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Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, June 3, 1996

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*Translation*]

THE SENATE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ) moved:

That, in the opinion of this House, the government should abolish the Senate.

He said: Madam Speaker, it gives me great pleasure to open House proceedings this morning on the motion in which I call on the government to abolish the Senate.

First of all, I would like to thank all members of the Standing Committee on Procedure and House Affairs for allowing this motion to be put to a vote, because I think it is important for the House to have an opportunity to deal with this significant matter.

Why do I want the Senate to be abolished? The reason I moved this motion is that I realized that, throughout Quebec in particular, the Senate symbolizes in a way the ineffectiveness and inefficiency of Parliament. A case in point, which is a caricature because it does not concern all the senators, is when we saw some of them doze off on television during the throne speech.

That incident made me think about the following question: Why do we still need today a second House like the Senate, an unelected House? The senators were never elected by the people to carry out this function; they were appointed on the Prime Minister's recommendation. Senators are often appointed as a political reward, because they helped run a political party so it could win an election, or because they will work on an election campaign in the future.

I can give you two examples: Céline Hervieux-Payette was defeated as a Liberal candidate before being appointed to the Senate; she is now co-chair of the Liberal Party of Canada's organization for the next election campaign. There is also Mr. Nolin, who plays more or less the same role for the Conservative Party of Canada.

Although they were not elected, these people sit in a House with the same responsibilities as the House of Commons. Let us not forget that after a bill passes third reading here in this House, it is sent to the Senate, which goes through the same stages. This is a form of duplication. We saw in the Pearson airport case—and the Liberals were the first ones to be affected as a government; I think this will make them think about how relevant this motion is—how the bill was stalled in the Senate for several months. The reality we are facing is that elected parliamentarians who have passed a bill are now paralysed in their work by an unelected House. This, I think, is unacceptable in this day and age, on the eve of the 21st century.

The Senate's existence was understandable when the Canadian Confederation was created, because we wanted an equivalent to the British House of Lords. It was said at the time that the people sitting in the Commons might not have had all the intellectual capacities necessary. That kind of thinking was prevalent at the time, and all the problems had to be given due consideration. It was therefore decided to institute a kind of patriarchal entity, a House capable of seeing to it that things are done properly. But times have changed.

Today, members of Parliament have all the capabilities required to do their jobs; they have different opinions they are entitled to voice. They have researchers working for them and people lobbying them. Really, the Senate is no longer useful.

The other theoretical function of the Senate was that of representing the various regions of Canada. I have a teaser for you and all members of this place for that matter. Who can identify the senator responsible for his or her riding? Who can give me the designation of the Senate division or district represented by their senator?

I have asked the people of my riding time and time again and no one could tell me the name of the senator representing us or the designation of the division. We are part of the Grandville division and we are represented by Senator John Lynch-Staunton; he is certainly a very fine man. This goes to show that the Senate has not fulfilled this regional representation mandate because nowhere in Canada is a region associated with a senator in particular. And the reason for this is surely the fact that senators are not elected. There is also the appointment process. Often, senators to be were selected or appointed even before knowing what division they would be representing. There was also a requirement for holding property. We have seen cases where, on the eve of their appointment,

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individuals rushed out to by a property to meet this statutory requirement. But the Senate no longer meets the objective in this regard.

Another aspect seems very important to me today. Our constituents are asking us to cut the fat in government spending. They are asking us to look for areas where there are unnecessary expenditures being made. The government took a stringent measure in reforming the unemployment insurance program. Just to save a couple hundred or thousand dollars here and there, legislation was passed that gets down to the nitty-gritty, checking up on recipients to ensure they do everything by the book, all under this very complex act basically designed to hunt down abusers. But at the very same time, we have here a House, the Senate, with an annual budget of \$43 million; that is a considerable amount for an unelected Chamber.

And that is not counting expenses attributable to the senators' activities and associated costs. This amount covers wages, staff compensation and travelling expenses in general. Should we not eliminate the Senate, instead of targeting unemployment insurance beneficiaries? This would generate savings of \$43 million. This is an expenditure that recurs year after year. The amount of \$43 million is the actual budget. However, when senators delay the passing of a bill for six months or a year, this also generates major costs and it has a very harmful effect on the actions taken by the government and by Parliament.

We should modernize things somewhat. Eliminating the Senate would be one way of doing it. In this respect, the federal government is lagging behind. For example, it was almost 30 years ago that Quebec's National Assembly, then called the Legislative Assembly, eliminated its legislative council, which was more or less the provincial equivalent of the Senate.

• (1110)

I can assure you that things are not going any worse. People do not call to say that they miss legislative councillors. I do not think there would be any more problems if we did the same with senators.

Why is that institution such an anachronism? It may be that, at the turn of the century, there were more complex issues requiring an expertise that elected representatives did not always have. Today, a support system has been developed for MPs and it includes all the functions necessary to that end.

A debate in the Senate does not shed new light on a bill. The legislation goes through all the stages in the House: introduction, followed by first, second and third readings, as well as consideration in committee. Let us not forget that consideration in committee did not exist 10 or 15 years ago. Since then, this stage has

become a very important part of the process. Committee members consider bills clause by clause; they have expertise.

The Library of Parliament provides non partisan support and research services. It is very easy to get information on issues of interest. Nowadays, members of Parliament are very well equipped to give thorough consideration to legislation.

There is no longer a need to rely on outsiders whose mandate is unclear. We do not really know whether senators represent the interests of lobbyists or those of the public. That is not always clear. There are some rather ambiguous connections, and, since they are not elected, senators have a great deal of room to manoeuvre. They do not have to take any account at all of what they have been told by their fellow citizens in the positions they adopt.

As members of this House, we are only too aware of this. When there is a controversial bill, a situation that is more difficult to analyse, we are approached by lobbyists, but also by our constituents. Imagine how differently you would do things if all you had to take into account in reaching a decision were lobbies. In the end, what we have is a sort of outmoded 19th century democracy, one that does not correspond to our needs today in the information era. What we need above all is people well attuned to their communities, something the senators certainly are not.

Earlier, I mentioned the \$43 million budget. This is a lot of money. Freeing up this amount would still not solve the problem of the Canadian deficit, but it would be an important symbolic gesture. When we ask the public to do their part and accept cuts, we are asked all the time: "Are you guys in Parliament doing your part? Are you doing what is necessary so that the best possible decisions are taken at the least cost?"

The Senate is a flagrant example of the sort of area where we could make an important symbolic gesture in the vote following this debate. This would not exclude a debate at a later date on the advisability of having a second House in Canada. What form would this House take? Should it be a House whose seats are distributed by region, or should there be no regional representation at all? This debate can take place later on.

I think there are speakers who are going to raise these points in the debate today, but that is not the real focus of the debate. These are significant considerations, but it is important to realize that the motion is concerned only with the abolition of an archaic institution no longer meeting any need. Agreeing to this motion does not preclude another subsequent debate on a motion proposing a different solution. That is a debate on another scale, with constitutional ramifications. It will be up to the House and the different political parties to defend their points of view in the debate over the coming weeks, the coming months, and probably up until the next

election campaign. There may be differing positions on the relevance of a second House.

But today the purpose of the motion is to identify clearly the importance of making such a gesture, of sending a message to the public that we think that senators, with their present mandate, are no longer needed.

• (1115)

We no longer have any need of a chamber of this type, because the mandate is totally met by the House of Commons. We have MPs capable of performing its duties and this also represents an opportunity to help solve Canada's financial problems. I refer to all of the costs relating to the work of the senators.

In this connection, I would refer you to the 1991 auditor general's report in which he made 27 recommendations for corrections to certain practices of the Senate. We have no way of knowing if those corrections were made, for last week the government operations committee was told by the Senate, giving rise to an interesting motion by the Reform Party: "We do not have to be answerable to the House of Commons. As a chamber, we, like the House of Commons, have only to answer to the Governor General. We do not have to account to you for the \$43 million".

In my opinion, that on its own is a provocation and ought to lead Parliament, the House of Commons, to adopt the motion I am proposing, for it seems to me that we ought to have had the opportunity to find out in the House the implications of the auditor general's recommendations, and to analyze in committee whether they had indeed corrected the improper practices. There were a number of significant charges against the senators, whose overall policy was that they could spend like there was no tomorrow whenever anything was needed.

Reference was made to messenger services, travel services, documentation services. In a number of aspects, the Senate is still living high off the hog while the rest of us in Parliament are having many items questioned by the board of internal economy in order to ensure that funds are being properly spent. The desire to economize is not found in the Senate.

How could the Senate be abolished? With the way the motion is presented we are not saying that the Senate is to be abolished the day after a vote here, rather we are giving the government the mandate to see that job is done. I think a number of these people are ready for a golden handshake. Starting with conditions that are acceptable here, we would work it so that within perhaps a year or two the matter would be settled and the other House would disappear on its own.

Those senators still with a taste for politics could simply be invited to come back into the real political arena, that is the next election campaign, where they could face the electorate. They will

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be able to judge whether they can convince their fellow Canadians that the positions they defend in the Senate are relevant.

The quality of parliamentary debate arises from the fact that, during election campaigns, elected officials have to confront the needs of the population on the campaign trail. Let us remember that we have been here two and a half years and that we must be careful not to live in a parliamentary bubble and to return and visit the people. Basically that is why elections are held. Every four years or so we do a check to see whether what we have done meets the expectations of the people. This is the basis of democracy. I do not think we need outdated institutions today, particularly costly institutions like the Senate.

If the House were to pass this motion, I would feel I had contributed significantly to the quality of democratic life and to ensuring that the Canadian system, as we know it, is as functional as it can be and that it will permit better management of the public sector and better response to the requests of our fellow Canadians.

One of the Bloc's prime mandates, to defend Quebec's interests, includes this notion. You may be sure that the abolition of the Senate is a matter of almost total consensus in Quebec. We never felt there that the Senate satisfactorily represented us and we do not want more governments either. We want to eliminate one level of government.

• (1120)

So we can safely say that throughout Quebec, when we look at the list of senators and their designations, few people know that Victoria, De Salaberry and Mille Isles are represented by senators or can give the names of the corresponding senators. So no one in Quebec would be sorry about the abolition of that House.

We would make the House of Commons accountable by giving it the ultimate power of decision. There would be no second level of decision. The decisions affecting the federal Parliament would only be made here.

Once the debate on this motion is over, I hope enough members will vote for it so we can take the significant action of giving Canada even better democratic tools and strengthening the House of Commons' powers, while at the same time doing something that is very significant these days by saving the money we would no longer have to spend on the Senate.

That is why I ask every member of this House to consider this motion individually. It is not a matter of toeing the party line but of determining if the Senate is still useful to Canada, if it makes a contribution, or if things would not run more smoothly without the Senate and their negative public image. This might help raise people's level of satisfaction with the work of their elected representatives.

In conclusion, I hope that, after the vote, all of us can in a way go down in history by abolishing an unelected House and allowing the government and the Canadian Parliament to act in accordance with

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the mandates given by the people, and by taking the symbolic action of cutting some unnecessary spending in Canada. In my opinion, the most significant way to do so with regard to Canada's current institutions is to abolish the Senate.

[*English*]

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Inter-governmental Affairs, Lib.): Madam Speaker, Motion No. 221, brought forward by the hon. member for Kamouraska—Rivière-du-Loup, proposes that in the opinion of the House the government should abolish the Senate.

I am somewhat puzzled by the timing of the motion. Only a few weeks ago the hon. Leader of the Opposition was accusing the government of wasting its time and energy on issues not related to the concerns of citizens. Today we are asked to debate a motion for which there is little evidence, if any, indicating that Canadians wish to reopen this debate at this time.

Therefore, I do not see how such a radical reform could be contemplated without public participation. Various groups will argue that other issues are more pressing and should take precedence over the abolition of the Senate.

[*Translation*]

The areas of real concern for Canadians are economic growth, job creation, fairness, social justice, collective security and national reconciliation. This was made very clear in the Quebec referendum last October.

While the opposition party is putting forward such a proposal at the most inappropriate of times, we, on this side of the House, are concentrating on fulfilling our commitments. We have undertaken to build on our achievements and to focus on priorities such as employment, economic growth, the safety of Canadians and the renewal of the federation to strengthen national unity.

• (1125)

[*English*]

To achieve these goals the government has put forward a plan of action set out in the speech from the throne. The government intends to honour each commitment it made to the Canadian people in order to make our country work more efficiently and more harmoniously. It is obvious that the Bloc Québécois has no interest in working for national unity and seeing our country work for the betterment of all its citizens, including Quebecers.

The motion brought forward today by the hon. member for Kamouraska—Rivière-du-Loup clearly demonstrates that building on the existing strengths of Canada and trying to find positive answers to concrete problems is not a priority for that party.

As my hon. colleague is well aware, there are four main areas in addition to other reforms to the working of government that are central to the government's plan of action and to national unity. The government intends to stick to its agenda for change as proposed in the throne speech. The upcoming first ministers' meeting will be an important opportunity to consider the priority issues with which Canadians want us to deal. Let me reiterate that the abolishing of the Senate is not a priority for Canadians.

Let me summarize for the benefit of the hon. member from the opposition the initiatives on which the government intends to focus and on which we will build at the first ministers' meeting.

[*Translation*]

First, the federal government has voluntarily limited its spending power in areas of provincial jurisdiction. We have announced that we have no intention of creating cofunded programs in areas of provincial jurisdiction without the provinces' co-operation.

This is something the provinces had been requesting for a long time. It is the first time in the history of our country that the federal government has limited its spending power outside the formal setting of constitutional negotiations. Our government is also responding to a need clearly expressed by our provincial partners.

Second, the government has undertaken to find new ways of co-operating with the provinces to maintain, regarding social programs, national standards with no strings attached and the guarantee not to implement them unilaterally. Once again, we will be acting on the basis of mutual consent. By operating this way, we will be fulfilling our obligation to maintain solidarity while at the same time respecting the provinces' autonomy.

Third, we will reduce duplication and overlap by withdrawing from areas where other stakeholders, be it the provinces, the municipalities, private corporations or non governmental organizations, are better able to take on the responsibility.

[*English*]

Again, this is an issue it has been working on with the provinces and this is why the federal government will withdraw from activities that are more appropriately the responsibility of the provinces, municipalities and other stakeholders.

The announcement made last Thursday by the hon. Minister of Human Resources Development is a concrete example of a priority issue to which the government was committed and which was delivered to the satisfaction of all parties involved. The minister sent all provinces and territories a labour market proposal offering them responsibility for all active employment measures funded through the employment insurance fund.

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[Translation]

The provinces will be able to have their own employment programs including wage subsidies, income supplements, job creation partnerships as well as labour services like employment counselling and job placement. This is an example of practical and flexible federalism at work.

• (1130)

We are acting on our commitment of solidarity with the unemployed from coast to coast, while at the same time respecting the principle of local autonomy, whereby each province can develop local programs to meet local needs.

[English]

Finally, the federal government is committed to exercising a leadership role to strengthen Canada's economic union, promoting greater labour mobility and interprovincial free trade and, with the support of the provinces, building stronger institutions such as a single Canadian securities commission. These initiatives and other reforms are practical incremental changes that will enable us to make our federation more harmonious, more efficient, more adapted to the challenges we face in the 21st century.

Again, the first ministers meeting will be an important opportunity to consider ways to clarify the roles of government and to better promote our social and economic union. The government recognizes the need to take action to restore public confidence in institutions by getting government right.

Getting government right means modernizing federal programs and services to meet the needs of Canadians today and in the future. It means clarifying federal roles and responsibilities. It means strengthening the economy and economic union. It means enhancing social solidarity. It means pooling national resources to achieve common goals efficiently and effectively. It means protecting and promoting Canadian values and identity while celebrating Canada's diversity.

This is what Canadians want their governments to achieve by working together. Therefore the motion we are debating today is one that does not reflect the concerns of ordinary Canadians. Besides, the motion brought forward by the hon. member for Kamouraska—Rivière-du-Loup does not take into consideration the fact that for many Canadians the federal decision making process does not sufficiently take into account regional diversity and needs.

We know that regional representation is the basic structure of the Senate. Abolishing the Senate would not resolve the issue of regional representation.

[Translation]

We could debate the Senate issue for days and weeks without ever reaching a consensus. Again, this is the wrong time to raise this issue. Canadians have other concerns and priorities. As members of this House, we are responsible for seeing that their needs are met. That is why I think this motion should be voted down.

[English]

Mr. Leon E. Benoit (Vegreville, Ref.): Madam Speaker, I am very pleased today to be speaking on the Bloc motion which reads:

That, in the opinion of this House, the government should abolish the Senate.

If we were to ask Canadians how they feel about the Senate we would get a very widely supported response that it is not worth keeping the Senate as it is and it should be abolished. The Reform approach is to change the Senate substantially to make it work better rather than just to abolish the current Senate and leave nothing to fill the void.

We have proposed over the years since becoming a party in 1987 that Canada needs a triple E Senate. A triple E Senate is one which is elected by the people, is effective enough to stop legislation which is unfair to one region or another, and has an equal number of senators from each province. I will talk about this later.

The motion which calls for the abolition of the Senate and proposes nothing to replace it really shows the approach the Bloc has taken to building our country. It has chosen the approach that the Senate should be abolished rather than trying to fix it, to make it work better, to make it fill a real need this country has. In terms of the country as a whole, the Bloc has taken the approach that it is better to tear it apart than to take the time and effort to fix it and make it work better.

• (1135)

We need a much more positive approach in this House if this country is going to survive. However, the party which has presented this motion does not want Canada to exist as it is. It wants Quebec to become a separate country. The Bloc is quite content to tear down rather than to fix.

Before I get into what the Reform Party has proposed on this issue, I will talk about what the Liberals have said. The Liberals have said quite a bit over the years in terms of fixing the Senate. I believe it was at a party policy convention in 1991 that the Liberals debated the concept of a triple E Senate. I do not know what happened to the motion that was debated and, I believe, passed at that convention. It certainly has not been acted on, which is very sad.

More recently the Prime Minister commented on the Senate. On September 24, 1991 the Prime Minister said: "The regions of Canada need to be more involved in decision making and policy

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making at the national level. To meet the hopes and dreams of those who live in the west and in the Atlantic, a reformed Senate is essential. It must be a Senate which is elected, effective and equitable”.

Jumping ahead to May 9, 1996, what did the Prime Minister say? It is quite a different thing when Alberta Premier Ralph Klein said that Alberta want to hold an election to elect its senator. Alberta already elected Stan Waters back in 1989. Stan Waters, by the way, was a Reform senator. When Premier Klein said that Alberta wanted to elect another senator, what was the Prime Minister's reaction? On May 9, 1996 the Prime Minister said: “I will name a senator who I will choose and who will represent my party in the House of Commons”. That is a quote from the Prime Minister.

The Prime Minister's story changed considerably from 1991 to 1996. He stood in the way of the province of Alberta electing a senator to the Senate, something which Albertans have demanded. There was a very large turnout for the election of Stan Waters. Albertans care about this very much. They thought that electing senators was a start toward getting the triple E Senate which they want.

I guess what the Prime Minister says nowadays on a lot of issues is inconsistent. On September 10, 1993 the Prime Minister said: “There will not be a promise that I will make in the campaign that I will not keep”. He said that during the election campaign. On May 3, 1996 he said: “Sometimes in the course of a mandate you are faced with a situation where you cannot deliver. You have to have some flexibility because acts of God come in the administration and no politician can see everything happening”. His story seems to change from time to time.

I would also like to quote the member for Kingston and the Islands. Last month when speaking about the election of Stan Waters he said: “I do not recall any look of shame on the Prime Minister's face when he appointed this particular Reform hack to the Senate. He won a popularity contest in Alberta. It was a fraud run by the Government of Alberta”. This is a quote from the member for Kingston and the Islands, the former House leader for the Liberal Party. That is what he thinks of the Alberta election of Stan Waters, an event Albertans took pride in. It was so important to Albertans yet he speaks of that event in those terms. It is shameful to Albertans and most Canadians.

• (1140)

Changing the present Senate must happen. This move is widely supported by Canadians. They want in its place a body that will help to deal with the problem of legislation which may be unfair to one region of the country passing through this House. I have heard Bloc members say on many occasions that they have been treated unfairly in legislation which has passed through this House.

I would think that the Bloc of all political parties would be demanding a triple E Senate so its regional interests would be protected, so that no legislation could pass through this House of Commons that would be unfair to Quebec. That would be so important yet Bloc members talk about abolishing the Senate. They have not taken a constructive approach.

As recently as last week, Reformers debated a motion which would have made the Senate much more accountable to Canadians. It was a very important motion which was, as usual, shot down by the House.

In the blue book, the Reform policy book which we update at every assembly and have since our 1988 policy conference, the first principle declares the equality of Canadians and provinces, that they should be treated equally under the law. The second principle states: “We affirm the need to establish a triple E Senate in the Parliament of Canada, that is to say, a Senate which is elected by the people with equal representation from each province, and which will be fully effective in safeguarding regional interests”.

There have been many attempts to improve the Senate in this House. There was a bill by the member for Kootenay East to have an elected Senate. There was a motion by the member for Mission—Coquitlam to have a triple E senate. All of them have been shot down by the House. They are changes which would be so important to Canadians and to Albertans, but we are not going to get these changes, or we have not so far.

We have to take the approach that we are going to improve the Senate by making a triple E Senate. Until that happens a first step which we have laid out in our 20/20 national unity proposals is to elect a Senate.

I would like to amend the motion. I move:

That private member's motion M-221 be amended by adding immediately after the word “Senate” the following: “in its present form”.

The motion then would read: “That, in the opinion of this House, the government should abolish the Senate in its present form”.

The Acting Speaker (Mrs. Ringuette-Maltais): The motion is in order.

• (1145)

[*Translation*]

Mr. Jean-Guy Chrétien (Frontenac, BQ): Madam Speaker, I am pleased to take part in the debate on Motion M-221 moved by my colleague and friend, the hon. member for Kamouraska—Rivière-du-Loup, and dealing with the abolition of the Senate.

For quite a number of years now, this issue has been surfacing regularly. Consequently, the government, and in fact all the members of this House, must give greater consideration to a situation which, over the years, has tarnished the reputation of

Canadian politics, and particularly the credibility of our role as parliamentarians.

In this context, the government should consider an in depth reform of federal parliamentary institutions, so as to make them more effective and better adjusted to modern reality.

I am fully aware of the Senate's role in the traditional British parliamentary system and of its historic contribution. However, we are faced with a serious dilemma. On the one hand, the current economic context does not allow us to maintain a symbolic institution whose costs are in excess of \$65 million a year and whose effectiveness is rather dubious.

On the other hand, as we approach the 21st century, it is clear that the governmental and legislative structures have not managed to modernize themselves. In fact, this archaic institution plays a role quite remote from its original *raison d'être*. Instead of protecting the public from the excessive ideologies of elected representatives, the Senate is now an instrument used to delay legislation on a purely partisan basis. In this regard, I wish to remind the House of the position held by the current government when it formed the official opposition.

At the time, the Liberal Party was open to a Senate reform. Now, it has a totally different attitude. The Liberal government does not seem to give the same priority to such changes, because it now controls this parliamentary structure, taking advantage of the situation. The most blatant example of this is undoubtedly the appointment of Mrs. Shirley Maheu to the Senate to make room for the new member for Saint-Laurent—Cartier in a by-election last winter. The government thus made sure it had one more voice in favour in the lengthy legislative process, in addition to legitimizing the hasty appointment of the President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs.

However, the contemptibly partisan political scheming behind these appointments pales in comparison to the image the public has of the Senate. Before preparing this speech, I took the time to consult with some of my constituents in order to find out just how they perceived the Senate, and especially what their concerns were.

• (1150)

In this connection, I would like to tell you how the upper House has dropped in the opinion of the people in my riding of Frontenac. The first image to come to people's minds is undoubtedly that of the senators lulled fast asleep by speeches that we would have thought were very interesting and compellingly delivered.

Ask anyone what their boss would think if they fell asleep on the job, and what would happen. The lineups would be even longer at the employment centres. Yet, as citizens and taxpayers, we tolerate a totally intolerable situation. It gives new meaning to the expression "asleep at the switch".

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In another vein, I suggested to my constituents that they write to their senator, as they do regularly to their federal MP. They all seemed interested, but nobody knew to whom they should send their letter. Of all the constituents I met with, no one could say which senator represented, if I could put it that way, the Frontenac area.

At best, a few could name a few members of the upper House, including Senator Hébert, Senator Jean-Louis Roux and Senator Gérald Beaudoin. But these individuals were known to the public before they even became senators. And there is worse. No one could give the name of our Senate division, leading me to conclude that, in addition to being useless, the Senate is not well known.

On a more theoretical note, the reason for which the Senate was created no longer obtains. As I mentioned at the beginning of my speech, the Senate originated out of a certain concern regarding the representatives of the people. The Senate was to provide a legislative alternative to the incompetence and excesses of members. But history has shown us that this aspect of parliamentary life has largely improved and that legislation introduced by the House of Commons responds satisfactorily to the expectations and needs of the public, and respects its interests.

The House of Commons, like the National Assembly of Quebec and all legislative assemblies of Canada, is a sovereign and democratically elected assembly. Why, then, hang on to an out-moded institution whose costly operation does nothing but slow down the operation of Parliament, and adds to taxpayers' dissatisfaction with how politicians are running the country?

My colleague representing the Liberal government spoke earlier about the primary goal of his party, aside from creating jobs and putting its fiscal house in order. Here are \$65 million it could save year after year, and it is afraid to lift its little finger today and make it happen. Of course it will do nothing, given the appointments just made by its leader.

• (1155)

I see Sharon Carstairs. She was his friend, his ally in the fight against the Meech Lake accord. He appointed her for the next 23 years, at an annual salary of \$64,000 and all the benefits that go with it. He appointed her for the next 23 years, until the year 2017. It is shocking. The same goes for Céline Hervieux-Payette.

[*English*]

Mr. Bill Graham (Rosedale, Lib.): Madam Speaker, I am pleased to rise to speak on this motion.

I am rather confused by the priorities set by the Bloc Québécois and its vision of the priorities of all Canadians, including Quebecers, in introducing the motion today. I can hardly believe there is serious indication that there is any interest among Quebecers in

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pursuing a divisive interest like Senate abolition at this time in the country's history.

[*Translation*]

What is more, in connection with what the member who has just spoken has said, he knows very well that the Parti Québécois in power in Quebec has no intention whatsoever of pursuing such a motion, since to do so would require that party and the Quebec National Assembly affirm the Canadian Constitution. Is that likely?

Perhaps, under the circumstances, it would be a good idea to accept abolition of the Senate. That would be the price to pay to gain Quebec's total endorsement of the Canadian Constitution. But I can tell you straight that, here in this House, the Bloc members are all perfectly aware that the Government of Quebec has no intention of following suit. Under those circumstances, then, the motion we have before us is a waste of time for the House, and does not show the respect of the institutions the hon. members claim it does.

[*English*]

Furthermore, there is no guarantee that other provinces would approve of these changes. For example, smaller provinces like Nova Scotia and New Brunswick, which together represent only 6 per cent of the national population but which hold 19 per cent of the Senate seats, would gain nothing from its abolition.

Canadians have told us there are more pressing priorities which must first be addressed. In addition to economic concerns, as my colleague from Simcoe North noted earlier, national reconciliation is one of the fundamental priorities the government is committed to achieving.

I remind my hon. colleague that in the referendum of October 30, 1995 Quebecers chose to stay in Canada. At that time the Prime Minister acknowledged that Quebecers also indicated they wanted change. Thus renewal is the priority of Quebecers, of all Canadians and of the government.

To this end the Prime Minister was quick to lead us on the road to reconciliation by introducing in the House of Commons a resolution recognizing Quebec as a distinct society, a resolution the Bloc Québécois refused to support.

The Prime Minister also extended a veto to Quebec and initiated changes that would make it possible to bring government services and the decision making process closer to citizens in accordance with the wishes of Canadians across the country.

The Prime Minister has acknowledged that Canadians throughout the country want to see the federation modernized, adapted to today's economic realities and to the needs of all citizens. That is the vocation of the government. That is not in any way the purpose of the resolution we are debating today.

The government understands the desires of Quebecers and of all Canadians for change and has made this central to its mission. Among other things, we are committed to establishing clear lines of responsibility between different levels of government, eliminating unnecessary duplication, ensuring the viability of our social safety net and reducing barriers to internal trade.

The government has also limited its spending power. As set out in the speech from the throne, the government will not use its spending power to create new shared cost programs in areas of exclusive provincial jurisdiction without the consent of a majority of the provinces. Any new program will be designed so that non-participating provinces will be compensated, provided they establish equivalent or comparable initiatives. This is the first time any federal government has undertaken to formally restrict the use of its spending power outside constitutional regulations.

• (1200)

Madam Speaker, I note that you are informing me that my time is drawing to a close. I understand that this debate will be resumed when this motion next comes up and I will be able to complete my remarks at that time.

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[*English*]

CONSTITUTION AMENDMENT

The House resumed from May 31 consideration of the motion.

Mrs. Bonnie Hickey (St. John's East, Lib.): Madam Speaker, I will be splitting my time with the hon. member for Mississauga West.

Madam Speaker, you are going to hear a lot of factual and statistical information today concerning educational reform in Newfoundland. You are going to hear a lot of "what ifs" and theory about how this may or may not affect other bilateral terms of union of the other nine provinces and territories of our nation.

What you will not hear today is the voice of one group of Canadians who are the most affected by this constitutional amendment, the Newfoundland children, of which I am a mother of two. I speak from the heart when I say the status quo is unacceptable.

Let me give a brief background on Newfoundland's denominational education system. It dates back to the 1700s when the Church of England's missionaries founded one of the first schools in Bonavista to administer to both the religious and educational needs of that town.

In the mid-1800s this system was entrenched through the educational act which further divided funds between the Roman Catholics and the Protestant school boards. It is this system that still exists today and was enshrined in the terms of union in 1949 when Newfoundland elected to be the 10th province of Canada.

For some time now Newfoundlanders have realized that the system cannot continue under its current form. With the province groaning under the pressing weight of a \$6 billion debt, changes to the system are essential. The people of Newfoundland have always believed in a better future for their children.

Consider the title of the 1992 report of the royal commission of inquiry into the delivery of education in Newfoundland and Labrador, "Our Children, Our Future". I call on my colleagues in this chamber to remember these four words "our children, our future" as we debate this resolution in the House today.

The proposed changes will enable the province to improve educational opportunities for our students, to bring in new technologies and to update curriculum. At present the province of Newfoundland spends the highest proportion of its total resources on education, more than most other provinces.

A greater amount of this funding than should be necessary is being used to provide for the cost of maintaining four separate school systems and 27 individual school boards for a provincial population equivalent to that of the city of Calgary, Alberta.

Savings of up to \$25 million a year will be realized from the administrative changes, student transportation efficiencies and school consolidation which will result from the education reform process. The proposed reform will provide an opportunity to redirect these savings into the classroom level and benefit our students.

As it exists today, a number of students miss out on the valuable skills and courses that will prepare them to enter the workforce. In today's technical, computerized world I have heard stories of students who have literally flipped a coin to decide which sciences to study because the school did not have enough money to offer a full range of courses. Yet there was a whole other identical system in the same community.

Instead of having one comprehensive system that allows students to avail themselves with every opportunity to study a broad range of sciences, the students lose out in a system of duplication and inefficiency.

With finances stretched to the limit, school boards are often unable to provide the basic necessities. There are schools in the province today with no cafeterias and no proper janitorial services. In these schools, students are missing out on meals and they are getting sick from the general lack of cleanliness.

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Is this a system that adequately prepares our students to meet the changing face of the Canadian labour market? No, it is not. It puts the Newfoundland youth at a disadvantage to their counterparts in other provinces.

With the closure of the fishery and a dwindling population, a good education is the key to ensuring our children have a bright future and not one of unemployment and dependency.

● (1205)

In addition to my personal experience with the Newfoundland school system, I am currently part of a team that is travelling across the country coast to coast with the ministerial task force on youth. We are consulting directly with young Canadians, youth service agencies, private and public sectors, schools and other concerned Canadians about the needs of young people, their expectations and their aspirations. We are looking at the issues of school to work transition, labour market entry and perceived and real barriers to entering the job market.

Everywhere I go and especially at my town hall session in St. John's on May 11, which I might add has been the largest town hall session to date, I hear of the real need for schools to make changes to reflect the changing needs of the Canadian labour force.

In the speech from the throne the Liberal government made a promise to create a better future for our children and young Canadians. This statement was made because it realizes that one of the greatest challenges facing our country is ensuring that our children obtain the skills and knowledge they need to compete in the fast changing, highly competitive world.

To meet this challenge we have to ensure children have access to quality and excellence in education. By passing this resolution we will ensure that the people of Newfoundland and Labrador have the tools necessary to meet the challenges and to ensure the future of our children.

For those who are concerned that the Newfoundland government is taking control from the churches in the province, this is simply false. The proposed amendment does not abolish or undermine denominational education in this province. Rather, current rights are being updated to effect the needs of today's students and at the same time allowing for a more efficient administration and delivery of educational services in the province of Newfoundland. The modifications further allow schools to maintain religious education, activities and observances.

The majority of Newfoundlanders voted in favour of these changes on September 5, 1995. Of those who chose to vote, 54 per cent voted in favour of the government's proposal despite the fact that the churches launched a vigorous campaign designed to encourage people to vote against the plan. The Newfoundland

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government did not stage a campaign, yet it won a clear majority in support of its position.

As to the claim that this referendum is imposing the will of the majority on to the rights of the minorities in the province, the denominations affected by the changes in the education system comprise 95 per cent of Newfoundland's population, hardly a minority. I would further argue with those who would say that their education in a currently uni-denominational school will be destroyed. This is just not so either. There are provisions in the current proposal to ensure, where numbers warrant, those schools will be allowed to continue their as uni-denominational.

Now that I have addressed the many concerns of the resolution I want to address the concerns of some of my colleagues who are concerned about the process that brought the debate into this Chamber. Some argue that this is being pushed through. This is completely false. It has been an issue for a long time. Because it only affects the province of Newfoundland perhaps it was not a priority for some MPs, especially given the amount of legislation that passes through this Chamber. It has always been a priority for me and for my children.

I say this to those MPs who would vote against this resolution because of the concerns over the so-called process: Do not trivialize the future of my children for a bureaucratic mentality. Put yourself in my children's shoes and do not take away their chance for a better future.

In conclusion, I want my sons and the children of Newfoundland to have every opportunity available to embrace the future, to keep up with the changing labour force requirements and in doing so, to become contributors to the Canadian economy. Amidst all the debate on the constitutional, legal and political theories, let us not lose sight of what is really at stake here, Newfoundland's future, its children.

I ask all hon. members to look above the power struggles of the church and state and the political positioning and as parents, which the vast majority of us in this Chamber are, ask themselves: Would I want my child to lose out in a system that is based on duplication of services or would I want my child to have every opportunity available to get a well-rounded education? If hon. members believe in the future of my children and all those of Newfoundland, then they should not base their opinion on the what, ifs and maybes. They should base their conclusion on the greatest natural resources that Newfoundland has to offer this country: our children. Never lose sight of them in this debate.

• (1210)

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Madam Speaker, I appreciate the opportunity to participate in this

debate. I would like to make one point and then ask the member for St. John's East a question.

First, the member talked about it in her speech, as did the premier of Newfoundland in his press conference last week. He talked about the illiteracy rate in Newfoundland as being something of great concern. He talked about the difficulty the system was having and the embarrassment of the highest illiteracy rate in the country.

I found the comment very strange because I read from the red book of the premier of Newfoundland. "Since Confederation we have made tremendous progress in education. Newfoundlanders and Labradorians have built an educational system in which we can all have pride. Our university participation rates are higher than the national average. If the present trend continues, Newfoundland and Labrador will soon have education levels equal to the best in the country".

As someone who believes in encouraging and funding national standards, that is a positive sign. I just wanted to make that comment because it conflicts with some of the comments that have been made which tend to denigrate the current education system that exists in Newfoundland.

In the speech by the member for St. John's East, she talked about the notion that the educational system would remain the same where numbers warrant. On Friday the Minister of Justice made the same comment, that the uni-denominational schools may be created where numbers warrant and where the parents choose that for their children.

The resolution before the House does not state "where numbers warrant". Would the member consider, seeing as it was in her speech and also stated by the Minister of Justice, amending this resolution to add "where numbers warrant"?

Mrs. Hickey: Madam Speaker, I have not considered that as an amendment. I think the amendment we are making to justify giving our children a better education in Newfoundland is probably all that we have time to deal with.

The children of Newfoundland do not have a voice here today, but they would rather be given every opportunity possible to be better citizens rather than debating whether or not this or that amendment should be taken care of. The Term 17 amendment is all that we need to deal with. It will give our children a better education, a better future and a better life as Canadians.

Mrs. Beryl Gaffney (Nepean, Lib.): Madam Speaker, this is probably more of a statement than a question.

I listened with interest to my colleague from St. John's East. A lot of questions have been troubling me and through her speech and the comments she has made, as a resident of Newfoundland, as a member of Parliament and as a person who has two sons within the

Newfoundland school system, she speaks quite clearly when she says she supports the will of the majority of the people of Newfoundland.

Two things that have been troubling me have really been answered in this little book. One of the questions in the book is: Why is the federal government involved in this matter? It is answered here quite clearly. The other question is: Can these reforms be made without a constitutional amendment? I would encourage anyone who is watching to phone our offices and ask for a copy of this little book. It contains questions and answers which may clear up all the questions in our mind.

• (1215)

Mrs. Carolyn Parrish (Mississauga West, Lib.): Madam Speaker, as members know, I rarely speak in the House of Commons. However, this issue is of extraordinary importance to me. I have spent my life in education. I am a Roman Catholic. I am a former secondary school teacher and I formerly chaired the largest board in Canada. Most of all, I spent 21 years being a parent.

It is important to let my constituents know why I am supporting wholeheartedly the government's resolution to amend term 17 in the 1949 agreement between Canada and its youngest province, Newfoundland.

Newfoundland and Labrador has decided it wants to modernize its educational system, bringing it closer to those enjoyed by all the other provinces and territories in Canada.

As an educator, I understand its desperate wish to be sure its education system has value. Newfoundland and Labrador spends the highest amount of money per capita of any province in Canada with the poorest results. It has the highest dropout rates, the highest rates of illiteracy and the lowest standardized test scores in math, science and English. With seasonal employment in the fisheries in deep trouble, math, science and English are skills essential to Newfoundland's prosperity and to the prosperity of the entire country.

I would like to show some comparative statistics to my own riding. In Mississauga West the average family income is practically \$65,000 a year. In Newfoundland it is \$40,000. The average unemployment in my riding is 7 per cent. In Newfoundland it is over 30 per cent. I have 18 per cent of my population with university degrees. In Newfoundland it is less than 5 per cent.

Canada has a generous spirit. We have redistributed wealth in the good times and we equally share in the bad. Newfoundland and Labrador will soon be enduring part of a \$1.5 billion cut in transfer payments. Every remaining tax dollar, both local and federal, must be put to good use.

Newfoundland and Labrador is not a poor cousin that must continue to live on the generosity of others. It must be allowed to

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be a full and independent partner in Confederation, a viable as well as a beautiful part of this country.

Education, preparation for the world of tomorrow, is the basis for a modern and successful Newfoundland. A system that has not matured since 1949 does not respond to the needs of today's students.

Newfoundland and Labrador has asked the permission of its voters, first through a referendum, then through a recent provincial election and now through their political leaders of all parties in the provincial House. Last year all party leaders unanimously agreed to ask us to amend their terms of union. Last week this request was unanimously supported by every MHA of every party in their House.

In 1949 term 17 of Newfoundland's terms of union enshrined a fully denominational religious education system resulting in a very large number of small schools administered by 27 boards. There are 110,456 students in 446 schools governed by 27 school boards with a budget of \$525 million. I chaired a board with almost the same number of students that covered three municipalities. The smallest, Caledon, has only 7,000 students who would have remained frozen in time, one-room schoolhouses and miles of weary travel every day.

They chose to join the Peel board for all the benefits one efficiently run system could provide, special education, vocational training and French immersion. These are only dreams in Newfoundland.

When I became a trustee in 1985, I represented Ontario at a national conference. The Newfoundland trustees were then wrestling their 27 boards, negotiating for a better way. Now 11 years and a 1992 royal commission report later, they are no further ahead. The time for negotiation is over.

Some have suggested a constitutional amendment is not necessary. However, even if an agreement to change the education system could be reached between all denominations and the provincial government, any such agreement could be challenged in a constitutional challenge on the basis that it violates term 17.

This is why an amendment is essential at this time. All schools are denominational in Newfoundland. No one denomination dominates. It is a collection of minorities. What of those who do not belong to a formal religion or to a religion that is not one of the chosen ones? Does a Jewish child convert to Catholicism? Does a Muslim immigrant have to convert to the Pentecostal faith? How do we protect the freedoms of the real minorities, the 5 per cent of Newfoundland students who do not conform to one of the recognized religions?

In the proposed new system churches will still play a significant role in the instruction of students; instruction rather than planning, teaching rather than tyranny.

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The people of Newfoundland and Labrador have a right to jurisdiction over education. They have a right to a freedom from religion as well as freedom of religion. Every tax dollar paid to publicly supported schools must be squeezed and manipulated to its maximum benefit. No longer will a dollar paid to upgrade a Catholic school be multiplied by 27 for unneeded repairs to those of other denominations.

• (1220)

In Ontario over the last ten years two out of every three construction dollars have been put into the separate system because that is where the need was greatest.

Funds will now be distributed in Newfoundland according to need rather than denomination. Some say French language or aboriginal rights will be affected. They will not. These are charter rights for all Canadians and will be maintained. Some say this is the thin edge of the wedge and that other provinces will follow suit, possibly eliminating Catholic schools in Ontario.

Ontario does not have the same terms of agreement. It does not have the same terms that allow such change. Denominational rights are protected in the case of the four founding provinces by the Constitution and by different terms of union. In addition, education is exclusively under provincial jurisdiction in Ontario.

The people of Newfoundland and Labrador should have province-wide control of their education system, just as we have. They should have the right to create ten interdenominational boards where 27 currently exist. Where numbers warrant, separate schools will continue to exist for individual denominations. Boundaries, capital funding, transportation and other purely administrative matters will be controlled by a duly elected provincial legislature.

In summary, Newfoundland and Labrador has debated this issue for many years without coming to a negotiated agreement. Its children are suffering. It spends the most to achieve the least. It is our poorest province. Control over education is a provincial right. Quality education is the right of every Canadian child.

We cannot allow unwarranted fear of what may happen to blind us to what is already happening. The children of Newfoundland and Labrador of every religion desperately need our support before truly effective change will happen. No tiny six-year-old should ride for hours on a bus past three or four schools to go to the school which will accept her. All children of Newfoundland should be able to go to their nearest school and receive a quality education.

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Madam Speaker, the way the member for Mississauga West denigrated the Newfoundland school system is beyond belief.

I have some comments from the former minister of education for Newfoundland, Mr. Chris Decker, on a report on education in Canada regarding Newfoundland's educational system:

The percentage of the population attaining less than 8 years of schooling has decreased from 24 per cent in 1976, compared to the then Canadian average of 9.5 per cent, to 5.6 per cent, slightly more than the Canadian average of 3.8 per cent in 1991. That is an improvement of 18.4 per cent for Newfoundland compared to an improvement of 8.4 per cent for Canada as a whole.

The numbers of students not graduating from high school in Newfoundland have decreased from 66 per cent in 1976 to 49.9 per cent in 1991. The Canadian average went from 56 per cent to 43 per cent during the same period. The numbers for Newfoundland are much better now than in 1991, the last year statistically compared to Canada.

Students in Newfoundland perform just as well as students in most other provinces and the Canadian average; results of testing of 16-year olds in reading and writing, school achievement indicators project, 1994.

We are painting the Newfoundland educational system like it is some archaic operation. That is not the case. It does not exist. Let us deal with the real reason we are amending this fundamental piece of Confederation. It is an economic deal. We are doing this to save \$11 million or \$12 million. That is the bottom line.

• (1225)

I have real problems with approaching a motion like this which is so important. As the member from Ontario asked in her remarks, will this affect Ontario? This could affect Ontario. We have had some of the best constitutional lawyers in the land say that. I want to be on record as saying I do not think we should just rubber stamp this.

The House has always been the protector of minority rights. This is a Chamber in which we are to be looking out for the disadvantaged, not the advantaged. In this case we are really missing an opportunity to be what the Chamber is supposed to be, the guardian of minority rights.

The member mentioned the system would stay the same where numbers warranted. I asked the member for St. John's East if she would support putting into the resolution the phrase "where numbers warranted". The Minister of Justice has stated it, the premier of Newfoundland stated it in his press conference last week, but it is not in this resolution.

I propose we amend this motion by doing a very simple thing which could bring all of us together, that the system would stay the same where numbers warranted, which is what the member said in her speech. Would the member support that addition to the resolution in the form of an amendment?

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Mrs. Parrish: Madam Speaker, it is nice to see my former colleague from Broadview—Greenwood has not lost his touch. His spellbinding ability still exists. His ability to conjure up statistics at will is still very good.

I did not denigrate the residents of Newfoundland, nor did I—

Mr. Mills (Broadview—Greenwood): Madam Speaker, on a point of order, the member for Mississauga West made a statement that was not accurate. She accused me of conjuring up statistics at will when I quoted directly from the minister of education for Newfoundland.

The Acting Speaker (Mrs. Ringuette-Maltais): Resuming questions and comments.

Mrs. Parrish: Madam Speaker, I am sorry if I said they were conjured. As we all know, when one has spent a lot of time in academia one can always find the right statistics to suit the argument.

As far as an amending formula or amending this motion, it has been my experience in the House, which is not as broad or as deep as that of the member opposite, that whenever people cannot fight the intent of a motion logically they start amending it to destroy its intent, to confuse, to obfuscate.

I do not believe our position in the House should be to amend anything that goes on in Newfoundland. I believe we should pass this. We should leave it to Newfoundland to construct its own system, just as we have in Ontario. It is not our business because we are very afraid that someone may look at changing the system in Ontario. I would love to see the member opposite sit back quietly if someone from Newfoundland were to suggest how to change the system in Ontario.

[*Translation*]

Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ): Madam Speaker, I would like to say how pleased I am to speak today on a matter as interesting as the one we are now addressing. For the fourth time in its history, a legislative assembly, this time the legislature of Newfoundland and Labrador, has adopted a resolution asking the federal Parliament to amend the Constitution under section 43 of that Constitution.

This section allows the federal government to amend any provision of the Constitution which applies to one or more of the provinces, in this case Newfoundland and Labrador. According to section 43, any such amendment may be made by adoption of resolutions of the House of Commons and Senate and of the legislative assembly of each province to which the amendment applies.

• (1230)

In 1987, this House adopted a resolution to place the Pentecostal schools of Newfoundland on the same footing as the seven denominations recognized by the 1949 agreement, as well as to ensure their funding. This was the first constitutional amendment made under the section of concern to us today, section 43.

The second was to guarantee the linguistic equality of French and English in New Brunswick. That was in 1993. The same year, there was another constitutional amendment to permit the construction of an interprovincial bridge between Prince Edward Island and New Brunswick. I would point out that, in this vote, which involved approving the construction of a bridge, the Bloc Québécois voted in favour, because we felt, and continue to feel, that this is the best long term solution in economic terms.

Today, therefore, the members of this House are preparing to pass a resolution that will lead to a new constitutional change, and I shall spare you the reading of the text. I would, however, mention that the aim of the Newfoundland legislature is to rationalize the province's education system to permit savings to be made. The aim is to put an end to denominational schools so as to cut the number of school boards—everywhere these days there is talk about downsizing the school boards, even in Quebec—in order to set up a new multid denominational school board, which will be more efficient and less costly, it is claimed.

This proposed education reform is based on the recommendations of the Newfoundland royal commission of inquiry into education, which published its report in 1992. The major obstacle faced by the Newfoundland government arises from the fact that denominational schools were guaranteed by term 17 of the Terms of Union establishing Newfoundland's entry into Canada in 1949, which is an integral part of the Canadian Constitution.

At first glance, there does not appear to be a problem, because the Government of Newfoundland could simply have passed a resolution to amend term 17 of the constitutional agreement of 1949 and then simply have it passed by this House. This time, however, the provincial legislature wanted to hold a referendum first to consult the people of Newfoundland before passing its resolution.

The referendum question asked Newfoundlanders whether they would allow the Government of Newfoundland and Labrador to introduce a resolution calling for the amendment of term 17 of the Terms of Union of Newfoundland with Canada. It must be pointed out that there was no obligation to hold a referendum to amend this term, since the amending formula in section 43 of the Constitution requires only that a resolution be passed by the Newfoundland legislature, the House of Commons and the Senate in such cases.

Yet, the Government of Newfoundland felt it had to hold a referendum in order to consult the population beforehand, thus

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showing great respect for democracy. As we well know, referenda were not so widely used 30 years ago but today, with all the countries in the world joining large consortiums in Europe, Asia and North America, we will see more and more of them.

In this referendum, which, by the way, is the consultation mechanism par excellence and is now gaining popularity around the world, the people of Newfoundland expressed their desire to amend the extent to which and the way the various religious denominations get involved in the administration of the education system. They endorsed the government proposal by a 54 per cent majority, which is not that much. Only 52 per cent of all the people exercised their right to vote.

• (1235)

This referendum was held on September 5, 1995. In the following months, the Prime Minister of Canada said in response to the Newfoundland premier's formal request that he intended to table for adoption the text of the constitutional resolution in February 1996. In his letter to his provincial counterpart, the Prime Minister gives no indication whether he agrees with the referendum result; he simply accepts it and says he will table the resolution in the House.

In his response, the Prime Minister of Canada showed clearly that he accepts the result of a referendum in which 52 per cent of all registered voters participated and in which 54 per cent of the ballots cast is an acceptable majority. The parallel with the referendum situation in Quebec is impossible to ignore.

Although the issue of Quebec sovereignty is much more important and has a greater impact than today's constitutional amendment, that fact is that the Prime Minister has established a precedent by accepting the results of the referendum held in Newfoundland and Labrador.

The Prime Minister said in this House on several occasions—I will not quote from *Hansard* but I think everyone remembers the various times he said this—that a result of 50 per cent plus one in a referendum on Quebec sovereignty was not enough. He said a result of 50 per cent plus one was not an acceptable majority in the case of a Quebec referendum. Today, the same Prime Minister recognizes the results of a referendum in which only 54 per cent voted for a constitutional amendment and only 52 per cent of registered voters participated. We all know that voter participation in the Quebec referendum was slightly higher. It actually was over 90 per cent.

Are we to conclude from this that, for the Prime Minister, a referendum in which only 52 per cent of registered voters have exercised their right to vote is good enough anywhere in Canada except in Quebec, where 90 per cent of the population participated in the referendum and are about to do so again soon? Are we also to

conclude that, for the Prime Minister, a referendum held across a province where a majority voted yes, with 54 per cent, this is good enough, except in Quebec of course, where 54 per cent is just not good enough? In his mind, according to the figures quoted or hinted at by friends of the regime and business people, it would take a 65 per cent vote, perhaps as high as 70 per cent, it is not clear, for a yes victory in a Quebec referendum to be recognized.

This makes us realize how totally inconsistent the Prime Minister of Canada and his government are. A referendum is a democratic public consultation process, and the cornerstone of democracy is precisely the 50 per cent plus one rule. It is the majority of the population making a choice.

In the information papers we have received, one of which I believe is from the Department of Justice, there are striking similarities there. Question 4 states: "Why do church and government leaders in Newfoundland and Labrador not settle this issue without constitutional amendments being necessary?" The paper in favour of passing the resolution reads: "Having negotiated intensively for three years, the Government of Newfoundland and Labrador was unsuccessful in obtaining the consent required to implement the necessary changes. In addition, a further attempt by the Newfoundland and Labrador education minister to negotiate an agreement also failed and did not produce an agreement on key reforms".

In Quebec, we have been trying for 30 years and we are still waiting. So far, every attempt to reach an agreement has failed.

• (1240)

The document submitted to us by the Department of Justice also included the question: "Why are these changes necessary?" The answer given is that the current system must be changed, because it creates a complex administrative structure generating overlap and inefficiencies.

What difference is there with the Bloc Québécois? The document states that the Government of Newfoundland and Labrador has come to the conclusion that eliminating these costly inefficiencies and freeing up resources to introduce other operational changes is the best way to improve its education system. Eliminating costly inefficiencies is, of course, exactly what Quebec and the Bloc Québécois are asking for.

Shortly before I rose to discuss this issue, the House was debating the very real possibility of conducting an in-depth review of the Senate's role, and even of considering abolishing it, given the current situation. This suggestion has nothing to do with the quality of the men and women who sit in the Senate. Rather, it is based on the fact that this institution is an anachronism in our system. It prevents it from functioning well and it is also costly for nothing. The figure of \$65 million per year was mentioned.

So, Newfoundland wishes to make some changes to its system to improve its situation. This is exactly what Quebec seeks to do, albeit on another scale.

The document also states that "it is those affected by the changes that approved them". This is in reference to the people who voted in the referendum held in Newfoundland. So, according to the Department of Justice, when a referendum will be held on Quebec's sovereignty, those affected, namely Quebecers, will have the right to express their views, because they will be the ones affected by the outcome.

Further on in the same Department of Justice document, in response to Question No. 9, the following is asked: "Did the government of Newfoundland and Labrador act arbitrarily?" Response: "On February 22, 1996, the Government of Newfoundland and Labrador received a majority mandate with the campaign promise to reform the denominationally-based school system". Here again, we note the similarity with Quebec. Let me just remind the Liberal MPs, in case they have forgotten, which I doubt, that the Parti Quebecois received a majority mandate with the campaign promise of holding a referendum on the sovereignty of Quebec.

Another point catches my attention as well. Here we are speaking of a constitutional amendment which might impact upon other provinces. Yet the Liberal government, the government in this House, did not ask to choose the wording for the referendum question. It was drafted solely by the Government of Newfoundland, with no participation whatsoever by the federal government or any other provincial governments. Odd, because in the case of Quebec the federal government absolutely insists on taking part in preparations for the wording of the question. Yet that question, as will be seen later, will be asked of Quebecers by Quebecers. As in Quebec, however, the proponents of the no side in Newfoundland are unanimous in criticizing the question, as we have seen in the press reports, for being ambiguous, not explicit enough. But no attention was paid to that. The question was asked by the people of Newfoundland, it was answered by the people of Newfoundland, and the federal government did not get involved in drafting the question, whereas it did indicate that it might do so for Quebec.

In this connection, we have listed a few questions that were not raised about the recent Newfoundland referendum, yet are being raised in the case of Quebec. I will run through a few of them quickly, since I think I have only four or five minutes left.

A lot has been said on the question of a simple majority. The Prime Minister has intimated a number of times in the House, as I said earlier, that a simple majority might not be enough to ensure Quebec's sovereignty. In July 1948—and my colleague from Berthier—Montcalm has looked into this much more deeply than I—barely 52 per cent of Newfoundland electors agreed to join the

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Canadian federation in a referendum, and this was the second referendum in a few months, with the first one being held on June 3, 1948. So, the results of the first one were not accepted.

• (1245)

In the case of the second referendum, which passed with 52 per cent, 48 per cent of Newfoundlanders voted no, not wanting to join with Canada. It was not this figure that was taken into account, but rather the vote of the democratic majority, and Newfoundland joined Confederation.

Since referenda will be used increasingly, we will see internationally that the results of referenda committing peoples' future will be ever closer. The law of the majority will never change. In November 1994, 52 per cent of Swedes voted to join the European Union; although 48 per cent voted against, the rule of the majority prevailed. Two weeks later, Norway voted against joining by 52 per cent; 48 per cent of Norwegians were in favour, but the law of the majority prevailed.

The rule of a simple majority in a referendum is universal, because it is the only democratic and practicable rule. When a society says "one person, one vote", it does not mean "one person, two thirds of a vote" or "one person, a vote and a third". Everyone's vote is equal. This is why a referendum is based on a majority.

When Quebec joined the federation, there was neither a referendum nor an election. Quebec joined the federation by parliamentary vote. In the first Quebec referendum on sovereignty in 1980, and in the referendum on the Charlottetown accord, the federalists participated in the campaign without ever imposing any conditions regarding a majority of more than 50 per cent, because until then they were confident they would win. But, as soon as things start heating up, they want to change the rules of the game. In Quebec, like everywhere else, winning a referendum requires a simple majority, that is to say, 50 per cent plus one vote.

I have noted on several occasions that our friends in the Reform Party have, through their leader, taken a clear stand on this issue. I am convinced others have taken the same position, although I have been unable to read the reports in other newspapers, I did read his statement that:

[*English*]

"A 50 per cent plus one vote for independence is sufficient for Quebec to leave Confederation, according to the Reform leader, but the terms and conditions would have to be subject to a referendum in the rest of Canada". I agree with that. "I do not know of any other threshold than 50 per cent plus one". That is what went on everywhere.

Government Orders

[Translation]

There is also Don MacPherson, who wrote in a recent article in the *Gazette*:

[English]

"I hate to test his legendary modesty but I am forced to admit that my good friend Bernard Landry"—I do not know if it is true that he is friends with Bernard Landry—"is right again. Landry, who is vice-premier in the Parizeau government"—so this goes back a few months—"says a simple majority is good enough to decide a referendum on sovereignty. The vice-premier could have also pointed out that it was good enough for federalists in the 1992 Quebec referendum on the Charlottetown constitutional accord. What is sauce for the federalist goose is sauce for the sovereignist gander". He ended by saying: "And by current world standards of democracy, a yes vote in the referendum would give a Quebec declaration of independence impeccable legitimacy".

[Translation]

This does not mean it would be easy, but it would be legal. We could repeat some of the other arguments that were never made again in relation to what is happening elsewhere in Canada. There is no dispute about the Newfoundland referendum, which was only won by a few points and in which only about half the population voted. But they are already starting to set the rules for the next referendum in Quebec.

They are now addressing the issue of borders and minorities. They are telling us the borders of Quebec might change, that minorities may not want to stay within these borders, that the territory may be partitioned, who knows. Yet, Canada as a country has recognized many countries in the world—I will name a few—with the borders they had before. Canada has recognized the two sovereign countries that resulted from the partition of Czechoslovakia: the Czech Republic and Slovakia. Ottawa was one of the first capitals to recognize Ukraine's independence in 1991, and that of the Baltic states, as we remember. In the case of the Baltic states, which became sovereign through democratic means, I think Canada was the first country to recognize their independence and all their borders. Yet, the fact that all those countries have significant minorities does not take anything away from the results of a democratic referendum.

• (1250)

As for the resolution proposed by the legislature of Newfoundland and Labrador, I will support it because the people have expressed in a provincial referendum their desire to amend the extent to which and the way religious denominations get involved in the administration of the education system. I, however, would like to point out one thing, namely that the federal government seems to feel there are two kinds of democracy in this country: one for Canada and one for Quebec.

[English]

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Madam Speaker, the hon. member for Anjou—Rivière-des-Prairies has brought up a very important point of which every member of the House should be aware. It has to do with the precedent which is being set and the way the Bloc sees this precedent in terms of its next referendum. The member just said that in the next referendum if 50 per cent plus one decide to leave Canada, then how can there be one rule for Quebec and a different rule for Newfoundland? I believe that was the basic point which he made.

Since 1980 I have watched the premier of Newfoundland work in the House of Commons and work for Canada, not just domestically but internationally. I do not think there would be a person in the House who would deny the fact that the premier of Newfoundland is probably the best communicator Canada has had in years in terms of putting our presence, our spirit and our sovereignty on the front burner. He has been out there. His tactics have at times been borderline genius when it comes to communications. However, his tactics on this resolution are going to create a problem for us in the House and in the country which we have not thought through. Fifty-four per cent in the referendum at this time is establishing a benchmark. We all know what the polls are saying in Quebec and they are much more than 54 per cent.

It is important for all of us to realize that this Chamber is essentially being used as a rubber stamp for a constitutional amendment. A few years ago when we were talking about this issue a senator claimed that these rights and these systems are part of the arc of Confederation. Today we are simply going to rubber stamp the request.

• (1255)

The hon. member for Anjou—Rivière-des-Prairies put us all on notice in his speech just a few minutes ago when he asked how, on a referendum, there can be one rule for Newfoundland and a different one for Quebec. I hope when members think about supporting this resolution tonight they will think of the long term consequences.

[Translation]

Mr. Pomerleau: Madam Speaker, those were mostly comments that my hon. colleague and neighbour—seeing that we have adjacent offices in the West Block—made. First, he said that the premier of Newfoundland was certainly the best communicator in Canada; we, on this side, have always called him Captain Canada, and this was not meant to be derogatory in any way. We do agree that, as a communicator, the premier of Newfoundland has spear-headed practically everything that was done in Canada. That is probably also one of the reasons why he got elected.

Government Orders

My hon. colleague commented on my calling the attention of the House to the fact that Newfoundland had just set a precedent, but I was just making a connection between the case of Newfoundland, where a 54 per cent result is readily recognized in this House, and Quebec, where the application of democratic rules is being questioned.

I think that what my hon. colleague is saying is that we are setting a precedent by passing this here. The precedent has already been set anyway. It was set at the international level, at Charlottetown, when the results were not questioned, because the 50 per cent plus one rule came into play. They were not questioned with respect to Meech, the 1980 referendum or any other referendum until now.

I sincerely believe the Prime Minister of this country is right when he says the basic problem and the first thing we should do, not myself personally, but those of my constituents who still believe this is possible—yes, some still do—would be to try to persuade Quebecers they must remain a part of Canada. Under those circumstances, a referendum would not be any problem.

Needless to say I have my doubts. I have been concerned with politics for 30 years—not actively involved but at least watching what is happening on the political scene—and in the past 30 years, we have never succeeded in having Quebec's minimum demands recognized. The only way out for us is to hold a referendum on sovereignty and we will win this referendum.

[*English*]

Mr. John Bryden (Hamilton—Wentworth, Lib.): Madam Speaker, with the greatest of respect, I disagree most emphatically with the member for Anjou—Rivière-des-Prairies and the member for Broadview—Greenwood, who both assert that this whole debate today has to do with referenda. In my opinion, and in the opinion of many experts in legal matters who know far better than I do, it has nothing to do with referenda.

The legislative assembly of a province has sought a constitutional change which it is perfectly entitled to do. If for example the assembly in either of the provinces of Quebec or Alberta had a situation on which it was unanimously agreed a constitutional change was wanted, I would expect that the province would take the request for the change to the federal government. That is exactly as it should be.

When that request arises in this House, I would expect as is going to be the case today, the Parliament of Canada would decide on that request in a free vote. When there is a vote in this Chamber on a constitutional issue, as we have in the case with Newfoundland today, or any other province that may bring a constitutional issue before the House, it should be a free vote so the people of Canada shall speak on the issue and decide.

[*Translation*]

Mr. Pomerleau: Madam Speaker, in fact, the Government of Newfoundland did not have to consult the people. It simply wanted to increase the legitimacy of its position in an apparently extremely contentious debate. That is why a referendum was held, and why the issue is taken up in the House, but there was no need for that in Newfoundland.

We will support the motion for two reasons. First, because a democratic referendum to that end was successful, and second, because we met with the premier of Newfoundland, whom we admire a great deal and who gave us a minimum of guarantees that minority rights would be respected.

• (1300)

[*English*]

Ms. Roseanne Skoke (Central Nova, Lib.): Madam Speaker, the primary responsibility of the Parliament of Canada is not to concern itself with the reform of the Newfoundland and Labrador education system. Rather, the fundamental responsibility of the Parliament of Canada is to safeguard and protect the existing terms of the Canadian Constitution and to protect the enshrined rights of minorities as presently set forth in the existing Constitution. This is not merely a Newfoundland and Labrador issue; this is a Canadian issue affecting Canada as a nation.

The adoption of this resolution to amend term 17 by the Parliament of Canada will have far reaching, detrimental consequences for the nation, the Canadian people as a whole. Therefore I do not support this resolution.

This resolution is not properly before this honourable House. Procedurally the Parliament of Canada is relying on section 43 of the Constitution Act, 1982 to provide for an amendment to the Constitution of Canada in relation to any provision that applies to one or more but not all provinces; in this case one province. Section 43 provides that such an amendment can be made bilaterally, between the province affected and the Parliament of Canada, through resolutions passed respectively by the provincial legislature, by Parliament, by both the House of Commons and the Senate.

The Minister of Justice in his address to the House of Commons on May 31, 1996 gave an example of a bilateral change involving the fixed link with Prince Edward Island which required a change in terms of its union with the federation. With the greatest respect to the Minister of Justice, there is absolutely no comparison between the fixed link and the rights of minorities in Canada.

Government Orders

Procedurally Parliament is in error to entertain a section 43 resolution because the issue before the House does not merely affect Newfoundland and Labrador. It affects all of Canada. It affects every Canadian. It goes to the very heart of the basic, fundamental constitutional rights and freedoms set forth in the Canadian Constitution.

When a province and Parliament can bilaterally act pursuant to section 43 to substantially modify without consent the minority rights of the Canadian people, we have to be more than concerned. In this instance the consent of the religious denominations has not been obtained. To act without this consent is inexcusable and unjustifiable.

To appease the provincial conscience a referendum was held in which 52.5 per cent of the eligible voters voted; 54.9 per cent voted in favour, 44.9 per cent voted no, and 422 ballots were rejected.

Although the referendum is not a prerequisite to a section 43 resolution it should be noted that the express consent of the religious denominations must and should be obtained. The constitutional rights of the denominations cannot be waived by the mere passing of a resolution by the Newfoundland government. Therefore unless and until the express consent of all religious denominations are obtained this section 43 resolution is procedurally and substantively not properly before Parliament.

In any event, section 43 cannot be read in isolation of section 93 of the Constitution Act. Section 93 of the Constitution Act, 1867 confers on provincial legislatures the exclusive power to make laws in relation to education. Section 93 restricts provincial power to make laws in relation to education by adding four qualifying sections. Subsection 1 specifically provides that nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons has by law in the province at the time of union.

Section 93 read in conjunction with section 43 makes it clear that this is not merely a Newfoundland and Labrador issue. This is an issue that affects every province, every Canadian, every religious denomination, every parent in Canada. It affects every minority right with respect to religion, education and language rights.

● (1305)

This section 43 resolution is not properly before the House. In any event, the substantive purpose and effect of this resolution is to undermine the existing and inherent rights of the church, the religious denominations' right to govern and to teach values consistent with the fundamental teachings of their respective religious denominations.

The effect of the proposed amended term 17 will be to permit the Government of Newfoundland to enact legislation which, as itself concedes, would prejudicially affect the existing constitutional rights of the religious denominations and minority classes of persons and thus violate term 17 as it stands.

The effect of that legislation will be to effectively dismantle the existing denominational school system in Newfoundland. The proposed amendment to term 17 will eliminate constitutionally protected rights held by religious denominations, and this will be done without their consent.

The initiative to amend the Constitution and thus to take away their minority rights was taken without agreement. It was also taken notwithstanding former Premier Wells' statement in the House of Assembly on March 12, 1993, when he said just before announcing an election: "Mr. Speaker, in response to the church leaders' concerns that implementing certain recommendations of the royal commission report would jeopardize their traditional rights, government has assured the leaders that it is not seeking change to the Constitution that would remove the constitutionally protected rights of classes of people specifically provided for".

However, present day events show that commitment was not kept. In light of this, this honourable House has a grave responsibility to protect, defend and safeguard the constitutional rights of our denominational schools and the rights of all minorities in Canada.

The House should be alerted to the words of the justice minister on May 31 with respect to the future section 43 resolutions: "We shall make up our minds on the facts of those cases if and when they arise. If they do not meet the standards which we think are appropriate we can decline to give our support".

I ask the honourable House should we leave the constitutional minority rights of Canadians in the hands of the politicians of the day to set the standards and to decide to change the inherent constitutional rights of the Canadian people at their political whim? I think not.

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Madam Speaker, amending the Constitution of Canada is always very serious business and is to be approached by the House with the diligence and careful study it deserves, whether the amendment affects the entire country or only one province.

The resolution before the House relates only to one province. More specifically, the proposed amendment repeals term 17 of the terms of union of Newfoundland with Canada and substitutes for it certain changes as defined in the schedule called "Amendment to the Constitution of Canada" tabled by the Minister of Justice. It first appeared in the Order Paper and Notice Paper on Thursday, May 30.

Government Orders

• (1310)

At this juncture it is useful to remind us that Canada's Constitution since 1867 has made it clear that education lies within the legislative authority of the provinces, whether they were the original founding provinces of our Confederation or joined later.

When Newfoundland joined Canada in 1949 the clause in the terms of union dealing with education stated that the Newfoundland legislature will not have authority to make laws prejudicially affecting any right or privilege of denominational schools as they existed at the time of the province's entry into Confederation.

Today the Government of Newfoundland and Labrador has a publicly funded school system, the governance and operation of which is in the hands of seven denominations, Anglican, Pentecostal, Presbyterian, Roman Catholic, Salvation Army, Seven Day Adventists and the United Church.

In other words, there must be denominational involvement in decisions affecting the composition of the school boards, the establishment and closure of schools, the hiring of teachers, the establishment of school district boundaries and the distribution of public funds. The current education system has therefore produced a large number of small schools offering close proximity to each other. School children are bused to their own denominational schools elsewhere even though there are schools in their own neighbourhoods or communities.

The need for administrative changes in the school system for efficiency in transportation of students and for consolidation of schools has been evident for quite some time. In March 1992 the government established royal commission released its report entitled "Our Children: Our Future" which recommended fundamental changes to Newfoundland's education system. Term 17 requires denominational consent for changes in the province's education system unless amendment to Canada's Constitution as envisioned in the motion before us is passed.

The Government of Canada has a duty to study and respond to the resolution on this issue as passed unanimously by the Government of Newfoundland and Labrador. Members of the Canadian Parliament have the obligation to diligently study all sides of the issue. On a free vote I support the government resolution as tabled by the Minister of Justice.

The Government of Newfoundland and Labrador has documented that it first tried to achieve consensus with the religious denominations in the province to attain the necessary educational reform without constitutional amendment. The first meeting of the provincial government and church leaders happened in November 1992. Attempts to reach a consensus were pursued by way of exchange of letters and joint meetings on many occasions, as recently as April of this year. At one time private mediation was

tried. Although a framework agreement was reached recently, and this is welcomed, it is the most recent position of the provincial government that such an agreement is tenuous and could be withdrawn by any party to the agreement or challenged in court by any citizen.

On the other hand, opponents to the proposed amendment to term 17 feel the framework agreement should be allowed and given a chance to work. They argue substantial reform of the province's educational system can be achieved without amending the Constitution. They further argue that repeal of term 17 would endanger denominational rights to education in Newfoundland and could set a precedent that threatens the same and other minority rights across Canada.

This is the nub of the issue as seen by the opposition. I believe the opposition is honest and sincere. It has received opinions from its legal advisers that Newfoundland legislation adopting the proposals outlined in the document "Framework for School Board Consolidation" would not be found by the courts to be in violation of term 17 of the present terms of union, that amendment to term 17 would create a risk to denominational school guarantees in other provinces.

• (1315)

These are the fears of those who oppose the resolution. They are sincere in their beliefs. I would like to assure them if I could that they have nothing to fear.

While the Government of Newfoundland will have greater administrative control, the denominational feature of the province's educational system is protected. In fact, uni-denominational schools will be established for individual denominations where requested by parents and where student numbers warrant.

The denominations will retain control over the religious aspects of schooling but a reduced number of interdenominational school boards will be established for greater efficiency in the system. To this latter recommendation, there is no dispute. There is no debate. Both sides on the issue agree.

The Newfoundland referendum on the issue, although not required for the process of constitutional amendment, was conducted by the Newfoundland government to gauge the sentiments of her citizens. Fifty per cent voted in favour of change. True, only 52 per cent of eligible voters cast their ballots but this I submit is a statement in itself.

Although the Newfoundland government used a referendum, the proposed constitutional amendment will not give support to Quebec separatists. Their agenda is to weaken and break Canadian Confederation. Quite the contrary, the amendment before us now is to strengthen the educational system in Newfoundland and to ensure co-operative federalism works at its best.

Government Orders

I should also emphasize that religious rights are not being fundamentally changed, only administrative rights. I agree with the Minister of Justice that minority language rights, aboriginal rights and other minority rights in and beyond Newfoundland, throughout Canada, are not in jeopardy.

The amendment to Term 17 does not create a precedent in the future for the situation in Newfoundland is unique. Future requests for constitutional amendments from any province will be judged as the present one is, solely on the merits of the facts.

I honestly believe that minority rights of any kind are not in danger. I am proud to tell the House that even long before I entered this hallowed Chamber, I participated actively in defence of French language rights in Manitoba when they were threatened in the early 1980s.

I have continued to advocate equity for all, for equal opportunities for people with disabilities, visible minorities, First Nations people and for women, for equity in our society. I will not stand idly by if minority rights are ever in peril.

We shall not fear to be proud of our national shared values, heritage and traditions. We shall not fail to be proud of our Confederation's eminent standing in the world community. We shall not fear of our trust in each other as citizens of Canada. We shall not fear change when change promises a bright future for our children, our youth and our country. We shall not fear to face the coming 21st century with confidence, secure in our history, generosity and integrity as a people.

Amending Term 17 is an appeal to our confidence and understanding as Canadians. It is a message that Confederation works. It is a message that our democracy is vibrant. It is a message that when we secure a bright future for one of our provinces, Newfoundland, its educational system, we secure a bright future for across Canada.

The people of Newfoundland determined their future when their province entered Confederation in 1949. The people of Newfoundland today would like to determine their future in Canada as Canada enters the 21st century. Let us pass this resolution now before us, for greater certainty of the future of all of us.

• (1320)

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Madam Speaker, the member stated in his eloquent address that there was a provision that uni-denominational schools may be created where numbers warrant and where the parents choose that for their children. The Minister of Justice made that same statement when he gave his address to the Chamber last Friday. That statement is not reflected in the constitutional amendment.

The member spoke about this in his speech. Would he support an amendment to the current resolution that would include "where numbers warrant"?

Mr. Pagtakhan: Madam Speaker, I would like to thank my colleague for his kind words. The will of the Newfoundland government to establish denominational schools for school children where the numbers warrant is within the legislative authority of the province. The federal government should not intrude on that legislative authority.

The issue before us is a process where we will give the Government of Newfoundland the authority to proceed, consulting with her people from time to time. It is known that the numbers that will warrant today may not be the same numbers that will warrant tomorrow. Communities change.

I was on a school board. I know at one time the number 36 would warrant and later on the number 17 would warrant. If we fix the number today we will imprison the possibility of change in the future and the possibility of the Newfoundland government to see the present, whatever the present is, and adjust to the particular moment for the greater benefit of her citizens.

Mr. Mills (Broadview—Greenwood): Madam Speaker, if I understood the member correctly, he is saying that the current protection which exists in the Constitution for denominational schools is part of the ark of Confederation. Is he now saying that it is time for the national Chamber, the Government of Canada, the protector of enshrined rights such as these to walk away? Is that what the member is saying?

Mr. Pagtakhan: Madam Speaker, far from it. The Government of Canada has made it very clear that when minority rights are in danger it is ready to stand up and protect those rights.

The resolution that is before us is to make it clear and respond positively to the request of one provincial government. It is a part of our fabric and a part of our Confederation. Of course certain rights will be limited in one way. Of course there will be no denominational school for one school child. However, we cannot use that specific example because what is at stake here is reasonableness and understanding. I believe that the people of Newfoundland have spoken by saying that they would like to reform the educational system for the greater good of their school children for today and tomorrow.

• (1325)

Hon. Roger Simmons (Burin—St. George's, Lib.): Madam Speaker, I am pleased to rise in this debate to say a few words on a issue that is dear to my heart. By way of parading my credentials, I should inform the House that before coming here I was actively involved in education. I was a school principal and a school superintendent.

During the 1969 reorganization of education in the province which permitted the coming together of the integrated group, the Presbyterian, Salvation Army, Anglican and United, I was the president of the provincial teachers' organization and in that capacity I was actively involved in the negotiations which culminated in the 1969 Newfoundland schools act. Therefore, I have some familiarity with the issues which are at play here.

I should also tell the House that in the Newfoundland referendum last September I voted no. It is not that I am opposed to reform of the educational process, I voted no because I had some concerns about how the question was put. I felt that it ought to have been put to each of the seven classes which would be affected by the change so we would know whether each of the classes, by majority, had opted to give up their rights pursuant to Term 17. That was not done and that was my reason for voting no.

I am very supportive of the need for educational reform. I could tell the House many horror stories on the subject from personal, firsthand experience, which points to the urgency of what the Newfoundland government is trying to do in reforming the education system.

Quite apart from the current economic bind in which every government finds itself, even in earlier times we saw some horrendous wastes of money in the name of denominational education. There were cases in which if one denomination received money for school construction, a constitutional obligation required the government to give a proportionate amount to the other denominations, whether they had a need for it or not. Newfoundland, in particular, could not afford that kind of duplication of expenditures.

As I only have 10 minutes I want to stay as close as I can to the issue which we are debating today.

I have had much correspondence on this issue from people throughout the province of Newfoundland and Labrador. I have heard the concerns of the many in Newfoundland who are opposed to the constitutional change. These concerns are based on the premise that the proposed change is a backward step, is a move away from a Christian education system. Those concerns, I believe, are honestly held. I not only respect them, I happen to be in complete sympathy with those concerns.

Unfortunately, those concerns have been fueled and reinforced by misinformation and rhetoric in the province that the provincial government's real agenda is the creation of a God-less, secularized school system. I do not share that view. A fair reading of the amendment before us today will show that the church's role in education will continue and will be constitutionally protected.

Government Orders

The issue here is who will run the schools. That is really the only issue in so far as Newfoundland is concerned. I respect that some of my colleagues have other concerns about minority rights, language rights and aboriginal rights, which are matters that the Minister of Justice has addressed. I will stay with the issue that I know best as it relates to Newfoundland.

I repeat that the issue, in my view, is who will run the schools. I thought the United Church of Newfoundland, one of the affected classes in so far as this amendment is concerned, put it very well a couple of weeks ago, on May 17, in a new release which read:

We have frequently and formally indicated our willingness to relinquish all administrative control of education in favour of a system in which the churches would retain solely the right to provide for religious education, activities and observances.

• (1330)

This is a statement from the United Church but I think it could be echoed by some of the other denominations involved in this endeavour. That statement puts it very well.

This exercise is not about secularizing the system. Indeed on reading the amendment it is very clear on that particular point that all seven churches will continue to have rights and will be able to exercise those rights. To that extent the amendment is once again enshrining and continuing the constitutional protection afforded those churches in 1949 when Newfoundland joined Canada.

The real issue is who will run the schools. I have always believed that when we are spending public money whether it be on education, health, road construction or whatever, there ought to be a system of direct accountability to the people who pay the bills. It is the people of the province of Newfoundland and Labrador who pay the education bills, not the churches. The people of Newfoundland and Labrador pay the bills.

I do not have to explain the system of accountability. We have the same system. We are part of the British parliamentary system as is Newfoundland. The system is simple: A group of people is elected; a government is formed; it brings in a budget and it has to get that budget sustained in the House of assembly of that province. Part of that budget is the education expenditure, how the money will be disbursed to improve the education in that province.

Given our tradition in this House, and in Newfoundland as well, it is absolutely axiomatic that the people who pay the piper should call the tune. The electors of the province ought to have the final say as to the disbursement of funds for education. That is what the amendment is all about. It takes the governance, the running of the schools, out of the hands of the churches as provided in the current term 17 prior to the proposed amendment. It takes the governance out of the hands of the churches and puts it into the hands of government. I believe that is where it belongs.

Government Orders

I made reference earlier that I could tell some horror stories on this issue. Most of them would have to do with that particular issue, that when it came down to a government wanting to exercise its judgment and accountability to the people on issues relating to education expenditure in Newfoundland, its hands were always tied because there was a constitutional provision which prevented it from doing that.

This amendment will do two things, both of which are positive. It will put the governance of Newfoundland schools into the hands of the elected which is where it belongs in the first place. I could go through a long history lesson going back to 1723 when the churches established the first schools and why it did not evolve that way. In the late 1880s when it was enshrined in legislation the die was cast. The evolution had been such that no politicians worth their salt would rush in and change what was a working system.

The system has not been working as well in recent times. I only have 10 minutes. If I had two or three hours I could spend a fair amount of it talking about the contribution the churches have made to education in Newfoundland. That is not what this debate is about. This issue does not have anything to do with railroading or denigrating the churches. That is not the issue.

• (1335)

I am a product of that system. The precursor of the integrated system in Newfoundland was the so-called amalgamated system. My elementary years were spent in the amalgamated system. My final year of high school was in the Salvation Army system. I taught and was a principal in a Salvation Army school. I was a principal in an amalgamated school and in a new integrated school. In terms of education and career, I am a product of that system. I could wax long and hard about the contribution the system has made.

That brings me to my second point. This amendment does two things. It puts the governance of the schools into the hands of the government, the people of the province, which is where it belongs. The other is it continues the church involvement, which has made such a marvellous contribution to education and the enshrinement and promotion of values in Newfoundland over two and one-half centuries.

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Madam Speaker, it is always a pleasure to listen to my friend from Burin—St. George's. I want to seek clarification of a remark he made, that the person who pays the piper calls the tune. In other words, if I understood the member correctly, it was to let the legislators call the shots on how the schools will be run.

If the member was speaking in terms of efficiency, school construction so that there is no duplication, creating a central

construction authority for maximizing economic efficiencies, I do not have any problem with that. I was not sure if he was suggesting that the values in a Catholic or Christian education would be something he would relegate to the person who signs the cheques. I have always held the view that there is a different ambience between a Catholic education and a public education.

Perhaps the member could elaborate on that. I was beginning to think he was suggesting that legislators basically call the program for all forms of education in the province of Newfoundland. I was not sure if that is exactly what he meant.

Mr. Simmons: Madam Speaker, I thank my good friend from Broadview—Greenwood for his question. I have to say to him that I liked it better when he was here over my left shoulder and I could consult with him more often, however, I am happy to see him in the House.

I do not think the member disagrees with my phrase that who pays the piper should call the tune, that is to say the taxpayers, not the legislators. The legislators are only there on behalf of the people of Newfoundland. When I mentioned the person paying the piper, I meant the people of the province, the electorate, generally. They have spoken on the issue. They spoke in a referendum on it. They spoke in the February 22 election. Mr. Tobin made it clear in his platform that he would proceed with educational reform. There is no question about the province as a whole.

If the member wants to know if I am being politically safe on this one, a majority of the people in my riding voted in the referendum for this change. Quite apart from that, I did not get into what was politically safe. In my speech I got into what I felt was the right thing to do.

• (1340)

To respond more directly to the hon. member's question, under this system, under the proposed amendment, what has happened in Newfoundland for two and one-half centuries will continue. There will be a partnership on the program issue. Some of the program content does not have much requirement in terms of value systems. I am not sure how one can teach math with a religious bias, for example. The churches have always had and will continue to have under this amendment a partnership role with the legislature, with the Government of Newfoundland in terms of program which is pretty clear in the amendment. It says so very clearly.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, during the course of this debate a number of concerns have been raised about the proposed amendment to term 17 which this House is considering. Although it would be possible to speak about the benefits of the reforms proposed by the Government of Newfoundland, as many of my colleagues have done, I will take this

opportunity to briefly address some of the concerns that have been voiced about proceeding with the resolution.

One of the concerns that has been raised is that this House is merely acting as a rubber stamp regarding the request of the Government of Newfoundland to adopt this resolution. It is very important to note this is not the case. Several of my colleagues have already noted that the proposed amendment to term 17 is needed to allow the Government of Newfoundland to modernize its educational system and to eliminate costly duplications that currently exist. For this reason the Newfoundland House of Assembly adopted its own resolution to amend term 17 of the terms of union on October 31, 1995.

Because this is an amendment to the Constitution of Canada, Newfoundland cannot act alone in this matter. Section 43 of the Constitution Act, 1982 requires that amendments of this sort, those that relate to constitutional provisions that apply to one or more but not all provinces can only be made where both the relevant provincial legislatures and the Parliament of Canada authorize such amendments. In the present case this means that even though the Newfoundland House of Assembly has already passed its own resolution authorizing this amendment, this House must also adopt a resolution authorizing the Governor General to issue a proclamation under the Great Seal of Canada.

Even though the Government of Newfoundland has requested that we adopt this resolution, it is important to note that this House does not play the role of a rubber stamp during this process. Instead, it is the role and indeed the responsibility of this House and each member of it to carefully consider the proposed amendments and form an independent judgment before deciding whether to authorize a resolution approving it.

In this instance the government has carefully examined the proposed amendment on its merits and is satisfied that the changes sought by the Newfoundland House of Assembly should go forward. The factors that were taken into account by the federal government when forming this judgment were eloquently set forth by the Minister of Justice when he introduced this resolution in the first place.

Another concern that has been raised is that the proposed amendment to term 17 will mean the end of religious education in Newfoundland. Again it is very important to note this is not the case. It becomes clear from a reading of the proposed amendment that religious education will remain an important feature of the school system in Newfoundland and that the churches will continue to play an important role in the school system there.

I will briefly review the amendment to show that it makes provision for the continuance of religious education, activities and observances. Paragraph (a) of the proposed amendment, which

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provides that all publicly funded schools shall be denominational schools, provides that all the denominational classes that now have rights under term 17 shall continue to have the right to provide for religious education, activities and observances for the children of that class.

• (1345)

In essence this means that under the new system children of different denominations who live in the same neighbourhood would all attend the same neighbourhood school instead of different denominational schools. However, pursuant to paragraph (a) the denominational classes that currently have rights under term 17 will continue to have the right to provide for the religious education, activities and observances for the children of that class who attend these interdenominational neighbourhood schools.

In addition to these interdenominational schools in which religious education and activities will continue, paragraph (b)(i) of the amendment reserves the right to publicly funded unidenominational schools. These unidenominational schools will be established and maintained for each denomination whose members currently have rights under the present term 17, subject to provincial legislation uniformly applicable to all schools.

Further, paragraph (c) of the proposed amendment specifically provides that where a unidenominational school is permitted the class of persons it serves shall continue to have the right to provide for religious education activities and observances. In addition they shall have the right to direct the teaching of aspects of the curriculum reflecting a religious belief, student admission policy and the assignment and dismissal of teachers in that school.

Paragraph (e) of the proposed amendment provides that denominations will still have the right to participate in school management. For example, this paragraph gives denominational classes with rights the right to elect in total not less than two-thirds of the members of a school board, with this total to be proportionately divided among classes in each school board's jurisdiction.

It is clear, therefore, the amendment does not do away with religious education in the classroom. Religious education will remain a significant feature of the Newfoundland school system.

Another concern has been raised that the proposed amendment to term 17 is a case in which minority rights are being taken away by the majority. Once again, this is not the case. As the Minister of Justice has already indicated, this is not an instance in which minority rights are being adversely affected by the majority.

In this respect it is important to understand that there is no majority denomination in Newfoundland. Instead, term 17 constitutionally entrenches denominational rights for seven different denominations. Thus, unlike every other province, all publicly funded schools in Newfoundland are denominational. As a result term 17 is unlike constitutional provisions relating to education for

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the other provinces, for term 17 guarantees rights to several different minority groups which together comprise over 95 per cent of the province's population.

In short, unlike the other provinces, there is no majority denomination in Newfoundland. This means each of the seven denominations is affected equally by the proposed change and no minorities are being singled out for discriminatory treatment. This is an important factor which distinguishes Newfoundland from other provinces and must be taken into account when considering the proposed amendment.

Another concern is the proposed amendment to term 17 will diminish minority rights in other provinces or set a legal precedent for the removal of such rights. Once again, it is important to note this is not so. To begin with, the amendments will apply only in Newfoundland and Labrador. This means the amendment will not affect rights in other province whether they are official language minority rights or denominational school rights.

For example, French language, minority language education rights are protected by section 23 of the Canadian Charter of Rights and Freedoms, and nothing in this amendment will diminish that protection. Furthermore, the proposed amendment does not in any way affect the constitutionally protected rights of aboriginal peoples. Aboriginal and treaty rights are constitutionally protected by section 25 of the charter and section 35 of the Constitution Act, 1982. Nothing in this amendment will diminish that protection.

• (1350)

The government takes both its role and its responsibilities in the constitutional amending process very seriously. The government has carefully considered the proposed amendment and has decided that on its merits it deserves to be adopted by the House.

As a result, I encourage members of the House to join with me in voting in favour of this resolution.

[*Translation*]

Mr. Jean-Paul Marchand (Québec-Est, BQ): Madam Speaker, the Bloc Québécois supports the motion in regard to the referendum held in Newfoundland because a majority of Newfoundlanders voted in favour of this change. Also because the motion does not violate the rights of minorities, since a majority of Newfoundlanders voted on an issue concerning all religious denominations that have schools in the province. What this means essentially is that a majority of people have given themselves the right to make changes in the education system that will benefit Newfoundland, since the province will save some \$7 million by having only one school system instead of four, and by having only four school boards, instead of 27.

As regards religious rights, the hon. member for Central Nova rightly pointed out that the rights of religious denominations will not be violated, on the contrary. Following the change made through term 17, religious denominations will be able to exercise their religious rights in any school, the only difference being that the schools will be multiconfessional, instead of having religious groups controlling them.

I personally feel that the control of schools by the Church is a thing of the past. It is time for schools to be under secular control, thus allowing the various religious communities to fulfil their role and teach religion.

In this regard the proposed change to the motion concerning schools in Newfoundland is a good one. Some members alluded to section 93 of the Canadian constitution, which is supposed to protect denominational rights throughout the country.

Let me do a brief historical outline. Madam Speaker, section 93 was not complied with by your province. In New Brunswick, all French speaking schools were abolished in 1871, because the province had not complied with section 93, a situation which was corrected almost a century later. The same happened in most Canadian provinces, including Manitoba and Ontario. At the turn of the century, not complying with section 93 was the way used to abolish the rights of the French speaking minority.

Today, when we talk about the Canadian Constitution, we are told: "We respect the Constitution, we respect section 93". This was not always the case.

What hurts about this motion is that Newfoundland again is not complying with the Canadian constitution. This time it is not in regard to section 93, but section 23 of the 1982 charter. This is a very recent provision; it dates back only 14 years. Newfoundland is among those Canadian provinces that do not comply with the Constitution, which is supposed to be the supreme law of a bilingual Canada.

Newfoundland is among the four provinces that, to this day, do not comply with this modern charter, along with Ontario, Nova Scotia and British Columbia.

• (1355)

Section 23 of the Canadian charter of rights is of the utmost importance, and even essential. It is essential to the bilingual dimension of Canada, because the whole future of French speaking and Acadian minorities in Canada rests on section 23, which guarantees French speaking minorities in Canada a legal right to control their own schools. I repeat that four provinces in Canada still do not comply with this section of the Canadian Constitution, Newfoundland being one of them.

Obviously, this is not directly linked to term 17 before us today. Section 23 of the charter is quite distinct, but the fact of the matter is they are related. When one considers term 17, one wonders about Mr. Tobin, the premier of Newfoundland, also known as Captain Canada. Is he going to abide by the Canadian Constitution

and grant French speaking citizens of his province the right and the power to control their school boards. This is a matter for concern, because in the past Newfoundland did not really demonstrate a great deal of good faith in this matter. British Columbia and a few other provinces are no better.

The charter was enacted in 1982. A judgment by the Supreme Court of Alberta has clarified section 23. It said that French speaking minorities in Canada have the right to control their school boards. An appeal was made to the Supreme Court of Canada, the highest court in the land. In 1990, the Supreme Court confirmed that, under section 23, French speaking Canadians have the right to manage their own schools.

But not a word was heard from Newfoundland. This is an opportunity for Brian Tobin, Captain Canada, to grant French speaking citizens in his province the right to control their own schools, which he has not done yet. I will explain later that the past is probably an indication of what the future holds. The same thing happened with his predecessor, Mr. Wells, who made all kinds of promises but never delivered.

The worst of it all is that the Prime Minister, who claims to be the champion of French speaking Canadians' rights, did not say a word about this issue. He did not say to Brian Tobin: "Listen, Brian, let us make a deal. I will enact term 17, but you are going to comply with section 23 of the Constitution". This is the responsibility of the Prime Minister of Canada.

The Speaker: Dear colleague, you have ten minutes remaining. If you wish, you may continue after question period, but as it will soon be 2.00 p.m., we will now proceed to members' statements.

STATEMENTS BY MEMBERS

[*Translation*]

BOISCHATTEL

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, the town of Boischatel in my riding is celebrating its 75th anniversary this year. As a resident, former municipal councillor and MP, I wish all the inhabitants of Boischatel a happy anniversary and fun-filled celebrations.

The celebration committee has organized a program of events, and I congratulate it on its exceptional work. As is only fitting, a whole host of activities will take place this summer. In addition to games, exhibits and shows, there will a competition for best garden, organized by the Boischatel caisse populaire. The winners

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of this competition will be invited to the closing banquet at the prestigious Royal Québec golf club.

To fund these activities, mementoes, including coats of arms designed specially for the event, will be sold.

• (1400)

On June 23, the eve of our national holiday, everyone is invited to a field day, the highlight of which will be a musical fireworks display. I therefore invite all of Quebec and Canada to join us for this memorable event.

* * *

[*English*]

MRS. DEES HOMER

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, I rise today to pay tribute to one of my constituents who is being honoured tomorrow for many years of work and dedication to the Carleton County Historical Society. From its onset, Mrs. Dees Homer was a driving force behind the historical society for many years.

The historical society has seen to the renovation of the old Carleton County Court House in Upper Woodstock, New Brunswick to its original state of the 1800s. It is now a show piece for tourists and special projects. With the complete support and assistance of her husband Ken Homer, a tremendous amount was accomplished in the re-creation and organization of special historic events in the area.

Congratulations to Dees and Ken on this special day in honour and tribute of your work and dedication over the past many years. Thank you for all your work on behalf of all the constituents of Carleton—Charlotte.

* * *

INTERPROVINCIAL TRADE

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, last Thursday Premiers Mike Harris and Lucien Bouchard signed an agreement which will reduce trade barriers between their provinces. This agreement will open up the bidding process on \$16 billion in government procurement contracts.

It seems a little odd that even a separatist government in Quebec is more committed to interprovincial free trade than this federal government. Liberal and Tory governments have sat back and allowed trade barriers to build which cost Canadians between \$6 billion and \$10 billion a year when the Canadian Constitution clearly states that it is the obligation of the federal government to make sure this does not happen.

With the exception of the ever-increasing interest payments on the ever-increasing debt, the removal of internal trade barriers is the most important step the government could take to get Canadians back to work.

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Instead of surrendering to high unemployment, the Prime Minister should follow the example of his provincial counterparts, announce a date for deficit elimination and move to reduce barriers to internal trade.

* * *

CONFERENCE OF WESTERN PREMIERS

Hon. Audrey McLaughlin (Yukon, NDP): Mr. Speaker, the annual conference of western premiers begins tomorrow in Dawson City, Yukon, site of the 100th anniversary celebration of the Klondike gold rush. The overriding demand of the premiers is the same as it was last year, stop the cuts to health and social programs.

In 1991 Statistics Canada reported that federal spending on social programs accounted for only 6 per cent of the federal debt. Tax breaks to profitable corporations and high interest rate policies made up 94 per cent, yet the Liberals leave tax loopholes open while closing the door on low income and middle class families.

This week Mr. Romanow will be pushing for a comprehensive tax review to restore Canadian faith in the tax system. I urge the territorial and provincial leaders to send a strong message to the Prime Minister. Stop the erosion of our health and social programs and ensure that profitable corporations start paying their fair share toward these programs.

* * *

EMPLOYMENT

Ms. Bonnie Brown (Oakville—Milton, Lib.): Mr. Speaker, for a long time provincial governments have been requesting greater responsibility in labour market development. The government has now responded.

Last week it sent the provinces and territories a proposal that offers them responsibility for active employment measures funded through the employment insurance account. It offers them the opportunity to deliver measures such as wage subsidies, income supplements and partnerships for job creation, and the chance to provide labour market services such as screening for employment programs and employment counselling.

About \$2 billion worth of programs and services have been put on the table. Canadians will benefit from the new labour market arrangements because they will more closely reflect local and regional labour needs and will eliminate unnecessary duplication between governments.

No issue matters more to the government than helping unemployed people get back to work. We believe that co-operation with the provinces and the—

The Speaker: The hon. member for St. John's East.

NATIONAL SAFE BOATING WEEK

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, June 1 to 9 is National Safe Boating Week in Canada. Boating and other water activities are fun and exciting but are very dangerous. Every year over 200 Canadians lose their lives in boating incidents and more than 50 per cent of all search and rescue incidents involve pleasure craft.

This week the Canadian Safe Boating Council, in partnership with local supporters and the Canadian Coast Guard, is taking the safe boating message to communities across the country. This year's theme is to warn the dangers of "drinking and boating" and the failure to wear life jackets. It is alarming that over 40 per cent of power boat drowning victims have a blood alcohol level above the legal limit and that in over 90 per cent of all boating deaths, life jackets are not worn.

● (1405)

Drinking and boating is just as illegal as drinking and driving. Yet the trend to have alcohol on board continues. Each and every boater has a responsibility to enrol in a safe boating course, check the motor, ensure a full tank of gas and, most important, to have enough life jackets on board and to stay sober.

This message is clear. Take the time to boat safe. Make boating a fun and enjoyable pastime for all.

* * *

AWARDS FOR TEACHING EXCELLENCE

Mr. Ron Fewchuk (Selkirk—Red River, Lib.): Mr. Speaker, I recently had the pleasure of presenting one of the Prime Minister's awards for teaching excellence in science and technology and mathematics to the Selkirk Junior High School.

In addition, I also had the honour of presenting a Prime Minister's award to Mark Blieske for his teaching excellence and hard work in these areas.

Teachers play a critical role in shaping the attitudes of students and in equipping them for future careers in the global economy they face.

The work they do today will mean a better Canada for all of us tomorrow.

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[Translation]

OPÉRATION ENFANT-SOLEIL

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, the Opération Enfant-Soleil telethon was held over the weekend and a record amount of over \$5.5 million was raised.

This organization holds fund raising campaigns to help pediatric services in general hospitals buy specialized equipment to treat children.

I would like to pay tribute to the artists, musicians, technicians, volunteers, and everyone else who worked tirelessly in order to make this activity a success. I would particularly like to mention the work of the organization's hosts and ambassadors, actors Francis Reddy and Marie-Soleil Tougas, for their involvement.

I would also like to thank the public and businesses in Quebec, who, despite the present economic situation, responded to the call and gave so generously to the cause. Long live Opération Enfant-Soleil.

* * *

[English]

YOUNG OFFENDERS ACT

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, Canadians are fed up with the Young Offenders Act and its failure to deal with young criminals, and the Reform Party has been listening.

It is the Reform Party's policy to refer 16 and 17-year-olds to adult court, to lower the age of those who could be charged to 10 years, and to publish the names of those who are convicted. We also believe that parents should be held responsible when it is proven that they contributed to the young offender's actions.

Reform's planned amendments have the support of thousands of Canadians, including the attorney general of Ontario.

If the Minister of Justice had accepted Reform's policy when we urged him to do so, an 11-year old suspected rapist in Toronto could have been held accountable.

The minister talks a lot about getting tough on crime, but it is the Reform Party which will be delivering commonsense policies and legislation to protect Canadians.

* * *

HUMAN RIGHTS

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, last year the Nigerian government executed Nobel Prize winning poet and activist, Ken Saro Wiwi.

At a recent meeting in Vancouver the interaction council of former heads of government rebuked the democratic world for ignoring serious human rights abuses in Nigeria and is pressing governments and the UN Secretary-General to freeze Nigerian bank accounts overseas, end air travel to and from the country and deny visas to Nigerians until basic democratic and human rights are restored.

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I urge the Government of Canada to apply the sanctions suggested by the interaction council and call on Shell Canada to espouse Canadian values by ensuring the reinstatement of free speech, democracy and human rights in Nigeria.

* * *

[Translation]

MANPOWER TRAINING

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, last week, Quebec was unanimous, which is rare, in its reaction to the Minister of Human Resources Development's announcement of his proposal for manpower training.

Representatives of employers, labour unions, opposition parties in the National Assembly, major editorial writers, all reacted enthusiastically and optimistically to this project, which confirms the federal government's withdrawal from manpower training, and its transfer to the provinces.

Our government is prepared to enter into bilateral negotiations with each of the provincial governments, and we are convinced that we will be successful in obtaining a satisfactory agreement with each of our partners in the very near future. The manpower training issue, long disputed with the provinces, is now in the process of becoming proof that Canadian federalism allows harmonious development, when all partners make sufficient effort.

* * *

• (1410)

[English]

OFFICE DE LA LANGUE FRANÇAISE

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Mr. Speaker, the office de la langue française Quebec recently announced that it would be imposing a \$5 fee for individual requests on the organization's linguistic services for translation and definitions of certain words.

[Translation]

The minister responsible for the Office de la promotion de la langue française du Québec has, however, most magnanimously announced that certain services will still not be charged for, stating: "There will be 150 free questions, the most frequently asked ones".

What definition are we to give to this new PQ initiative? Is it a new hidden tax, or a user's fee? To find out, just consult Jojo Savard, or call the Office de la langue française and hope that your question is one of the freebies.

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HUMAN RIGHTS

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, it is with sadness that the Bloc Québécois wants to mark today the 7th anniversary of the Tiananmen square massacre on June 4, 1989, when thousands of students fell victims to the brutal repression of the Chinese regime which savagely put down their democratic movement.

This great democratic movement had raised a great deal of hope and yet today we are compelled to note that the situation in China is far from improved. Thousands of Chinese are still victims of repression and their rights are constantly being trampled. The Canadian government turns a blind eye to such practices.

We take this opportunity to condemn the Canadian government for failing to conduct its foreign affairs in compliance with a clear policy consistent with its stance on human rights.

* * *

[English]

ISRAELI ELECTION

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I rise on behalf of the Reform Party to congratulate the people of Israel on the election of a new government, and in particular, to congratulate their new Prime Minister, Mr. Benjamin Netanyahu, whose close victory came after a well fought and competitive election campaign.

Through this election, the people of Israel have indicated their desire to enjoy peace with security, a desire shared by all Canadians. We encourage the new Israeli government to build on the work that has already been done to bridge the gap between Israel, the Palestinians, and the surrounding Arab countries, because long-lasting peace is the prerequisite for long term security.

We urge the Canadian government to support the Government of Israel and to continue to assist the Middle East peace process. Canada has long enjoyed a fruitful relationship with Israel, and we look forward to continuing this positive relationship under the leadership of the New Prime Minister.

* * *

YOUTH

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, as chair of the ministerial task force on youth, together with very dedicated colleagues, I recently travelled across the country, speaking and listening to thousands of young Canadians, employers and people who work with youth. I return to the House inspired.

Today's youth are the most educated generation in our country's history. They are independent, entrepreneurial and determined. Armed with technological know-how, they are ready to explore the global economy and chart their own future.

What they want from the government is better labour market information about the domestic and global economy. They want society to have greater awareness of the issues and challenges they face. They want greater co-operation between governments, the private sector and local organizations to address the challenge of school to work transition.

They want banks to respond to their entrepreneurial spirit. They want to enhance their participation in global affairs. They want to be citizens of the world. I know Canada's youth are up to the challenge. So, too, is the government.

* * *

[Translation]

GRANTS AND LOANS

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, I am deeply troubled by the news that the Quebec government has decided to limit access to grants and loans for Quebec students wishing to continue their education outside the province.

These students will no longer have access to grants and loans, unless they meet extremely strict conditions. This measure will not save the government a lot of money.

[English]

But it is symptomatic of the narrowness of vision and mean-spiritedness of the separatist movement. Is this the kind of society that the Bloc Québécois and the Parti Québécois will want to build, one based on closing doors and building walls by limiting the opportunities of young people to broaden their horizons?

[Translation]

What a vision, what an obstacle to our young people's development.

* * *

[English]

ISRAELI ELECTION

Mr. Sarkis Assadourian (Don Valley North, Lib.): Mr. Speaker, I rise in the House today to congratulate Benjamin Netanyahu on his election as Prime Minister of Israel.

I am encouraged by the statement made by the Prime Minister that he will continue to pursue the peace process initiated by his predecessor. He stated: "Let us go in the way of peace. Let us go in the way of security for everyone, for all the nations in the region".

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• (1415)

I urge the Government of Canada to convey our strong desire for a continuation of the peace process, and I urge hon. members of the House to write to the new Prime Minister of Israel to encourage him to build a lasting peace for Israel and for the Middle East.

ORAL QUESTION PERIOD

[Translation]

MANPOWER TRAINING

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Minister of Human Resources Development made his proposal for reorganizing the manpower sector public last week.

Negotiations will be conducted with the provincial governments to reach agreements reflecting the aims of the various Canadian provinces. The minister also confirmed that a number of departments in the federal government are involved in the area of manpower training.

Could the minister confirm that the training programs administered by departments other than his own will be included in his negotiations with the provinces?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, clearly the aim of the Government of Canada is to ensure arrangements are made to ensure these programs are managed effectively and by those in the best position to do so.

I would like to assure the hon. Leader of the Opposition that we fully intend to act on the proposal we made to the provinces whereby the Government of Canada would co-operate in every way possible with the provinces, as the provinces wish. However, I have no doubt that, once discussions are underway, there will be little that is not on the table in the context of the question raised by the hon. Leader of the Opposition.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, I would ask the minister if he is prepared to table in this House a list of all the training programs the federal government currently administers that come under other departments and that will likely be under negotiation or discussion with the provincial governments.

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, we are in fact trying to identify throughout the operations of the Government of Canada items that would be of interest in discussions with the provinces, however, I must tell you we have to be careful. The mandate of the Minister of Human Resources Development is limited. I do not want to walk on my colleagues' toes, but we will try to do our level best to be sure

to meet our commitment to show once again that Canadian federalism is flexible and that it works.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, I would like the minister to table this list, in any case. We would be interested in reading it, because we know there are a huge number of programs, which require our attention.

Would the minister tell us, by way of example, whether the proposed \$315 million he announced this spring to help young people find jobs will be included in the negotiations between Ottawa and the provinces wanting it?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, obviously, we want to continue to ensure that young people and others affected by the operations of my department will continue to receive the services they need during this transition period.

Obviously, for this year, at least in the next few months, we will have to continue to manage these programs. Clearly, however, we are prepared to put on the table all the items we proposed and were prepared to negotiate with the provinces, depending on the point in time negotiations are concluded and on the content of the agreements.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development, who tells us that he will do everything in his power to ensure that all the programs are subject to negotiation. I would like to tell him that we will see to it. We will see to it that he does not step on his colleagues' toes and that his actions are not interpreted in such a manner.

• (1420)

If everything is subject to negotiation, can the minister confirm that the Council for Canadian Unity, which is currently managing the Experience Canada program, will no longer be responsible for this training program?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, I do not want to guess as to what the outcome of all these negotiations will be. However, with regard to the Experience Canada program, we do have other partners, including some major stakeholders from the private sector.

For now, we expect to remain responsible for the management of these programs. As I told the Leader of the Opposition, if agreements are reached with some provinces that accept everything we have to offer at the negotiation table, we will, of course, respect those agreements.

I am convinced that, in some cases, in some provinces, for whatever reason, maybe because they do not have the network or the resources needed to deliver these programs, we will still want

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the private sector or other organizations to get involved, including the Council for Canadian Unity.

I want to stress the fact that, for the provinces that have the capacity or the willingness to take on responsibility for the management of these kinds of programs, then, of course, the programs will be managed pursuant to the agreement reached during the bilateral negotiations.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, another issue worth following.

Will the minister confirm that, upon the completion of these negotiations, which do not need to last three years, some youth training programs will end up with no funding?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): No, Mr. Speaker, but I can tell the House that, in many cases, the money will come from the employment insurance account. The consolidated fund is used to finance other programs. Also, many of the programs are implemented for a specific length of time, whether it is one, two or three years. That is certainly the case for some of the youth programs that, even before we released our proposal last week, had a deadline.

We will not change our minds at this point and say that we will extend them. If, for some reason, we have to transfer to the provinces some of the funds already provided for in the estimates or the budget, then we will certainly be ready to negotiate these payments.

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[English]

JUSTICE

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, my questions are for the justice minister.

Ontario is introducing legislation holding parents financially responsible for crimes committed by their children. It also wants the federal government to act on its recommendation of prosecuting children under 12 for violent crimes. Canadians, I believe, think this is a good idea. It has been part of Reform Party policy for years.

I guess what we really need to know is where the justice minister stands on such ideas. Will he change the Young Offenders Act so parents are held financially responsible for their children's actions and young offenders under 12 are held legally responsible for violent crimes?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I consider it my first obligation to show sufficient respect for the procedures of the House and its committees to await the report of the Standing Committee on Justice.

This week the committee is holding hearings in Toronto. It is before that committee that the ministers of the Ontario government have expressed the position summarized by my hon. friend.

I have asked the committee to report back this year with recommendations on changes to the Young Offenders Act, including the age of those persons caught by the act, including the range of penalties and including the broader question as to whether the Young Offenders Act represents the best approach to juvenile justice. I have asked the committee to take an open minded and comprehensive look at the whole system. Out of respect for the committee and its work, we will listen to those recommendations, we will act.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, the government has been in place now for three years. It will be well into year four by the time action, if any, does come.

• (1425)

People in Toronto are wondering how much more consultation there will be. They already know that four out of ten robberies last year were committed by juveniles, double what it was ten short years ago. It looks like the Ontario government is taking action fast, not slow like this government.

Does the justice minister agree with the attorney general of Ontario that if 16-year-olds can drive, if they can get married, if they can have families and if they have the moral capacity to understand the consequences of their actions they should be held much more accountable when they go wrong?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I ask the hon. member to approach with caution the proclamations made by ministers in Ontario. They are doing what they do best, talking tough about crime and pointing the finger at another level of government.

The reality is if the Government of Ontario had followed through on the provincial obligations under the administration of the Young Offenders Act it would be working a lot better than it is today.

In so far as the hon. member's question is concerned with respect to the age of those to whom the act applies, I will await the recommendations of the committee. I have asked it to look at the evidence, not the rhetoric, not the politicians. I have asked it to look at the evidence and come back with recommendations on what ages the act should apply to. I have already told the House we will pay attention to those recommendations.

I want the hon. member to recall that it is this minister of this government who, in Bill C-37, proposed changes to the Young Offenders Act which would mean that 16 and 17-year-olds who are charged with crimes of most serious violence would be tried in adult court. Those members voted against the changes.

Oral Questions

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, the reality of the situation with regard to the Young Offenders Act is the government has done diddly squat in three years about it. Not only are youth crimes increasing, they are getting much more violent in nature. What worries Canadians is that kids are getting tougher and tougher and the law makers in Ottawa are getting softer and softer.

I recently watched two young offenders in a courtroom laughing at the judge and at the victims. It is no wonder; the Young Offenders Act is woefully lacking.

Since we all know younger kids look to older kids for their cues in life, will the justice minister tell us what specifically he intends to do to send a message to those under the age of 12, who are kicking sand in the justice minister's face, that the government will not be bullied and that it will be tough on those kids?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I understood the hon. member to say the government has done nothing about young offenders. I believe the hon. member did not complete his sentence. Surely what he meant to say is that we have done nothing about the Young Offenders Act that he has supported.

In Bill C-37 we made important changes to the Young Offenders Act which strengthened it, particularly in relation to violent crime. It will stand on the record of Parliament for the people of Canada to remember in the next election that the party opposite did not support those measures.

In so far as those under 12 are concerned, I have asked the committee expressly to look at that issue. I have given it a variety of models to consider. I have asked it to consult, to listen to the experts, to look at the evidence and to come back with recommendations.

In so far as the safety of the public is concerned, the hon. member, like so many of his colleagues from day to day, seems to think we can make the streets safer or solve the problems of violent crime simply by amending words in a statute sitting on a shelf in a room somewhere in Ottawa. If we are to do anything about crime we have to follow the strategy the government has in place which is not only to have a strong criminal law but to follow through on crime prevention.

* * *

• (1430)

*[Translation]***EMPLOYMENT CENTRES**

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

The Canada employment centres restructuring plan involves incomprehensible decisions. Such is the case for Granby, Trois-Rivières, the Gaspé Peninsula, and others.

In light of the fact that the federal government has just tabled its proposals in the area of manpower, will the minister not recognize that it would be wiser to suspend the relocation of employment centres pending the negotiation of an agreement with Quebec since it could likely result in a reorganization of services?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, there are always decisions that are difficult to make. As the member knows, the Canadian government still intends to pay employment insurance benefits to the beneficiaries of that program in the years to come.

However, we have also made a commitment in the budget and said repeatedly that we had to be efficient and try to do things in the most intelligent way possible. That is not easy. There are always people who are unhappy when we have to relocate offices or to downsize, but, in the end, the important thing is that we must be able to provide services to our clients in all the regions, and we are confident that it is always the case.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, here is my supplementary.

Beyond all these artificial arguments that he may put forward, will the minister not admit that the basic principles of good management require that he put this reorganization on hold since employment centres will eventually fall under the jurisdiction of the Quebec government?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, one of the concepts we have found very attractive in the discussions we have had for months and even years is the single window concept, a way to work together in co-operation.

We do not intend to impose anything on the Government of Quebec regarding the way it would want to manage the aspects of the employment insurance program that would fall under its jurisdiction. However, I am also convinced that, in this same spirit of co-operation, the Quebec government would not want to impose anything on us with regard to our part of the program.

* * *

*[English]***JUSTICE**

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the justice minister has tried to put distance between him and one of his most senior officials, Ted Thompson, who was exposed last week for trying to make backroom deals with a federal court judge.

Oral Questions

Because Thompson interfered with a judge three cases to deport war criminals living in Canada will likely be thrown out of court. When the minister authorized Thompson to carry out his judicial skulduggery was he aware three Nazis would walk free?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have come to expect far better than that from the hon. member. His question is quite outrageous on any number of grounds.

First, he misstates the facts. Second, he ignores my response in the House last week. Third, he speaks in a conclusory fashion about three motions still pending before the federal court.

First, Ted Thompson went over to see the chief justice on March 1 without, to my knowledge, telling anybody at justice, certainly not me. Second, the entire matter is under the scrutiny of the former chief justice of Ontario, who has agreed to interview the people involved, look at the record and make a report. I have already said I will put that report before Parliament. Third, the last thing in the world anybody in justice wants to do is jeopardize the three revocation cases before the court. We have already asked the court not to stay them, notwithstanding anything that may have happened in this matter because there is no connection between the two. That matter has been argued and is under reserve in the federal court.

I invite the hon. member to look at the facts, be careful the way he puts his position and at least adhere to what is already on the record.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, clearly the justice minister thinks he can distance himself from Ted Thompson. He thinks he can duck his responsibility for judicial tampering, and that is not good enough. Either the justice minister was not aware of Thompson's activities, in which case he is incompetent or has lost control of his ministry, or the minister has a vested interest in not being aware—

The Speaker: I as the hon. member to put his question forthwith.

Mr. Hanger: Mr. Speaker, why is the minister disguising the glaring truth that Thompson's interference with a judge must have been made with the consent of the justice minister?

• (1435)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, no amount of emotive language, no accusatory tone and no misstatement of the facts will be sufficient to overcome the simple facts of this matter.

The simple facts which confront the hon. member are these. Mr. Ted Thompson went to see the chief justice. He followed up with correspondence to which the chief justice responded. That corre-

spondence was put into the hands of counsel for the three parties in the revocation cases as soon as it came to the notice of the officials of the justice department. A motion was then brought before the court. That motion resulted in an argument and judgment has been reserved.

In the meantime I have taken steps through the appointment of a third party with an impeccable reputation to look at the facts and make a report which I will put before the House.

Those are the facts and the hon. member should pay attention to those facts before holding forth here for narrow partisan purposes.

* * *

[Translation]

GOODS AND SERVICES TAX

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the new premier of British Columbia, Glen Clark, clearly indicated that he is strongly opposed to the GST harmonization agreement between the Canadian government and the maritime provinces. Consequently, British Columbia joins with Quebec, Ontario and Alberta to oppose this partisan political agreement.

Will the Minister of Finance finally recognize that his GST harmonization project, including the payment of almost \$1 billion in political compensation to the maritime provinces, is unacceptable to a majority of Canadians, as was indicated to him by the premiers of the four most densely populated provinces?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the hon. member is well aware, the compensation is paid to the Atlantic Provinces for a transition period, which will expire four years from now. It is shared among these provinces and is part of a basic overhaul of the way these regional economies will manage the future.

The hon. member cannot be against a policy that will make the provinces more competitive. We can be proud of dealing with problems in this way instead of simply throwing money around, implementing megaprojects or making politics the way things were done in the olden days.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Minister of Finance is the only one who is proud of this partisan political agreement with the maritime provinces. The premiers of four of the most densely populated provinces in Canada rejected it out of hand.

If the minister is unable to manage this ill-advised agreement, he should leave this issue to the first ministers and have it on the agenda of the next first ministers' conference.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member's position does not make sense. Even the Quebec Minister of Finance congratulated the maritime provinces because

in agreeing to harmonize their taxes they will help eastern Canada as a whole, including Quebec.

This is an economic issue and, as the secretary of state said last Friday, we will discuss it, it will be on the agenda of the finance ministers' conference in June. In fact, that is the appropriate place for such a discussion.

* * *

[English]

FISHERIES

Mr. John Cummins (Delta, Ref.): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

For weeks now the minister has been denying he was cutting the B.C. salmon fleet in half so that he could reallocated fish to natives. Now we know the truth.

Yesterday while a commercial fleet remained tied up the minister allowed a native only commercial fishery to begin in the Alberni Canal. Why has the minister consistently denied cutting the fleet to free up fish for natives when this is precisely what happened this weekend?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it is incredible the hon. member would put a question like that to the House.

The salmon revitalization plan was addressed to revitalize the commercial fishing industry in British Columbia, and it is doing exactly that. We do not have the final figures yet.

With regard to the aboriginal fishery, there is no intent whatsoever to do anything with the Pacific salmon revitalization plan other than to revitalize the industry. Any other motive the hon. member or his party would want to attribute to it I think is totally wrong and despicable.

• (1440)

Mr. John Cummins (Delta, Ref.): Mr. Speaker, the intent of the minister's actions is quite clear. What is also clear is that on May 17 the minister's own department said there were not enough fish for commercial harvest in the Alberni inlet. Two weeks later there are enough fish for 14 days of almost continuous native fishing.

B.C. fishermen have long suspected that the minister does not give a hoot about them or the fish. Now they can be sure of it. Why are the livelihoods of B.C. fishermen and the very fish they rely on being sacrificed to make way for an expanded native only fishery?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, what is clear to this House is that the hon. member is trying to cloud the issues with total irrelevancies and with statements that really do not stand the test at all of what is going on.

Oral Questions

His suggestion that this government would put forward a plan to favour one sector of the fishery over the other flies in the face of the facts. Despite his party's intonations, we have two honourable gentlemen who have a lot of credibility in the industry who are looking into the allocation, intersectoral and intrasectoral.

I have to tell the hon. member he is wrong now, he was wrong in the past and he will be wrong in the future if he continues with these kind of uncomplimentary statements to the whole industry.

* * *

[Translation]

NEWSPAPERS

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is for the Minister of Industry.

Last Friday, when replying to questions to the government about the concentration of ownership of the newspapers, the Secretary of State for the Federal Office of Regional Development—Quebec simply used the Competition Act as an excuse to justify the government's inaction.

Given that one corporation could take over almost 70 per cent of all newspapers in Canada, what is the Minister of Industry planning to do to ensure some balance between financial interests and the right to public information?

[English]

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, this is a strange formulation for a question. While the hon. member suggests that the answer provided on Friday was hiding behind the Competition Act, I would suggest to her it is the Competition Act within which we would find our powers and our ability to act, if it were so desired.

The balance she suggests, which indeed may be one in favour of which she can argue, is not a balance which is found within the Competition Act itself. If she reads the law itself she will find that the Competition Act, based on the decisions of the courts, deals with the economic interests and the concentration of ownership as it would impact on competition, within the framework of the business of newspaper publishing in this case.

Content itself is not a factor which the director of investigation research in the competition bureau is capable of considering.

[Translation]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, since Conrad Black acquired Southam, the main publishers in Quebec agree that the future of the Canadian Press is at stake.

Oral Questions

Will the Minister of Industry intervene, not only through the Bureau of Competition, but directly with Southam and Hollinger, so that these corporations maintain the job level within the Canadian Press?

[English]

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, again this is a government of laws, not of people whose opinions may or may not be of interest.

Under what authority does the hon. member suggest we should act? I suggest to her there is no authority in the Competition Act for us to consider the implications with respect to editorial content or journalistic opinion arising from this transaction. There are issues related to economic concentration and the director will look at those.

Does she really think governments should decide whether or not editorial content in the national newspapers reflects adequately the opinions that should be there? For my part I do not think the editors agree with us often enough, but that is not for me to say.

* * *

OIL AND GAS INDUSTRY

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, the Prime Minister and the Minister of Natural Resources are in Fort McMurray today participating in the announcement of new investments in the oil sands.

• (1445)

Would the parliamentary secretary to the Minister of Natural Resources tell this House how the projects being undertaken will benefit the Canadian economy and in particular help in the creation of new employment?

Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, the oil sands development will be a major boost to employment and economic growth in Alberta and right across Canada. It will create one million person years of employment during construction and 44,000 permanent jobs.

This Liberal government is creating the economic space and climate for oil sands development to occur. This Liberal government is again bringing good news for economic growth and jobs in this country.

* * *

[Translation]

RAW MILK CHEESE

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

During the hearings of the travelling committee set up by the Department of Health to review its rules on raw milk, physicians who happen to be public health experts questioned the risk analysis made by the Department, considering it as incomplete.

How can the Minister justify having gotten involved in this business without having the complete analyses allowing him to do so?

[English]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, the hon. member will know that the regulation was published some time ago, before I assumed the responsibilities as Minister of Health. In the interim a number of consultations are taking place not only in the province of Quebec but across the country.

Also a group of experts met in late May and will meet again in early July to examine all of the evidence and information which comes forward. We will be in a position to move one way, positively or negatively, with regard to the regulation.

Let it be clear that there is no banning of any raw milk cheese products in the province of Quebec or elsewhere in the country. This is a regulation which has been gazetted. Meaningful consultations are taking place and they will continue to take place until such time as they are complete.

[Translation]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I have a supplementary question. Now that we know that the Minister had no serious analysis on which to base his decision to take action, will he back down and leave these producers of raw milk cheese in peace?

[English]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, I have much admiration for the hon. member but let it be clear that the information was provided through the auspices of gazetting on March 30. The purpose of gazetting it was for individuals not only in the industry, but also for experts to examine very thoroughly all of that information.

We have yet to receive the report of the group in the province of Quebec who are examining this particular issue. As the minister in the province of Quebec has said on public record, there are some difficulties as it relates to various special interest groups in that province and elsewhere.

I think it is only prudent that we examine all of the information, both favourable and unfavourable. Then we will be in a position to make our final determination.

NATIONAL DEFENCE

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, access to information documents show that DND's special investigation unit, the SIU, has been following, videotaping and eavesdropping on its civilian employees.

Several years ago the SIU was stripped of its criminal investigative function when a judge found it had abused its powers. Why is the SIU still up to its old tricks?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, members should know that the department accepted hon. Justice Marin's recommendations and all investigations are now the responsibility of the military police. The special investigation unit no longer initiates or conducts such investigations. However, it does have specialized equipment and is able to use it in support of the military police. I emphasize in support of the military police. Even these activities are fully consistent with Canadian law, including the Criminal Code and the Privacy Act.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, yet again it seems that DND is running the minister rather than vice versa.

• (1450)

Judge René Marin warned the minister about a serious problem of accountability in the military police. The minister knew the potential for abuse but has failed to rein in his department. Now questions are being raised about serious violations of Canadians' right to privacy.

Will the minister explain why the SIU has not ceased criminal investigations as DND promised six years ago? Will he now assure us that the SIU will immediately stop doing so?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I answered the question. The SIU no longer initiates or conducts criminal investigations. However, it still exists and that was one of the recommendations of Justice Marin. It still exists but its activities are in support of authorized military police investigations which are consistent with Canadian law.

* * *

CANADA PENSION PLAN

Mr. Bill Graham (Rosedale, Lib.): Mr. Speaker, the government and the provinces are in the process of reviewing the Canada pension plan. Surely this process must recognize that in the matter of pensions women have very different needs from men.

Oral Questions

Can the Secretary of State for Multiculturalism and the Status of Women please inform the House how this government will ensure that the special needs of women are accounted for in the process of CPP consultations?

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Mr. Speaker, I thank the hon. member for that question.

In fact 60 per cent of seniors are women and this number is going to increase as the years go by. This issue is very important to their economic independence. The Status of Women Canada, with the Caledon Institute, has looked at the data analysis of the impact of CPP on women. This process is supported by my colleague, the Minister of Finance.

We found that pay and work issues are very different for women and men. Survivor, child bearing and certain benefits impact more specifically on women. Since CPP is a joint federal-provincial-territorial issue, at the federal-provincial—territorial ministers meeting last week, the ministers all agreed that they would go to their ministers of finance and ask them to consider the impact of CPP on women.

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INTERNATIONAL DEVELOPMENT

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, my question is for the Minister of International Co-operation.

In March, Markham Electric of Markham, Ontario was informed by CIDA that it was not one of the firms on a short list selected by the minister to submit a proposal to expand a high voltage electrical substation in Mali.

CIDA bureaucrats have determined that Markham and six other firms have the financial and technical capability to complete the project, but the minister in the privacy of his office picked three companies, all from Quebec, for the short list.

Can the minister explain why he denied Markham Electric the opportunity to compete in this bid?

Hon. Pierre S. Pettigrew (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, I have taken note of the question put by the hon. member and I will investigate. I will ask my colleagues at CIDA what exactly took place and I will get back to the member.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, under Treasury Board rules this was the minister's personal responsibility.

Markham Electric has won over 50 per cent of the international projects which it has bid on. It has completed \$100 million worth of worldwide projects for major international funding agencies and foreign governments.

Oral Questions

Why does the minister exclude an internationally successful company with an impressive track record from merely bidding on the project in Mali? Was he afraid of getting an offer he could not refuse?

Hon. Pierre S. Pettigrew (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, certainly not. On the contrary, CIDA has made the point and I have made the same point since I became the minister responsible for CIDA, that we always take the very best bids. We want to make sure that both the developing country and Canadians receive the best for their money. We will continue to do that.

As far as this case is concerned, I have already told the member that I will take note of it. I have no recollection of only three Quebec firms having been kept on the short list. The member is very lucky to have access to that kind of information because I have not seen it. I have never seen three Quebec firms on a single short list since I have been minister. We will look into it and report back to the member.

CIDA will continue to work hard on every contract making sure that both the developing country and the Government of Canada makes the best use of taxpayers' money.

* * *

• (1455)

[Translation]

BANKS

Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ): Mr. Speaker, I have a question for the Minister of Finance.

The Secretary of State for International Financial Institutions admitted last week that intense manoeuvring by private interests is delaying the release of the white book on the Bank Act.

Are we to understand that the government is negotiating behind closed doors a reform that will meet only the wishes of lobbyists and will present the public with a *fait accompli* when it is released?

[English]

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member is making wild accusations. That is not correct. The white paper will be out sometime this month. I am sure when it comes out he will see the results are not the results of the things he suggested.

* * *

EMPLOYMENT

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, last week the Minister of Human Resources Development claimed puzzlement about Canada's high unemployment rates. He does know that they cannot be lowered by more spending and

deficits. He should know that we need to lower payroll taxes and government barriers to employment like Germany did recently and like they exist in the United States where the unemployment rate is only 5.5 per cent compared to Canada's 9.5 per cent.

Will the minister use this information for better Canadian policies, or will he continue to stand by in puzzlement while over one and one-half million Canadians look for work and become increasingly cynical about yet another Liberal broken promise?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, I cannot tell you how disappointed I am that the usually clear thinking and very careful member would raise a question in the context in which he did. As usual, Canada finds itself reasonably well positioned in a very difficult matter.

The member referred to two countries: Germany and the United States. He is quite right. In the United States the unemployment rate is below that of Canada and in Germany the unemployment rate is considerably higher. The unemployment rate is significantly higher in Germany.

We try to balance between systems we see in operation in other parts of the world. The puzzlement the hon. member refers to was the puzzlement that faced all of the ministers who were present and who are grappling with the unemployment problem that ranges from 3 per cent, which is considered to be a problem in Japan, to the 5 or 6 per cent in the United States, to 9.6 per cent in Canada and to well into double digit unemployment in the nation the hon. member just referred to, Germany.

* * *

THE ENVIRONMENT

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, the Minister of the Environment has said he believes in a strong federal role for the environment and he is to be congratulated on that. Yet late last week he agreed to a proposal of the Canadian Council of Ministers of the Environment which will see the eventual devolution of responsibilities for environmental matters to the provinces.

Can the minister explain what he will do to ensure that the necessary fisheries trigger remains in the environmental assessment act and that the federal government can indeed administer yet to be tabled legislation affording endangered species and habitat protection?

Hon. Sergio Marchi (Minister of the Environment, Lib.): Mr. Speaker, I am not sure to which meeting the member was referring.

In terms of his allegation of the devolution of more powers on the environment to the provinces, certainly that was not the characterization of the annual meeting of the Canadian Council of Ministers of the Environment. A lot of sceptics would have suggested that the meeting would have been another failure. In fact, it was not only a success because Quebec was represented at the

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table for the first time in two years, but rather than squabbling about the environment, we put the environment first.

Environment protection should be the *raison d'être* for all ministers and all governments. Also, the ministers agreed that any harmonization, any initiatives should speak to the highest standards of environmental quality across Canada. The Canadian Council of Ministers of the Environment has rarely ever said that.

* * *

• (1500)

[Translation]

BURUNDI

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, I have a question for the Minister for International Cooperation.

The political situation in Burundi has been steadily deteriorating these last few months and anarchy is slowly taking over. This is having a destabilizing effect on the whole region of the African great lakes.

What does the minister intend to do to contribute to a peace process for Burundi?

Hon. Pierre Pettigrew (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, I thank the hon. member for his question.

Canada is deeply concerned with the situation in Burundi and it is in that context that the Government of Canada has put forward and initiated the meeting of the nine major development agencies to consider specifically the situation in the great lake region.

I will chair this meeting to be held in Geneva on June 17 and 18. I will be pleased to report to the House on that most important initiative taken by Canada. On a bilateral level, Canada will keep on providing humanitarian help, which is extremely important for Burundi.

* * *

PRESENCE IN GALLERY

The Speaker: My colleagues, I wish to draw your attention to the presence in the gallery of a delegation of members of the National Assembly of the Kingdom of Cambodia.

[English]

Before we recognize them, I want the House to know there are seven women members of Parliament in the Government of Cambodia. It is they who are with us today. Welcome to Canada.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

[Translation]

OCCUPATIONAL HEALTH AND SAFETY

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, today is the first day of a special week for all Canadians. This is a time when we are asked to reflect upon and take action to prevent the accidents in the workplace which are still claiming too many victims.

For the tenth consecutive year, we are celebrating Canadian Occupational Health and Safety Week, the theme for which this year is "Training—Target Zero Accidents".

[English]

The issue of safety and health of millions of workers in our country is of primary importance. Is it acceptable that each year some 700 people lose their lives at work? Should we accept that nearly 800,000 persons are injured or mutilated as a result of accidents that occur in their workplace?

Should we not be shocked to learn that 15 million working days are lost as a result of accidents? Should we accept that the Canadian economy supports as much as \$10 billion compensation for such accidents?

These figures trouble me deeply. Beyond those cold statistics, there is much suffering, the suffering of persons who are sick or injured, the suffering of their families, the terrible grief of the families that have lost a loved one in tragic circumstances.

• (1505)

This concerns me very directly. My responsibilities include the safety and health of nearly one million Canadian workers, one

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million Canadian men and women. It is my responsibility to ensure acts and regulations governing employees under federal jurisdiction are respected. I intend to do everything in my power to make sure they are.

[*Translation*]

However, these rules alone cannot guarantee workplace safety. At most, they provide a framework. The solution can be found in two words: training and information. The situation will improve only if each worker, each employer assumes his or her own responsibilities in this regard.

In addition, I know that my officials put time and energy into providing assistance and information to people in their workplaces. They also provide a great deal of training aimed at eliminating the causes of accidents. Moreover, I know that their provincial colleagues do the same.

[*English*]

This is not enough. It will never be enough. I repeat, occupational health and safety are ultimately the responsibility of each person who has a role to play in the workplace. That includes all members of Parliament.

It is impossible to ensure constantly that a worker wears his hard hat or protective eye wear if he is not aware of the importance of doing so. It is impossible to force employers to personally and constantly oversee the safety of their employees. Employers and employees must accomplish this task together. They can be given information, trained and brought back into line, but it will never be possible for any government organization to do everything in this regard.

The jobs of many employees are threatened and they sometimes take unnecessary risks for fear of losing their job. What a paradox.

[*Translation*]

Employers, for their part, are facing increasingly fierce competition. They fall prey to the temptation to ignore safety rules, in order to speed up the work and save money. This is human, but still unacceptable regardless of the economic environment.

I know that, like me, the hon. members of this House cannot help but be moved by the scope of this drama that is being played out in our workplaces. One in fifteen workers is injured each year. On average, there are two occupational accidents every minute. We must do all we can to improve this sad record.

Mr. Speaker, I wish to thank you, as well as my colleagues, for the role they will be playing this week and all year round in saving lives and preventing accidents so that our workers can be safe in their workplaces.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I also invite my colleagues to reflect on the tragic situation of so many workers whose life totally changed one day, when they had an accident in the workplace or they learned they were permanently and irrevocably affected by a work-related illness.

How many people have experienced real dramas, not only in personal physical and moral suffering, but also in suffering because of the divisions this may have caused afterwards in their family, over and above the impoverishment and the battles fought, often with the system? Yes, we must state firmly that accidents in the workplace and industrial illnesses must be vigorously fought.

History has shown us that only legislation could effectively give the basic framework, but this legislation does not reach all workers.

• (1510)

There are not enough inspectors and businesses may not know how very quickly an accident can happen or how much a gas, heat and stress can cause irreversible damage to many people.

Experience has shown the only effective way to fight the effects of laxness is to give the workers themselves, in co-operation with businesses, the instruments needed to control their own workplace. This then implies they have the means to know if their workplace is bad for their health, something we do not talk about enough, and also the means to change what is dangerous in the workplace.

Having long worked in this area, I have trouble accepting that responsibility is being put on the workers. I think that, over the years, tribunals and courts have been clear about businesses' responsibility. When a business hires someone to ask him to do a job it benefits from, its responsibility is involved. It seems to me the duty of all members of the House is to ensure the responsibility applies not only after an accident or an illness, but it must be understood prevention is an obligation.

This year's motto is training. I hope training will promote prevention among workers as well as within the work organization.

I take this opportunity to invite the government, which has the necessary means, to use its political leadership to remind businesses of their responsibilities.

[*English*]

Mr. Werner Schmidt (Okanagan Centre, Ref.): Mr. Speaker, of all the weeks recognized for specific causes and issues, this is one of the more important ones. It is a privilege to respond to the minister's statement.

Occupational health and safety is an issue in which we are all involved. Every year, as the minister has clearly identified, about 800,000 Canadians are involved in job related accidents which result in many work days lost, money not earned, families in trouble and personal trauma experienced by the individual.

The Minister of Labour asks is it reasonable the Canadian economy support as much as \$10 billion in compensation for these accidents. The simple answer is it is not reasonable.

In these post-recession days business cannot afford to replace or do without experienced employees who are sidelined because of accidents. The effect on families, the effect on friends and the effect on relationships has already been indicated. It is very significant.

Parliament and provincial legislatures can pass all the laws they want on occupational health and safety, but employers and employees must ensure they are followed, like every other law. With increasing competitiveness and technological advances in the knowledge based society we are faced with new and ever changing conditions and previously unheard of hazards. Every industry and every workplace has its own seen and unseen obstacles as a consequences. The onus has to be on each one of us, owners, managers, supervisors and workers, to look out for ourselves and also for our colleagues.

• (1515)

The theme of the 1996 Occupational Health and Safety Week is “Training—Target Zero Accidents”. That is a great target and it is one we should strive for. To achieve this, labour and management have to work together to educate employees on the safe use of equipment and the potential risks and dangers of misuse or neglect of safety precautions.

I must draw to the attention of the House that it is not simply a matter of training, it is not simply a matter of education, it is not simply a matter of information. Three things need to happen to help change people’s behaviour. First, they need to know what the issue is. Second, they need to understand the issue. And third, they must accept it. That acceptance often requires a change in attitude.

When the attitude is “I am responsible for my own safety”, and the manager takes the responsibility for his or her safety and that of fellow workers, only then will behaviour actually change.

I would like to put this adage to the House: Let us have the attitude of “I am responsible” and recognize that an ounce of prevention is worth a pound of cure.

* * *

[Translation]

INTERPARLIAMENTARY DELEGATIONS

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, pursuant to Standing Order 34, I have the honour to present to the House, in both official languages, the report of the Canadian section of the International Association of French-Speaking Parliamentarians and the financial report of the meeting of the political and general

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administration committee of the IAFSP and its Paris bureau, held March 18 and 19, 1996.

* * *

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Mr. Clifford Lincoln (Lachine—Lac-Saint-Louis, Lib.): Mr. Speaker, I have the honour to table, in both official languages, the first report of the Standing Committee on Canadian Heritage regarding the review of Bill C-216, an act to amend the Broadcasting Act (broadcasting policy).

[English]

AGRICULTURE AND AGRI-FOOD

Mr. Lyle Vanclief (Prince Edward—Hastings, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Agriculture and Agri-Food which deals with the certification of organic agriculture issues and options.

[Translation]

The Acting Speaker (Mr. Kilger): The member for Frontenac is seeking the floor, possibly to express a dissenting opinion.

Mr. Jean-Guy Chrétien (Frontenac, BQ): Mr. Speaker, the Bloc Québécois insists on dissociating itself from the views of the government regarding the new regulations for biological food production. You will find therefore, appended to this report, part of the dissenting report of the Bloc Québécois.

* * *

[English]

UNEMPLOYMENT INSURANCE ACT

Mr. Stephen Harper (Calgary West, Ref.) moved for leave to introduce Bill C-292, an act to amend the Unemployment Insurance Act.

He said: Mr. Speaker, this bill would amend the Unemployment Insurance Act to allow a group of workers, hairdressers, the ability to become self-employed under conditions other than full ownership of a hairdressing establishment.

Under the current system, hairdressers who rent chairs and who normally would be considered self-employed are not allowed to withdraw from the unemployment insurance system like other self-employed individuals. This requires them to submit considerable sums of money to a system that does not serve their needs. Further, many individuals do not have the capital to set up a hairdressing establishment but would rather work for themselves on a smaller scale.

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● (1520)

This bill intends to allow these individuals to be self-employed without the major constraints put exclusively on this category of workers by the current UI regulations.

Through the introduction of several criteria, this bill creates a definition of self-employment so that the current law would better serve the needs of this group of Canadian workers.

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

* * *

NATIONAL DEBT LIMIT ACT

Mr. John Williams (St. Albert, Ref.) moved for leave to introduce Bill C-293, an act to limit the national debt of Canada.

He said: Mr. Speaker, I am pleased to introduce a very short bill to limit the national debt of Canada which, as you know, has been growing by leaps and bounds for the last 20 odd years. It seeks to set an absolute limit of \$625 billion on the national debt, calculated by the accumulation of deficits and surpluses since Confederation.

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

* * *

STATUTORY PROGRAM EVALUATION ACT

Mr. John Williams (St. Albert, Ref.) moved for leave to introduce Bill C-294, an act to provide for evaluations of statutory programs.

He said: Mr. Speaker, I am reintroducing a bill that was part of the last session of this Parliament.

This bill is primarily designed to improve the effectiveness of government by requesting that all programs be evaluated on a periodic basis of every seven to ten years based on four fundamental criteria.

What exactly is the program designed to do? How well is the program delivering what it was designed to do? Is it doing it efficiently? Is there a better way to achieve the same results? Programs that spend over \$250 million would be required to be approved by the Auditor General of Canada.

The bill is designed to improve the efficiency of government. I hope that since program evaluation has been demonstrated to save all kinds of money, we would have all-party support of this bill.

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

[Translation]

PETITIONS

THE CONSTITUTION

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, I would like to present a 43-page petition and another one, which is 30 pages long. The petitioners pray and urge Parliament not to amend the Constitution as requested by the Government of Newfoundland and to refer the problem of educational reform in that province back to the Government of Newfoundland for resolution by some other non-constitutional procedure, without touching the Canadian Constitution.

[English]

HUMAN RIGHTS

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, I have other petitions requesting that Parliament refrain from passing into law any bill extending family status or spousal benefits to same sex partners.

THE CONSTITUTION

Mr. Lawrence D. O'Brien (Labrador, Lib.): Mr. Speaker, I want to present to the House a petition signed by 32 residents of Charlottetown, Labrador from the Pentecostal community opposing the amendment of Term 17.

BOVINE GROWTH HORMONE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I rise pursuant to Standing Order 36, to present a petition signed by individuals from the province of New Brunswick.

The petitioners are concerned Canadians who are opposed to the approval of the synthetic bovine growth hormone known as BST, the drug injected into cows to increase milk production.

They call on Parliament to take the necessary steps to keep BST out of Canada through legislating a moratorium or stoppage on BST use and sale until the year 2000 and, as well, an examination of the outstanding health and economic questions through an independent and transparent review.

● (1525)

MERCHANT NAVY VETERANS

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, pursuant to Standing Order 36, it is my duty and honour to present a petition which I have received and have had certified by the clerk of petitions on behalf of 75 residents of Ontario and Quebec.

The petitioner call on Parliament to consider the advisability of extending benefits or compensation to veterans of the wartime

merchant navy equal to that enjoyed by veterans of Canada's World War II armed services.

[*Translation*]

NATIONAL UNITY

Mr. Clifford Lincoln (Lachine—Lac-Saint-Louis, Lib.): Mr. Speaker, I have a petition signed by several hundred residents of Quebec, which reads as follows: "Your petitioners request that Parliament take the necessary measures to guarantee that their properties and territories will remain within the Canadian Confederation, and make its intention to do so known to the PQ government prior to any unilateral declaration of independence and/or the next referendum on separation".

[*English*]

Mr. Speaker, I have a second petition signed by 99 people which reads: "We pray the Prime Minister and the Parliament of Canada declare and confirm immediately that Canada is indivisible, that the boundaries of Canada, its provinces, territories and territorial waters may be modified only by (a) a free vote of all Canadian citizens as guaranteed by the Canadian Charter of Rights and Freedoms or (b) through the amending formula as stipulated in the Canadian Constitution".

[*Translation*]

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, I also have two petitions similar to those presented by the hon. member for Lachine—Lac-Saint-Louis.

The first one is 201 pages long, while the second one has two pages.

[*English*]

It asks Parliament that the necessary measures to guarantee that our properties and territories will remain within Canadian Confederation and make its intention to do so known to the PQ government prior to a unilateral declaration of independence and/or the next referendum on separation.

I would like to take the opportunity to thank the hundreds of people that went through snow and other elements to gather this petition and thank them for their support in trying to keep our country united.

THE CONSTITUTION

Mr. George S. Baker (Gander—Grand Falls, Lib.): Mr. Speaker, I have eight petitions here, but since they all have the same prayer I will present them as one.

The prayer of the petitions signed by these 8,900 people is that the Pentecostal Assemblies were recognized in 1987 by this House and the proposed amendment to Term 17 threatens their continued existence as viable Pentecostal schools. The people have not been

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afforded the opportunity to make full representation to the Parliament of Canada, so they ask that the whole thing be put aside and that we not pass the proposed amendment in its present form.

HUMAN RIGHTS

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, I present a petition signed by over 50 of my constituents in Capilano—Howe Sound.

The petitioners urge the government not to amend the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or homosexuality, including amending the Canadian Human Rights Act to include in the prohibited grounds of discrimination the undefined phrase of sexual orientation.

JUSTICE

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I have the honour of presenting two petitions from the people of Calgary North urging the federal government to establish a pedophile registry.

HUMAN RIGHTS

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I am pleased to present a petition signed by 175 Canadians from in and around my riding. While it is a little late as far as the House is concerned I think their voices should be heard.

The petitioners pray and request that Parliament oppose any amendments to the Canadian Human Rights Act or any other federal legislation that will provide for the inclusion of the phrase sexual orientation.

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition on behalf of many concerned citizens of New Westminster—Burnaby.

The petitioners pray that Parliament not amend the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or homosexuality. Although Bill C-33 has passed through the House of Commons these wishes should not be regarded as redundant, as the majority of Canadians would concur.

CFB CALGARY

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, it is my honour and duty to present to the House a petition bearing 1,940 signatures mainly from the city of Calgary but also from other parts of Alberta and Canada asking that Parliament refrain from closing CFB Calgary and moving the Lord Strathcona's Horse, Princess Patricia's Canadian Light Infantry and First Service Battalion. The petitioners ask that for reasons of both sound economics and military history.

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● (1530)

I point out to the government that I have presented petitions on this subject with a total over 10,000 signatures.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I present two petitions which have been circulating across Canada.

The first petition comes from Didsbury, Alberta. The petitioners draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to society.

They also state the Income Tax Act discriminates against traditional families that make the choice to provide care in the home to preschool children, the chronically ill, the disabled or the aged.

The petitioners therefore pray and call on Parliament to pursue initiatives to eliminate tax discrimination against families that decide to provide care in the home to preschool children, the disabled, the chronically ill or the aged.

ALCOHOL CONSUMPTION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition comes from Islington, Ontario.

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

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

HUMAN RIGHTS

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present petitions from my constituents dealing with changes to the human rights act.

YOUNG OFFENDERS ACT

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, another petition deals with changes to the Young Offenders Act.

IMPAIRED DRIVING

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, another petition deals with changes to the Criminal Code relating to sentencing of drunk drivers.

MEMBERS OF PARLIAMENT PENSIONS

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, another petition deals with the subject of changes to the MP pension plan.

* * *

QUESTIONS ON THE ORDER PAPER

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

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

Some hon. members: Agreed

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, it is with frustration that I speak to this point of order. I have had a question on the Order Paper since February 28, Question No. 9. Prior to that it was on the Order Paper from September 1994 until the House prorogued.

If this question is not answered in June, it will have been on the Order Paper for two years without being answered. I brought forward several times in the House and I have been assured it would be answered imminently, even from the past parliamentary secretary to the government House leader.

It is come to the point where I wonder if my privileges are being breached and I may have to raise the matter in another form if the question is not answered forthwith.

Mr. Zed: Mr. Speaker, it is important for the House to recognize it is not a simple matter of asking one person to get information and have it delivered or deposited. If it were that simple the question would have been answered a long time ago.

The member well knows this matter is very complicated. It is a very pervasive question which is being asked. Frankly, it is a matter of dollars and civil service responsibility in terms of allocating time to get the information.

The member should respect that issue. We are doing to very best we can.

[Translation]

The Acting Speaker (Mr. Kilger): I wish to inform the House that because of the ministerial statement Government Orders will be extended by 14 minutes.

GOVERNMENT ORDERS

[Translation]

THE CONSTITUTION

The House resumed consideration of the motion.

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, I want to reiterate, as I was saying before oral question period, that

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the Bloc Québécois does not oppose the motion. We feel that several aspects of the proposed change concerning schools in Newfoundland are acceptable. We view it as reasonable. The majority expressed itself through a referendum and the motion does not interfere with the rights of members of denominations, who can teach religion in schools. There are also practical considerations, in the sense that the province will save money and streamline its school board structure.

However, we feel that the Government of Canada, the Prime Minister of Canada and the premier of Newfoundland, Brian Tobin, are not fulfilling their obligations under section 23 of the 1982 charter.

• (1535)

While the motion on term 17 does not violate section 23, both provisions deal with the right to manage schools. Some members rose to say that they do not support term 17 simply because minority rights will be violated. I remind this House that the rights of French speaking minorities in Newfoundland are currently being violated, because, for 14 years now, the province has not been complying with the Canadian Charter of Rights and Freedoms. Section 23 is not complied with in Newfoundland.

That is precisely the problem. This charter is forever being dragged in to show how respectful Canada is of minorities, how it has one of the best charters in the world, and how Canada is, in addition, bilingual. The problem is that it is not being implemented in all the provinces. Furthermore, four provinces in Canada do not respect the Canadian Constitution, and we are talking about the supreme law of Canada. Four provinces are not respecting the provisions of section 23 of the charter: British Columbia, Ontario, Nova Scotia and Newfoundland.

This change, the motion to amend term 17, gives Brian Tobin, the premier of Newfoundland, a golden opportunity to bring the province in line with the charter. Section 23 of the Canadian Charter of Rights and Freedoms gives francophone minorities living outside Quebec, in Canada, the right to manage their own school boards. This is guaranteed in the charter. Furthermore, there have even been two Supreme Court decisions confirming this right, in 1988, and in 1990. There was the Supreme Court decision in the Mahé case, indicating clearly that the francophone minority in every province of Canada had the right to manage its own schools.

In Newfoundland, once again, the charter is not being respected. Francophones still do not have the right to manage their own schools. On the contrary, in Newfoundland, the rights of the francophone minority are being completely disregarded.

I will explain to you what has happened. Mr. Tobin is saying that he will respect the rights of francophones, but we know very well this is so much hot air. His predecessor, Clyde Wells, was no

different. When they saw that Newfoundland was not respecting their rights, members of the francophone minority filed a complaint with the Newfoundland Supreme Court to right the situation. Mr. Wells told them: "No, withdraw your complaint to the Newfoundland Supreme Court and I will give you the power to manage your own schools". After the association of francophones withdrew its complaint, no more was heard of the promises made by Mr. Wells.

We are in the same situation today, exactly the same situation. History repeats itself. It looks like Mr. Tobin is indeed telling us that he will protect the rights of francophone minorities in Newfoundland, but is putting nothing in writing, is not making any black and white commitments. These words will disappear into the ether, there is no doubt. All indications are that Mr. Tobin will not honour this promise.

That is the Prime Minister's role in this country, he who is supposedly responsible for making sure the Constitution of Canada is respected. This would have been the ideal opportunity for doing so. He could have said, "Brian, old boy, we will reach a deal. We will pass your little motion, so that you can reorganize the school boards in Newfoundland, but then, in exchange, you will agree to respect section 23 of the charter".

• (1540)

That, precisely, was the responsibility of the Prime Minister of Canada, the man who claims to champion francophone rights in Canada. By the way, he has done nothing. Moreover, in a letter to the premier of Newfoundland, which I could quote to you, he makes no reference to the fact that Newfoundland does not respect section 23 of the charter. I see this as unfortunate and serious. Minority rights in Canada have been ignored for a long time, and here we have one more example, in Newfoundland.

The people of Newfoundland and the francophone association in that province are entitled to administer their own school boards, and Newfoundland has denied them that right. In 1988, they went before the Newfoundland Supreme Court to ensure that their rights were respected. They obtained an agreement, rather a promise, from Mr. Wells that he would respect the charter, but that did not happen.

Now today, Mr. Tobin is holding up the possibility of ensuring the charter is respected. Whether it is or not remains to be seen. After Mr. Wells' promise to the association of Newfoundland and Labrador francophones to see that their right to administer their own schools would be respected, Mr. Wells instead set up the Normand commission. This commission confirmed, not surprisingly, that francophones in Newfoundland were indeed entitled to manage their own schools. That was the finding of the Normand commission.

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The Newfoundland government managed to keep the Normand report out of the hands of the association of Newfoundland and Labrador francophones for two and a half years. It took two and a half years for the association to even have access to the Normand report, which said that francophones had the right to manage their own schools.

Newfoundland does not treat its francophones with the greatest respect. This problem is a Canadian problem because, although Canada claims to respect its minorities and to be sensitive to their rights, even today there are still four provinces that do not abide by the terms of the Canadian Constitution.

Newfoundland could have seized this opportunity to protect these rights. Especially since, on the one hand, Captain Canada himself is afraid to make a commitment to protect minority rights and, on the other hand, the champion of francophone rights in Canada, the Prime Minister, cannot make a commitment either. He could have done so easily in this case. It would have been so easy.

Why did he not do so? Why did Brian Tobin not make a commitment to protect the rights of francophones so they can manage their own schools? Because he has no intention of doing so. There is no political will in Newfoundland to do so.

Why did the Prime Minister not make a commitment either? Why did he not force Brian Tobin to clearly promise to protect the rights of francophones in Newfoundland? Because this government does not have the political will either to protect the rights of francophones.

• (1545)

This political will is disappearing over time, not only in Newfoundland but in all the other provinces as we can see. Just last weekend, we learned that this federal government has cut by almost two thirds the funding for Ontario's francophone associations.

I could give you several other examples that clearly show they are no longer trying to defend the rights of francophones. This government is showing once again that it lacks the backbone to enforce the terms of the Canadian Constitution.

[*English*]

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, I advise the member opposite of a letter written to the Leader of the Opposition from the minister of education for Newfoundland which suggests they have no problem with sitting down to discuss this with the francophone society of Newfoundland and that the Government of Newfoundland and Labrador is more than willing to give every tool necessary to help the francophone association of Newfoundland and Labrador.

Mr. Marchand: Mr. Speaker, I thank the hon. member for her comment. The problem is there has not been any formal engagement on the part of Mr. Brian Tobin, the premier of Newfoundland.

Unfortunately when one reads the press releases one has the eerie feeling that what Mr. Tobin is preparing is what other provinces have done in the past. Instead of providing them with control of their school system Mr. Tobin, like other premiers in Canada, will provide the system with a what is called conseil consultatif in French. It would be like a seat on the school board which would provide the francophones the opportunity to listen in but gives them absolutely no power. It looks good.

That is what is being done in B.C, in Ontario, in Nova Scotia: "We will give them all kinds of latitude and consultative power". It comes down to a big zero plus zero in terms of real power.

Furthermore, it is very far from respecting the Constitution. Article XXIII of the Canadian Charter of Rights and Freedoms, which is supposed to be the supreme law of the land, clearly specifies they have the right to control their school systems. There have been supreme court judgements reaffirming that fact. That is where Mr. Tobin has not formally engaged himself and we doubt he will do anything.

An hon. member: Trust him.

Mr. Marchand: We have to trust him, of course. My claim is not so much with Mr. Tobin as it is with the Prime Minister. He should have made some formal agreement with Mr. Tobin. We have to trust him too. Even if the Prime Minister had made promises in that respect, his promises are not always kept, as we know.

Mrs. Hickey: Mr. Speaker, with the permission of the House I would like to send my colleague opposite a copy of the letter written by the department of education to the Leader of the Opposition.

Mr. Marchand: Mr. Speaker, I have a copy of that letter. I believe it was sent by the minister of education in Newfoundland, Roger Grimes.

Actually it is unfortunate. All the requests made and the work the association of parents in Newfoundland has done to have their rights respected were never even received by Mr. Tobin. They never got to his door. They got a very flat response from the minister of education, which the association says is a lot of hot air.

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I am very pleased to participate in this debate on the motion we have been requested to adopt in this place, as well as in the other place, to make it possible for the province of Newfoundland to obtain a constitutional amendment giving it the authority to reform its public education system, in which districts

are defined on the basis of school denomination, and to ensure that the educational system is organized along different lines.

• (1550)

As we know, the existing system, which has in fact been in place since Newfoundland entered Confederation in 1949, is protected under term 17 of the agreement setting the terms under which Newfoundland joined the Canadian Confederation.

In 1982, certain constitutional amendments were made—incidentally, Quebec did not support these amendments and, as a result, was excluded from the Canadian Constitution, although the Constitution applies in Quebec as well as anywhere in Canada. As provided in section 43 of the Constitution Act, 1982, amendments to the Constitution may be made, where authorized by the House of Commons, the Upper House and the legislative assembly of a province when the amendments in question apply to a very specific territory, namely a province.

This provision of the Constitution Act, 1982, has been used a few times since. Section 43 was used in 1987 to recognize Pentecostal schools in Newfoundland and again, in 1993, when New Brunswick became officially bilingual, that is to say a province recognizing linguistic equality between French and English. This was all done under this section, section 43 of the Constitution Act. Finally, more recently, it was used when a constitutional amendment was needed to make it possible to build this bridge that will soon, within a year, link Prince Edward Island to New Brunswick. The provision was used three times in all to amend the Constitution.

As I said, the motion before us arises from a decision made by the Government of Newfoundland to change its denominational system. How did the Government of Newfoundland come to this decision? First, following a long internal debate as we see in other provinces, particularly Quebec, on this specific issue. This debate allowed all those concerned to express their views and lasted months and even years in Newfoundland.

It ended on September 5, 1995, when the population made the final decision, by way of a referendum. Even though only 52 per cent of eligible voters took part in the referendum, a clear majority of 54 per cent supported the proposed changes to the denominational system.

• (1555)

So, on October 31, Newfoundland's legislative assembly acknowledged the public's wish, as expressed in a democratic referendum, and took action to follow up on that decision. Later, the Prime Minister of Canada recognized, of course, the referendum result and agreed to put this motion on the House's agenda for the current session, so that the issue would be settled once and for all when the House and the Senate adopt it.

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I want to take the 15 minutes or so that I have left to stress important aspects in this exercise, namely the recognition of the will expressed by the public, and the obligation, for a democracy, to follow up on that will. I dare say that, in the eyes of the international community, a referendum is recognized as the most democratic tool, since all the citizens of a territory are asked to express their views on a very specific issue, following a debate in which all the parties were able to present their arguments. In other words, a referendum is the ultimate poll, since everyone can express his or her view.

A referendum does not always carry the same weight for the Liberal government currently in office in Ottawa, as we saw during the last referendum held in Quebec. During the campaign, the Prime Minister of Canada repeatedly questioned the legitimacy of the Quebec referendum and said he would not recognize the result, should the yes side win by a slim margin.

We know what the final verdict was: 49.6 per cent of Quebecers voted yes and 50.4 per cent voted no at the last referendum, and that outcome was not only recognized by the sovereigntist government in Quebec, but was also recognized and fully respected by each and every sovereigntist and resident of the province of Quebec. What it means is that Quebec remains a part of the Canadian federation, even if it was excluded from the Constitution in 1982, following well-known events, that is the unilateral patriation of the Constitution.

As I said before, the Prime Minister implied that any decision Quebecers make does not have the same significance if it goes against his wishes. I find such an argument, such a statement particularly outrageous. It means that they will respect the democratic rules if and only if the outcome of a democratic process goes along with their wishes. I think that is the kind of arguments most dictators on this planet use. No dictator is against a referendum, as long as he wins it.

• (1600)

These people are true democrats, as long as the dice are loaded and they are sure of the results. I find it a bit peculiar to hear these arguments, which were taken up for the most part by the individual who is responsible, at the governmental level, for ensuring that changes or negotiations are undertaken to improve, if that is at all possible, the Constitution of Canada, so that it meets the expectations of all Quebecers. That individual, the Minister of Intergovernmental Affairs, in a comment about the motion now before the House, stated that referenda do not all have the same significance.

I would like to quote—and I think this is an exact quote—a report in Tuesday May 28's *Le Devoir* in reaction to the words of a sovereigntist spokesperson who had said: "The Newfoundlanders spoke clearly. A majority of Newfoundlanders have demanded that the Constitution be amended in response to their aspirations for the organization of their school system".

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We sovereignists say, and rightly so I believe, that if this was good enough for a decision made in Newfoundland, and was the case when Newfoundland entered Confederation as well, it is certainly so for Quebecers when they want to determine their future. It seems to me that the same principle applies in both cases. There cannot be one democratic principle for Newfoundland, and another for Quebec. That is completely unacceptable.

But not for the Minister of Intergovernmental Affairs. The Minister of Intergovernmental Affairs has been quoted as saying during a media scrum: "The principle is that, the more serious a decision and the more it impacts upon future generations, the more strictly the rules of democracy must be applied".

My understanding of this statement as I read it is that the Minister of Intergovernmental Affairs is saying that the Newfoundlanders' decision was on a mere detail. Yet remodelling the denominational school system seems to me to impact on future generations since we are speaking of today's children and our children's children. It would seem to mean that he considers modifying the school system in a province, Newfoundland in this case, a mere detail.

So some rules of democracy can be a bit looser. Can we consider the debate of Newfoundlanders, which lasted months, years, to be a waste of time, according to the evaluation of the Minister of Intergovernmental Affairs? I think this is rather offensive. It treats with disdain people who reached a decision through democratic process.

The minister went on to say, in the same article, in the same statement: "There is a world of difference between modernizing an education system and dismantling a country". I think the basis of this discussion reveals the importance of such action. I do not think we can tell Newfoundlanders that the whole issue of their debate was not as important as the potential debate in Quebec over its constitutional future.

• (1605)

I would like to give a few examples and I would like to hear the opinion of the Minister of Intergovernmental Affairs on the Maastricht treaty, a highly complex treaty ratified by all the countries in the European Community.

The people in these countries had to vote on this treaty, which had—still has and will continue have for generations to come—major consequences on their lives, because it significantly changed the way their countries worked.

All the countries or almost—not all, but a good majority—held a referendum. I will give you two examples. In Sweden, 52 per cent of the population supported Sweden's entry into the European common market. In France, 50.9 per cent voted in favour of a significant change, a major change.

The Minister of Intergovernmental Affairs might think otherwise, but when one refers to the debates which took place in those countries on the Maastricht treaty, one realizes that the decision to be taken had far reaching consequences.

In the case of Sweden and France, where the population was nearly equally divided, opponents did not ask that those who did not support the Maastricht treaty be excluded from it. On the contrary, in these countries, it is understood that the democratic rule is 50 per cent plus 1.

I will give as a last example the recent elections in Israel where, for all intents and purposes, the prime minister was elected by referendum since there was a vote by universal suffrage; the whole population was called to choose the prime minister. In this particular case, I would like you to remember this, 50.4 per cent of the Israeli population voted in favour of a change of prime minister against 49.6 per cent, which is the same results as in Quebec, last October.

If one follows international events and knows what consequences this election might have in Israel, one might think that there is food for thought for the voters, especially in view of the very important consequences of their vote on their future. And, in spite of it all, the outgoing prime minister, Mr. Peres, accepted the results as the good democrat he is, conceded defeat and agreed to recognize the new prime minister.

I say all this to show that you cannot have double standards, even if that is what the Liberal government, and especially the Minister of Intergovernmental Affairs, have in mind. In a democracy, you cannot have double standards. The rule of democracy is 50 per cent plus 1 for any referendum. On two separate occasions, Quebecers have respected the results of decisions which were contrary to the hopes of sovereignists.

We cannot discredit a decision or discount its importance when it results from a democratic process. That is why I will support Motion No. 5 concerning Newfoundland, which is before us today.

I hope our colleagues, from the Liberal Party in particular, will show some consistency. When Quebecers vote in favour of Quebec's sovereignty, whatever the result might be, if it represents a democratic decision, I hope they will abide by it.

• (1610)

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, I am pleased to rise in this House for my first speech after undergoing open-heart surgery. I hope to go on for at least 10 minutes.

I have great concerns about this bill, which would amend the Constitution at the request of the Newfoundland government, which held a referendum on the issue of educational rights and how the school system in that province should work. I have serious concerns about the impact on minorities, be they Catholics,

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francophones or Quebec anglophones, or even on other religions such as the Jewish faith.

We are also talking about separation and process, but I will go back to separation. Since the beginning of the debate, Bloc members have been making a lot of noise with their hands and feet, saying this is what democratic process is all about. We are quite familiar with the Bloc Quebecois' platform.

Let us talk about the referendum process. In 1949, Newfoundland wanted to join Canada and struck an agreement whereby religious denominations had the right to manage their own schools. That is why the people of Newfoundland voted in favour of joining Confederation.

Now, nearly 50 years later, the federal Parliament is being asked to amend the Constitution to accommodate Newfoundland. I see a problem in that only 52 per cent of all the people in Newfoundland voted in the referendum that was held in that province late last summer. Yes, 54 per cent voted in favour of the question asked in the referendum, that is to say, 25 per cent of all the people in Newfoundland were in favour of the question asked in the referendum.

What does this referendum tell us? If we look at the question, as an English language newspaper said: "This was a loaded question". A member of the third opposition party also told me: "This was a fuzzy question". An article in the *Toronto Star* says this:

[English]

"Newfoundlanders were asked whether or not they supported reform of the denominational educational system, and this was won by a narrow margin".

[Translation]

Obviously, when people are asked if this, that or the other should be changed, they always want us to go ahead and constantly make adjustments to suit the demands and meet the needs of the people.

I find the question rather suspicious. It is not clear, not distinct, as my colleagues opposite would say. Are we in favour of reforming the school system? Of course. School systems keep being changed, always for the better. But in this case, it would not be for the better. In this case, the purpose of the change would be to reduce, if not to abolish, but mainly to reduce the involvement of minorities in the management of their school system.

Just recently, someone told me: "Are you not in favour of public school boards, Mr. Bellemare?" I replied that I was of course in favour of public systems. As a teacher, I was involved with Ottawa public school boards for 30 years. So, I do believe in the system. My own children attended high school in the public system after attending elementary school in the Catholic system.

• (1615)

I do believe in both systems. I believe in several educational systems. What matters is the choice that parents and children make.

As regards the specific question I was asked about the establishment of public school boards, as I said before, I just recently learned that a public school system already exists in Newfoundland. It is referred to under the designation of integrated schools. They do not use the same terminology as we do in Ontario. We say public system, they say integrated system. I am now apprised of the fact that 56 per cent of schools in Newfoundland are in fact integrated schools, while 37 per cent are Roman Catholic and 7 per cent Pentecostal.

What is the point in amending the Constitution to establish integrated schools, or public schools, if such schools already exist? I would like Newfoundland, the Government of Newfoundland to tell me why public hearings were never held to give Newfoundlanders the opportunity to make representations. Why were the stakeholders not invited to appear before parliamentary committees to make presentations? Why was the bill in question introduced during the summer, when Newfoundlanders are at the cottage, at work or out fishing, and voted on at the end of the summer?

As could be expected, public participation was low. A small majority voted in favour of the referendum bill. Bloc members are thrilled, they who have been telling us for a while now how they will be voting. They will vote in favour, not out of concern for minorities, given that they could not care less about minorities. Bloc members do not care about francophones living outside Quebec. They do not care about the anglophone minority in their own province, and I say province, not country.

The Bloc tells us, and I quote: "When 52, 51 or 54 per cent of Quebecers decide in a democratic referendum held according to the rules adopted by Quebec's national assembly to become sovereign, we hope that the Canadian Parliament will show the same generous and democratic disposition toward Quebec as it is now showing toward Newfoundland".

Of course Bloc members support this bill. Another Bloc member said: "In other words, the Government of Newfoundland had its political decision confirmed through a referendum, and this is sacred for the Bloc Quebecois".

Of course the Bloc Quebecois agrees with the amendments affecting minorities in Newfoundland. As for Reform Party members, most of them will be in favour of respecting the result of the referendum, because reformers believe in referenda. Their member for Nanaimo—Cowichan even recently asked that a referendum be held to abolish bilingualism in Canada. Fortunately, the Canadian government and the House voted against the proposal.

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In Ontario, at the beginning of the century, regulation 17 abolished the teaching of French in the province. For decades, Franco-Ontarians had to fight tooth and nail to build schools and to teach in French, in spite of the Ontario law. Regulation 17 was finally and, quietly, abolished in the thirties.

I say there is a danger that, in supporting or proposing a constitutional change to accommodate the Government of Newfoundland, the federal government may violate minority rights.

• (1620)

There are risks for minorities living outside Quebec, such as francophones in Ontario and elsewhere. There are risks in certain western provinces, where some rednecks are totally anti-French and would be happy to see us assimilated and disappear from the Canadian map. This really concerns me and this is why I will vote against this bill.

[English]

Mr. George S. Baker (Gander—Grand Falls, Lib.): Mr. Speaker, I presented seven petitions a few moments ago from 8,900 people. A few of the petitions were from schools. Some of these petitions came from outside my riding. A student wrote: "We decided to send it to you, Mr. Baker, because you are the oldest member of the House of Commons". Perhaps the student meant the most senior member from Newfoundland, not the oldest member. There are some members here who are older than I am.

The reason I decided to say a few words is because there have been erroneous statements made in and outside the Chamber regarding the Newfoundland school system. I picked up the *Globe and Mail* this morning and what does a columnist say? People from Newfoundland who are listening to this are going to roll on floor in laughter.

He said: "Newfoundland is the only place in North America without a public school system. The hallowed Terms of Union with Canada in 1949 requires the province to do for one of those seven denominations, build a new school for example, whatever it does for another. Even Anglicans like Clyde Wells and his kids who have no Anglican school nearby have been forced either go on a waiting list for admission to a religious school not of their faith, or to suffer a three-hour bus ride to find an Anglican school". I see a Newfoundlander in the gallery laughing right now.

The fact is that there is no such thing in Gander, Newfoundland, where I come from. There are four schools, yes, but they cover everybody. There is no Roman Catholic school, there is no Pentecostal school, no Seventh Day Adventist school, no Anglican school, no Salvation Army school. There is just one school system.

There is the elementary school, second school, high school and a collegiate. But there is one school with no denomination in Gander, Newfoundland. Over the years things have changed in Newfoundland. Where it was not economical or the numbers did not warrant, things changed. Integration took place.

The integrated school, which is similar to public schools in Ontario, would have everybody who is not Roman Catholic, Pentecostal or Seventh Day Adventist. But that cannot be said either. Children could go to a Roman Catholic school if they wanted to. If they went into St. John's, the capital, they would find, I think, two Seventh Day Adventist schools. The Seventh Day Adventist total enrolment for all of the Newfoundland and Labrador is 203 students. Members of the House talk about what an expense the Seventh Day Adventist school is. Yes, it has 203 students. There are two Seventh Day Adventist schools. There are Roman Catholic schools. They would be integrated schools. There would be a Pentecostal school. There would also be a French school.

• (1625)

A Seven Day Adventist bus comes from Conception Bay south. Taking that bus would be Pentecostals, Roman Catholics and those students attending what they call the French school. The entire school is French immersion. Most of our schools have just French immersion classes in them. In other words, only French is spoken all the way up to grade 12. We are pretty modern in Newfoundland. We are up to date in Newfoundland.

They talk about discrimination. I am a Liberal member. I get only 10 minutes to speak and the Bloc opposite gets 30 minutes. Twenty minutes for the opposition members. We are limited to 10. I have to watch the clock.

What really infuriated me was listening to members of Parliament making two statements. One statement was regarding the quality of education in Newfoundland. The remark was made that if you have grade 12 in Newfoundland, according to a certain standard, you really only have a grade 8 standard in Ontario.

Mr. Perić: What an insult.

Mr. Baker: Yes, what an insult. The other statement was that we have to be careful because our money is going to Newfoundland to pay for these things. It has to be spent wisely.

In Newfoundland our students get as good or better an education than in any other province in Canada. When someone goes to the University of Ottawa or Carleton University and sees first-year university students there from Newfoundland, what do those students have? Only grade 8? Is that the standard of enrolment? Of course not. Students that come from Newfoundland are usually put ahead in the province of Ontario when they do the entrance exams.

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The fact of the matter is yes, it is an expensive system in Newfoundland. One of the main reasons is that we have more degreed teachers per capita than any province in Canada. Why? Way back at the beginning of the 1960s, the Government of Newfoundland decided to give students free tuition and salaries to go to university to become teachers. It gave \$600 to boot as a person entered university to increase their qualifications to become teachers so there are teachers today in Newfoundland with masters degrees, and PhDs are common. Every second teacher has two and three degrees, the highest number of degreed teachers in this nation. That is reality in the province of Newfoundland. We get a solid education.

The other reason of sending money to Newfoundland really infuriated me. It is good that they are sending money to Newfoundland. It is good that they are supporting Cornwall too, with Domtar, and Trail, British Columbia, northern Quebec and îles de la Madeleine. It is good that they are supporting those people who claim that they are sending money to Newfoundland through their tax system. Why? Those are the people who make this country rich. Those are the producers. When it is seen on a scale, Newfoundland and Labrador contributes more to the economy of this nation per capita in exports than any other province in Canada.

A member of Parliament stands up and says: "We are sending money to them now for their education. We have to be careful how they spend it". They should be thanking everybody for having Newfoundland for doing what Newfoundland does best, that is, we produce. We produce over \$1 billion worth of electricity for export. We have our paper mills, our fish plants and all of those primary producers who keep this nation going. They keep the member of Parliament who made that statement in a position where that member of Parliament can go to a plush office in a big, fancy car and live pretty well. We have heard the fallacies and the misleading statements.

• (1630)

I notice that my 10 minutes are up and I have not said what I really wanted to say. The Speaker is going to call me to order.

I suppose the student put it the best way the other day when he gave me a petition to present to the House. Of course when somebody gives a member of Parliament a petition, whether or not the member agrees with the petition, the member of Parliament should present it to the Chamber. The member of Parliament has a duty to do that.

The student made a wonderful speech when he gave me the petition. He quoted from a document which was written when we

joined Canada and then he quoted from what we call the Ode to Newfoundland. He pointed out that the Constitution of this country should be something that is pretty solid. A constitution is supposed to be the real framework of a country. He noted that eight years ago when the Tories were in power members of Parliament on both sides of the House stood in this Chamber to amend the Constitution of Canada to include the Pentecostals in education. They were given equal rights.

The student said: "Now the Parliament of Canada eight years later is going to take away those rights". His final words were from the Ode to Newfoundland. I do not blame him for what he said. The verse in the Ode to Newfoundland is: "God guard thee, God guard thee, God guard thee Newfoundland". He included the words: "because the House of Commons certainly will not".

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Mr. Speaker, it was refreshing for us to hear a member from Newfoundland who talked so positively about the quality of education in the province. That is the information we have been receiving as well. When we hear from other members of the House about the disastrous state of the educational system in Newfoundland, we wonder where they are coming from.

As a Toronto member of Parliament, none of my constituents are urging me to pass this amendment to save \$10 million or \$12 million in the province of Newfoundland. In fact, many of my constituents in the city of Toronto feel that the precedent which is being set here could one day create a debate in our province which would make it very difficult for us to protect the educational system in Ontario.

The people of Newfoundland should not think we are so fiscally obsessed that for the sake of \$10 million or \$12 million we want the current system changed to the point where it requires a radical constitutional amendment. We are much more concerned about minority rights which has always been the heart and soul of the Liberal Party. One of the reasons the Prime Minister became the leader of the Liberal Party was that he was a champion of defending minority rights. The member from Newfoundland should know there are many constituents in Ontario who feel that for the sake of \$10 million or \$12 million we should not pass this amendment.

• (1635)

To the member from Halifax, there is absolutely no comparison between Bill C-33 and a constitutional amendment such as this. There is absolutely no comparison and the member knows that.

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Mr. Baker: Mr. Speaker, to get to the core of what the hon. member talked about, it is about money. Perhaps that is what is behind practically every action of provincial governments and federal governments these days, that is, to cut, cut, cut. The money is not there according to the Department of Finance and Treasury Board.

We went through a very terrible period in Newfoundland in the last two months. In my riding two trade schools closed, Springdale and Lewisporte, which are vocational schools, community colleges. There was a government announcement that first year university education is no longer offered in the three locations in my riding where it was formerly offered.

Last week there were announcements that school buses would no longer be provided to bring children home for lunch unless the parents paid for it. Some may ask what is wrong with that. To me there is a lot wrong with it. It is okay for my kids. If people saw my kids going along in the school bus on a stormy day, they would know we could pay the \$200. But the children of the poor will be trudging along through the snow because their parents cannot pay the fee.

Many things have taken place that should never have taken place as far as education is concerned. Health care and education are two things we should preserve. This government or any other government should not be slashing as is being done right across Canada today.

The Acting Speaker (Mr. Kilger): That concludes the period of questions and comments to the hon. member's intervention.

It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Notre-Dame-de-Grâce—Terrorism.

Mr. John Cummins (Delta, Ref.): Mr. Speaker, I live on the other side of the country and the issue today, as the member for Broadview—Greenwood suggested, is not one on which I have had many calls. However, it is an issue of utmost importance to all Canadians for a variety of reasons which I will get into later on.

The issue before us is not an issue of quality of education. In my view education is not served well by taking decision making away from parents and moving it into 10 large school boards. That issue is also an issue of cost. Never in my 25-year career of teaching school did I ever see a school district reduce its cost through centralization and increasing the size of school boards. The exact

opposite happened. As school boards were formed and increased in size, the cost increased at the same time.

The issue today is about the constitutionally guaranteed right to religious schools. It is also about the process of change, in fact the referendum which I will talk about in a few minutes.

First I will address the issue of the constitutional guarantee. The act which brought Newfoundland into the Canadian Confederation contains certain paragraphs which deal with education:

In and for the province of Newfoundland, the legislature shall have exclusive authority to make laws in relation to education, but the legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of union, and out of public funds of the province of Newfoundland, provided for education.

• (1640)

The act is saying that the people of Newfoundland have a guaranteed right to these religious schools and that guaranteed right cannot be taken away from them by a mere act of the legislature. In other words the people were to be protected against the vagaries of the majority in the legislature. In my view that guarantee is being violated.

In Newfoundland 37 per cent of the population is Roman Catholic and 7 per cent is Pentecostal. In the referendum in all 16 electoral districts where Roman Catholics or Pentecostals were in the majority, they voted no to the changes. The changes then were foisted upon those people by the majority, which is the very point that the constitutional amendment which brought Newfoundland into Confederation was trying to protect them against.

With regard to the referendum the first issue we must look at is the question. The question was: Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational education system, yes or no? That is not a clear question. It is the same fuzzy type of question all of us worried about and were concerned about in the recently concluded referendum in Quebec. What we said then was that when a question is put to the people, the question should be clear and should be easily understood by all and the effect of voting either yea or nay on that question should be clear beyond any question.

That is not the case in this question. The question itself is mushy. It talks about revising term 17. What does term 17 mean? It means a variety of things to a variety of people. That in itself concerns me. It talks about "in the manner proposed by the government". Again, that is not a clear statement of intent. It says also "to enable reform". That in itself encourages someone to say yes. It talks about reforming the education system. In that regard it can be

suggested that it talks about improving the education system. Who is not for improving or for reforming the education system? That is a real violation of an obligation of the government to put a clear question to the people.

If we vote in favour of this motion, what we are saying is that the next time there is an election in Quebec if the question put is not clear, if the intent of that question is not clear, if it is not of the utmost clarity to the people on what it is they are voting for, we have nothing to say. We will simply have to stand on the sidelines and watch that event unfold.

Other concerns about the referendum process were that the House of Assembly was adjourned for the months that the issue was before the people. The issue was not debated in the House of Assembly which is something one has to regret. When issues are put before the people, the people deserve to have those issues debated by their members in the House of Assembly in order to clarify the outstanding questions and issues.

Allowing the interim between the announcement of the referendum and the actual date of the referendum to happen over the summer months limited the effect of the debate. The schools were closed. Everybody knows that schools, especially on a referendum issue like this one, are places where people would focus and would look for clarification of the issues. That did not happen.

This whole referendum process was fundamentally flawed. The question was carefully crafted to imply falsely that amendment of the Constitution was necessary in order for reform to occur as a matter of law. That simply was not the case.

• (1645)

I have more than a passing interest on the issue of referendum and whatnot. It is an issue which I studied as a masters student at university and is one on which I spend a considerable amount of time studying and reviewing. In all manner of ways I find that the referendum question was flawed, as was the process by which it was put to the people. It is going to lead to serious problems in the future for us as a nation when we deal with referendums put forward in the province of Quebec.

Another issue worth noting is that when this referendum result was placed before members in the House of Assembly, 31 members voted in favour and 20 members voted against. All 14 cabinet ministers were required to vote in support of the resolution regardless of where their constituents stood on the issue. There again the way the issue was put before the house of representatives, the way the question was put and the fact that the vote was forced, is opposite to everything my party stands for. It is completely unacceptable that there would be a vote which required cabinet solidarity on an issue such as this one. People should have been required to support the wishes of their constituents on this most critical issue.

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Another point is most worthy of consideration. I will read from a letter written by the Most Reverend James H. MacDonald, Archbishop of St. John's:

It is of crucial importance to recognize that the denominational rights which are intended to remain under the framework agreement will under the proposed term 17 have no constitutional guarantee of protection, but will be subject to provincial legislation which can be changed by an arbitrary decision of any future government of our province.

That is exactly the situation we have in British Columbia. Denominational schools in British Columbia have no constitutional guarantees. They exist merely at the whim of the provincial government. They receive partial funding, again only at the whim of the provincial government. However, those schools are the schools of choice by parents. That has to be a key issue: Whose children are we educating, the government's or the parents'? The answer is obvious. Children belong to their parents. It should be the parents' right to choose the type of education system they wish. It should also be their right to choose a denominational system if they wish. The obligation should fall to the government to fund that system the same as it does for everyone else.

As I mentioned earlier, the question before us in some ways is much more than simply a question of the right for denominational schools to exist, although that question is of paramount importance. It has the side issue of the future of this country and the type of question we would require to be put in a referendum in Quebec on separation. We cannot vote on this issue without seriously considering the implications of our vote.

[*Translation*]

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, my hon. colleague from Delta started off on the right foot, when he began his speech by saying that education must be the responsibility of the provinces. We, in Quebec, consider that education is indeed a matter for the provinces.

However, this is not the issue we have to debate here today, and that is where the hon. member went wrong. He said that the referendum held on September 5, in Newfoundland, was simply not legitimate and for several reasons. First, there was the question. Was the question clear? Was the question easily understood by everybody? Was the referendum held at an appropriate time? Was September 5 convenient?

• (1650)

He came up with several reasons why it was not convenient. So, his position has drawn him a bit closer to the Liberal member for St. Boniface, who stated the same thing. There is never a good time to hold a referendum.

Did both sides have the same financial resources at their disposal? That was one of the questions he asked. In his speech, he

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constantly questioned the legitimacy of referenda, wherever it is held, here, in another province, or abroad.

My question is the following: What does my hon. colleague need to recognize the outcome of a referendum, when in the past, in 1980 and again in 1992, the federalists always said and indicated that an absolute majority was enough and that they would react accordingly? Why is it that, along the way, when we do not like the outcome of a referendum, we want to change the rules. Is that what the hon. member intends to do?

[*English*]

Mr. Cummins Mr. Speaker, any referendum question must be a clear question. The respondent must understand without question the implications of his response. That was not the case. I have serious reservations about those kinds of questions. I do not think we want to establish a practice where we are prepared to put to a referendum a variety of questions unless we are certain that people clearly understand what it is they are being asked to vote on. I repeat, that was not the case in this instance.

The hon. member raised the issue of what percentage is necessary. It has become the practice that 50 per cent plus one carries the day. I am concerned about a motion for a constitutional change where 50 per cent plus one is the norm. Currently we require the approval of seven provinces as well as the federal government to make a constitutional change. I am not convinced that a two-thirds majority for serious changes would not be helpful. It is not an issue which either the hon. member or I have any control over, but I see it as a valuable direction for us to pursue.

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, I remind my colleague from the Reform Party that in the last provincial election in Newfoundland and Labrador 36 out of 52 seats were won with a yes answer for reform. Reform to Newfoundland means to educate our children, to give them a better education or as good an education as everybody else in Canada. Thirty-six is a large number for yes.

The question on term 17 means exactly what it says and that is to reform our education system, to make it better and to make us equal to everybody else in Canada. Whatever way he feels the question is read, I would like him to suggest another question. I cannot see it being any clearer than what it already is.

Mr. Cummins: Mr. Speaker, the question itself had a number of flaws. In this instance the government asked: Do you support revising term 17 in the manner proposed by the government? That is not a clear question. The intent of the changes should be clearly stated. This simply does not do it and I have a problem with that.

As far as the reference to the quality of education in Newfoundland, the member for Gander—Grand Falls just concluded that in his view the quality of education available in Newfoundland was

every bit on par with the quality of education in the rest of the country. I have no reason to question that.

• (1655)

The administrative costs of education are always a problem. I will say that by reducing the number of school boards to 10 large boards in very short order it will be found that it is not going to allow a reduction in the cost of education. The experience elsewhere in the country has been exactly the opposite. These large boards tend to create a need for specialists in various fields and before we know it the school board office has more people sitting in it than the largest school in the district.

Ms. Mary Clancy (Halifax, Lib.): Mr. Speaker, in listening to the member for Delta, when he talked about the amalgamation of school boards he may have been speaking in a British Columbia context as opposed to a Newfoundland context. The idea that in any of the small Atlantic provinces the vast numbers he thinks are being dealt with is a little unusual to those of us who come from Atlantic Canada.

When he talks about 50 per cent plus one, I wonder if he understands that the referendum in Newfoundland was actually 55 to 45, which is a fairly substantial 10 point difference.

I am not being tongue in cheek here, but I wonder if the hon. member really does know about the Newfoundland school system and the divergence in the level of schooling of the two ridings of Grand—Grand Falls and St. John's East. Does he understand how great a divergence that might be in the province of Newfoundland? Does he know any of these things?

Mr. Cummins: Mr. Speaker, I certainly do not pretend to be an expert on the education system in Newfoundland. However I did teach school and I do understand the school system. Having taught for 25 years, I have an understanding of what can happen.

The key issue here is not the quality of education. The member for Gander—Grand Falls made that point quite clearly. The issue here is the way the referendum was conducted. A fuzzy question cannot be allowed in a referendum. We just went through that in Quebec. We are dealing with the same issue here, where a question is not self-contained and leaves itself open to wide interpretation. It is a flaw in the process. For that reason the motion should not be supported.

Mr. Derek Wells (South Shore, Lib.): Mr. Speaker, I appreciate the opportunity to address the motion today. In doing so I want to address what the motion is and is not.

Let me explain why I rise to address the issue, an issue which in my opinion for the most part is a Newfoundland issue. It is an issue that the Parliament of Canada should take seriously. Parliament however should not override the will of the province unless there are some compelling reasons to do so. It must keep in mind that the matter was referred to Parliament after being the subject of a referendum in the province of Newfoundland and Labrador as well

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as the subject of a unanimous vote of the Newfoundland House of Assembly. The referendum was not a legal requirement, but was conducted to gauge the wishes of the people. Also it was a major issue in the recent Newfoundland provincial election.

I represent a Nova Scotia riding but my roots are in Newfoundland. I was born there and completed my high school education there. I returned after university to teach in a small rural community before returning to Nova Scotia to complete my law degree. I attended both the integrated system of four denominations and I attended the Catholic system. I taught in the integrated system in the community of St. David's in rural Newfoundland. Just a few minutes away, in another small community, there was another all-grade school run by another denominational school board.

• (1700)

I am aware circumstances have changed since I attended school in Newfoundland and since I taught there some 26 years ago. However, many of the same inefficiencies created by term 17 still exist. The same divisiveness created by term 17 still exists. The same power struggle that has been ongoing in Newfoundland and Labrador for generations still exists.

I have heard it said by those who oppose the changes to term 17 that we are moving too fast, that we should slow down the process, that we should send this matter back to be reconsidered by the province. To those people I say no. With respect, this debate has gone on far too long. It is not a debate which commenced in 1995 with the provincial referendum; it is a debate which has been going on for years, in fact for generations.

For many of us who took part in this debate over the years, our concern is the amendments have not gone far enough. However, I am convinced that perhaps all that could be achieved has been achieved at this time and that we should move forward to pass this amendment.

The answer is not further delay. The answer is action now to begin the process of reforming the Newfoundland and Labrador school system. It is time we put this matter behind us.

Let me address what this legislation does not do. As other members have pointed out, lobbying on both sides has been intense and, like so many issues in the House, much of the information that has been circulated on both sides of the issue does not contain all of the relevant facts. In particular, the information about the quality of education in Newfoundland is unfortunate. Much of what we have heard is not true. In my view it is not the issue.

The hon. member for Gander—Grand Falls expressed this point much better than I could, but I agree with him on the point of the

quality of education in Newfoundland. However, the debate should not be focused on that issue. We are talking about efficiencies, we are talking about the cost and we are talking about other issues. I go on the record as agreeing with the hon. member for Gander—Grand Falls with respect to that issue.

This amendment does not mean the end of denominational schools in Newfoundland and Labrador. This amendment does not abolish or extinguish denominational education in Newfoundland and Labrador. The new term 17 clearly states that subject to certain provisions all schools established, maintained and operated with public funds shall be denominational schools, and any class of persons having rights under term 17, as it read on January 1, 1995, shall continue to have the right to provide religious education, activities and observations for the children of that class in those schools. The bottom line is the amendment provides for the right to maintain religious education activities and observations in the schools.

The qualification contained in section 17(b) states that any provincial legislation dealing with the establishment or continued operation of schools must be uniformly applicable to all schools, both interdenominational and unidenominational schools. In other words, the power to the legislature is qualified.

The revised term 17 gives the Newfoundland legislature much greater control over such matters as school board boundaries, capital funding, school consolidation, student transportation and other administrative matters. The amendment removes some of the power from the churches and gives it to the duly elected representatives of the people. This debate is about power. More than that, it is about efficiencies, it is about reform and it is about better serving the interests of the students of Newfoundland and Labrador.

I will speak about some of the things the amendment does not do. The amendment is not about adversely affecting or extinguishing minority rights in the province of Newfoundland and Labrador. It is fair say this is an issue we all take very seriously. If there were, in the drafting of the new term 17, an indication that minority rights were being extinguished, I am sure the amendment would not have the level of support it presently has. It is my considered opinion this amendment is not a situation in which minority rights are being adversely affected or taken away by a majority.

• (1705)

As previously stated in the House, there is no single denomination that dominates numerically. In this instance each of the seven main denominations is affected equally by the proposed changes. After the amendment has passed, if that is the final result, there

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will still be denominational schools in Newfoundland and Labrador and they will be entrenched in the new term 17.

It has been suggested by some that by adopting this motion the House may be setting a dangerous precedent for future use. For that reason we must clearly state this amendment and this process is clearly set out in section 43 of the Constitution Act, 1982.

It is one of a number of procedures set out for amending the Constitution, each with differing degrees of difficulty. Under section 43 it is an issue between the national government and the provincial government and is limited to the case where a province approaches the federal Parliament for a bilateral change affecting that province only.

By Parliament's agreeing to the request of the province of Newfoundland and Labrador, we will not be binding future Parliaments to automatically agree to future requests under the same section. We certainly would not be binding future Parliaments to agree to any requests made under other amending sections of the Constitution.

It warrants re-emphasizing at this time that any amendment made under section 43 will in no way threaten minority language or aboriginal rights, which cannot be changed bilaterally and which are entrenched and protected by other sections of the Constitution.

We know there have been strong opinions expressed on both sides of this issue, from inside the province of Newfoundland and Labrador and from without. These views have been expressed within our own caucus and this matter will be proceeding on the basis of a free vote.

I acknowledge the views of both sides of the issue are genuine and deeply felt opinions. I do not want to suggest those who have opinion contrary to mine are wrong, but I wish to say to them we must put this matter behind us because it is in no one's best interest to see our communities and our families and our friends divided on the question of religion.

We must put this public debate behind us and move to pass what is at best a reasonable compromise between those with differing views. The changes are needed, the process has been fair and the cause is right. I will therefore be supporting the motion.

Ms. Mary Clancy (Halifax, Lib.): Mr. Speaker, I compliment my colleague, the hon. member for South Shore, on his very lucid and erudite comments on this matter.

I compliment him particularly on his comments with regard to the protection of minority rights and what proposition 17 does not do. It bears repeating. The hon. member and I have a long history in fighting to protect minority rights. In both our support for this proposition there is an acknowledgement that neither one of us

would support this if we felt minority rights were in any way under attack.

With regard to religious education, it might come as a horrible warning for some of the people who are against the amendment to know that I am a product of Catholic religious education from age 5 until I graduated with an honours degree in English literature at the age of 22. Be careful, gentlemen from the Reform Party, you may get in more trouble.

That may account in some ways for the fact that I do speak very strongly for minority rights. Nonetheless, I want to put a specific question to my colleague from the South Shore.

The hon. member for Delta spoke a few minutes ago a fuzzy question. I ask the hon. member for South Shore, a practising lawyer, what he thinks about the following question, whether he thinks it is at all fuzzy, as a practising lawyer, as a former schoolteacher, as someone born in Newfoundland.

Does he support revising term 17 in the manner proposed by the government to enable reform of the denominational, educational system, yes or no? As it was put to the people of Newfoundland, I ask the hon. member for South Shore if he thinks this is a fuzzy question.

• (1710)

Mr. Wells: Mr. Speaker, with that preamble I dare not say I find the question fuzzy.

I raised this question with myself. I raised it with the people in Newfoundland whom I called to discuss this issue. I read the question. I read the debate that took place in the House of Assembly in Newfoundland. I read the speeches of the premier at the time. I read the speech of the leader of the opposition at the time, Lynn Verge. It is an issue I took very seriously.

If I thought for a moment the people of Newfoundland did not understand for what they were voting I would have some concerns in supporting this motion. There is no doubt in my mind, having reviewed the question, having reviewed the debates, having discussed the issue with residents. I am not saying we will not find an individual who may have been confused. I am not saying we will not find individuals who will say they did not realize this or that was part of the issue. On balance, I am happy with the question and I am happy with the result.

Mr. Clifford Lincoln (Lachine—Lac-Saint-Louis, Lib.): Mr. Speaker, if we share one unanimous concern and position on this side of the House regarding the amendment to term 17 it is that Newfoundland's educational system fully deserves to be modernized and reformed to make it more efficient and more responsive to a changing world.

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However, if many of us on this side of the House have reservations about the amendment, some with very strong reservations, it is not regarding the need for reform but the process used to achieve the worthy objective of reform.

The Government of Newfoundland holds that a constitutional amendment is essential to achieve reform. However, eminent experts are convinced the required reforms are quite possible within the present framework of term 17.

A framework agreement is already near reality. As recently as April 24, 1996, a mere five weeks ago, Newfoundland's education minister, Mr. Grimes, spoke thus of the framework agreement: "I am confident this framework agreement will allow us, working with stakeholders, to assist in the planning, to move forward in an efficient and reasonable manner and be consistent with the objectives government set out prior to the referendum".

Today, only five weeks after, the Government of Newfoundland would have us believe no agreement is possible and were one to happen it would be challengeable in court. Learned constitutional expert Colin Irving disagrees firmly with this presumption.

My strong objection to the present term 17 amendment relates to its real and potential effects on minority rights. Certain constitutional experts of high repute and credibility hold that in transferring to the legislative powers of the Newfoundland government certain prerogatives now enjoyed by specific parties by constitutional right, these rights and prerogatives are thereby diluted and left to the discretion and vagaries of any majority government of a provincial parliament.

Reform, no matter how praiseworthy, must never happen at the expense of acquired rights. If any rights are diminished then the reform is flawed in its very essence. The Government of Newfoundland, as indeed our own federal government, holds there is no consequence or relation to comparable minority rights under the Constitution. I beg very respectfully to differ.

Take the example of Quebec's religious educational commissions now protected under section 93 of the Constitution. It certainly would be one thing to amend this provision to implement linguistic boards—today in Quebec there is a consensus around linguistic boards—by enshrining these linguistic boards with equivalent protection within a constitutional amendment. It would be quite another thing to delegate any of the existing protections and safeguards now held under section 93 of the Constitution to the National Assembly of Quebec.

• (1715)

The important warning and caution expressed by Professor Patrick Monahan of Osgoode Hall Law School should not be taken lightly. I will quote: "The amendment of Term 17 would create a risk to denominational school guarantees in other provinces that did not hitherto exist".

[*Translation*]

Such an important question should not be the subject of a two-day summary debate in this House. It should be the subject of a full debate and a thorough examination, which is certainly the case for any measure before any legislature in Canada.

We must also take into account the fact that the referendum in Newfoundland was held at the end of the summer and that those opposing the issue did not have the necessary funding and infrastructure to argue their case. It was the big government machine supported by public funds on one side against the volunteers who were doing their best to fight a vague question that read as follows, and I quote:

[*English*]

"Do you support revising Term 17 in the manner proposed by the government to enable the reform of the denominational education system, yes or no?" I know lawyers might find it very straightforward but I know a lot of ordinary Newfoundlanders who feel differently about it.

[*Translation*]

The Newfoundland government claimed it did not have to hold a referendum. However, having decided to do so, it had to give equal opportunity to its opponents, to ask a clear question and to avoid holding the referendum during the summer months. The result was a poor turnout of only 52 per cent of voters, 54 per cent of whom voted in favour of the government position, representing only 28 p. 100 of the total number of eligible voters in Newfoundland.

It is certainly not the most convincing exercise in democracy, especially when you consider what is at stake here, namely a constitutional amendment affecting minority rights.

[*English*]

Minority rights are our most precious cause. As a Liberal, I consider them paramount within the exercise of my mandate as a parliamentarian. There is no more sacred trust. No one can predict how the future will unfold. Of course it is always possible that my fears and concerns may prove completely unfounded. I hope so.

However, if there should be the slightest risk that minority rights in this case may be impaired or that of other minorities be affected by creating a precedent, then the course of wisdom and equity becomes one of extreme care and caution.

Having informed myself as faithfully and intelligently as I can on both sides of the issue, I am convinced the amendment as presently framed and worded has a real and potential impact on minority rights.

As a committed Liberal, I cannot in all conscience support it and I intend to vote against it. Although I am convinced the amendment will pass handily, with the Bloc and others voting for it, I keep hoping that before it is sanctioned, the voice of caution will be

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heard and there will be further debate and rethinking along the way so that a wiser solution may emerge.

When minority rights exist and are involved, the precautionary principle should always and must always apply. When minority rights exist and are involved, wisdom and equity tell us loudly and clearly that we should make haste very slowly. May care, equity, wisdom and patience prevail in the end. The cause of minority rights deserves no less.

Finally, I remind the House of the eloquent warning of a famous United States jurist, Ramsey Clark, who said some 20 years ago: "A right is not what someone gives you, it is what no one can take from you". I can hear the voices of many of the groups affected by this amendment of Term 17 asking members of this House: What right have you, have us, have we, to be taking our rights, their rights away from us, from them? This in my view is a subtle question.

• (1720)

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, first of all, I would like to say that I find it amusing to have to defend an argument coming from the former fisheries minister, Mr. Tobin, because when he sat across from me we did not always see eye to eye.

For that matter, I also find it amusing to be comparing my ideas or my view of Canadian democracy, or the democracy of each of the provinces, with a representative of the Liberal Party. He made a great point of saying that, as a good Liberal, he believed in democracy. But how is it that, when something does not suit members across the way, they always say that people took advantage of timing. They said the former premier held the referendum during the summer. The member also said that the question they used was vague. Why, then, did 54 per cent of the population of Newfoundland vote in favour? Someone must have understood something somewhere.

All that aside, if the people of the province of Newfoundland asked themselves the question they wanted to ask—because we must not forget that it was, after all, the people of the province of Newfoundland who elected the premier of Newfoundland and the government of that province as being capable of governing them, of administering what concerned them—I believe that the present premier has everything he needs, just as his predecessor did, to be able to administer and to continue to do so as the public wishes.

What I would like to ask is this: Would the member across the way not agree that once a province says that it has consulted its

people, that it has agreed that democracy requires that Ottawa be asked to respect and implement the decision, it is wrong to question the validity of the referendum, to call into question the exercise of democracy in that province? I think it is insulting to the people of Newfoundland. They are mature enough to say what they want.

What they are telling us is this: Let us implement what the referendum, the consultation of the public, told us.

Mr. Lincoln: Mr. Speaker, I would like to start with a correction. I do think like a Liberal, but we are a democratic party here, one that is totally open minded. I have other colleagues, for instance my colleague sitting to my left and my colleague sitting behind me, who think quite differently from me.

In this party we respect each other, we are free to think as we wish. There is a free vote. Some will vote yea, some nay. That, to me, is democracy. I do not speak for all Liberals, I speak for myself alone, as a Liberal. I totally respect the views of my colleagues who think differently. That is what makes this party great.

Second, on the question of 54 per cent of Newfoundlanders supporting the referendum, you are not too good at calculating. The majority is 54 per cent of voters. The percentage of Newfoundlanders who voted was 52. Taking fifty-four percent of fifty-two gives you 28 per cent of Newfoundlanders who voted in favour of this referendum. You have to admit, 28 per cent is a pretty small minority.

I have no objections to the fact that there was a referendum. All that I am saying is that it is up to the Parliament of Canada to judge this question, under the Constitution. This is no longer the question of the Newfoundland legislature. Today it is the Parliament of Canada which is discussing this, not the Newfoundland legislature.

As a member of the Parliament of Canada, I must examine the entire issue, and I conclude that I do not consider it normal that the acquired rights of certain minorities be transferred from constitutional protection, from Parliament to a provincial legislature, whether it be the legislature of Newfoundland, Ontario or elsewhere, because at that point, the rights protected by the Constitution are watered down.

That is my point of view. In fact, as I have said, I am 100 per cent in favour of the formation of school boards by language in Quebec. But I would not like to see the language protection found today in section 93 of the Constitution transferred completely to a provincial legislature, whether the party in power there is Liberal, PQ or any other party.

That is my position and I am sticking firmly to it, but at the same time I respect the point of view of everyone else, including the Bloc Québécois, and their right to vote in favour, for their own reasons.

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• (1725)

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I am pleased to rise today on this amendment, because the people of Newfoundland and Labrador have made their desire known, and I put it this way because I read it this way. I read it in the referendum question.

[*English*]

On September 5 the people of Newfoundland and Labrador will be asked to vote on the following question.

[*Translation*]

No doubt Newfoundland's long transition from British colony to self-government, even if it was off by itself, forged qualities permitting Newfoundlanders to be described as a people. This people voted in a referendum to make this request. They therefore decided politically that they wanted the provisions of the referendum question put to them to apply in the future.

While I am delighted to speak to this question to defend the political will of the people of Newfoundland, I would also like to point out that the Bloc Québécois invited the Government of Newfoundland to use the occasion of the revision of its education legislation to, and I quote the letter our leader, Michel Gauthier, sent to the premier of Newfoundland. He said: "The Government of Newfoundland should use the occasion of the revision of its legislation on education to ensure the francophones there have total control over their schools, both legislatively and administratively".

I would add that history, which I have been a student of at other times, the history of Quebec and Canada reveals that, in fact, the francophone minority, which Daniel Johnson senior called "the French Canadian nation outside Quebec", has always suffered the fate chosen for it by the government of the province in question. In fact, and I will look at this point in the time remaining, section 93 originally intended to protect the protestant anglophone minority in Quebec, was cited on many occasions to protect francophone minorities. Nothing ever came of it, however. The bottom line is the pressure that may be brought to bear on each of the provinces.

This is why we took this opportunity to ask the premier to give Newfoundland francophones full control over their schools.

I would also like to point out that section 93 itself has a curious history. In 1866, while the Parliament of Canada was studying the bill to be recommended to London, Alexander Tilloch Galt, a member of the National Assembly for the Eastern Townships asked a francophone member there to introduce an amendment to protect the protestant minority in Lower Canada.

• (1730)

When members saw that, they proposed a subamendment that francophone minorities in Upper Canada be protected, too. May I remind you that, at the time, there were 165,000 Protestants in

Lower Canada and 285,000 Catholics in Upper Canada, not all of them francophones, but 285,000 nonetheless. When the subamendment was tabled, Alexander Tilloch Galt, a member of Parliament, withdrew his amendment rather than see it applied to the Catholics of Canada West, most of whom were francophones.

So how did we end up with section 93? Simply because Alexander Tilloch Galt was among the members of Parliament sent to Her Majesty to prepare what would become the British North America Act, and when Canadians saw this act, they found section 93.

Section 93 brings back the spirit of the amendment Galt wanted passed. It provides guarantees that the rights and privileges enjoyed by denominational schools at the time of the union will be maintained. Should these rights been infringed upon, an appeal may be made to the governor general, who can recommend a piece of legislation. If the province refuses, the Government of Canada may pass remedial laws. In fact, this section was invoked quite often to protect not English Canadians in Quebec but French Canadian Catholics outside Quebec and, may I remind you, used repeatedly and persistently without success.

Let us look at the various cases, starting with the New Brunswick schools in 1871. By cutting all subsidies to separate schools, the New Brunswick legislature was forcing less fortunate Acadians to either accept double taxation or shut down their schools, under penalty of seizure. History has it that the superintendent responsible for enforcing the law was known to be, if not a fanatic, at least an extremist.

Acadians, who had taken a stand for Confederation, against the Protestant majority, which, may I remind you, was in opposition—so much so that they had to be called to order by London—were convinced they would be successful in their appeal to the federal government concerning the application of section 93.

Did Cartier not promote the Constitution, saying that the protection offered under the said section extended to all minorities? Imagine their surprise when Sir John A. MacDonald handed down his verdict, saying that New Brunswick's law was undeniably constitutional and that he had no cause or right to disallow it.

Naturally, Quebecers took issue with this decision. On that occasion, historians became aware of Acadians again. The people's feelings were so inflamed that Sir George Étienne Cartier, the great Sir George Étienne Cartier, ran into trouble in the August 1871 election, eventually being defeated.

Without getting into details, suffice it to say that, to resolve this issue, Mgr. Taché had considered getting Louis Riel elected and then having him give his seat to George Étienne Cartier so that he could settle the matter of the Metis as well as that of the separate schools in New Brunswick. This goes to show that this issue of

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schools and their relation to the Constitution has always been a source of tensions in Canada.

• (1735)

In 1895, the issue of schools in Manitoba again profoundly troubled French Canadians who accounted for half of the population of Manitoba, in 1870, and for close to a third, in 1890. In 1895, the government decided to abolish the French catholic school system, claiming once again that it was too costly. To Quebec's utter surprise, the compromise arrived at by Laurier, the first French Canadian Prime Minister, compelled French Canadians in Manitoba to levy a second tax on themselves to pay for their own school system.

Imagine the indignation and the rebellion of English speaking Protestants if Quebec had even given a thought to doing the same for their own schools, even though they were not as numerous as French Canadians in Manitoba and, I might add, generally richer.

In 1915—1915, it rings a bell, does it not?—Ontario passed regulation 17 essentially banning the teaching of French in schools. French speaking Catholics did not get any support from English speaking Catholics. This debate was extremely upsetting for Quebec, just at the time when the issue of the conscription of young people to serve overseas was stirring up a huge controversy in the population. I believe that English Canada does not know to what extent the issue of regulation 17 started the ball rolling towards Quebec voting against the government on conscription.

The great French Canadians who, at that time, were defending Quebec, namely Henri Bourassa and Armand Lavergne, were linking both causes, and Armand Lavergne was one of the heroes in this fight. I will just read a quote from one of the speeches he gave in this House: "If we must fight for our freedom, we must stay here. I am saying, and I do not care where my comments are repeated, that any French Canadian who enlists is not doing his duty—"

That means that there was a link between the right to French schools and the teaching of French and the defense of freedom. It is that simple.

Laurier, torn between Canadians and *Canadiens*, resorted to appealing to Canadians' sense of fairness with regard to enlisting: "If I ask that English be taught to the young people of my race, are you going to deny them that they also learn their forefathers' language? This is all I am asking, nothing more". But it was too much.

Prime Minister Borden, pushed into influencing the Ontario premier by French Canadian bishops, was told that "any government giving in to French-Canadians would be thrown out of office within 24 hours". The federal government passed the compulsory military service legislation during the summer of 1917, against the advice of Laurier, then Leader of the Opposition, and in spite of the agitation in Quebec. What was the result? You know what hap-

pened. In December 1917, there was an election, Borden was elected by a majority, but all of Quebec, except for three English ridings in Montreal, voted massively against him.

For the first time, a government was elected without the participation of the French-Canadians. Quebec was highly criticized in English Canada, but New Brunswick, Nova Scotia and Prince Edward Island had also voted against the conscription party. It is in this context that J.N. Francoeur, whom certain hon. members do not know perhaps, presented his resolution.

On January 17, 1918, J.N. Francoeur tabled a motion in the Quebec provincial legislature which raised quite a storm and which he withdrew on January 23, after having obtained results he considered satisfactory, given the circumstances; the motion stated: "That this House thinks the province of Quebec would accept the abrogation of the 1867 covenant if other provinces were to consider it is an obstacle to the union, the progress and the development of Canada".

Why bring back these facts? I could go on and on. Because what happened afterwards, the Official Languages Act, and the charter later on, did not succeed in giving the federal government the power to "protect" minorities.

• (1740)

History will show us that, even with the adoption of the charter, Catholic francophones who want to manage their schools will have to go to the Supreme Court. Basically, we take the opportunity given by this debate where we support the people of Newfoundland to remind them they are the only ones who can make a difference.

We must remember that, when the Official Languages Act was passed, assimilation had wrought havoc, but since the act was passed and since the charter, assimilation has been increasing, in some cases, at an increasingly accelerated pace, as we learned recently from Statistics Canada.

In the case of Newfoundland, it seems important to us for Premier Tobin to say clearly he will give francophones control over their schools and, while we respect the will of the people, we really think, hope, and wish that Newfoundlanders will take their responsibility, as Quebec did, and protect their minority.

I think it must be recognized it is not the Constitution that protects English Canadians in Montreal and in the whole of the province of Quebec, but indeed Quebec's own charter, Bill 101, which recognizes rights that francophones are far from enjoying elsewhere in Canada.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I listened with some interest and was not sure whether the member of the Bloc Québécois was really speaking in support of the province and the people of Newfoundland. Often in this place

members of the Official Opposition have shown very little sensitivity to the rest of the country.

I will be brief in my question because I do not want to lose it in rhetoric. The issue for the Bloc Québécois concerns the referendum. The Bloc and the hon. member know fair well that only 52 per cent of eligible Newfoundland voters turned out to vote. Of those who voted approximately 55 per cent or 28 per cent of the population voted in favour of the referendum question.

Would the member care to admit to the House that the situation in Newfoundland in which a small minority of the population voted in favour of the question would be used by the Bloc Québécois, by Lucien Bouchard and by the Parti Québécois to support their contention that 50 per cent plus one of the voters who actually turned out to vote would be enough for Quebec to separate from Canada?

[*Translation*]

Mrs. Lalonde: Mr. Speaker, I expected a question on the referendum, but not one phrased like this. It goes without saying that the Bloc Québécois supports this referendum. It is in this House that I heard for the first time some say that it is not representative. Yet, the generally recognized rules of democracy were complied with. I did not hear anyone say it was a disgrace. When 52 per cent of the population votes and comes to a majority decision, you cannot say the referendum is not valid.

• (1745)

In Quebec, as I recall, 94 per cent of eligible voters did vote. We are convinced that, in the next referendum, the same proportion of people will vote. We do not want to invoke this fact, this is not the reality to which we are used when it comes to the issue of sovereignty.

As regards this issue, in Quebec, we have always strongly supported a democratic exercise involving the population. Obviously, we cannot compare the results of the referendum held in Quebec with those on the restructuring of the school system in Newfoundland, because the latter issue may seem less important to the general population. We cannot force people to vote.

When the majority expresses its views and wins, we do not see why we should not recognize such a result. You may think the result was close, but just remember the extremely narrow margins in Europe regarding the Maastricht treaty. Decisions affecting major nations with a lot at stake were taken, based on differences as small as 0.05 or 0.06 per cent.

We cannot question the results of this referendum, whereby the Government of Newfoundland seeks to be the sole and only government involved. I do not say this out of fear that the next referendum in Quebec might not draw a large percentage of voters.

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[*English*]

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, I congratulate my colleague from Mercier on her excellent speech. I listened to it with great attention.

I noted that the speech dealt obliquely but nevertheless very really with the question of distinct society. Implicit in everything the member said was the recognition, at least I felt so, that the people of Newfoundland are a distinct society in terms of their traditions, their culture, their educational system and their religion.

I was very much encouraged by the expression of support and confidence in the people of Newfoundland by the member. It is entirely appropriate in a question dealing with religion and education that she and the Bloc Québécois support the premise a distinct society, whether defined by language or region of the country, has a right to have its need for self-determination heard and decided upon by the House.

I take great encouragement in this point. I am the first one to agree that Quebec represents a distinct society and that Newfoundland is a distinct society as well.

I ask the member to comment on the desire of the people of Newfoundland. Their national assembly through their provincial parliament, I point out to the member, voted unanimously to take this matter to the federal Parliament. It is not just a matter of a referendum. Indeed I think the referendum is a secondary issue here. It is a matter of the rights of a distinct society to have desires for change or for the status quo expressed by its government to the Parliament of Canada when the desires become constitutional issues. Consequently it is right and proper for Newfoundland to do it.

I would be very interested in the views of the member.

• (1750)

[*Translation*]

Mrs. Lalonde: Mr. Speaker, perhaps we could come back to the status of Newfoundland another time. Newfoundland was for a long time a distinct British colony. It is in 1949 only that its inhabitants finally decided to join Canada. I think this gave them a strong sense of belonging, something I can attest to. I have often been pleased to see that politics is as important for Newfoundlanders as it is for Quebecers. So I am told, when Newfoundlanders meet on Sunday mornings, discussions are as lively as they are in Quebec. So much for the first part of the question.

I also know that Newfoundland, through its premier, strongly opposed the recognition of Quebec's distinct society, while the Newfoundland government is not seeking the recognition of its

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own distinct society. On the contrary, the people of Newfoundland have tried very hard since 1949 to define themselves as Canadians and to even assume the leadership of this Canadian nation in which Quebecers do not feel at home.

Our history being different, if we support this motion it is because we are told that the people of Newfoundland voted for it as only they can do so. We ask them to take care of French speaking Catholics because provinces are ultimately the ones who can give French speaking Catholics a minimum of tools to slow down assimilation.

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I rise to speak on this issue. There are three points that I wish to point out: first, the substance of the motion now before us; second, the issue of precedent; and third, the rights of francophones of Newfoundland and Labrador.

[*English*]

On the matter of substance, what is before us is a request from the Government of Newfoundland and Labrador to amend the terms of the union, section 17, to have a greater say in the administration and governance of the school system in the province.

I admit to a certain amount of sympathy for that. For instance, in the Ottawa-Carleton area which is essentially more populous than Newfoundland we have six school boards. Very often we hear people in the community griping about there being too many and so forth. Newfoundland which has a lesser population than the Ottawa-Carleton area has 27 school boards. One can imagine certain elements of administrative costs the government would perhaps want to better control. On that basis there is a certain amount of sympathy among the people of Ottawa—Vanier.

The notion of trying to reduce the number of school boards seems to have some merit. From the arguments we have heard and the facts in this case, even the representatives of the various denominations that have control of the school boards have negotiated with the government to arrive at a different situation.

I have been advised there was certainly a willingness on the part of the various representatives of the denominations to come to terms with what the government wanted to do. On the basis of the willingness to move it would indicate a need to do so. On the basis of the substance, therefore, I would be hard pressed to say there is no merit.

The simple fact is that the government was elected and this was at the forefront of its campaign. It has the approval of an overwhelming and perhaps even unanimous majority of members of the legislative assembly. The fact that it is supported by all party leaders would indicate a certain amount of willingness to move in that direction and to modernize the school system in Newfoundland.

• (1755)

On that basis I have to admit a certain amount of sympathy for the request.

[*Translation*]

As far as the question of precedent is concerned and the fact that a precedent could jeopardize the linguistic rights of minorities elsewhere in the country, I must say the answer to such a question is a firm no.

The bilateral constitutional amendment that Newfoundland is asking us is possible pursuant to section 43 of the Constitution of Canada and does not affect in any way section 23 of the charter, which protects the rights of linguistic minorities. The amendment deals only with the situation of Newfoundland and gives the government the right to administer the school system. The right of church groups to operate schools is maintained.

As for affecting the rights of linguistic minorities elsewhere, that would require the application of the amending formula we know, which requires seven provinces totalling 50 per cent of the population, as well as the application of the regional veto rule we imposed on ourselves and the agreement of the Government of Canada, which is not easy to obtain when it is to reduce minority rights. I can hardly imagine a situation or circumstances that could lead to such a change. And I am not alone to think so.

I would like to quote the Minister of Justice who said in this House: “The instance we have before us is profoundly different from what would arise with a proposal to change minority language or native education rights”. The minister made that declaration after consulting many experts. That is not to be taken lightly.

I would also like to quote a text sent to the Department of Justice by the respected company McCarthy Tétrault. It was signed by Ian Benny. Here is what it said in English:

[*English*]

In our opinion there is no realistic possibility that use of section 43 by Newfoundland and Canada to enact a proposed constitutional amendment would have legal implications for minority rights in any other province or under the charter.

[*Translation*]

Given these opinions, I would say that the rights of minorities in other provinces, particularly the rights of francophone minorities, are not threatened by the adoption of the resolution under consideration.

I would now like to speak about the rights of francophones in Newfoundland and Labrador. At the present time, there is no francophone school board, despite sections 16 and 23 of the charter. This situation led, earlier this year, to a court challenge on the part of six individuals, the Fédération des parents francophones de Terre-Neuve et du Labrador, and the Fédération francophone de Terre-Neuve et du Labrador against the Government of Newfoundland and that province's education minister. Since this case is now before the courts, I will refrain from commenting on it.

I will not, however, refrain from commenting on the fact that 14 years after the passage of the charter of rights and freedoms in 1982, there is still such a situation in Newfoundland. I was very encouraged by the remarks of the premier of Newfoundland, the hon. Brian Tobin. I would like to quote from an article that appeared in *Le Droit* on May 30 or 31. The article quotes Mr. Tobin as saying: "Once the constitutional amendment required by Newfoundland has been passed, we will be able to make provision for a school board serving the francophone community of Newfoundland and Labrador".

A little further on, Mr. Tobin continues: "I am prepared to see that the francophone minority of the province of Newfoundland and Labrador is given the means to manage in the province". Let us therefore hope that the situation will be corrected before the fifteenth anniversary of the charter if this amendment is passed today.

I would also like to add that last weekend I took part in the annual meeting of ACFO, the Association canadienne-française de l'Ontario.

• (1800)

It is very interesting to note that the topic was not raised, even though the meeting took place on the eve of today's debate. I, however, took the opportunity to discuss the issue with a number of people who were there, and, on the whole, those I spoke with seemed to be in favour of the resolution before us.

In conclusion, in light of what I have said about the substance, about the fear of setting a precedent, especially with respect to linguistic minority rights across the country, and on the strength of the argument advanced by the premier of Newfoundland, Brian Tobin, I would indicate that, in the vote later this evening, I will be supporting the resolution.

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, I have listened attentively to what my colleague has had to say. As you know, we in the Bloc Québécois are rather concerned about francophone minorities.

The hon. member has spoken reassuringly, and I trust that the government of Premier Tobin will take his words into consideration, and that the Bloc's concerns about this minority will be lessened as a result, when the time comes to effect the reform. School reform is a provincial responsibility.

Despite his support of the project, the hon. member has not mentioned the referendum held in that province. That is what I want him to tell me. I would have liked to find out what my hon. colleague considers a democratic majority in a parliamentary regime such as ours. Normally, a democratic majority is a plurality, that is 50 per cent plus one. Is my colleague questioning the

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legitimacy of the public consultation held by the Government of Newfoundland last September 5?

Mr. Bélanger: Mr. Speaker, my colleague is quite right. I did not raise the matter of the referendum, because, in my opinion, it has no place in this debate.

What counts is what the Government of Newfoundland wants, the amending formula before us. The current Government of Newfoundland was elected with a platform that included this bill, this reform of the education system and bilateral amendment. They received a majority mandate. The fact that this support was reinforced by the other members of the Newfoundland legislature augurs well and that, given the amending formula chosen, ought to be enough.

I understand my colleague tried to trip me up, to make me say things I did not want to. Unfortunately, he will have to try again, because it will not work.

[English]

Mr. Russell MacLellan (Cape Breton—The Sydneys, Lib.): Mr. Speaker, it is a pleasure for me this evening to speak on the motion. It is an extremely important issue. I think we could say that about all constitutional amendments. This one has evoked a lot of interest and a certain amount of controversy.

We are talking about term 17 and change thereto. In the Constitution Act, 1867 section 93 relegates education to the provinces but it does so with the proviso that we respect the denominational rights in the school systems and also the religious views.

• (1805)

What we are doing here we are doing under section 43 of the Constitution Act, 1982. Where there is a bilateral interest where one or more provinces, but not all, wishes to make a change relating only to that province or provinces, the amendments have to be dealt with by the provinces affected and the federal government.

In this case we have one province affected, Newfoundland. What we require is a resolution in the legislative assembly of Newfoundland, which we have. We also require, because the other party is the federal government, a motion through the Senate and the House of Commons of the Government of Canada. This is what we are doing at the present time, dealing with the resolution in the House of Commons.

We have to look at this very carefully. It has been said the resolution is a rubber stamp as far as the federal government is concerned. That is not true. It has been said this affects only Newfoundland and Newfoundlanders should be the ones to judge whether this part of the Constitution should be changed. That is not true.

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Newfoundland is a province of Canada. As such there is an interest of all Canadians in what takes place in Newfoundland. If it were just a rubber stamp, why would the federal government even be involved? Why not allow the legislative assembly to pass its resolution and then have it acknowledged by the House of Commons and the Senate? That is not the case. The federal government, through the House of Commons and the Senate, is asked to consider this resolution, which we are doing very carefully.

There has also been a lot said about minority rights, that there is an infringement here of minority rights if we go ahead and pass this resolution. That is not true. There is an infringement on minority rights now as the matter stands in Newfoundland. The school system in Newfoundland is run by seven religious denominations. There are four separate school boards. Four of the denominations are in one school board, the integrated school board, and three other denominations have their own school boards.

Here we have a province with a population the size of the city of Calgary spread over an infinitely wider area, with a tremendously large rural area, with an incredibly high unemployment rate and a low per capita income. We have four school boards, none of which is controlled by the province of Newfoundland. Where the minority rights are being infringed on now is that these seven religious denominations represent only 95 per cent of the population. Therefore 5 per cent of the population of Newfoundland does not have any school board representing its interests.

It has been said this will affect minority language rights in Canada. That is not the case. Minority language rights are protected by section 23 of the charter of rights and freedoms. We have been told that if we pass this it will affect aboriginal rights. That is not true either. Aboriginal rights are protected by section 91.24 of the Constitution Act, 1867, section 35 of the Constitution Act, 1982 and section 25 of the charter of rights and freedoms.

We have been told that if we pass this, religious institutions in other provinces will be affected and their rights forfeited. That will not happen because this is a stand alone resolution affecting Newfoundland. Section 93 of the Constitution Act, 1867 was put there to represent the four founding provinces of Canada. Each province that came in had its own arrangement and locked in. When Newfoundland came into Confederation in 1949 it wanted to have denominational rights entrenched in the Constitution. Now it wants that changed. That is not an unreasonable request, nor is it a request which will be unconstitutional.

• (1810)

The Constitution represents the rights of the Canadian people. It also represents the powers of the federal and provincial governments. Section 91 talks about federal rights. Section 92 talks about

provincial rights. Section 93 talks about education as a provincial right. What we are talking about is who is to have jurisdiction over education.

Right now in the province of Newfoundland there are four school boards controlled by religious denominations, not by the province of Newfoundland. The province of Newfoundland pays the bills. The teachers are hired by the school boards. They decide what schools are to be built. They decide the curriculum.

The province of Newfoundland does not have a constitutional power in its own province. The schools are controlled by religious institutions. How can we say the province of Newfoundland cannot make an amendment which would enhance the power it has been granted under the Constitution? It does not make sense.

Not only that, there has to be accountability in education. Every province has a difficult time trying to get the departments of education to provide a level of education which is suitable, particularly to the parents, and which will be of benefit to the students. In this case there is no accountability. It is not that the churches do not listen to the people, but they are not accountable through the election process as are the provincial governments. The provincial government has to be held accountable for the education system in the province of Newfoundland. The only way it can be held accountable is if it makes some decisions and has some control.

The province of Newfoundland has said it is not doing away with denominational education. There will be interdenominational schools and there will be unidenominational schools where the parents and the populations justify.

The churches will still have a role in the curriculum. They will have a majority representation on the school boards. It is just that the school boards are to be reduced from 27 to 10.

We are talking about a province which has lost 35,000 jobs in the fishery. What are these families doing with their children? They have to rely on a good school system. It is the future for their children. They cannot afford to send their children to private schools. It is vital the school system represent the hopes and aspirations of the people who are not able to work. They are looking for a future for themselves and for their children. Education is the future for the young people of Newfoundland. If there is to be a future, the province of Newfoundland has to be accountable. That is what this resolution is about.

We want to pass this resolution. We want the province of Newfoundland to abide by what it has promised the churches, that they will be involved. It has tried since the royal commission of 1992 to reach an agreement. They were not able to reach an agreement, and so this is the only way.

People say why not pass a resolution in the legislative assembly. If we do that we are open to an action on the Constitution. The Constitution will still say the denominational school system is in place and that the churches are supreme in education in Newfoundland. That is why we have to change the Constitution. It is a very reasonable request and I support it.

• (1815)

[*Translation*]

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, again, I have to congratulate my hon. colleague for his first comments, when he put us on the track by saying that such a resolution should not be passed blindly and that every step needed should be taken to debate it. So, today, the debate held in Newfoundland is now in this House and everyone wishing to take part can do so. This is a principle I recognize and I am proud to tell him that I liked his comment.

However, he avoided a basic issue, that is the recognition of the referendum held in Newfoundland on September 5. That is important. It is okay to talk about a school system and about minority rights, but it is out of the question to talk about a basic principle such as the recognition and the legitimacy of a referendum held according to the rules of democracy. Therefore, I ask my hon. colleague why so many members in his caucus are trampling on such a fundamental right, the recognition of a referendum held by citizens.

[*English*]

Mr. MacLellan: Mr. Speaker, this is not about referenda. This is about education. It is about providing a suitable level of quality of education for the students in Newfoundland.

There was no requirement for a referendum. The Government of Newfoundland called a referendum because it wanted to show it was serious about having good faith in this matter. I cannot really talk about a referendum because a referendum was not something called for, it was really not part of the process.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the hon. member has made a very good presentation of the facts concerning the condition of the educational system in Newfoundland.

This situation was created in 1949 when Newfoundland joined Confederation. It is not a problem that has occurred in the past year or in the past five or ten years—the member is nodding in agreement—but it is a problem which has been around for some time and has to be dealt with.

I believe my facts are correct. Could the member enlighten me why in 1987 Newfoundland added two more boards to the already 25 boards when it had this problem? Why did it make it worse

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rather than dealing with it? The problem must have existed in 1987. There must be an explanation.

Mr. MacLellan: Mr. Speaker, it is a mystery why two other boards were added, but it was a political decision. In hindsight, not all political decisions are what we would do at the present time.

There are 27 boards in a province with a population of approximately 600,000 people. In rural areas having a school bus driving for miles until it reaches the denominational school of choice for a student is not in the best interests of providing the best level of education.

As I mentioned earlier, the major decisions are not made by the Government of Newfoundland which as government must be held accountable. Not only that but for every dollar put into a denominational school in one of the 27 school boards, the equivalent of that dollar has to be put into every other denominational school in that jurisdiction. If the roof leaks at one of the school boards, the other three school boards in the district get the same amount of money even though they do not need it. They put it in a bank account where it accumulates interest. The province has not been able to keep tabs on where this money goes or how it is spent. The situation is completely out of control. The accent has to be put back on giving the young people in Newfoundland the best education that they possibly can get for the dollar that the Newfoundland government can give them.

• (1820)

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Mr. Speaker, I appreciate the opportunity to participate in this debate.

I would like to begin by going back to the very first piece of campaign literature that I put out in my riding, even before I was elected. At that time the constitutional debate that was evolving in the country was centred around the Meech Lake accord.

The then leader of our party, Mr. John Turner, and I had a meeting about the riding of Broadview—Greenwood which had been NDP for some 25 years. I asked his permission to seek the Liberal nomination in that riding. I said: “Mr. Turner, there is one issue that I would really like to make central in my campaign”. It had to do with the Meech Lake accord. I said that I would like his permission to campaign on the fact that the Meech Lake accord was flawed and needed amending and I wanted that to be a central part of the reason why I would knock on doors and seek that riding.

Mr. Turner was very generous in his response. There was a nomination meeting which I won and I then began my campaign in Broadview—Greenwood. Just the other day I was handed that very first piece of literature which I put into the riding. The masthead of it states: “Why I want to be your member of Parliament” and underneath, which the person brought to my attention, I said: “I believe in a strong national government, one that protects minority rights and is sensitive to regional concerns. I am opposed to the Meech Lake accord because I believe that in its current form

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Meech Lake weakens the national government's ability to manage these concerns".

When this issue was put before us in January and we learned that we were going to be asked to debate this issue in the House of Commons, I immediately started seeking the advice and counsel of people far more learned than I in this whole area of constitutional law. I found out that there were some concerns with this amendment. Not only was there the question of minority rights but there was the question of the precedent that was going to be established through this process which could or might have an adverse effect in the future in other provinces of our country.

Over the last few years the train of decentralization has been going very fast through this House of Commons. We have been dismantling, offloading, passing on responsibilities to provincial governments at a rate that I do not think many of us would have imagined possible.

• (1825)

I speak as someone who has always believed that the national government should have the capacity to act in the national interest and should have the instruments to maintain that capacity. Many of these instruments are being changed dramatically and slowly but surely, in my judgment, we are becoming nothing more than a glorified think tank. We are giving away instruments which I certainly do not believe is going to serve us well in the long run as we try to hold the country together.

No one in the House would argue that the status quo should be maintained when it comes to modernizing and reforming the educational system in Newfoundland. Nobody is talking about dictating or interfering with how that provincial jurisdiction manages education.

A framework agreement was put in place to which the province had agreed in principal. When progress is being made and a framework agreement is in place, I wonder why the need for a constitutional amendment.

I think of the progress that was made on the framework agreement. In spite of that there is this drive to put this through Parliament in almost one day. I wonder if members are studying and looking at the detail enough. I cannot for the life of me understand why, in the interests of giving everybody a comfort level, not just in the province of Newfoundland but other provinces, we do not take the time in committee to do that, especially when we know that we are setting a very dangerous precedent here.

One of the things the Minister of Justice said in his speech on Friday was:

The government of the province of Newfoundland and Labrador has also tabled draft legislation by which it would be provided that unidenominational schools may be created where numbers warrant and where the parents choose that for their children.

I have heard the same statement today from many members supporting this resolution. I have asked in the debate if members would support an amendment to the resolution that is now before the House that would reflect in specific terms those very words. It is with that in mind that I would like to move:

That the motion be amended in the schedule entitled "Amendment to the Constitution of Canada":

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

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

I would like to put that amendment forward.

In summary, I believe in the spirit of compromise. Many members in the House today have stated that there is a spirit of compromise. I am hoping that the government would see that and if it chose to support the amendment then it would go a long way in alleviating those minority rights that so many of us are concerned about.

• (1830)

The Acting Speaker (Mr. Kilger): The amendment put forward by the hon. member for Broadview—Greenwood is in order.

Mr. Derek Wells (South Shore, Lib.): Mr. Speaker, by way of clarification on the amendment, the member would add the words "where numbers warrant". Which body would decide if the numbers were sufficient? Would it be a school board, a church or the provincial legislature?

Mr. Mills (Broadview—Greenwood): Mr. Speaker, we are following the exact resolution that has been tabled here today. It specifically enshrines the words the Minister of Justice used in his speech on Friday. It gives further definition to (b)(i). That further definition is exactly what the Minister of Justice stated in his speech.

Mr. Joe Comuzzi (Thunder Bay—Nipigon, Lib.): Mr. Speaker, I compliment my friend and colleague from Broadview—Greenwood on his very eloquent speech and for his well thought out amendment to the motion which will be voted on sometime this evening.

As the issue was being discussed over the past 10 days, we heard from many quarters the results of changing the Constitution of Canada. The Constitution has been debated for many reasons for many years.

We are changing an article of the Constitution. In the debate over the past 10 days we have heard that this will open the floodgates for constitutional change as it affects not only the province which was the last to enter Confederation, but Canada's many provinces

particularly those in the west. They will have the opportunity for constitutional change such as the one before the House today.

● (1835)

My friend has some knowledge in this area. Would he mind explaining to the House the potential for opening the floodgates with respect to this change and how it affects future changes to the Constitution of Canada?

Mr. Mills (Broadview—Greenwood): Mr. Speaker, I thank my colleague for his generous remarks. I am not a constitutional expert so I do not want in any way to lead anyone to believe that my remarks are based on some deep constitutional study or thought.

My concern has to do with the preoccupation in this Chamber and in other chambers across the land that the fiscal framework is the guideline for anything and everything. I have always believed that Canada's value system is something which is central to this Chamber. We are the legislative Chamber that is supposed to ensure that national standards are maintained, not just in education but also in health. National standards should be our driving force. I am concerned that as we compartmentalize and decentralize this country we are going to lose a lot of the thrust that has bound us together.

When our forefathers started putting this country together, very little of it made any economic sense. We defied economic logic, brought this country together and made it work. My concern is that if all of a sudden, in the name of our preoccupation with the deficit and debt, we end up squeezing some of the more disadvantaged regions, which by the way exist in every province, and we lose sense of what pulled us together and the assets which have helped to make this country great, then before we know it there is going to be very little holding us together.

[Translation]

Mrs. Tremblay: No, it is a Liberal who spoke, now it is his turn.

The Deputy Speaker: I thank the members. As my colleague has just pointed out, the member for Broadview—Greenwood spoke as an independent, not as a Liberal. In this case, we go around each time. It is now the turn of a member from the government side.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it has been a very interesting debate with regard to the constitutional amendment which was tabled in the House on Friday, May 31 by the hon. Minister of Justice and Attorney General for Canada.

This issue has been discussed among governments, school boards and members of Parliament for some time now. One of the things I found about this issue is that many different dimensions

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and many themes have evolved. A lot of those really depend on what point of view one is taking. In listening to the argument, in looking at the research and in looking at the information that was received by all members of Parliament, a number of questions came to my attention just by looking at some of the basic facts.

● (1840)

I understand that a referendum was not necessary in Newfoundland. This particular amendment under section 43 of the Constitution Act does not require a referendum, but rather a bilateral change as a result of the will of the legislature of Newfoundland and concurrence or agreement by the federal government pursuant to section 43. However, a referendum was taken and that alone raises a question for me. Why was there a referendum? If it was not necessary, why did the Newfoundland government of the day decide that a referendum had to be held? It is an interesting question.

We could carry this aspect of the referendum a bit further. We are wondering why Newfoundland held a referendum. Then we look at the fact that the referendum was called during the summertime, a time when people across Canada tune out politics and other matters. And why is it that the Government of Newfoundland did not campaign during the referendum campaign? The vote was held on September 5, 1995. These are the questions I have and I hope all hon. members will find the answers before they cast their votes tonight.

There was a referendum which was not necessary. It was held at a time when people were tuned out. The government did not campaign for the referendum. However, every member who spoke in this place in favour of the term 17 amendment said how critical it was, how crucial it was for the poor kids in Newfoundland.

I do not think we could find a person in this place who would argue against fixing Newfoundland's education system. We could ask for unanimous consent at this moment and get it. I am absolutely certain of that. The issue is not whether we should help the province of Newfoundland fix its education system, it is more than that. I am not exactly sure of all the details, but there is more to this. If we asked the people of Newfoundland today whether they wanted to fix the education system, 100 per cent would say yes.

That begs another question which must be answered: Why did 45 per cent of the people vote against fixing the education system? Only 52 per cent of the eligible voters turned out to vote on this very important issue. One hundred per cent of the people should have voted for it because it is so critical, yet only 52 per cent of the people turned out to vote. Of those who voted, only 54 per cent actually voted in favour of the resolution. Forty-five per cent were against it. I do not know what the answer to the question is. Why is it that such a large number of the people in Newfoundland whose

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education system is in a terrible situation voted against something which obviously would have fixed it? There must be more to this.

Newfoundland entered Confederation in 1949. As part of the terms of joining the union, its present system was established. There are presently many school boards and denominational rights. In fact, others have often said that all of these denominations represent 95 per cent of the people in Newfoundland and it could not possibly be some majority trying to do something to the minority denominations, that it must be something else.

The problem started in 1949. There was no public school system. There were entrenched minority rights on a denominational basis. They were earned. There was a quid pro quo. They gave up something to have this and the other party gave up something to have this. That is the essence of negotiation. That is why they have a lengthy debate about the terms of union of Newfoundland.

• (1845)

Some would say this is not an issue of minority rights. That is not true. In 1987, after so many years under the system, the Government of Newfoundland in its wisdom, having assessed its whole situation since 1949 right through to 1987, saw this terrible problem. What did it do? It came to Parliament and said it wants a constitutional amendment and it wants to add two more school boards, it wants to make the problem worse.

It raises another question with me. If people have a problem with a school board system, why would they ask for changes to even add more school boards? It does not make sense.

There must be an answer to this question. The issue of this 95 per cent of the people of Newfoundland as represented by the seven denominational groups is a very good trick in politics. It is intellectual dishonesty but it is a trick because it is using numbers to say something to make people think it is such a big number, it must be true. If people list all the denominations in the world, obviously they will add up to being the majority of the population of the world.

In this case we have seven denominations with various boards associated with them, some 27. It is not so much that these denominations add up to 95 per cent. It is how those denominations voted as a block or as a group and who voted for and who voted against.

There is a minority rights issue here. Ask anybody who knows anything about the situation that occurred during that referendum and they will say very clearly it was the Catholics and the Pentecostals who predominantly voted against term 17.

The rest of them, as a block, consolidated their efforts. Those individual minorities became a majority of 55 per cent. As a result of that referendum, which was not necessary, they made a decision

affecting primarily the Roman Catholic church and the Pentecostal church.

This is a clear example of a minority right acquired under the terms of union with Newfoundland when Newfoundland entered Confederation. That minority right is lost. The majority took it away.

I looked at many of the letters. I have another question for all members. Can anybody explain to me why in late March and April a framework agreement was moving forward to address all these problems without the federal government, without the legislators?

It was school boards and churches and government officials working together. We have all kinds of examples of the commission and the various other things. These things were moving along and then something happened.

Once we had things in place that over a few months would have resolved most of the substantive issues related to the educational problems in Newfoundland something else happened. It was an election. It was a premier who had made some commitments, who had done something and said something and had a plan in place and we had an election. I do not know what the arrangements were. I do not know what the deals were. There are more considerations here than education.

What happens to the assets of the various denomination groups that lost the referendum, that will lose their denominations rights. They own the buildings. They do not own the land. What can they do with them?

Those are real problems to deal with. Were the people of Newfoundland, when they were asked to consider to vote in that referendum, given all the facts and figures? Were they told about the minority rights situation? Were they told about the constitutional implications? Were they asked about the future of minority rights as they relate to education, language and other aspects which they negotiated for? They were not.

• (1850)

I asked the member to please help me answer the question. Why did 45 per cent of the people who voted vote against this? The member, who is supporting term 17, said it was ignorance.

It is not ignorance. We must understand why 45 per cent of the people voted against term 17. It is a principle the Liberal Party has stood for time and time again through its history, fighting on behalf of minority rights. It is why I am a Liberal. I am here fighting for minority rights.

Term 17 to me is not an education issue. I will do whatever I can and I know all members in this place will do what they can to make sure Newfoundland's education system is rectified properly. However, I do not want to see decisions made for fiscal expediency. That is what it really comes down to. We can put out a budget and

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save \$25 million. Let us just grab control of the situation and placate this and we could have a public school system.

The issues raised have been interesting, but they do not go to the heart of it. We need the political will and integrity to deal with the real issues, the real points of debate, minority rights. For all of these reasons and all the questions and concerns I have, I cannot support the constitutional amendment to term 17.

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, I start by making absolutely clear that I am not opposed to educational reform in Newfoundland. I also want to make it absolutely clear this is not a debate between those who support educational reform in Newfoundland and those who oppose it.

To me this is a debate on how the federal government should respond to a request for an amendment from a province under article 43 of the Constitution, especially when that request deals with removing entrenched rights from the Constitution. That is the issue.

I fully support measures to modernize Newfoundland's school system to make it more efficient and financially cost effective. There is no way I would support the status quo in Newfoundland, nor do I carry any brief for religious schools.

I have very serious concerns with the substance of the motion and I have very serious concern with the process by which we are dealing with the motion.

This is a serious constitutional amendment which removes certain entrenched rights. Yet we are dealing with it in two days. This motion was tabled in the House last Thursday, only four days ago. The debate started on a Friday, a short day when most members are on their way home to their constituencies. It has resumed today and we are to vote tonight; only two days on an important constitutional amendment which could have implications for other provinces.

Let us compare this with our ordinary legislative procedure. On an ordinary bill dealing with mundane matters we have two debates, one on second reading and one on third reading, and we have committee hearings. The reason there is a committee hearing is to give an opportunity to those who oppose and to those who support the bill to put their views before parliamentarians where they can be asked hard, tough questions and cross-examined. By doing that through those hearings we sift out the truth with respect to certain questions. My colleague who just spoke posed several questions which need clarification.

After all these years why do we have to proceed with this important motion in just two days without public hearings? I approached the table with the attempt to amend this motion to have public hearings on it for two weeks and then report back to the House on June 17, which would still give us a chance to pass it

before the House adjourned. However, I was told that such an amendment would not be in order.

• (1855)

We have been asked to vote on this tonight with many questions unanswered. The government might say there are no hearings on this because this is a motion, not bill. However, we have seen in the House occasions when there have been committee hearings on motions, including constitutional motions. I was on the committee that dealt with the motions dealing with the Meech and Charlotte-town accords. Those were more comprehensive but nevertheless they were motions dealing with constitutional matters.

I will now deal with the argument made by some that since the Newfoundland government has decided to request this amendment we should simply grant it and not interfere. In other words, we should act as a rubber stamp.

That article 43 of the amendment formula requires the consent of both the federal and provincial Parliaments indicates we are not simply to act as a rubber stamp. Of course we must give weight to the debate and decision in Newfoundland, but we have an obligation to inquire whether all is in order, whether the entrenched rights are being given up by consent and to what extent there was agreement. Precedents are set in these matters and we have to ensure no oppressive precedents are being set or initiated in this decision.

I raise some of my concerns with respect to this motion. If we had committee hearings on this matter it is possible these concerns could have been dealt with there. My first concern is with respect to the referendum. I know it was not necessary in accordance with article 43 that there be a referendum. All that was required was a resolution of the Newfoundland House of Assembly. However, the Government of Newfoundland decided to have a referendum and is now using the results of that referendum to support this amendment.

However, we have to recognize that only 52 per cent of the electorate showed up for that referendum. It was held during the summertime. The proposal received only a 54 per cent approval. That means less than 30 per cent of the electorate in Newfoundland supports the proposal.

It is also stated the referendum question was not clear, to which I think there is some truth. Some Newfoundlanders have told me they did not know whether they were voting simply on the reform of the system or for a constitutional amendment. Many who agreed to a reform of the system did not agree to give up their rights constitutionally.

Unlike in Quebec, there was no referendum act, no provision for yes and no committees, no organization of the no and no funding of the no in an organized way.

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All these questions lead me to believe there is a need for concern. Maybe there are answers to those concerns. That is why we should have public hearings through a parliamentary committee.

The next point that raises concern is the framework agreement. Opponents to this provision have told us a framework agreement has been negotiated which deals with all the major faults in the Newfoundland school system and it has been agreed to by all the churches, including the Catholic and Pentecostal. That agreement reduces the number of boards from 27 to 10 and deals with other matters. They say these changes can be implemented by ordinary legislation and that a constitutional amendment is not necessary.

There are different opinions on this. The Newfoundland government says it cannot do it without a constitutional amendment. Others, including eminent constitutional lawyers, say it can. Again, this is the sort of issue I would have been pleased to deal with in a parliamentary committee with committee hearings.

My third concern is the Newfoundland government says that even if it were to legislate this framework agreement and even though the churches have officially agreed to it by resolution, it still could be challenged in the courts by individual church people and so on. That is correct. Anybody with money can go to court and challenge something. However, at a meeting I attended the other day where there was a very prominent constitutional lawyer present, he said that while one can challenge it, there is very little chance the courts would overturn such a piece of legislation to change, improve and modernize the Newfoundland school system. There is very little chance of success in challenging that in the courts. Again it is an issue that could be clarified by hearings in committee.

• (1900)

My fourth concern is with respect to the proposed amended term 17. The Government of Newfoundland said in statements that the proposed amended term 17 protects rights to minority religious schools and that religious schools will remain where numbers warrant. I should point out that nowhere in the proposed new term 17, which is part of the resolution of this motion, are the words "when numbers warrant" present.

My colleague has introduced an amendment to put those words in the resolution but they are not in the resolution tabled by the Newfoundland government.

The words that are of concern to people opposing this are in subsection (b) which say that religious schools will continue: "subject to provincial legislation that is uniformly applicable to all schools". In other words, it is not a guarantee. It is subject to legislation in the assembly of Newfoundland. It does not seem to guarantee anything. Again that is an issue which could be clarified in committee.

We are also told by eminent legal counsel that the Government of Newfoundland could have established real public schools before now had it wanted to do so. It does not need an amendment to the Constitution.

A very important court decision in 1926 said that any province, because they control education, can establish parallel systems of public education in their provinces if they want to. It is the same with respect to French language schools. Under the present Constitution the province of Newfoundland could establish French language schools if it wanted to. It does not need this amendment.

In conclusion, I want to repeat that my objection to this motion is the process, and the implications for similar motions from other provinces. I am not opposed to the modernization and reform of the Newfoundland school system. I am fully supportive but why could we not have a limited period of public hearings? Why could we not have at least two weeks of public hearings until June 17 where both sides could have been heard?

I ask the government to respect Parliament, and to adjourn this debate for two weeks, hold public hearings and return this motion to the House on June 17.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I am amazed at what I am hearing.

The Liberals, while in opposition, time and time again berated the then government for putting time limitation on bills and motions. They become the government and now members stand up and say this is a catastrophe, an affront to democracy. Two days to put a bill through this House. Time limitation out the door. Terrible.

The government called time allocated twice on Bill C-33, the gay rights legislation. It shut off hearings, even in committee. Where were these members then? Why does it come to the floor of the House when it suits them?

Mr. Allmand: Mr. Speaker, the hon. member should apologize. He should look at the record. I voted against time allocation on several occasions. I spoke against it on several occasions. If he wants the references I will send them to him.

I agree with him that we use time allocation and closure too much and I have said that before. I voted against it before when it was a serious matter and I will do so again.

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, I appreciate hearing that explanation from the member for Notre-Dame-de-Grâce.

The government House leader assured this Parliament shortly after the election that this government would use time allocation and closure far less frequently than the previous Mulroney administration did.

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• (1905)

However, the government has used time allocation and closure more than the Mulroney government. Maybe the hon. member for Notre-Dame-de-Grâce is not the culprit, but members will support it when it suits them and when it does not suit them they will support it. That is wrong.

Why does the member not suggest that the government—

The Deputy Speaker: The hon. member for Notre-Dame-de-Grâce.

Mr. Allmand: Mr. Speaker, I have supported time allocation too. I believe that when the debate is being abused by the opposition it should be used. I would agree that sometimes we use time allocation too quickly, but in this case time allocation has not been applied.

Some hon. members: Oh, oh.

Mr. Allmand: Mr. Speaker, I would like to answer the question which was put by the hon. member. I guess they are not interested in my answer.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, at last, it is my turn to speak. We have heard about every kind of statement that could possibly be made and it is obvious that members present things the way it suits them. For example, it was said that there was a referendum but that the participation was not high enough, it was summer time and so on and so forth. Yes, there was a referendum. Democracy was respected since everybody was allowed to vote.

Now, if only 52 per cent of eligible voters did vote, it means that only 52 per cent were interested enough to vote on that issue, nothing more. A referendum must not be judged according to the number of people who vote. Was the referendum a democratic process? Yes, if all conditions were respected, if everything that is possible was done to have everybody on the list of voters, if all the polls were in place and if they were manned with sufficient staff to enable people to vote. That is what democracy is. It is not about the number of people having voted. With a 94 per cent participation, the referendum in Quebec was no more or less important than this one. It has nothing to do with it. What is important is the people who do vote, nothing else. What is important is that the people who want to vote are able to do so.

Mr. Speaker, I forgot to advise you that, from now on, Bloc members will share their 20-minute periods between them.

I heard the member for Carleton—Gloucester who spoke this afternoon. I am very happy to see that he is back on his feet, but I think the Chair should check the blues to see exactly what the

member said. He tried to go after everyone and insulted all the members of this House. The words he used in the House cannot even be repeated. I think what is also important to see is an attempt to claim that protection is being sought for minority rights. But I say to someone who protected minority rights, our colleague who became an independent member has added an amendment saying: “where numbers warrant”. So, he has just limited the minority rights of francophones.

What has been debated in the House for a few hours is the attempt to protect religion. Let us talk clearly about what we want to protect, that is, religious rights in Newfoundland. Simply put, we have no business in Newfoundland affairs. Section 43 that says how the Constitution may be amended.

In this section, the process for amending the Constitution is outlined. The Newfoundland legislature expressed its opinion twice: once by a majority and, in all parties, there were members opposed to the motion, and recently, by an unanimous vote. The premier was accompanied by the opposition leader and the leader of the third party when he came to do his lobbying. Was there better lobbying in Canada recently? Usually lobbyists hide. The premier gave press conferences. He brought all his people with him. Why? Because he finds it extremely important for his province to be able to manage its education system. We have no business in there. He has met the terms of section 43.

• (1910)

This afternoon, the member for Carleton—Gloucester said that there had been no consultation. There was a royal commission which issued its report and recommendations in 1992. As we know the churches are usually on the conservative side, and when the government tried in 1992 to negotiate with church leaders and see how they were going to implement the recommendations, these leaders decided not to take part in the modernization of the system in Newfoundland. The government then changed its mind and decided to request an amendment under section 43. Moreover, it added a referendum.

I believe, as the justice minister himself was saying, that we must make an informed decision, and I do hope that the Holy Spirit will be at work until we vote, because some members need more help than others in this respect.

If we look at the situation, we understand that since 1723, when schools were first established in Newfoundland, they have always been run by churches. It is obvious that in 1996, 250 years later, churches will have to make a decision, either to withdraw—this reminds me that when we, in Quebec, asked the council—

An hon. member: The legislative council.

Mrs. Tremblay: The legislative council. We got rid of it such a long time ago that I even forgot how it was called.

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When we applied to the legislative council to change our education system, we were told that would lead to total decadence. We wanted our own education department and all the rest. There has not been an increase in problems since then, but we can now carry out reforms and can keep the system up to date and change it anytime we want things to progress.

Since 1723, churches have been in charge of schools, but each Church brings its own people to its own school. This afternoon, one Newfoundland member made a great speech explaining clearly that in his province, where the population is equal to that of Calgary and the territory is quite large, the system can no longer afford a situation where there are six schools in one municipality because there are six different religions and that the province wants to make some changes.

I think we have to push aside all pettiness. We must not meddle in Newfoundland's affairs except to check whatever comes under our own jurisdiction. In my view, our jurisdiction is about two things. There is, first of all, section 43. Did Newfoundland abide by section 43? Yes. Section 43 states that we can amend the Constitution if the amendment applies to one province only.

If some people fear that Quebec will use that precedent to deny rights to English-Canadians, they should not lose any sleep over that because the anglophones' rights are protected by the Quebec charter. The charter would have to be modified in Quebec City, not here, before we could hurt the English-Canadians in Quebec.

Therefore, we would not ask Ottawa's permission to do so, we would do it directly in Quebec and accept the consequences of such a measure. You can sleep like logs all over Canada tonight and not worry, because the rights of anglophones are well protected in Quebec.

Mr. Dubé: Better than anywhere else.

Mrs. Tremblay: Better than anywhere else. That was another of those derogatory remarks by the hon. member for Carleton—Gloucester who attacked the way Quebec deals with minority rights. I already said in this House that if French speaking Canadians outside Quebec were treated as well as anglophones are treated in Quebec, we would not have the problems we have right now.

There is one thing, regrettably, which I feel is worth mentioning. Of course, the Bloc gave its support to Mr. Tobin when he came here. But we gave it with a slight reservation concerning the rights that are really threatened, those of French speaking Newfoundlanders.

I have here the draft of a bill the Newfoundland government introduced on January 3, 1996. I certainly hope the final version will be more explicit concerning the protection of minority rights.

• (1915)

I also have a copy of the documents concerning the legal action French speaking Newfoundlanders are taking before the Supreme Court of Newfoundland because their provincial government is not complying with section 23 of the charter. That is where the real problem is. Good intentions are there, apparently, but we are anxious to see how it will really turn out and through which means the rights of francophones will be protected.

The province wants to create a school board that would include a three-member committee in charge of the French schools, the French language committee. The mandate of these three members is set out in clause 3, which includes six subclauses. It says that, within the curriculum established by the government, francophones will be able to make decisions regarding the aspects of the program that affect their language and their culture. It is a bit difficult to accept. How can you meet the needs of the francophone culture in an anglophone environment? They are limited to the curriculum established by the government.

Another difficulty is the hiring of personnel that will have to be recommended by board members before the three francophones can approve them. We will support the resolution but not the amendment put forward by our colleague, and we hope Newfoundland will do whatever it takes to protect the rights of the francophone minority.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, near the end of her speech the member talked about Premier Tobin of Newfoundland coming to speak to the Bloc and to explain the situation. I am sure the member and all other members would agree that the Government of Newfoundland has conducted an extraordinary lobby of members of Parliament for support for this amendment.

Would the member care to speculate or hazard a guess as to why the Newfoundland government did not participate or campaign during the referendum?

[Translation]

Mrs. Tremblay (Rimouski—Témiscouata): Mr. Speaker, only the Newfoundland government can answer the question as to why it did not campaign during the referendum. I do not even know what referendum the member is referring to. There were quite a few of them in Canada. Which one is he referring to? If it is the last one, Mr. Tobin took an active part in the Quebec referendum.

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, following the example of my colleague, I would like to take part in this debate. We know that on September 5 of last year, the province of Newfoundland held a referendum, and that this consultation dealt with the reorganization of the school system in that province.

Fifty-two per cent of the population voted in favour of the government's proposal.

The consultation was carried out in an entirely legitimate manner. However, in order for it to be implemented, an amendment by the House of Commons is essential. We must therefore amend a section of the Constitution.

For the province of Newfoundland, going ahead with the reform approved in this referendum will mean important changes to the system. In discussions, this government relied on a number of arguments, including the one that the existing system has led to a proliferation of small schools, often located very close to one another, and having very complex administrative structures.

• (1920)

The issue of denomination also came up in this connection. However, with respect to the issue we are debating today, because everything concerning education comes under provincial jurisdiction, we need not concern ourselves with the actual manner of implementation.

We should concentrate, I think, on how things were done during this referendum. The Government of Newfoundland submitted this question to the population. The latter responded to the question, and we know the results. It is therefore entirely legitimate for Newfoundland to expect the federal government to agree to amend its Constitution so that this plan can go ahead.

Of course, many of the Liberal MPs who have spoken today, and on Friday as well, have refused to acknowledge that this referendum has any legitimacy. I am thinking, for instance, of the hon. member for St. Boniface, who has made a great song and dance about the question not being the right one. There are always questions about what is the right one. When will someone finally ask the right question, regardless of what referendum it is?

It is the outcome which determines whether a question is good or bad. He interprets it as bad because it did not meet his expectations. If the Newfoundlanders had voted differently, the question would have been the right one, in his opinion. He has also referred to the fact that the financial outlay of the two camps was not equal, and so on, the same story over and over, and the same story that repeats itself when Quebec is asking questions about its future.

Of course, we know that the federal government has already recognized, in 1948 for example, that 52.3 per cent of the population of Newfoundland had said yes to joining Confederation. Why then today would we claim, as the hon. member for St. Boniface has said, that this figure is not sufficient? He will reply that not enough people voted.

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So when, do you think, can we satisfy these people? It is very difficult. We might as well say no other referendum should ever be held again. We might as well say: "Let us allow the courts to decide our future for us. Let us allow the House of Commons to adopt whatever it wants, and not to take public consultation into consideration".

As a Quebecer, I must wonder a few things about this motion. Last September 5, for example, did the Prime Minister, or his Minister of Intergovernmental Affairs, or some MP in his group describe the question as the right one? Did they analyze it? Did they put it under a microscope? No. In the course of discussions, we have not looked at the question. Today, we are to consider the matter and then vote on an outcome. Now, however, is the time to analyze it. I think it is a bit late to do an analysis.

Did the Prime Minister of Canada tell Newfoundlanders whether he considered the question legitimate or not? No. He did not raise a finger over it. There was no mention of it either in any debate in this House. The 52 per cent was accepted.

Today, however, the figures are being questioned. Of course, when it involves Quebec, does this country called the finest in the world have a double standard—and I think we have to ask the question? I think so. When a province besides Quebec is involved, a double standard is acceptable.

Quebecers of all stripes, with a few exceptions perhaps, agree that they alone may decide their future.

• (1925)

Of course, we know the leader of the Liberal Party in Quebec. He is probably the exception to the rule, because, recently, he voted against Quebecers' right to decide their own future. Will a rule be made because he said these things? I think not.

On a number of occasions, the current Prime Minister also said he would see about the question put to Quebecers at the next referendum. Did he write the question for Newfoundland's referendum on September 5. We are entitled to ask ourselves. They want to take a stand when Quebec is concerned, but do they do the same thing for other provinces?

In the words of the Prime Minister, what is the acceptable majority? With only 52 per cent of registered voters in Newfoundland exercising their right, the resulting majority was enough for the province to consider the referendum legitimate.

In Quebec, 94 or 95 per cent of the population voted, and a favourable outcome would not have been accepted. One thing is sure, when Quebecers say yes to a sovereign Quebec, we will have to remember that a majority there has always been simply 50 per cent plus 1. We will not let a minority decide our future.

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Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Mr. Speaker, I listened attentively to the member's remarks and his concern about double standards. I would like to address that point.

Earlier this evening I put forth an amendment in the House which was accepted and will be voted on later this evening. Essentially the amendment puts into the (b) amendment we are debating the exact words from the mouth of the Minister of Justice on Friday and the premier of Newfoundland in his press conference last week.

Where numbers warrant we would be providing the same test for the establishment of denominated schools in conformity with section 23 of the Canadian Charter of Rights and Freedoms, which also reflects the express intention of the Government of Newfoundland. In other words, these matters can be settled by an objective test either by agreement or by the courts.

Will the member and all members of the Bloc, for that matter, support the amendment where numbers warrant? It establishes the same condition or the same opportunity that would be afforded to minority rights related to French schools in Newfoundland which the premier of Newfoundland verbalized when he had his private meeting with members of the Bloc. Will they support the amendment before the House this evening?

• (1930)

[Translation]

Mr. Fillion: Mr. Speaker, the Bloc Québécois' position is very clear. First of all, we gave our support to the motion tabled by the Government of Newfoundland, because we want to respect the referendum. The people have expressed their opinion and we respect the majority. However, we have some concern about minority rights.

That was brought to the attention of the Government of Newfoundland. It was told that minority rights should be further protected when it proceeds with its reform. But it is up to Newfoundland to make this school reform. That is up to the provinces. But we are asking Newfoundland to respect minority rights. However, the amendment proposed by my colleague brings absolutely nothing to the debate. It brings absolutely nothing, except that he is simply trying to make political hay for himself, at the expense of the people of Newfoundland.

[English]

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Mr. Speaker, the member was the one who referred to a double standard. Why will he not support an amendment that, when put into the body of this constitutional amendment, will give not only denominational schools but also the French minority in Newfoundland an enshrined position?

Why does the Bloc run away from something being enshrined in a constitutional amendment when it is right before the members?

[Translation]

Mr. Fillion: No, Mr. Speaker, once again, to be very very clear, of course, Quebec will not intrude in the decisions Newfoundland will have to make.

We will not intrude in these decisions, because it is for the province to make its decisions. What we are asking is for minority rights to be totally protected.

You never took into account the law of the majority when you were on the other side, my dear colleague.

[English]

Mr. Tony Ianno (Trinity—Spadina, Lib.): Mr. Speaker, I wish to speak about the implications of amending Canada's Constitution at the request of Newfoundland's legislature.

I would like to thank the Prime Minister for allowing a free vote on this vital issue. I respect that most of my colleagues from this side of the House do not see this resolution as I do.

In my view, this initiative has implications for all Canadians. The Government of Newfoundland and Labrador has initiated this proposed amendment in order to improve the quality of education in the province by maximizing the effectiveness of the use of taxpayers' dollars. This is a goal we all respect.

This issue also has deep implications regarding the rights of minorities. There is no question that education is a matter of provincial jurisdiction. Education was just as much a matter of provincial jurisdiction in 1949 as it is today. Nonetheless it was included in the Constitution at the time.

Changing the Constitution is very much a part of federal jurisdiction and respect for the rights of minorities is one of the federal government's responsibilities. What we are talking and voting about today is not just education, but changing the Constitution and not just any provision in the Constitution.

The constitutional provision securing the preservation of educational rights for religious minorities was a very specific and important condition with Newfoundland and Labrador joining Confederation. Entrenching educational rights was the underlying basis under which many voted in favour of joining Canada. It is not a provision that should be lightly cast aside.

As elected parliamentarians, we have respect for the people's will. When the people of a province indicate their desire through their provincial legislature or a referendum, what is the responsibility of the Parliament of Canada?

Some would argue that to vote against a change that has been approved in a referendum and by a provincial legislature impedes the will of the majority. Sometimes a constitution requires it. Indeed, the purpose of a constitution is to circumscribe the ability of a majority to impose its will.

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Due to the Constitution, my parents who are immigrants to this country, have the same rights as my children who are eighth generation Canadians. Their rights are not determined by the will of a government when it suits them.

The Constitution of Canada clearly states the conscience of our nation. Each individual's rights and freedoms are clearly spelled out. It is not something that is easily constructed and it should not be something that is easily changed.

• (1935)

Some would say that the provision we are discussing tonight affects only Newfoundland and Labrador. Since a majority of that province's legislators and its electors support it, it should be approved. One of the prime purposes of a Constitution is to secure the rights of minorities. The rights of minorities in any part of the country are important to Canadians in all parts of the country.

That is why this is not just a question of law. It is a question of fairness. Legally Parliament has the right, with the legislature of Newfoundland and Labrador, to implement this change. But fairness demands that we seek to maintain the respect for minorities that was the basis for Newfoundland and Labrador joining Confederation and the basis for all Canadians choosing to be part of this country.

When we are dealing with minority rights it is difficult to say we are not diminishing those rights when we change them over their objections. If we were to ask the minorities and they agreed to relinquish their enshrined rights, then that is another consideration.

This is not the case today in Newfoundland. It is easy to see why. The impact on religious minorities can be considerable. In Newfoundland, the Protestant population is more than 51 per cent. Other groups are less likely, based on their numbers, to warrant a school in their community. Busing will not necessarily be provided to the school of the parents' choice. The parents of Roman Catholic or Pentecostal or Seventh Day Adventists children may be left with a stark choice: send their children to an interdenominational school or pay to send them to a unidenominational school out of town. How then do we maintain respect for minority rights when some may be able to afford to do this and others may not?

While making this possible for the Government of Newfoundland and Labrador to pursue the educational policies it believes are right for the people that province, the answer I believe can be found in the statement issued April 18, 1996 by the province's minister of education, Roger Grimes. In it he stated that "a framework agreement has been reached after extensive discussions between department officials and denominational educational councils to

consolidate 27 boards into 10 and to establish a single provincial construction board".

This statement, issued just six weeks ago, stated that the agreement in principle would allow the new school year to commence with reforms in place. The government had complete authority over all matters, and has, relating to curriculum, sex materials, number of teachers, funding, teacher education, performance standards and so on.

I recommend that the Newfoundland government go back and start with this agreement in principle and build on the progress that has been made.

It is important for all members to consider what will happen when other premiers request that we proceed with amendments. Will the same principle apply? Or will we recognize here and now that a majority must respect the rights of the minority, referenda notwithstanding?

I believe a Constitution is where Canadians, regardless if they are part of a majority or a minority, can feel safe that the rule of law and their constitutional rights will be respected. Regarding reforming or modernizing the school system in Newfoundland, everyone agrees. Could this reform not be achieved without a constitutional amendment? It is ironic that the concerns of those who help complete Canada in 1949 are being ignored.

As the minister stated that the involvement of churches in making administrative and economic decisions in the education system of Newfoundland have been a matter of controversy for generations, I agree. This also was the case before the terms of union were signed in 1949. Precisely for this reason were these rights enshrined in the British North America Act of 1867. It was based on the understanding that Parliament would guarantee that the legislature would not change the terms at its convenience.

Given that it took two referenda to bring Newfoundland and Labrador into Confederation with 51 per cent of the vote, it is obvious how important this guarantee was. Now the discussions between the Newfoundland department of education and all denominational groups have resulted in a solid framework for reform, including the establishment, as I said earlier, of the interim school boards in preparation for the consolidation of school boards from 27 to 10, a single construction board and a single busing system ready to be implemented for September 1, 1996.

• (1940)

If it is a question of someone challenging this agreement, we could send it to the Supreme Court and ask it for an immediate ruling to see what the consequences of this move would be.

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These agreements provide the basis for reforming the school system while respecting the rights of minorities. We should demonstrate a decent respect for the resolution passed by the provincial legislature, but Parliament's role is not simply to act as a rubber stamp. It is our responsibility to form an independent judgment.

We are at a crossroads in our history. Last October a premier tried to impugn a group of Canadians who did not agree with him. He blamed them for the loss and repudiation of what he saw as his divine right. That is not what Canada is about. We cannot take lightly our Constitution which dictates our rule of law and we cannot ignore the rights of minorities. That is one of the reasons we have a Constitution.

It is important that we send out a clear and concise message that the Canadian government is consistent in its dealings and that the integrity of the Canadian Constitution is not questioned.

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, my comment concerns the rights of minorities under the Constitution and the proposed amendment that the resolution will impose the will of the majority on the minority.

The resolution affects 95 per cent of the population. There is no effect on minorities. All children in Newfoundland will benefit from this resolution. It is fair for all those affected. Fairness is the overall goal in this resolution.

Mr. Ianno: Mr. Speaker, I respect the hon. member who is from Newfoundland. I know she has often supplied wise counsel.

When we are talking about minority and majority we have a breakdown in which 51.7 per cent of interdenominational schools are Anglican, Salvation Army and Presbyterian. They are working together and have been for years. The Catholic population is 37 per cent and constitute 41.5 per cent of the student population. The Pentecostal population is 7.1 per cent and constitute 7.3 per cent of the student population, and 0.1 per cent of the population are Seventh Day Adventists.

If the numbers are added up, 44 per cent of Newfoundland's population negotiated in 1949 to ensure that the majority would not in any way change the agreement. After years—some have said since 1700—the same education system has existed. However, the concern, the reason for the negotiated settlement on why Newfoundland would come into Confederation impinged on the agreement and the ability for this right that minorities would not lose their rights within the educational system.

Taking that into account, it is 95 per cent taking in seven educational systems. However, the minority, the three of them are voting against it. What we have here is the opportunity to work with the minority, to get its agreement. We have a framework already. If it agrees to the change, we will send that agreement to

the Supreme Court to ensure it cannot be cast aside if the minority agrees to it. At that point we have a very solid foundation to reform the education system to ensure that our children in Newfoundland do much better than anywhere else in the country.

• (1945)

Some \$600 million is the budget for the school system in Newfoundland and the savings proposed by this amendment is \$25 million. With the framework set forth, the single busing, the construction board and the consolidation from 27 to 10 school boards will easily save \$15 million. We are talking about a difference of \$10 million.

On that basis it is well worth spending money to ensure minority rights are maintained.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the hon. member for Trinity—Spadina has very nicely laid out some facts that the House as a whole did not realize very clearly for some time.

We have been told often that the seven denominations represent 95 per cent of the population of Newfoundland and therefore we cannot have a minority issue.

The member for Trinity—Spadina indicated—and I want him to confirm it again—what really happened during the referendum. Not only did 52 per cent of the eligible voters turn out to vote. The Government of Newfoundland, which has been lobbying so aggressively today, did not work during the referendum to secure support.

In fact we have a cluster of denominations that have pooled or consolidated their support and outvoted three of the denominations. It is very important that we dispel the myth about 95 per cent, stop playing with numbers and get the truth.

Perhaps the member for Trinity—Spadina can answer the question.

Mr. Ianno: Mr. Speaker, I appreciate the question. I will try to answer it by talking about minority rights. As an individual I supported constitutional changes. I supported the Meech Lake and the Charlottetown accords. More recently in the House I supported distinct society and the veto. Because of minority rights I also supported something that was not in the Constitution, a human rights amendment, Bill C-33.

It is consistent with what I said earlier to the hon. member. Whether a referendum or a legislature, if the majority is speaking, it has to be taken into account, especially when minority rights are enshrined in the Constitution of the land, to ensure that somehow or other minority rights are not left out of the equation.

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the discussion we are having today brings testament to the fact that this is not a rubber stamping of the issue. It is a good

and fair discussion on the merits of an issue. A lot of information is being brought forward.

The hon. member mentioned that within the concept of a framework agreement we would be able to resolve many of the issues we are discussing today.

Would the hon. member acknowledge that currently there is no framework agreement, that the framework agreement was a proposed discussion paper and that unfortunately the parties did not come to a conclusion in those discussions?

Mr. Ianno: Mr. Speaker, I guess we have a framework that was agreed to by the minority, the Roman Catholic Church, the Pentecostal and the Seventh Day Adventists.

As stated on April 24, 1996 by the minister of education, my understanding is that it is the beginning of a framework. Somewhere down the line the Anglican bishop withdrew his support, according to some of the advocates of this amendment.

• (1950)

Nine or ten points have been agreed to, especially the parts concerning money. As I mentioned earlier, we are discussing a savings potential of \$25 million which can go back into the educational system in Newfoundland to better educate our children. I agree with that.

People refer to high illiteracy in Newfoundland. When we take into account a budget of \$600 million and the reason for the high illiteracy referred to by some advocates, \$25 million should have been spent long ago to ensure that illiteracy was not a concern.

Recently the minister of education stated that the difference between Newfoundland and the rest of the country in terms of the educational system was really a myth in the minds of many. He also stated that in terms of the higher levels of education Newfoundland universities and colleges were doing extremely well.

[*Translation*]

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, as we know, on September 5, 1995, the Newfoundland government held a referendum on denominational schools in that province. These denominational schools are guaranteed under term 17 of the agreement signed by the Government of Canada and the Government of Newfoundland setting the terms and conditions for Newfoundland's entry into Confederation in 1949.

I would first like to talk about the referendum. The referendum is a modern tool for activating democracy. It allows the people to settle important issues. The province of Newfoundland decided to

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hold a referendum and it won. Some of the members here in this House are challenging the figures and percentages involved.

All the people of Newfoundland were invited to participate and to vote. Everyone knew about the referendum. People were free to vote or to abstain. Whatever their reasons for voting or for not voting, the referendum was held and it was won by the government, which is something we should not forget.

The international standard for winning a referendum is 50 per cent plus one. Referenda are a modern tool used throughout the world. I think that people and governments—including the central government, to which I will come back later—should respect the decision made by the people of Newfoundland.

When I was young and starting my studies at the Granby CEGEP, I learned one principle of the political system: *vox populi vox dei*, which means the voice of the people is the voice of God. I think that when governments and their leaders go to the people and the people decide, their decision must be respected. So the people have spoken.

There are still two levels of government in Canada. We still have the federal government, which, because it feels superior, likes to tell the provinces what to do.

• (1955)

They have this big brother attitude of always trying to interfere, always having something to say about the decisions we make and, in this House, to demonstrate that, here, due process is followed, while in other Parliaments, well—

Given that Newfoundland has met all the standards, I think all this Parliament has left to do is to assent by saying: “Yes, we agree”.

Federalists, at the federal level in particular, have this attitude of always wanting to pass judgment on what is going on elsewhere and claim to be more politically correct than the others. But it is not true. The various legislatures are acting, indeed taking some very important actions.

Must I remind you that education comes under provincial jurisdiction and that the federal government has no right interfering with this jurisdiction?

If, at this point in its history, Newfoundland has decided to amend its school legislation, I think that we should support this decision. We in the Bloc Québécois have a concern however and this concern is about minorities. As you know, there are minorities in Newfoundland, and I would like to read you this brief excerpt from the letter written to Mr. Tobin by our leader, the Leader of the Official Opposition and member for Roberval:

However, we are concerned about the inadequate school rights of Newfoundland's French speaking minority. Therefore, we strongly hope that

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your government will take the opportunity provided by the restructuring of the school legislation to give francophones in your province, through legislative and administrative means, full responsibility for the management of their schools.

I think it is important at this stage to remind our friends in Newfoundland that they must have as much respect for their minorities in their province as we do for ours in Quebec. Must I remind this House of the fact that, in Quebec, the school system is organized on linguistic bases? There are therefore two school systems in Quebec. The minority has its own schools, which it controls and manages, including elementary schools, high schools, colleges, and two universities, one in Montreal and another outside of Montreal. It also controls English hospitals in the Montreal area.

Quebec has always been a model for the rest of Canada in terms of respect for its minorities.

[*English*]

To my English friends who are listening to us tonight and to members of the House I say that someday there will be a referendum in Quebec and we expect to win that referendum. There is a tradition of democracy in this country; it has always been a democracy.

The Parliament of Quebec which is more than 205 years old, the oldest in Canada, has always shown the tradition of democracy. When the time comes, when we have our referendum and we win it, when we decide to finally become a partner, a good neighbour and a friend with the rest of Canada, I am sure we will be able to grow together side by side in harmony as Canadians and Quebecers because of the tradition of democracy in the country. When that day comes I am sure it will be the end of all the sterile discussion that has lasted for 30 years. Quebecers and Canadians have had enough. We will have our referendum, and when the time comes I am sure democracy in this land will prevail.

• (2000)

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Mr. Speaker, I listened to the member and I took him at his word when he said he was going to make sure that the letter from his leader to Mr. Tobin demanded that French minority rights be respected in the province of Newfoundland. That essentially is what my amendment is all about. It is asking that where the numbers warrant that those minority rights be respected.

Does the Bloc member support the amendment to the constitutional amendment? It would ensure that the very words his leader put in his letter to the premier of Newfoundland are put into the constitutional amendment so that those minority rights not just in terms of the French language but also other minority rights are protected.

[*Translation*]

Mr. Leroux (Shefford): Mr. Speaker, the proposed amendment says “where numbers warrant”. Without interfering in the jurisdic-

tion of the Government of Newfoundland, I say the change will result in savings to the province and there is no need for the qualification “where numbers warrant”. Either you give rights to a minority, or you do not.

When the francophone Fathers of Confederation, those representing Quebec, joined the federation, they were promised that the new territories would all be bilingual. As you know, the Upper and Lower Canada, as well as the other two provinces—three provinces took part in the discussions, but only two immediately joined Confederation; Prince Edward Island followed a little later—had had discussions to the effect that future provinces would be bilingual.

Officials representing Lower Canada voted in favour of joining by a majority of just a few votes. No referendum was held at the time but, had one been held, Lower Canada would never have become part of Canada. We can only speculate about what might have been; the past is the past. I simply want to say that the francophone Fathers of Confederation literally got taken. Why? Because when new territories opened, they were supposed to be bilingual—given the mentality of the time, people believed what they were told. However, each and every one of the new provinces adopted special laws and abolished anything that was French. They gave francophones a hard time. In some regions of Canada, French speaking minorities have literally been fighting for their rights for 125 or 130 years. They survive and they fight.

If the Government of Newfoundland wants to show its good faith, it will protect its minorities. There is no need for a qualification such as “where numbers warrant”. Either you protect minorities or you do not.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I am very pleased to speak on the subject before us today, following the example of my colleagues, particularly my eloquent colleague, the member for Shefford, who is, to top it all, bilingual. I will admit I am a bit intimidated by his performance, but I will do my best.

This motion was presented by the Minister of Justice. It deals with the future establishment of denominational schools in Newfoundland. The denominational system was guaranteed by term 17 of the agreement between the federal government and the government of Newfoundland, when Newfoundland entered Confederation.

• (2005)

In order to amend such a term, it is possible for a province to invoke section 43 of part V of the Constitution of Canada dealing with the rules for amending the Constitution. This is what Newfoundland did, by passing legislation in a particular context. This legislation was passed after consulting the public.

This is where it departs somewhat from the short history of using section 43 of part V of the Constitution of Canada. It was the first time a government consulted the public to give weight to its action. Section 43 has been used on three other occasions in the recent past.

In the case of Newfoundland, the results of this public consultation gave the following results: 52 per cent of the public turned out to vote and 54 per cent supported the government's action. According to what we are told, the Government of Newfoundland has a number of objectives in mind.

First, it wants to rationalize the province's education system and thus save \$17 million. Second, it would like to have a single education system, instead of four based on the recognized religions, the last on the list being the Pentecostal Church, which has already been the subject of a section 43 application. If it is successful, Newfoundland will have a single school system serving all denominations. Finally, it would like to reduce the number of school boards from 27 to 10, and make them multid denominational.

Where this initiative is of definite interest to Quebecers is in the lessons to be drawn from the democratic basis of the process as a whole. The federal government, via its Prime Minister, immediately and apparently unhesitatingly recognized the referendum and its result, although the participation rate was only 52 per cent, and support for the government's plan only 54 per cent.

In the context of Quebec's and Canada's political evolution, this is, I believe, an action that speaks volumes, and one that is totally representative of the desire of the Prime Minister and the Liberal Party to recognize the democratic process of what went on in Newfoundland in connection with the denominational schools issue.

You will understand that, as sovereignists, we are legitimately and spontaneously moved to transpose the debate held in Newfoundland, and the government's attitude toward it, to the next steps taken by the Government of Quebec and the people of Quebec concerning its desire—this time, we are convinced, a fulfilled desire—to finally cross the threshold to sovereignty. We are counting on the same spontaneity, the same logic, the same justice from the federal government in acknowledging the democratically expressed desire of the people of Quebec to finally be a sovereign people.

It must be pointed out that, in this undertaking, the federal government did not in any way whatsoever, despite what it is now claiming, intervene in the wording of the question or in the procedure for acknowledging the results only provided there was such and such a percentage—there was none of that. The province of Newfoundland was allowed to consult its population and the democratic process was recognized. We ask no more than that. That is what democracy is.

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That is, after all, how a democratic tradition is built. It is by recognizing and recalling the highly democratic events of the past that the rules of the game that have to be respected are built up over time.

In this regard, we have to give Newfoundland credit for doing what it did, for doing what it did in 1949, when once again it taught us something by consulting its people twice and ending up with 52.3 per cent of the population of Newfoundland voting in favour in 1948-49 of joining ranks with Canada and of leaving the United Kingdom behind.

• (2010)

With the nevertheless close result of 52.3 per cent in favour, we can assume that some regions in Newfoundland voted against joining Canada. Was Newfoundland then divided up according to the regions that voted in favour and the ones that voted against? Or did they respect the will of the majority of Newfoundlanders to join Canada in 1949? They respected the whole of Newfoundland as so they should in a democracy, without all the present kerfuffle, particularly on the part of the Minister of Intergovernmental Affairs, who, with the least possible subtlety, is advocating the partition of Quebec the day after a vote in favour of sovereignty.

In conclusion, I would like to say that there is in this debate something I find disappointing and aggravating, namely the reaction of Mr. Tobin, the premier of Newfoundland, who was a minister in Ottawa, a seasoned parliamentarian who was elected here when he was 25, and left to become premier at 40; he had 15 good years here in Ottawa. He is quite able to understand Quebec's and Canada's problem. And yet, he stoops to such simplistic reactions as the one reported in *Le Devoir* of May 30.

I will quote from an article by Jean Dion entitled "Tobin elated by the Bloc's position" which says: "Brian Tobin believes that by supporting the constitutional amendment requested by Newfoundland, the Bloc Québécois, and with it the sovereignist movement as a whole, proves that the rule of law must prevail in Canada under any circumstance. I believe that the leader of the opposition is stating his faith and confidence in Canadian laws, said Mr. Tobin, adding that it will now be difficult for those who say that the law is not important to prove it. If the law is relevant when Newfoundland requests an amendment, it must be equally relevant when any other province is seeking to amend its constitutional status".

Third quote: "In this respect, he promised that Newfoundland would wholeheartedly support Quebec if it wanted similar changes. He even invited Mr. Bouchard to take full advantage of the amending formula which only requires bilateral agreements in certain cases, and of the nature of the federation to get the changes he wants within the federation".

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I am very disappointed by such comments, because they imply that, in order to abide by the rules, there must be rules. But, in the Canadian Constitution, there are no rules on how to secede. How do you expect us to respect the rules? And that explains the whole approach and the ridiculous debate which was launched by Mr. Bertrand and which is increasingly jeopardizing the government position, since the federal government has supported this approach.

The people and the Government of Quebec are ready to abide by the rules, as long as there are some rules. Unfortunately, there are no existing rules, except for the rules of international law that will some day govern Quebec's accession to sovereignty.

The second thing that irritates us is the lack of information, given Mr. Tobin's previous position on the problems between Canada and Quebec. We know that the debate has been going on for some thirty years now. My personal reference point is the Laurendeau-Dunton Commission which as early as 1963 concluded that there were two solitudes.

We have someone here who has had ministerial or similar duties for 15 years in Ottawa and who still treats Quebec as just another province and completely disregards the fact that, when we talk about the people of Quebec and their demands, we talk about a nation, and more specifically one of the two founding nations of Canada.

There is absolutely no comparison possible between a premier who so cavalierly shrugs off a democratic process and talks about bilateral agreements between Quebec and the federal government and the debate we, the sovereignists, have been holding for the last 15 years, since we are talking about the survival of the French speaking nation of Quebec.

Talking about administrative agreements with the almighty central government, especially when it is ruled by the Liberal Party—to whom all the institutions seem to belong, I could give you a lot of examples from my riding—and reducing Quebec's evolution towards its sovereignty to some mere bilateral agreements will not help to elevate this debate. We will use a democratic approach to ensure that Canadians and Quebecers realize how important this issue is and how important Quebec's impending sovereignty is.

• (2015)

[*English*]

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, the member drew a parallel between the referendum in Newfoundland and past and potential future referendums in Quebec. He talked so much about the need to recognize the democratic rule and so on.

If we vote down this motion tonight, that is the end of this motion; it is finished, it is dead, it is gone, it will not be revived.

Since we have had two referenda already in the province of Quebec, both of which have failed, why will the member not respect the right of the majority that has already expressed its desire to remain within Canada? That has been the expression of the democratic will of the people in Quebec. Why do his party and he not accept that and continue on in the way they have been until they think they will get the opposite opinion?

[*Translation*]

Mr. Rocheleau: Mr. Speaker, I want to thank the hon. member for his question. It is precisely because we are democrats that we respect the two referendums that we went through in Quebec. We are democrats; we are here after being defeated. If the people had voted yes, we would not be here. We are here because the people voted no and we will continue a process that probably started right after the 1760 conquest.

Quebecers have never accepted defeat. We are part of a great civilization, the French civilization, and we have never accepted defeat. We could give history lessons all day long if we wanted to. There have been many sovereignist movements in the history of Quebec, but they were never as well organized, as powerful as today's sovereignist movement, which first came to power in Quebec and then became the official opposition in the federal Parliament. This is unprecedented and shows the great progress made by the people of Quebec toward full emancipation. This should not be so difficult to understand.

[*English*]

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, I thank the hon. member for his speech this evening and recognize the use the Newfoundland government made of the process of consultation.

Between 1990 and 1992 the Newfoundland royal commission received a total of 1,041 written and oral presentations, which represents 3,677 individuals and 384 groups. Consultation was widely spread in Newfoundland from corner to corner. I thank the hon. member for mentioning it.

[*Translation*]

Mr. Rocheleau: Mr. Speaker, I thank the hon. member for her comment. That is precisely why we readily support this bill, because it rests on an overwhelmingly and profoundly democratic basis. I do not know what more I could say. We are pleased with it and we hope and trust that the Government and the people of Canada will acknowledge and respect the same democratic process Quebecers, notably the sovereignists, are putting themselves through, because you must know that, as sovereignists, we could very well just use the same traditional British parliamentary rules,

using Parliament to effect sovereignty at goodness knows what political price.

We have accepted for many years now, as a rule, the need to have a public consultation process in which a majority of Quebecers will hopefully vote for sovereignty, but we are nevertheless accepting this rule for ourselves. It important to realize this.

[*English*]

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, I rise in the House today to give my support to the Government of Newfoundland and Labrador's wishes to amend term 17.

• (2020)

When Newfoundland joined Confederation in 1949 the terms of union were very specific to that province. Term 17 guaranteed the rights and privileges of the religious school system as they existed in 1949. Today the Anglicans, Presbyterians, Roman Catholic, Salvation Army, Seven Day Adventists and United Church denominations hold the same rights they held in 1949.

In 1987 these rights were also extended to Pentecostal denomination. Since that time Newfoundland's educational system has been organized along these lines and administered by individual churches or groups of churches. Today Newfoundland and Labrador has four separate education systems and administrations serving a population smaller than that of the city of Calgary, dispersed over several hundred small communities.

The amendment to term 17 would permit the removal of costly inefficiencies and would free up resources which will inevitably lead to extensive improvements in Newfoundland and Labrador's future educational system.

The province of Newfoundland and Labrador can no longer afford to continue with its current educational system, and unless its system is reformed the quality of education will continue to decline. The Newfoundland and Labrador school system has resulted in a large number of small inefficient schools. The following statistics have been quoted a number of times but they warrant repeating.

The province has 27 overlapping school boards governed by four denominational groups or groups of denominations. Some students are bussed to a school of their denomination even if they live next door to a school of another denomination. In addition, Newfoundland and Labrador has the country's highest illiteracy rate and its students have significantly lower average scores on international and standardized testing despite the fact that a higher percentage of its total expenditures is spent on education than that of any other provinces.

The Government of Newfoundland and Labrador has decided removing cost inefficiencies and freeing up resources rather than spending additional money is the most effective way to improve its

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education system and provide its students with an opportunity to compete on an equal footing with other Canadian students.

Amendment to term 17 would permit the province to do this and will lead to extensive improvements in its future educational program. The reforms will streamline the present overlapping denominational school boards into 10 interdenominational boards. The role of the churches in operating school boards and schools will be reduced and many schools are expected to become interdenominational with all students having the right to attend.

However, schools for specific religious denominations will continue to exist where they are requested by parents and where the number of students warrants doing this. Religious activities and education will continue to be a core element in the province's school system.

In 1992 a royal commission concluded that the Newfoundland and Labrador school system was in need of reform and the government immediately entered into intense negotiations with the church leaders. These negotiations took place over a three-year period, after which time the government was unable to reach an agreement with church leaders. Recently a last ditch attempt by the province's minister of education on key elements of the educational system also failed.

The government did not act arbitrarily in this matter, nor can it pass educational legislation under term 17 to diminish the educational rights held by churches.

On September 5, 1995 the Government of Newfoundland and Labrador held a referendum on the proposed changes to term 17. The referendum question was clear and direct: "Do you support revising term 17 in the manner proposed by the government to enable the reform of the denominational education system, yes or no?" It was direct and not in any sense misleading.

Despite the extensive campaign mounted by the no side and the government's policy of actively not campaigning, Newfoundlanders voted in favour of the proposed amendment by a margin of 54.83 per cent to 44.95 per cent.

On October 31 the Newfoundland House of Assembly adopted a resolution which seeks to amend term 17 of the terms of union. The matter was brought into the House as a government measure with relaxed party discipline. There was support from all parties in the House and the resolution passed by a margin of 31 to 20. The Newfoundland and Labrador government is seeking to modernize its existing educational system to achieve better education for its students within its available financial means.

• (2025)

At the same time it is determined to preserve the denominational character of the system. The government does not intend to eliminate term 17 to abolish denominational education or to

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extinguish the role of the churches in education. Single denominational schools can continue where the numbers warrant.

Those who speak against term 17 attempt to cast it as an infringement on minority rights. This suggestion is preposterous. The rights provided for in term 17 are common to all denominations holding them, and those denominations collectively represent more than 95 per cent of the province.

The proposed changes will affect all in precisely the same way. Those opposed to those changes argue each denomination is a minority. This is an argument that can be made about any constitutional or legislative change affecting several groups that were each less than 50 per cent of the population. The simple fact is the proposed change will affect the eight denominations making up 95 per cent of the population in precisely the same way. The true minority, the remaining 5 per cent, will have its position slightly enhanced.

By amending term 17 the government will neither abolish denominational education nor extinguish the role of the churches in education, as I have said before. The role of the churches will be modified to allow for the establishment of a more efficient system of interdenominational school boards while preserving a role for the churches in religious education, activities and observances.

Also, the 5 per cent of Newfoundlanders and Labradorians who do not currently hold term 17 rights will actually see their rights enhanced under the new system. I repeat this because I think it is very important. This is because religious education for all groups may be provided in the interdenominational schools. In the present system if students do not belong to a religious group operating their schools, they have no rights to their own form of religious education. Students who do not wish to participate in a form of religious education will not be forced to do so and parents will be allowed to decide whether they want their children to participate in the program.

Term 17 is unique to Newfoundland and Labrador and is a matter that both the Newfoundland and federal governments believe to be purely the concern of the people of Newfoundland and Labrador. Changes to the school system in Newfoundland have no bearing on the status of denominational schools in other provinces because education falls under provincial jurisdiction and the majority of provinces have different constitutional provisions respecting denominational involvement in education. In each case the province entering Confederation decided on its respective denominational involvement. Newfoundland has ended up as the only province without a secular public system.

As term 17 affects only the province of Newfoundland, it can be amended under section 43 of the Constitution Act, 1982 which is used for amendments that apply to one or more but not all

provinces. In such circumstances an amendment can be made when a resolution authorizing the amendment has been passed by the legislatures of the provinces or provinces affected and subsequently by the House of Commons and the Senate.

The denominational rights in question in Newfoundland and Labrador have a different history and constitutional context than those in other provinces. There is no direct counterpart to term 17 in any other province. Denominational rights are protected by section 93 of the Constitution of Canada and by individual terms of union in the remaining provinces. These arrangements are in no way altered or affected by the proposed changes to term 17. The situation in Newfoundland and Labrador with regard to denominational involvement in the school system differs significantly from the system that exists in any other province.

For example, the province has the only exclusively denominational school system in the country. Furthermore, in no other province do churches have such a degree of control over matters relating to capital expenditures, school construction, the hiring of teachers and related matters.

In the House of Assembly in Newfoundland and Labrador all political parties unanimously agreed to adopt the resolution. We in the House of Commons should respect the wishes of the people of that province.

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, I have great respect for my hon. friend. Twice in her remarks she said that religious schools will continue under the new proposed term 17 where numbers warrant. I have before me the wording of the new term 17. Nowhere in it do I see the words "where numbers warrant". Maybe I am not reading it correctly but I would appreciate it if she would tell me in what paragraphs the words she referred to are found.

• (2030)

On the other hand, I must say what I do see is that the continuation of religious schools will be in accordance with subparagraph (b) subject to provincial legislation that is applicable to all schools. That is quite a different thing.

If I am wrong, I would appreciate her telling me where it says that religious schools will continue wherever numbers warrant.

Mrs. Payne: Mr. Speaker, unfortunately I do not have the wording of the amendment in front of me. My understanding from a reading of it is that where numbers warrant, denominational schools will be permitted.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I would like to know if the hon. member agrees with the letter from the Leader of the Opposition, the hon. member

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for Roberval, to the premier of Newfoundland, Brian Tobin, in particular where the Leader of the Opposition says:

Your government proceeded by way of a referendum and a majority of voters supported the amendment.

The Bloc Quebecois has decided to support Newfoundland's decision, since it was made in compliance with recognized democratic rules.

I would like the hon. member to tell me if she will work within her caucus, so that it accepts the result of a democratic referendum on the sovereignty of Quebec.

[*English*]

Mrs. Payne: Mr. Speaker, I am sure the hon. member will agree with me that the question on the sovereignty of Quebec has no resemblance at all to the referendum question on the term 17 amendment.

Mr. Gar Knutson (Elgin—Norfolk, Lib.): Mr. Speaker, it is with honour that I rise this evening to express my views on the constitutional amendment to term 17 of the Newfoundland and Labrador terms of union.

I intend to support the amendment and I am happy to explain to my constituents of Elgin—Norfolk my reasoning. This has not been an easy decision. It has been a very difficult decision, one that I have studied very carefully and have taken very seriously.

I do not think I was ever asked to be a rubber stamp and I have not been been a rubber stamp. I do not plan on being a rubber stamp tonight when we vote on this. I made this decision without experiencing any pressure from any of my colleagues or from the Prime Minister. I thank him for allowing a free vote on this issue.

Let me explain my background because it is relevant to how I came to these conclusions. I was raised in the Catholic school system in Ontario. I spent 13 years there, including going to a Jesuit high school in Toronto. I learned a lot about Catholic values. My Catholic education has formed an important part of who I am today. It is because of those values that I made this decision seriously.

To those who are worried that this will be the end of Catholic education in Ontario or across the country, I do not see it that way. In my own case the choice was important for me. I support the view that people should have choices as to which school they send their children. The key principle at work in making my decision was what was in the best interests of the Newfoundland school children.

The Newfoundland school system by many reports which I accept as being factual is below the standards we have come to expect in Canada. I accept, after reviewing the material and also consulting with people who have been through the system, that the quality of education in Newfoundland is not up to Canadian standards. Whether it is the high illiteracy rates or the poor testing

on science exams, Newfoundland has a serious problem, one which it is trying to address in good faith.

We are very quickly moving into a world where the divisions are not going to be so much between rich and poor, between resourced and non-resourced; rich and poor will break down between those who have knowledge and those who are ignorant. I cannot fight the battles of Ontario Catholic education or the battles of national unity on the backs of the children in Newfoundland.

Those opposed to this amendment have raised a number of arguments which I take seriously. In some respects they are quite compelling.

• (2035)

The first argument is that minority rights should not be abolished or amended simply at the will of the majority. If we look closer at the numbers, with only a 52 per cent turnout, 48 per cent of the people of Newfoundland by not voting demonstrated that at minimum they were ambivalent about the issue or at best, they consented with the government plan. Only 55 per cent of voters who did vote voted yes which I believe presents a real problem, but not a problem big enough to stall the vote.

Of total eligible voters, 28 per cent voted in favour and 24 per cent voted against. For example, of the Catholic population in Newfoundland which represents approximately 35 per cent, the Catholic population was at least divided. There seems to be a real division about this issue and I am taking note of it.

The next argument that people make is about precedent. Two arguments are at play here. One is that we are setting a precedent regarding how we are going to respond if there is another referendum in Quebec, what number we would respect and what number would we say is too low. The other precedent argument is that if we amend minority rights in Newfoundland then someone, perhaps Mike Harris, will try to do the same thing in Ontario.

Let me deal first with the issue of national unity. I will go back to my main point. If members accept as I do that this is necessary for the advancement of the educational experience for Newfoundland school children, is it fair to fight the national unity issue on the backs of those children?

As Canadians, we need to make a case for Canada clearly and simply. Quebecers, given a choice to vote on an honest question in a direct way will make a clear decision. We need to accommodate Quebec's need to be recognized as a distinct society and as a particular place and group of people who are different from the rest of Canada and have protection for their language and rights. We need to deal with that problem separate and distinct from the school issue in Newfoundland.

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Let me move to the next precedent issue that if we open up minority rights in Newfoundland we will be opening up minority rights in Ontario. I will again go back to my main point. Is it fair for me to try to protect the rights of my children to go to Catholic schools, whether it is St. Francis of Assisi in Orleans or St. Joseph's high school in St. Thomas, on the backs of the school children in Newfoundland? I think not. If we want to have Catholic education in Ontario, then we as Catholics should work to protect it, first by going to Catholic schools and then advocating politically or in other ways the value of that education.

Another issue the opponents to the vote tonight raised is that there is a framework agreement. Let me say how frustrating it has been that both sides unfortunately have at times launched into what philosophers call an *ad hominem* argument where they merely attack the integrity of the other side rather than deal with the facts of the case.

Mr. Benoit: That is what you guys do all the time.

Mr. Knutson: We do do it all the time but I find it frustrating because it is difficult to sort out. On one side people have said that Clyde Wells did not go into these negotiations in good faith. I do not know whether he did or not. On the other side, the premier for example has accused the Catholic church of being involved in a power struggle and not interested in the best interests of the school children.

I am not able to come to any conclusion. I do not know these people particularly. However, if they are not in agreement today, I do not see any real indication that they can come to an agreement in the near future. I accept by the counsel of those people closer to the situation that they are not likely to come to an agreement. Therefore, I conclude that we need to bring the issue to a close.

Mr. Dennis J. Mills (Broadview—Greenwood, Ind. Lib.): Mr. Speaker, the member made comments about his experience with Catholic education at St. Jean de Brebeuf high school in Toronto, a great institution. The football teams were not that good but the academics were pretty good.

• (2040)

The member talked about the inadequate education system in Newfoundland. I cannot understand where the member is getting his information. This is one factor which is leading him to the decision to support this amendment.

I raised specific information from Premier Tobin's red book in the House earlier today. And we all know that those red books are only guidelines. I quote a statement from Premier Tobin's red book, the platform of the Liberal Party in the recent provincial election:

"Since Confederation we have made tremendous progress in education. Newfoundlanders and Labradorians have built an educational system in which we can all have pride".

Then there is this from Chris Decker, former minister of education: "The percentage of the population attaining less than eight years of schooling has decreased from 24 per cent in 1976 compared to the then Canadian average of 9.5, to 5.6 per cent, slightly more than the Canadian average of 3.8 in 1991. That is an improvement of 18.4 per cent for Newfoundland compared to an improvement of 1.8 per cent for Canada as a whole. Students in Newfoundland perform just as well as students in most other provinces in the Canadian average".

Ms. Clancy: Think how much better they would perform if they had a good system.

Mr. Mills (Broadview—Greenwood): There is the member for Halifax once again.

It is important for the students, the educators and the leaders of the whole educational system in Newfoundland that we be careful. I do not support denigrating their system. It has moved forward dramatically and constructively and we should not knock it.

Mr. Knutson: Mr. Speaker, first on a personal note, I want to publicly say how much I have missed my hon. friend. I am enjoying this debate with him very much.

Why do I believe that the educational system in Newfoundland is inferior? It is simply because I called a couple of my law school colleagues who are from Newfoundland. I asked them about their experiences. They explained that when they went to high school they did not have a qualified science teacher, except for geography. We talked about their experiences in literature. In the end they made it very clear that their educational experiences in grade school and high school were not as good as mine. They also explained the problems the island was having in terms of people moving out of the smaller towns and villages because of the lack of jobs and the pressure it was putting on the schools.

I do not know what Premier Tobin is talking about when he said they have a poor system. It is not from anything Premier Tobin has said that I concluded it is an inferior system.

Let me also say that being from Ontario, I think have a responsibility to take the counsel of the six members from Newfoundland and Labrador very, very seriously on this issue. They tell me they have an inferior system. I know them well enough to know that they are acting in good faith and they told me that with integrity. That is why I concluded that the system is inferior and needs to be reformed. That is why I am supporting the amendment.

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[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I hope the hon. member for Broadview—Greenwood will take two or three more weeks of holidays so that we might have the time to ask questions.

The member uttered a touching sentence in his speech, the tone of his voice changed and he had such a tremor in his voice that I felt like going to give him a kleenex when he said: "I think that we should accept the fact that Quebec is a distinct society." We felt his heart was bleeding.

- (2045)

I would suggest that he consult with his colleague, the member for Churchill, a Liberal member, one of those who buried the Meech Lake accord. I would also suggest that he go and consult with the former premier of Newfoundland, Clyde Wells, another one who buried the Meech Lake accord; perhaps his heart would bleed less if it had been recognized that Quebec is a distinct society.

By way of question, I will quote the third paragraph of the letter the Leader of the Opposition, the leader of the Bloc Québécois, sent to the Hon. Brian Tobin, the premier of Newfoundland, on May 29:

However, we are concerned about the insufficiency of the school rights of the francophone minority in Newfoundland. Therefore, we strongly wish that your government seize the opportunity of the reform of its school legislation to provide, legislatively and administratively, the francophones in your province with the full management of their schools.

I would like to hear the hon. member's comments on that.

[English]

Mr. Knutson: Mr. Speaker, the member does not know me, so I am a bit surprised by the personal attack. He seems to doubt my sincerity when I say that I accept Quebec as a distinct society. It is different. It has a different history, a different language and a different culture.

There is a bit of a double standard. On one level the Bloc Québécois says how awful Confederation is, how poorly we have done and how we do not get along. Bloc members attack our integrity. My integrity is being attacked if he doubts my sincerity. On another level, after the referendum, if they win, they are going to sit down to negotiate with us and we are going to have Nirvana. Everything is going to be wonderful. It just does not add up.

I would ask the hon. member to accept my word. I do not know Clyde Wells. I have never met him. It is not my concern what are his views on this issue. Quebec is a distinct society and, as such, I support it. I am surprised that he has difficulty with that. I support it, so deal with it.

[Translation]

Mr. Maurice Godin (Châteauguay, BQ): Mr. Speaker, I rise to take part in the debate on the referendum held in 1995 on the denominational school system in Newfoundland. On September 5, 1995, the Newfoundland government held a referendum on denominational education in the province, which is protected under term 17 of the union conditions signed by the Canadian government and the Government of Newfoundland in 1949.

Part V of the Constitution Act, 1982, deals with the amending process to the Canadian Constitution. Section 43 allows the federal government to amend the Constitution in relation to any provision that applies to one or more provinces. Such an amendment requires the passing of a resolution by the House of Commons, the Senate and the legislature of the concerned province or provinces.

Three times already since 1982, the Canadian government made constitutional amendments under section 43: first, in 1987, to put the Pentecostal schools of Newfoundland on an equal footing with the seven denominations recognized in the 1949 terms of union; second, in 1993, to guarantee the equal status of French and English in New Brunswick; and third, again in 1993, to facilitate the building of a fixed link between Prince Edward Island and New Brunswick.

However, this case is an exception. Indeed, this would be the first time a referendum preceded the adoption of a constitutional amendment by the concerned legislature. It must be said that this referendum was not a prerequisite to the proposed constitutional amendment.

Let us recall the objectives of the Newfoundland government. This project is part of an effort to streamline the provincial education system in order to save \$17 million.

- (2050)

Newfoundland wants only one education system instead of four, only one school for all denominations. The number of school boards will be reduced from 27 to 10. From now on, the schools will be multiconfessional. By the way, this reform project is in line with the recommendations of the Newfoundland Royal Commission on Education, which were made public in 1992.

In the 1995 referendum, the following question was asked, and I quote: "Do you support revising term 17 in the manner proposed by the government to enable reform of the denominational educational system?" Certain commentators said that the question was not clear, that it was complex and that it favoured the yes side. Such comments remind me of others made about the question of the last referendum in Quebec. Yet, at no time did we hear the federal government condemn the situation.

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I know the results of the Newfoundland referendum do not compare with those of the Quebec referendum. First of all, the participation rate reached only 52 per cent of eligible voters when it reached almost 94 per cent in Quebec. That low participation rate in Newfoundland means that 28.75 per cent of the voters were in favour of the change. The 19,941 voter majority in favour of the government plan may seem very thin.

Nevertheless, all these considerations did not prevent the federal government from recognizing the result of this referendum. After the Newfoundland legislature approved, by resolution, the referendum result, Canada's prime minister expressed his intention to go ahead with the requested constitutional amendment.

I acknowledge the recognition of a referendum result by the federal government. Even though the government is very careful not to give that interpretation to its decision, we can give this moment in history all its meaning because it is undoubtedly a precedent that we will be able to use to our advantage in the future.

That precedent is indeed established through the recognition of the result of a referendum in which 52 per cent of eligible voters went to the polls and only 54 per cent of them voted in favour of the proposed constitutional amendment.

The Bloc Québécois has chosen to support Newfoundland's decision since it was made in accordance with recognized democratic rules, through a referendum in which the majority of voters who took part voted in favour of an amendment.

However, we are concerned about the inadequacy of the education rights of the francophone minority in Newfoundland. The Roman Catholic Church, through the Roman Catholic Bishops of Canada, has also expressed its concern, as well as the Fédération des parents francophones de Terre-Neuve et du Labrador. Therefore, we sincerely hope that the Newfoundland government will seize the opportunity to revise its legislation with regard to education in order to allow francophones in that province to assume total responsibility for the management of their schools.

However, I deplore the fact that premier of Newfoundland, Brian Tobin, is saying high and low that, by supporting this motion, the Bloc Québécois proved that the rule of law would prevail at all times and that it recognizes the Constitution's legitimacy. Yes, we support the rule of law if it is for the emancipation of peoples, but we reject the rule of law in cases where it would force peoples into subordination.

Besides, Mr. Tobin, our ex-colleague, should be reminded that this matter is about the enforcement of clause 43 in the Constitutional amending formulas according to the specific needs of a province or group of provinces.

• (2055)

Quebec's sovereignty cannot go through that process which is far too restrictive. To recognize the right enshrined in section 43 of the Constitution does not lead to recognizing the political legitimacy of the whole. Let us not forget that the Constitution Act of 1982 has not yet been signed by the Government of Quebec.

But above all, we, in the Bloc Québécois, claim that it is the political, not the legal, legitimacy of the referendum results that matters. In this case, as in a future referendum in Quebec, politics take precedence over the legal niceties. This is why this House is complying with the result expressed by the people of Newfoundland. Mr. Tobin must understand that our support for this motion is based on the principle that democracy takes precedence over law. What government would dare to go against the freely expressed will of the people?

Summing up, we are faced with a participation rate of 52 per cent, considered sufficient enough by the federal government to recognize the referendum results. We are faced with a federal government which has recognized a referendum question written solely by the Government of Newfoundland. We take note of it and we will draw from it the appropriate conclusions for Quebec.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, since the Bloc members have spent most of their time talking about aspects of the referendum, I wonder if the member would care to comment on this referendum, which unlike the Quebec referendum, had a very low turnout.

There was a 52 per cent turnout for the referendum and only 54.9 per cent voted in favour of the question. This means that 28 per cent of the population were in favour of the question. Does the member feel that is a significant indication of the wishes of the people of Newfoundland? Or does the member believe some larger representation of the eligible voters should be required?

[Translation]

Mr. Godin: Mr. Speaker, I appreciate the member's question. I believe that in a referendum, the important thing is to make sure that all citizens can express their opinion and exercise their right to vote. If, in a referendum, the majority has spoken in favour of the process, in my mind, the referendum is legitimate.

I would like to point out to my colleague that when Newfoundland joined the Canadian Confederation, it took two referendums, and the results of the second one were only 54 per cent in favour of it. I cannot see why this was good enough to let Newfoundland in and 52 per cent might not be enough when a province within

Canada expresses its opinion by way of a referendum. I believe that 50 per cent plus one vote is good enough when people are called on to express their opinion and do so.

• (2100)

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, it is my turn to participate in this debate on the motion requesting that the Newfoundland government be authorized to modify its education system through a constitutional amendment, as provided in section 43 of the Constitution.

Members of the Bloc Québécois support that motion, for two main reasons for this. The first one is very important; it is the fact that we are in a democracy. We believe in democracy and the Newfoundland government presented us with the results of a referendum held democratically and in accordance with recognized rules.

We think that we do not have to agree with the reservations expressed concerning the question. The Newfoundland government, the elected members of the legislature discussed that question. There was a debate, there was a yes side and a no side. Everyone had the opportunity to vote. There was then a result and we, of the Bloc Québécois, because we are democratic, recognize the result of that vote. The issue is not the final result. When a referendum is recognized, it is the 50 per cent plus one formula, as in the case of the Maastricht treaty, and many referendums held around the world. The democratic rule is 50 per cent plus one.

That is why we, of the Bloc Québécois, support wholeheartedly the Government of Newfoundland on this issue. Moreover, in the speech he made earlier, the member for Trois-Rivières was reminding us, rightly so, that the Government of Newfoundland is one that can be used as a model with regards to referendums.

First of all, it is the only province that entered the Canadian Confederation after holding a referendum on the issue; I should say two, because there were two. The result was narrow in the first one, so the debate continued the following year, in 1949, and there was another referendum. The people of Newfoundland voted and asked the rest of Canada to accept them in the Confederation. That was done democratically. We have nothing to say on that. That is fine, it was in response to the wishes of the people.

So, this time, the people of Newfoundland decide also democratically to hold a referendum on an issue they consider important, an issue that was causing division within the province; they decide to hold this referendum to change their education system. We support that, of course.

The second reason is that—we sovereignists read the Constitution, we know what it is all about, because we have had to put up with it long enough, we know it by heart—section 93 of the

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Constitution says: “In and for each province the legislature may exclusively make laws in relation to education”. To Quebecers, exclusively means that this is none of our business, it concerns the people of Newfoundland, the men and women of Newfoundland. It is neither for Quebecers nor for the residents of other provinces to tell Newfoundlanders how to manage their school system.

The objectives put forward seem logical to us, Bloc members, and we agree. But it is not because expenditures are being reduced or because a structure is being amended in such and such a way, but because this is exclusively under provincial jurisdiction.

We would not appreciate people from Newfoundland or other provinces telling Quebecers and the Government of Quebec what to do in matters of education. Each time the federal government tries to interfere—and it has no compunction about doing so in this area—we remind it that it does not have jurisdiction, we do. We have a consistent approach to the principle included in the Constitution, which says clearly that it is up to Newfoundlanders to define what they wish to see in their school system. However, we do have some reservations concerning the protection of the French speaking minority’s rights.

• (2105)

I want to make it clear right away that, according to statistics, there are 2,680 francophones in Newfoundland, which constitutes 0.5 of the population, spread here and there across the island and also in Labrador. When I hear people say that we must oppose every change, every amendment, it sounds as if all of a sudden we had to protect the major progress the province of Newfoundland has made with regard to protecting the French speaking minority.

I remind hon. members that there is no French school board in Newfoundland. None. Besides, there is only one entirely unilingual French school, only one. Other francophones are distributed among four other bilingual schools. What is it exactly we want to protect? I was about to say next to nothing, but that is the situation such as it is. There is only one school where all the students are French speaking.

When the Leader of the Opposition met with Premier Tobin, he voiced his concerns about the situation and hoped for some improvement. Mr. Tobin said: “Yes, but things are better than they used to be, since we will now have a committee made up of three individuals with a specific mandate to try to improve the situation of French speaking Newfoundlanders in terms of education”.

Since the measure respects the Constitution and is to our liking, although we would like it to be more explicit, and since the final legislation to modernize the system has yet to be passed, we are confident that Premier Tobin will protect the rights of the French

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speaking minority, just like Quebec did with its English speaking minority. We would like him to go even further and to recognize more than one school. I will not start giving names, but there are 2,680 francophones. So, we would like more schools to be recognized and greater participation of francophones in the school boards. This is what we want.

But there is something else. I have been following the debate for a while and, in fact, the phenomenon goes back to the debate on Bill C-33. All of a sudden, two members were excluded from the Liberal Party, or left of their own will, and became independent. More and more often, the Liberal government lets its members vote freely. This, in my opinion, is the symptom of a routed government, a government that does not know where it is headed and that tries to please all its members. It lets its members speak freely. If we push it a little further—because apparently some 50 Liberal members do not agree with this motion—the government would need the support of members in the two opposition parties to have its motions passed. It does not make sense any more.

The way things are going, one wonders if we still have a government and a prime minister. This Prime Minister says that all referendums are not equal, and his intergovernmental affairs minister agrees and says it depends. This is a double standard. In Newfoundland, any question goes, any result and any level of participation are acceptable. In Quebec, it is a different story. The Prime Minister has to agree with the question. He wants to determine the majority needed to win a referendum. Sometimes he compares our province to a rod and gun club. He noticed that the bylaws of such clubs in Quebec—so he saw back home in Shawinigan, where he goes only in the summertime—provide for a 66.66 per cent majority. He kind of likes that, and he would want to force that on Quebec, but not on Newfoundland.

In Newfoundland, 50 p. 100 is good enough. That is unbelievable. The inconsistency of this government is just unbelievable. But in Quebec, it wants to be tough and object to everything. It goes as far as supporting Guy Bertrand, who wants to take away from Quebecers the right to self-determination. That will never be tolerated.

[English]

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I am not supporting this legislation because I am not convinced the rights of minorities as entrenched in the Constitution are being safeguarded.

To make the proposed changes to the school system in Newfoundland a constitutional amendment is not necessary. It already has the authority to make such a change under section 93. There should have been better consultation with the groups whose minority rights will be affected. I say this because some parents were here on the Hill last week. Those parents stated they had not had the consultation they required.

• (2110)

I ask the hon. member if he is aware that this consultation with the parents of these children who attend religious schools did not take place. They also stated that prior to the referendum people were not aware of any consultation. Does he not agree that in today's society with the peer pressure out there it is better to have religious schools for our young people than the other system?

[Translation]

Mr. Dubé: Mr. Speaker, I have two points to make with respect to the hon. member's question. First, she talked about the consultation of the groups affected by the measures. Is there a better consultation than the one in which people old enough to vote are first called upon to take part in the debate and then to vote?

This is not a neighbourhood consultation about a school. It is a consultation about an education system for the whole province. And it has been done. As for us, we are fully satisfied with the consultation aspect because the province of Newfoundland used, in my opinion, the best consultation tool of all: a referendum.

Newfoundland is concerned with the rights or the claims with regard to the denominational aspect. I believe that this is none of our business and that we should stay out of Newfoundland's affairs. Similarly, Quebecers would not like that Newfoundlanders get involved in the discussions about such arrangements in Quebec.

But since the hon. member is asking me, I will say that I saw in Newfoundland's proposal measures to let the different denominations express themselves. Therefore, any group of people can have access to its religion in its school board or school if it is large enough.

[English]

Mrs. Wayne: Mr. Speaker, in my riding of Saint John, New Brunswick last week I spoke at St. Vincent's girl's high school. The system has changed to the type of system in Newfoundland. Right now that high school is not allowed to continue as a religious high school without going before the board of education every year. That will happen all across Canada before we are through and all religious schools will be gone.

[Translation]

Mr. Dubé: Mr. Speaker, I am saying that what my colleague is talking about concerns the people of Newfoundland. It was their decision to make, and that is what they did. Once the referendum results were known, their elected government, supported by the leader of the opposition and the leader of the third party, came to Ottawa to ask the Parliament of Canada to recognize the decision legitimately made in their province. That is the only possible answer to such a question.

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[English]

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, I feel compelled this evening to speak on the issue of the educational system in Newfoundland and on minority rights in Canada. We are told by some inside the House and outside that these two matters are separate and distinct, that they are unrelated.

We debate tonight an amendment to term 17 as requested by the legislature of Newfoundland. We are assured this amendment will not negatively impact minority rights in Newfoundland or in any other part of Canada. We are told this is a local issue, a Newfoundland issue, and that it does not involve the rest of Canada. Not so, Mr. Speaker. A threat to minority rights anywhere in Canada is a threat to minority rights everywhere in Canada.

• (2115)

Many Canadians, including members of Parliament from every region, have at least three major concerns about this requested amendment. First, an analysis of the vote in Newfoundland shows that at least two of the minority groups affected voted against this amendment. It is a fundamental principle of fairness in a democracy that the rights of a minority guaranteed in law should not be changed, diminished or abolished without the consent of the citizens who collectively comprise that minority group.

Second, this amendment, if enacted, could represent a dangerous precedent for the erosion of minority rights in Canada. It is obvious, Mr. Speaker, obvious there is disagreement among Canadian legal experts on the possible precedent this amendment could create. Expert legal opinion has stated that this matter should properly have been referred to the Supreme Court of Canada for an expeditious ruling before we make such a very important decision.

Third, the process has been incredibly flawed, in my view. Other citizens of Canada want to be heard, Newfoundlanders and other Canadians as well. Leaders of several denominations wish to be heard on this matter, non-Catholic and Catholic alike. I would submit there should have been hearings on this very important issue before a decision is taken on it.

I cannot think of any member of the House who does not support the people of Newfoundland in their desire to improve and modernize their educational system. Such a modernization and improvement ought properly to be arrived at co-operatively by the efforts of all concerned, the leaders of the Government of Newfoundland, the leaders of the communities and their citizens.

While I support the improvement of the educational system in Newfoundland, I cannot support this amendment, as requested, because I sincerely believe that it could imperil minority rights in other provinces. It could imperil education rights and it could

imperil other minority rights. For those reasons I simply cannot support it. I must vote no.

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the hon. member discussed the issue of inclusion in the debate. I would like to point out very briefly that since 1990 a royal commission has been studying the issue of educational reform in the province and had reached specific conclusions in 1992.

The specific conclusions of the royal commission were based on the input of thousands of briefs that were received, the inclusions of hundreds of individuals who presented those briefs.

Does the hon. member have any thoughts on those members who represent particular religious affiliations, particular religious beliefs and faiths, the 5 per cent we have not discussed here tonight, who at this current time do not receive any religious instruction in the faith of their choice? Would the hon. member like to comment on or discuss the 50 per cent of the Pentecostal faith which currently does not receive instruction in their faith, and whether or not the current amendments to term 17 would include those individuals in Newfoundland society?

Mr. O'Brien (London—Middlesex): Mr. Speaker, I thank my colleague from the province of Newfoundland for his questions and for his comments.

• (2120)

One of the feelings that I hold very strongly is that we ought to have held public hearings, however brief. The need for such hearings has been well addressed by my colleague from the province of Newfoundland.

If there are people from the Pentecostal faith who wish to be heard, let us bring them to Ottawa and hear them. If there are those of no particular religious belief who wish to be heard on this issue, let us bring them to Ottawa and let them be heard.

In my view, in a democracy, it is fundamentally unfair to change and imperil minority rights without the opportunity of all who wish to be heard to have that opportunity.

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, I sat by and listened to a number of the comments, especially from those of the opposition.

I am very concerned about the sociativity between various referenda that take place in this country. In my riding, we are currently having a referendum about whether parts of my constituency should be part of the GTA.

It has no real legal impact. It is simply an opinion poll. For the members of the opposition to say that the referendum in Newfoundland was not necessary has a kind of major impact on future referendums to do with such a horrendous issue as succession which has no legal framework in our Constitution is ludicrous.

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The members opposite talk about democracy. Let us have a focus on what they mean about democracy. They are willing to take the welfare of the children of Newfoundland and use it for their own cause which is separation.

The province of Newfoundland faces the highest illiteracy rate in Canada. The children of Newfoundland have one of the lowest scholastic scores in all of Canada. The province of Newfoundland spends, relative to the amount of money that they have available to them, far more than any other province and yet get one of the worst scholastic scores in this country.

There is something wrong with the school system in Newfoundland. There is no question about that. The members opposite would use those facts to promote their own cause.

Let us talk about democracy. Bloc members are willing to say 50-plus one is some kind of democratic threshold when every other country in the world, when it comes to constitutional amendments to do with the basic framework of their country, require 66 per cent or 75 per cent. The reality is that there is no sociativity between these two things.

Let us talk about some other facts that have occurred in the province of Quebec only recently. We have taken something like the Canada Student Loans Act and allowed it to be administered solely by the province of Quebec. Ninety-eight million dollars a year is allocated from the federal government to the province of Quebec to administer the Canada Student Loans Act. What has the province of Quebec recently done in that area? It has said that those students who want to take educational training outside the province of Quebec are prevented from doing so.

Was there a referendum? No. Was there a consultation process with the people of Quebec? No. Do not tell me about your attitudes toward a consultative and democratic process. Do not tell me about using the children of Newfoundland to support the cause of separation.

Finally, I support this amendment. It is not perfect. Nothing is perfect in our democracy but the feeling and the general attitude of the people of Newfoundland is that they need to get on with their lives, that they need to create a new educational system in the province. They need to create the opportunities for the people of that province.

They have waited much too long to try to resolve this problem. I am willing to believe that the fair minded people of Newfoundland have made a decision both in the legislature and also with a referendum and they basically want to get on with their lives.

The general thrust of the federal government should be to endorse that. I fully endorse it.

• (2125)

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, I listened very carefully to my hon. colleague's presentation. I was pleased to hear him indicate that while the province of Newfoundland made a decision to have a referendum, there was no necessity for them to do that. It did so only to get input from its citizenry.

What happens after this amendment hypothetically is passed? Does it mean, for example, that it is the end of religious education? Does it mean that it is the end of denominations having input into the education system in Newfoundland? I wonder if the hon. member would care to comment on that?

Mr. Shepherd: Mr. Speaker, denominational schools will continue in the province of Newfoundland.

The framework is where numbers permit. Newfoundland has a population of that of the city of Calgary. It has the great problem it had in the time of Joey Smallwood of how to administer services in rural areas. It is very difficult to administer Cadillac services in areas which do not have the population base to sustain them.

There is a need for rationalization but it does not mean the end of denominational schools. In those urban areas where numbers permit the denominational schools will continue. I believe the Roman Catholic school board will have more powers under this change because it will have a better rationalization of resources and a better ability to deliver those services to its students.

There really has not been a significant change. Many people in Newfoundland are arguing that the changes in the proposals of the province of Newfoundland have not gone far enough to address some of their major concerns. The bottom line is that I respect the member's question. This is a change for the better for Newfoundland. Many people still argue that it has not gone far enough, but it is our role to endorse those proposals and reform the educational system.

[*Translation*]

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, there are only a few minor elements I would like to discuss tonight. Many references to the participation rate in the referendum that took place in Newfoundland were made. It was said that that rate was so low that it undermined slightly the credibility of the exercise.

People often say that the right to vote is also a responsibility for the citizen. We know that there are citizens who are highly interested in politics and others who are not very interested. Would had it been very appropriate for those who did not really take an interest in the debate surrounding the Newfoundland referendum to make a judgment on the issue since they had decided to leave it to other more informed people?

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So, the participation rate is not really important. In Quebec, the participation rate, or the percentage of people who felt concerned by the issue, exceeded 90 p. 100. In Newfoundland, less people decided to participate. So be it. We have to respect their decision.

The other thing I would like to mention is the fact that the word referendum seems to raise great fear in this House. I believe that a referendum, as has been said so many times this evening, is a very modern and highly democratic tool.

What is important to understand is that, at the present time, in this dynamic world with its rapid changes, where we are constantly being required to totally change our tack, decisions must be made quickly, but they must be tailored to the wishes of the people. That leads us to the concept of referendum.

What can be wrong with consulting the people, consulting those who have pondered the question? So we prepare a question for the population, and those who want to answer do so. That is completely normal, and I believe there ought to be more referenda.

The other point is that, when legislation is being prepared, we need to add things to it, and then later on it will dictate to us how we ought to act.

• (2130)

In the end, the people are represented by politicians, and these very politicians establish the laws defining the broad social trends in our society. At some point in time, we realize that these laws, including the Constitution, are so complex we get lost in them. How can our country remain dynamic and adapt quickly, when we are caught up in a jumble of laws?

This brings me to the Bertrand case, which claims that we cannot do what we want to do because the law prevents it. But the people, through their politicians, establish the laws to define the course of society, and we are not even allowed any more to oppose it. I think there is room to question this. Society needs to debate this point. We should ask people about this, because they are those who elected us here.

They elected us to represent them along some party lines and those party lines are the ones defining social trends. However, we must lend an ear to the people to know if our decisions are appropriate. These are considerations that fascinate me tonight, and I think we would gain from pondering over them.

Last September 5, the Newfoundland government held a referendum to change the school system to a non-denominational one. Results were a yes vote of 54 per cent with a 52 per cent participation rate, which meant that the Newfoundland government could start the process whereby it is today asking the federal government to amend term 17 of the 1949 union act, in accordance with clause 43.

As we know, section 43 allows the federal government to amend the Constitution with the consent of one province when the amendment applies only to this province. We also know that section 43 was used on three occasions in the recent past. In 1987, with regard to the same rights of churches in Newfoundland, but it had to do with the Pentecostal Church. In 1993, to enshrine the equality of the French and English languages in New Brunswick. And again in 1993, to facilitate the building of a bridge between Prince Edward Island and New Brunswick.

We do not see anything wrong with the proposed reform. The school system in Newfoundland has become too complex and too costly. Three years of consultations with the churches involved have led nowhere. If an agreement had been reached, it could have been cancelled by anyone with the help of the courts.

As I was saying, the rule of law Mr. Bertrand is so adamant to support has its limits. When the limits have been reached, fortunately there remains democracy. We come full circle; is the law there to serve the people or are the people there to serve the law? What tools can we use? I think a referendum is a very good one.

When the population so wishes, even if the turnout is not so large, the opinion of the well-informed prevails. Fifty-three per cent of the people felt they were informed enough to give their opinion. They said what they had to say. Democracy played its role. I hope things work just as well during the next referendum in Quebec. The participation rate will be determined by the number of people really interested in the debate.

Maybe we should hold a broad public debate on the right to vote. Is it a civic duty or a right? Are those who vote knowledgeable enough to give direction to public debates in our country?

[*English*]

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, I listened to the member's dissertation that referendums were so valuable in society. Maybe they are, but at what point do we run a referendum or an opinion poll? Do we do it every five or ten years, every year, every two months or every two days?

The member talks about democracy and the respect of democracy and yet we know there was a referendum recently in his province and he continues to talk about the next referendum. There does not seem to be any real appreciation of the votes and the desires of the people of Quebec to stay within the country. How can he claim he is a democrat?

[*Translation*]

Mr. Tremblay (Lac-Saint-Jean): Mr. Speaker, when can a referendum be held? In my opinion, whenever we see division among the people or the need for a societal debate.

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• (2135)

So, I would say to my colleague that, at 50 per cent and a little more or less, the issue is not really decided. When the people are asking themselves some questions, I believe it is appropriate to further the debate to inform them well. At that time, I think it will be very credible to have another one in four years, in two years.

To respond also to the first question of my colleague, I would say that referenda are appropriate when the people ask themselves questions. It would even be interesting in the future to have a card announcing a referendum to be held at a given time and on a given issue. Perhaps we could have an annual day of referendum to ensure the people would participate more.

There are many questions we have to ask ourselves. Inasmuch as we ask ourselves questions on our system and we not do consider it the best in the world, perhaps it is the best in the world, but that is not a reason for sitting down and saying it should stay the same. On the contrary, I think the world is modernizing today and we must constantly ask ourselves questions on what we do and what we want to become.

[*English*]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am speaking in support of the amendment before the House tonight because I believe it will be beneficial to the people of my province of Newfoundland and Labrador and to all of Canada.

The educational system of Newfoundland and Labrador is distinct in Canada. The responsibility for educational matters falls within the legislative jurisdiction of the provinces. As a result there is a wide diversity among provincial school systems reflecting the wide diversity that is such an integral part of Canadian society.

Members will recall there are no public schools in Newfoundland and Labrador. Our education system is a part of our history. That is the case in most provinces. Our first schools were sponsored, fostered and promoted by the churches and their clergy. Governments did not assume responsibility for education until much later in our history. Even when public funding became available the Newfoundland system was still directly exclusively run by the churches.

The example of my home of Bonavista, an historic fishing town on the tip of the Bonavista Peninsula, best illustrates this. Not only is Bonavista the landfall of John Cabot 499 years ago this year, it is famous for other historic events.

In 1722 Reverend Henry Jones came to serve in Bonavista where he supervised the building of the first church in Newfoundland. Four years later he organized the first school in Newfoundland in my home town. I did not attend that school but the three room, one

teacher per room school on the very same site of that school that the existing system directed I attend. I had good teachers and enjoyed my time in school, but it kept me from attending a larger, more modern, better equipped school that would have more effectively prepared me for the future.

By the time of Confederation, six individual denominations had been granted the right to operate schools. They still possess that. One denomination was added in 1987. Today in Newfoundland and Labrador there are four separate, distinct and individual school systems with 27 overlapping boards in a province with 575,000 people and 110,000 students, roughly the size of Calgary.

The people of Newfoundland and Labrador have now asked Parliament to give the provincial legislature the authority to make changes in the denominational educational system. That will be the effect of the amended term 17. Simply put, the legislature would have more authority to decide and direct educational issues and the individual denominations would have less. Those arrangements which were incorporated in the Constitution in 1949 reflected the wishes and the beliefs of the Newfoundlanders of that day.

The people of the province through their government now wish to make different arrangements. They believe changes must be made to the schools for the sake of their children and their children's future. The decision to make change was neither hasty nor arbitrary and came as a consequence of a long process of public discussion and negotiation.

Six years ago the Government of Newfoundland and Labrador appointed a royal commission on education. More than 30 years had passed since such a study had been made. The commission was chaired by Dr. Len Williams, a respected and experienced educator. The commission recommended far reaching changes designed to give the children of Newfoundland and Labrador far greater opportunities to prepare themselves to lead full, satisfying and productive lives.

• (2140)

The provincial government quickly decided to negotiate new arrangements and then Premier Clyde Wells and several of his senior colleagues began a series of discussions with the representatives of the denominations. These discussions continued for more than two and a half years. Agreement was not possible, however, despite the best efforts of all involved. I know all of those involved, representing churches and government alike, strove mightily and in the best of good faith to reach an agreement but were not able to do so.

The provincial government was then faced with only three options: abandon the project to make changes it believed were necessary, agree to the much less far reaching changes which the leaders of the churches were prepared to accept, or seek a constitutional amendment to give the legislature powers with respect to

education similar to those already vested in every other provincial legislature. It chose the amendment route.

The government believed that because the changes were so important to the people of Newfoundland and Labrador that it should not seek a constitutional amendment unless the people of the province agreed they wanted one. The government sought the views of its electors, the parents of the children of the province, in a referendum. A majority of 54.8 per cent of those who voted endorsed the government's reform proposal.

The government then asked the House of Assembly to decide the issue. Every member of the House except the Speaker voted on the proposal. Thirty-one members supported the proposal, 20 voted against. All three party leaders voted in favour of it. That resolution is the one which is before us now.

My colleague, the Minister of Justice, has described the amendment in detail and addressed the legal issues that arise from it.

I want to say a word or two about the educational issues in the context of the province and her peoples. I know the denominational system well. I am a product of the denominational school, as I mentioned earlier. The system has served Newfoundland and her people well, but I am convinced it can be improved. I am convinced the changes proposed by the Government of Newfoundland and Labrador will provide a better education for the children who live in my constituency of Bonavista—Trinity—Conception and for all the children of Newfoundland and Labrador.

I realize some of my colleagues and members on the other side of the House have concerns about the wisdom of the government's decision to ask Parliament to amend term 17. I have discussed it with many of them. I respect their opinions, which I know they have weighed carefully. I have done so too. So have many of our colleagues in the government. We did not come lightly or quickly to our decision to recommend the amendment to Parliament. Our decision came after detailed study, much thought, much reflection and strong debate.

We are fully persuaded that the amendment is an appropriate and proper change. We have no hesitation in recommending it to Parliament and in asking members on both sides of the House and those in the other place to support it. We believe the result will be a better educational system for the children of Newfoundland and Labrador.

The case for this amendment requested by the Newfoundland legislature is compelling in my judgment. I speak as a Newfoundlander, as a Canadian and as a member of the Government of Canada. It is true the powers enjoyed by our churches for the last half century will be diminished somewhat. However, all will be

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diminished equally, and so the question is not one of the majority discriminating against a minority.

Any fair minded observer would have to acknowledge that the constitutional protections, which will still be vested in seven denominations in Newfoundland and Labrador if the amendment is adopted, will compare favourably with those enjoyed by any established religious group anywhere else in Canada.

It would be both fair and accurate to describe the effect of the amendment as being an intent to introduce in Newfoundland and Labrador a system comparable to that in effect in many other provinces, with the significant exception that all schools in the province will still be denominational.

Members will have seen that the amendment gives the legislature the power to make provision for unidenominational schools. A constitutional provision will ensure the powers of the churches with respect to these schools will be comparable to those of separate schools in Ontario, for example.

Some are troubled by the suggestion that the legislature's power, which is found in section (b)(i) of the item which has been discussed often today, to make rules with respect to the establishment of unidenominational schools could be used to frustrate the ability of any given denomination to organize a denominational school. I looked closely at that. I have sought advice from our lawyers on that point and I am assured that such a result cannot come to pass.

● (2145)

This comes about because of the use of the words "subject to provincial legislation that is uniformly acceptable to all schools", the preamble of the new term. I am told these are words which have a precise meaning in law and would be used by a court to determine the reasonableness of a legislative enactment. Those members who are concerned by this point can take comfort in this protection.

In closing, I am convinced the legislature and the government of Newfoundland and Labrador will be able to provide the children of the province with a better education if we adopt this amendment. I am persuaded on the merits of the amendment. I am persuaded that it would not threaten or harm the rights of any other Canadian. I am persuaded that its adoption would not require a future Parliament to adopt an amendment that would unacceptably change the rights of any Canadian.

I am going to vote for it for those reasons and on that basis. I am going to vote for it because I believe it to be in the best interests of the children who live in the constituency of Bonavista—Trinity—Conception and the province of Newfoundland and Labrador. They deserve the best that Newfoundland and Labrador can provide. The adoption of this amendment will help make this so.

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[Translation]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I will be brief because there are other members who want to speak and because we are anxious to vote on this motion. All I want to indicate to the minister with my comment—because I do not necessarily want to ask a question—is that this is a very emotional issue. I have listened carefully to questions and comments today and I must say that there was a lot of emotion involved.

If I may use a little irony, I will say to the minister that each time we speak on issues like this, we are opening up the crab trap. The minister is smiling, so he is definitely listening to the simultaneous interpretation. I would like to tell him that regardless of our political differences or the different perception we often have of problems, I have made the effort to listen to all the debates on this issue. I must tell him from the start that I am always interested in recognizing democracy through a referendum.

I am not interested in commenting on the specifics of what the province does or does not need. What I wanted to say is that I have taken the time to listen, and I will vote in favour of the motion this evening. I would like to hear from the minister that he too intends to listen to all the other problems that arise, including in the crab fishery, so that people of good will can be heard in this House.

[English]

Mr. Mifflin: Mr. Speaker, I appreciate very much the comments of my hon. colleague. He listened to me and he is very much aware of course that I always listen to his very learned comments and seriously to the concerns of the constituency he represents, the concerns of fishermen on fishing issues and items related to the coast guard and marine service fees.

He is aware that I listen but I cannot always accede to his requests because sometimes they are outside the bounds even of my jurisdiction. I always listen attentively to what he has to say. I always give due weight to the learned comments he brings to the House.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I listened carefully to the hon. minister's comments.

The minister will know that the issue of precedent with regard to the educational minority rights in other provinces is a very, very important issue. I refer the minister to the letter of March 26 to the Prime Minister from Archbishop Emeritus Cardinal G. Emmett Carter of Toronto, in which he refers to Professor Patrick Monahan of Osgoode Hall Law School, in which he said, among other things, that an amendment to term 17 would create a risk to denominational school guarantees in other provinces that hitherto did not exist.

The minister has presented that there are judgments to the contrary. Would the minister not agree that a reference to the

supreme court to clarify the question might help a lot of members in this place?

• (2150)

Mr. Mifflin: Mr. Speaker, I hear what my hon. colleague is saying. As I said in my comments, I was troubled by this debate. I sought legal advice. According to legal opinions, the preamble precludes this from happening in any other case. I am satisfied that this item of interpretation has been clarified and I think the Minister of Justice agrees. I am convinced that the adoption of this motion would not adversely affect any other province as is the concern of my hon. colleague.

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, I listened with care to the remarks of my hon. and gallant colleague, the minister of fisheries, who in my view gave ample justification for the passage of this resolution without amendment. However, I want to make my own views known on the subject because a considerable number of people in my own constituency have expressed their concerns and interests on this subject.

The resolution that started the whole ball rolling was a resolution of the House of Assembly of the province of Newfoundland that was adopted in October of last year. Under the terms of section 43 of the Constitution, the resolution that is considered by this House must be identical to the resolution of the House of Assembly of Newfoundland. Once the two have been passed with one from the Senate, the Governor General can then issue a proclamation amending the Constitution.

Anyone who is interested in this subject and who is concerned about the wording of the resolution before the House today could easily determine what that resolution was going to say by looking at the resolution passed by the Newfoundland House of Assembly in October last year.

Any argument that this has been sprung on the House at the last minute and is being rushed through in my view does not hold water. Everyone in Canada knew that section 43 was the route that would be followed for this amendment. Everyone in Canada who was interested could have looked at the Journals of the Newfoundland House of Assembly last October, read the resolution and known exactly what the Minister of Justice was going to propose in this House when the matter came here, once the government had made a decision that it was going to proceed with this resolution.

For those who argue this is somehow being rushed through or that this is a surprise, I say they simply should get a subscription to a proper newspaper and read it because it was there for all to see. Many of us did not bother to look because many of us did not think it was important at the time. The issue has become very important now because so many people have apparently expressed considerable concern about this resolution.

I decided to have a long look at the situation, to look at the facts under which the resolution was adopted and make up my mind as

to what I should do. I did so with some care. I have decided to support this resolution and reject the amendment that was moved by my former colleague from Broadview—Greenwood. The hon. member has moved an amendment which has an initial appeal but which in my view is not necessary in this particular case.

I believe we should approve the amendment the government has proposed and that the Government of Newfoundland has proposed without any change. I say so for these reasons: First, this resolution was adopted by the House of Assembly of Newfoundland. It was adopted in October 1995. It chose to have a referendum before that on the issue which happened, although it did not need to have one.

We can argue whether it was a big enough majority or whether enough people voted but to me that was irrelevant because there was no need at all for a referendum. The Government of Newfoundland chose to have one and it had one but if the resolution had come from the House of Assembly alone, in my view it would have been proper for this House to act on it because that is the constitutional amending formula we have agreed to in this country. The Government of Newfoundland adopted in its House of Assembly a resolution which it sent to Parliament and asked us to act on.

Second, after that resolution was adopted, there was an election in Newfoundland. If the people of Newfoundland felt that their government was not representative of their interests in this regard, they could have thrown the government out, but they did not. The government was re-elected and a subsequent resolution was adopted approving the former course of action. It was adopted unanimously in the Newfoundland House of Assembly and it was supported by all three party leaders. We have ample justification from the House of Assembly in Newfoundland to proceed with this constitutional amendment. That is all the Constitution of Canada requires under section 43 and that is what we are proceeding on.

• (2155)

The question came to me: How should I as an MP from Ontario react to this request from the Government of Newfoundland? Should I interfere in Newfoundland's decision on a matter of exclusive provincial jurisdiction? I have concluded that I should not. If I were to interfere, on what grounds ought I to do so? In my view the only ground I could interfere on would be one of overriding national interest. I do not see a violation of any overriding national interest in this case.

I know some of my colleagues on all sides of the House have argued that minority rights are somehow being diminished by this resolution. It may be that over a long period of time there could be a diminution of minority rights by virtue of the passage of this resolution, but the situation in Newfoundland is radically different

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from the situation in Ontario given the protection that is afforded to minority education rights in our province.

Effectively there is no public school system operating in Newfoundland. There are no public schools in Newfoundland as we know them in Ontario. All the schools are denominational schools. All the denominational schools are being treated the same by this resolution. They are all having their status slightly altered by this resolution but there will remain denominational schools in Newfoundland after this resolution is adopted until such time as the assembly changes those rules. It has not indicated a desire to do so. That is something the electors of the province of Newfoundland can deal with when they elect their members to their House of Assembly. They are the ones who should have the responsibility for education in that province and they will have to accept that responsibility. The electors will have to take their responsibility by electing the right people to the legislature.

In my view we have not taken away the right of denominational schools to exist in Newfoundland by this amendment. It is provided in there that they may continue under the resolution that is before us. While we may have weakened the current status of those schools by this resolution, we have not undermined minority rights unless we regard every group that has a school as a minority because every one of the school groups has been changed. I suppose it could be argued that every one of them is a minority and therefore we have affected minority rights, but in my view it is not an argument I find compelling enough to convince me as a non-Newfoundlander to interfere with the decision of the duly elected representatives of the people of Newfoundland expressed in their assembly before an election and again after an election, when they had a chance to change the composition of that House.

I also note that six of the seven members of Parliament from the province of Newfoundland in this House are supportive of this resolution. If my colleagues who are elected from that province support it, who am I to second guess them and say this is wrong?

I am pleased to support the resolution. I will accordingly vote against the amendment. I do so bearing very much in mind the fact that there are fears this is going to make a significant change on a particular minority, namely the Roman Catholic one. I do not believe it will. I believe this will work out for the betterment of all the people of Newfoundland.

The people from Newfoundland who have spoken in support of it have done so eloquently and they have done so in the belief that what they are doing will improve the education system in that province which on any unbiased record is, if not the worst, is one of the worst in our country. Everyone is admitting it needs improvement. This resolution is put forward by the province of Newfoundland with a view to improving it. I am happy to lend my support to it on that basis.

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The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

• (2200)

The Deputy Speaker: The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

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

*(Division No. 95)***YEAS****Members**

Allmand	Axworthy (Saskatoon—Clark's Crossing)
Baker	Bellemare
Bhaduria	Blaikie
Bonin	Brown (Oakville—Milton)
Charest	Comuzzi
Crawford	Cummins
Duhamel	Guarnieri
Iftody	Lincoln
McClelland (Edmonton Southwest/Sud-Ouest)	McTeague
Mills (Broadview—Greenwood)	O'Brien (London—Middlesex)
Pillitteri	Serré
Steckle	Szabo
Thompson	Volpe
Wayne —27	

NAYS**Members**

Ablonczy	Alcock
Anawak	Anderson
Arseneault	Assad
Assadourian	Asselin
Bachand	Bakopanos
Barnes	Bélangier
Bélisle	Benoit
Bernier (Beauce)	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bertrand
Bethel	Bevilacqua
Bodnar	Boudria
Bryden	Byrne
Caccia	Calder
Campbell	Catterall
Cauchon	Chamberlain
Chan	Chrétien (Frontenac)

Chrétien (Saint-Maurice)	Clancy
Cohen	Collenette
Cowling	Crête
Culbert	Cullen
de Jong	Debien
DeVillers	Dingwall
Dion	Discepola
Dromisky	Dubé
Duceppe	Dumas
Duncan	Dupuy
Easter	Eggleton
English	Epp
Fewchuk	Fillion
Finlay	Flis
Fontana	Forseth
Frazer	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gauthier
Gerrard	Godfrey
Godin	Goodale
Graham	Grubel
Guay	Guimond
Hanger	Harb
Harper (Calgary West/Ouest)	Harper (Churchill)
Hart	Hayes
Hermanson	Hickey
Hubbard	Irwin
Jackson	Keyes
Kirkby	Knutson
Kraft Sloan	Lalonde
Landry	Lastewka
Laurin	Lavigne (Beauharnois—Salaberry)
Lebel	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee	Lefebvre
Leroux (Shefford)	Loney
Loubier	MacAulay
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Manley	Marchand
Marchi	Marleau
Martin (LaSalle—Émard)	Mayfield
McCormick	McGuire
McKinnon	McLaughlin
McLellan (Edmonton Northwest/Nord-Ouest)	McWhinney
Ménard	Mercier
Meredith	Mifflin
Milliken	Mitchell
Morrison	Murphy
Murray	Nault
Nunez	O'Brien (Labrador)
O'Reilly	Pagtakhan
Parrish	Patry
Payne	Peters
Peterson	Pettigrew
Phinney	Picard (Drummond)
Plamondon	Pomerleau
Reed	Regan
Richardson	Rideout
Ringma	Ringuette-Maltais
Robichaud	Robillard
Rocheleau	Rock
Schmidt	Scott (Fredericton—York—Sunbury)
Scott (Skeena)	Shepherd
Sheridan	Silye
Solberg	Speaker
Speller	St. Denis
Strahl	Taylor
Telegdi	Thalheimer
Torsney	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
Ur	Valeri
Vanclief	Venne
Verran	Wells
Whelan	White (Fraser Valley West/Ouest)
Williams	Zed—182

Government Orders

PAIRED MEMBERS

Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)
Bellehumeur	Brien
Brushett	Dalphond-Guiral
de Savoye	Deshaies
Gray (Windsor West/Ouest)	Harvard
Jacob	Jordan
Langlois	Lavigne (Verdun—Saint-Paul)
Leroux (Richmond—Wolfe)	Paradis
Paré	St-Laurent
Stewart (Northumberland)	Wappel

• (2225)

The Deputy Speaker: I declare the amendment lost. The next question is on the main motion.

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

(Division No. 96)

YEAS

Members

Abлонczyk	Alcock
Anawak	Anderson
Arseneault	Assad
Assadourian	Asselin
Bachand	Bakopanos
Barnes	Bélangier
Bélisle	Benoit
Bernier (Beauce)	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bertrand
Bevilacqua	Bodnar
Boudria	Bryden
Byrne	Caccia
Campbell	Catterall
Cauchon	Chamberlain
Chan	Chrétien (Frontenac)
Chrétien (Saint-Maurice)	Clancy
Cohen	Collenette
Cowling	Crête
Culbert	Cullen
de Jong	Debien
De Villiers	Dingwall
Dion	Discepola
Dubé	Duceppe
Dumas	Dupuy
Easter	Eggleton
Fewchuk	Fillion
Finlay	Flis
Fontana	Forseth
Frazier	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Gauthier	Gerrard
Godfrey	Godin
Goodale	Graham
Grubel	Guay
Guimond	Hanger
Harb	Harper (Calgary West/Ouest)
Harper (Churchill)	Hart
Hermanson	Hickey
Hubbard	Irwin
Kilger (Stormont—Dundas)	Kirkby
Knutson	Kraft Sloan
Lalonde	Landry
Lastewka	Laurin
Lavigne (Beauharnois—Salaberry)	Lebel
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lee
Lefebvre	Leroux (Shefford)
Loney	Loubier
MacAulay	MacDonald
MacLellan (Cape/Cap-Breton—The Sydneys)	Malhi
Maloney	Manly
Marchand	Marchi
Marleau	Martin (LaSalle—Émard)
Mayfield	McClelland (Edmonton Southwest/Sud-Ouest)
McCormick	McGuire
McKinnon	McLaughlin

McLellan (Edmonton Northwest/Nord-Ouest)	McWhinney
Ménard	Mercier
Meredith	Mifflin
Miliken	Mitchell
Morrison	Murphy
Murray	Nault
Nunez	O'Brien (Labrador)
O'Reilly	Pagtakhan
Parrish	Patry
Payne	Peters
Peterson	Pettigrew
Picard (Drummond)	Plamondon
Pomerleau	Reed
Regan	Richardson
Rideout	Ringma
Ringuette-Maltais	Robichaud
Robillard	Rocheleau
Rock	Schmidt
Scott (Fredericton—York—Sunbury)	Shepherd
Sheridan	Silye
Simmons	Solberg
Speaker	Speller
St. Denis	Strahl
Taylor	Thalheimer
Torsney	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
Ur	Vanclief
Venne	Wells
Whelan	White (Fraser Valley West/Ouest)
Williams	Zed—170

NAYS

Members

Allmand	Axworthy (Saskatoon—Clark's Crossing)
Baker	Bellemare
Bethel	Bhaduria
Blaikie	Bonin
Brown (Oakville—Milton)	Calder
Charest	Collins
Comuzzi	Crawford
Cummins	Dromisky
Duhamel	Duncan
English	Epp
Gallaway	Grose
Guarnieri	Hayes
Hopkins	Ianno
Iftody	Jackson
Keyes	Lincoln
McTeague	Mills (Broadview—Greenwood)
O'Brien (London—Middlesex)	Phinney
Pillitteri	Serré
Skoke	Steckle
Szabo	Telegdi
Thompson	Valeri
Verran	Volpe
Wayne	Wood—46

PAIRED MEMBERS

Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)
Bellehumeur	Brien
Brushett	Dalphond-Guiral
de Savoye	Deshaies
Gray (Windsor West/Ouest)	Harvard
Jacob	Jordan
Langlois	Lavigne (Verdun—Saint-Paul)
Leroux (Richmond—Wolfe)	Paradis
Paré	St-Laurent
Stewart (Northumberland)	Wappel

Private Members' Business

● (2235)

The Deputy Speaker: I declare the motion carried.

PRIVATE MEMBERS' BUSINESS

[English]

INCOME TAX ACT

The House resumed from May 29 consideration of the motion and of the amendment.

The Deputy Speaker: The House will now proceed to the taking of the deferred recorded division on the amendment relating to Motion M-30 under Private Members' Business. The question is on the amendment.

As is the practice, the division will be taken row by row, starting with the mover and then proceeding with those in favour of the amendment sitting on the same side of the House as the mover. Then those in favour of the amendment sitting on the other side of the House will be called.

Those opposed to the amendment will be called in the same order.

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

(Division No. 97)

YEAS

Members

Allmand	Arseneault
Asselin	Axworthy (Saskatoon—Clark's Crossing)
Bachand	Bélisle
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Blaikie	Caccia
Charest	Chrétien (Frontenac)
Crête	Cummins
de Jong	Debien
Dubé	Duceppe
Dumas	Epp
Fillion	Frazier
Gagnon (Québec)	Gauthier
Godin	Guay
Guimond	Hayes
Lalonde	Landry
Laurin	Lavigne (Beauharnois—Salaberry)
Lebel	Lefebvre
Leroux (Shefford)	Loubier
Marchand	McClelland (Edmonton Southwest/Sud-Ouest)
McLaughlin	Ménard
Mercier	Nunez
Picard (Drummond)	Plamondon
Pomerleau	Rideout
Rocheleau	Taylor
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Venne
Wayne—53	

NAYS

Members

Ablonczy	Alcock
Anawak	Anderson
Assadourian	Bakopanos

Barnes	Bélangier
Bellemare	Benoit
Bernier (Beauce)	Bertrand
Bevilacqua	Bodnar
Boudria	Bryden
Byrne	Calder
Campbell	Catterall
Cauchon	Chan
Chrétien (Saint-Maurice)	Clancy
Cohen	Collenette
Collins	Cowling
Culbert	DeVillers
Dingwall	Dion
Discepola	Dromisky
Duncan	Easter
Eggleton	Fewchuk
Finlay	Fontana
Forseth	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Galloway
Godfrey	Goodale
Graham	Grose
Grubel	Guarnieri
Hanger	Harper (Calgary West/Ouest)
Harper (Churchill)	Hart
Hermanson	Hickey
Hopkins	Hubbard
Ianno	Iftody
Irwin	Jackson
Keyes	Kirkby
Knutson	Kraft Sloan
Lastewka	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee	Lincoln
Loney	MacAulay
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Marchi	Marleau
Martin (LaSalle—Émard)	McCormick
McKinnon	McLellan (Edmonton Northwest/Nord-Ouest)
McTeague	McWhinney
Meredith	Mifflin
Milliken	Mitchell
Morrison	Murphy
Murray	Nault
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Patry
Payne	Peric
Peters	Pettigrew
Phinney	Pillitteri
Reed	Richardson
Ringma	Ringette-Maltais
Robichaud	Robillard
Rock	Schmidt
Scott (Skeena)	Silye
Solberg	Speaker
Steckle	Szabo
Telegdi	Thompson
Ur	Valeri
Vanclief	Verran
Volpe	Wells
Whelan	White (Fraser Valley West/Ouest)
Williams	Wood
Zed—129	

PAIRED MEMBERS

Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)
Bellehumeur	Brien
Brushett	Dalphond-Guiral
de Savoye	Deshaies
Gray (Windsor West/Ouest)	Harvard
Jacob	Jordan
Langlois	Lavigne (Verdun—Saint-Paul)

Private Members' Business

Leroux (Richmond—Wolfe)
Paré
Stewart (Northumberland)

Paradis
St-Laurent
Wappel

The Deputy Speaker: I declare the amendment lost.

Mr. Schmidt: Mr. Speaker, a point of order. I would like the record to show that I made a mistake in my vote on the Motion

No. 5. The record will show that I supported that motion. I want to be on record that I oppose the motion.

The Deputy Speaker: The House stands adjourned until 10 a.m. tomorrow.

(The House adjourned at 10.45 p.m.)

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