues from South Shore and West Nova and other members of the House who have greatly benefited and even enlightened the minister to a degree during the course of the debate.

• (2355)

From that point we know that on September 27 the minister spoke of implementing some form of a response, a government action, to inform all stakeholders of what the government intended to do. That did not come about.

On October 9 the chiefs of the aboriginal communities stated that they were willing to embark on the possibility of a moratorium. On October 13, after meeting with the minister, hours after he had departed the maritimes, the chiefs themselves imposed a moratorium. It was a self-imposed pre-emptive move to give the government time to respond and to formulate its response.

Sadly, communications have now completely broken down to the point where we know the moratorium is no longer in place. The chiefs have decided they will not abide by the self-imposed moratorium. That is problematic.

We can engage in all kinds of partisan rhetoric. It is very easy for the Reform and the NDP to cast aspersions on current and past governments, having never had the luxury of having to make those tough decisions. It is a very easy thing to do, making statements that are not true. It does not make them true simply because they are said in this place.

The clock is ticking. There is more than just preservation of stocks at stake; there is preservation of human lives at stake. The potential for violence is real. It has already been played out in certain communities like Burnt Church and it is also on the tip of breaking out in parts of Nova Scotia, on the South Shore in particular and in parts of Cape Breton Island.

In my riding of Pictou—Antigonish—Guysborough there are many aboriginal participants already in the commercial fishery. There is the ability for peaceful entry into this industry. That has been displayed in the past. That offer has been extended in the past and I assume it will be extended in the future.

Timeliness is the issue now. I know the minister is sincere in his efforts and in his words to find the solutions, but there is little time to waste.

The minister must be proactive. We support him in his efforts to find the solutions, but those solutions will only come from the input of all stakeholders, including aboriginals and non-aboriginal fishers who have an equally important stake in the outcome. Given what the supreme court has handed down, given this dark abyss that is now before us, it does not just pertain to fisheries, as we have heard many times in the debate this evening. This goes far beyond one single industry.

This is the tip of the iceberg and the government is steaming toward that iceberg unless it acts quickly. With the closing moments of the debate I implore the minister to continue on the road

Fisheries

he is on, but to do so in a very pragmatic and measured way, and to listen to the stakeholders who are equally sincere and have the greatest stake in the resolution of the matter. I encourage him to do so with post-haste. We do support him in that and I sincerely wish him the very best in finding the solutions that will appease all of those who are looking for a peaceful resolution to the matter.

Mr. Peter Stoffer: Mr. Speaker, I appreciated the comments of my colleagues who represent areas which are farther north of my riding in Nova Scotia.

His previous colleague asked about the moratorium on the aboriginal fishery and he just said that what we require are peaceful negotiations in that regard.

Does he believe that if the government enforced a moratorium on the aboriginal aspects of the fishery that it would lead and be conducive to peaceful negotiations and dialogue with the non-native people?

Mr. Peter MacKay: Mr. Speaker, obviously an even-handed approach is needed. One approach being suggested, that we would

single out the aboriginals who have now been given this right by the supreme court and attempt to enforce it in a way that is unfettered, is unacceptable.

Obviously the minister is not about to single out one of the two groups in the divide. That I suggest would only lead to further confrontation and further violence. The difficulty is that this is a tinderbox that is absolutely on the verge of an explosion.

I do not mean to restate the obvious, but the minister has to act quickly. This is something that is going to get out of control like wildfire in an instant.

The Acting Speaker (Mr. McClelland): Pursuant to order made earlier this day, it being 12 o'clock midnight, the motion shall be deemed to have been withdrawn and the House shall adjourn.

It being 12 o'clock midnight, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 12.00 a.m.)

CONTENTS

Wednesday, October 13, 1999

STATEMENTS BY MEMBERS

Gasoline Pricing	
Mr. St-Julien	17
Mennonites	
Mr. Vellacott	17
Safe Communities Coalition	
Mr. Jordan	17
Hockey	
Mr. Provenzano	18
World Population	
Ms. Augustine	18
Gulf War Veterans	
Mr. Hanger	18
Dr. Robert Mundell	
Mr. McWhinney	18
Geneviève Jeanson	
Ms. St-Hilaire	19
Jean-Louis Millette	
Mr. Discepola	19
Pakistan	
Mr. Mills (Red Deer)	19
Speech from the Throne	
Ms. Folco	19
Speech from the Throne	
Ms. Davies	19
Social Union	
Mrs. Tremblay	20
Parliamentary Committees	
Mr. Casey	20
National Hockey League	
Mr. Nunziata	20
Canada	
Ms. Leung	20

ORAL QUESTION PERIOD

Speech from the Throne	
Mr. Manning	21
Mr. Chrétien (Saint-Maurice)	21
Mr. Manning	21
Mr. Chrétien (Saint-Maurice)	21
Mr. Manning	21
Mr. Chrétien (Saint-Maurice)	21
Mr. Solberg	21
Mr. Martin (LaSalle—Émard)	21
Mr. Solberg	22
Mr. Martin (LaSalle—Émard)	22
Mr. Duceppe	22
Mr. Chrétien (Saint-Maurice)	22
Mr. Duceppe	22

Mr. Chrétien (Saint-Maurice)	22
Mr. Gauthier	22
Mr. Chrétien (Saint-Maurice)	22
Mr. Gauthier	22
Mr. Chrétien (Saint-Maurice)	22
Agriculture	
Ms. McDonough	23
Mr. Chrétien (Saint-Maurice)	23
Ms. McDonough	23
Mr. Chrétien (Saint-Maurice)	23
Fisheries	
Mr. MacKay	23
Mr. Dhaliwal	23
Mr. MacKay	23
Mr. Dhaliwal	23
Miss Grey	23
Mr. Dhaliwal	23
Miss Grey	24
Mr. Chrétien (Saint-Maurice)	24
Miss Grey	24
Mr. Chrétien (Saint-Maurice)	24
Air Transportation	
Mr. Guimond	24
Mr. Collenette	24
Mr. Guimond	24
Mr. Collenette	24
Fisheries	
Mr. Cummins	24
Mr. Dhaliwal	24
Mr. Cummins	24
Mr. Dhaliwal	25
Speech from the Throne	
Mr. Turp	25
Mr. Chrétien (Saint-Maurice)	25
Mr. Turp	25
Mr. Chrétien (Saint-Maurice)	25
Ms. Meredith	25
Mr. Collenette	25
Ms. Meredith	25
Mr. Collenette	25
Employment Insurance	
Mr. Crête	25
Mrs. Stewart (Brant)	26
Peacekeeping	
Mr. Assadourian	26
Ms. Minna	26
Agriculture	
Mr. Hilstrom	26
Mr. Vanclief	26
Mr. Hilstrom	26
Mr. Vanclief	26
Airline Industry	
Ms. Desjarlais	26
Mr. Collenette	27

Ms. Desjarlais	27
Mr. Collenette	27
Fisheries	
Mr. Muiise	27
Mr. Dhaliwal	27
Mr. Keddy	27
Mr. Dhaliwal	27
National Defence	
Mr. Proud	27
Mr. Eggleton	27
Immigration	
Mr. Benoit	27
Ms. Caplan	28
Organized Crime	
Mr. Bellehumeur	28
Mr. MacAulay	28
Fisheries	
Mr. Stoffer	28
Mr. Dhaliwal	28
Mr. Muiise	28
Mr. Dhaliwal	28
Labour	
Mr. Malhi	29
Mrs. Bradshaw	29
Immigration	
Mr. Benoit	29
Ms. Caplan	29
Pakistan	
Mrs. Lalonde	29
Mr. Axworthy (Winnipeg South Centre)	29
Points of Order	
Special Debate—Fisheries	
Mr. Lee	29
Motion	29
(Motion agreed to)	30

ROUTINE PROCEEDINGS

Committees of the House	
Procedure and House Affairs	
Motion for concurrence	30
Mr. Lee	30
(Motion agreed to)	30
Requests for Emergency Debates	
The Speaker	30
Agriculture	
Mr. Proctor	30
Mr. Hilstrom	30
The Speaker	31
Child Pornography	
Mr. Reynolds	31
The Speaker	31

GOVERNMENT ORDERS

Speech from the Throne	
Resumption of debate on Address in Reply	
Mr. Manning	31
Amendment	46

Mr. Chrétien (Saint-Maurice)	46
Mr. Duceppe	52
Amendment to the amendment	55
Ms. McDonough	55
Ms. Wasylcia-Leis	58
Ms. McDonough	58
Mr. Hart	59
Ms. McDonough	59
Mr. MacKay	59
Mrs. Wayne	63
Mr. MacKay	63
Special Debate	
Fisheries	
Mr. Dhaliwal	63
Motion	63
Mr. Cummins	65
Mr. Cummins	65
Mr. Dhaliwal	65
Mr. Cummins	66
Mr. Stoffer	66
Mr. Dhaliwal	66
Mr. Nault	66
Mr. Keddy	67
Mr. Nault	67
Mr. Scott (Skeena)	67
Mr. Nault	67
Mr. Cummins	68
Mr. Brison	70
Mr. Cummins	71
Mr. Earle	71
Mr. Cummins	71
Mr. Scott (Skeena)	72
Mr. Cummins	72
Mr. Bachand (Saint-Jean)	72
Mr. Bachand (Saint-Jean)	75
Ms. Vautour	75
Mr. Bachand (Saint-Jean)	76
Mr. Stoffer	76
Mr. Bachand (Saint-Jean)	76
Ms. McDonough	76
Mr. Power	78
Ms. McDonough	78
Mr. Konrad	78
Ms. McDonough	79
Mr. Bernier	79
Ms. McDonough	79
Mr. Keddy	79
Mr. Keddy	81
Mr. Cummins	81
Mr. Keddy	81
Mr. Stoffer	81
Mr. Keddy	81
Mr. Muiise	81
Mr. Stoffer	83
Mr. Muiise	83
Mr. Cummins	83
Mr. Muiise	83
Ms. Blondin-Andrew	84
Mr. MacKay	85
Ms. Blondin-Andrew	85
Mr. Bernier	85
Ms. Blondin-Andrew	85
Mr. Stoffer	85

Ms. Blondin—Andrew	86
Mr. Hubbard	86
Mr. Cummins	87
Mr. Hubbard	87
Mr. Godin (Acadie—Bathurst)	87
Mr. Hubbard	87
Ms. Vautour	88
Mr. Hubbard	88
Mr. Scott (Skeena)	88
Mr. Bernier	90
Mr. Scott (Skeena)	91
Mr. Stoffer	91
Mr. Scott (Skeena)	91
Mr. Konrad	91
Mr. Scott (Skeena)	91
Mr. Cummins	92
Mr. Scott (Skeena)	92
Mr. McWhinney	92
Mr. Bernier	94
Mr. McWhinney	94
Mr. Bernier	94
Mr. Cummins	94
Mr. McWhinney	94
Mr. Keddy	94
Mr. McWhinney	94
Mr. Easter	95
Mr. Cummins	96
Mr. Easter	96
Mr. Bernier	96

Mr. Easter	96
Mr. MacKay	97
Mr. Easter	97
Mr. Bernier	97
Mr. Stoffer	98
Mr. Bernier	98
Mr. Keddy	99
Mr. Bernier	99
Mr. Turp	99
Mr. Stoffer	100
Mr. Turp	101
Mr. Bernier	101
Mr. Turp	101
Mr. Godin (Acadie—Bathurst)	101
Mr. Bernier	102
Mr. Godin (Acadie—Bathurst)	103
Mr. Keddy	103
Mr. Godin (Acadie—Bathurst)	103
Mr. Stoffer	103
Mr. Cummins	105
Mr. Stoffer	105
Mr. Keddy	105
Mr. Stoffer	105
Mr. Keddy	106
Mr. Stoffer	106
Mr. MacKay	106
Mr. Stoffer	107
Mr. MacKay	107

MAIL  POSTE

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

03159442

Ottawa

If undelivered, return COVER ONLY to:

Canadian Government Publishing,
45 Sacré-Coeur Boulevard,
Hull, Québec, Canada, K1A 0S9

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à:

Les Éditions du gouvernement du Canada,
45 boulevard Sacré-Coeur,
Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :
<http://wwwparl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9

On peut obtenir la version française de cette publication en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9