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OFFICIAL REPORT
(HANSARD)

Tuesday, November 19, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, November 19, 1996

The House met at 10 a.m.

Prayers

[*English*]

The Speaker: I am going to take a point of order from the hon. member for St. Albert before we go to orders of the day.

* * *

POINT OF ORDER

BILL C-42

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I rise on a point of order to argue against the amendments introduced by the government in the other place and on the Order Paper to be debated in this House today regarding Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act.

This is not a matter for a public bill but should instead be introduced as a private bill. Now that the other place has passed Bill C-42 as amended, the bill stands as some sort of hybrid public-private bill. Therefore the motion of the Minister of Justice to concur in the bill as amended cannot proceed because it would be a breach of our rules to do so.

I refer to a ruling by the Speaker on October 23, 1975 regarding a bill entitled ''an act for the parole of Dr. Henry Morgentaler''. The Speaker ruled:

> The fact of the matter is that the bill before us at the present time is a proposal to exempt or to except from the operation of the general law, one person, namely Dr. Henry Morgentaler. I cannot by any stretch of the imagination be persuaded that this is a subject matter of a public bill, or that it is in any way the alteration of the general law. It is the alteration or the exception for one person of the application of the law, which seems crystal clear to me to be the subject matter of a private bill and not a public bill.

The Speaker continued:

> —we are left with no other choice than to decide the matter is really a proper subject matter not of a public bill but of a private bill.

On October 2, 1996 the Speaker of the other House responded to a question by a senator to rule on whether or not Bill C-42, the bill we are currently discussing, prior to it being amended by this motion, was a public bill or a private bill. The Speaker of the other House said on page 921 of the Senate *Debates*:

> A public bill relates to a matter of public policy while a private bill relates to a matter of particular interest or benefit to a person or persons. A bill containing provisions which are essentially a feature of a private bill cannot be introduced as a public bill. A bill designed to exempt one person from the application of the law is a private bill, not a public bill.

Remember he was giving his ruling prior to this particular amendment being tabled. He went on to say:

> —while some of the changes may relate at the moment to identifiable individuals, they are designed to have lasting application; consequently, they are not in any way an exemption from the general law, but a change to it. Given this interpretation, it seems clear to me that Bill C-42 is a public bill, and not a private bill.

That was before the amendment was introduced and the bill passed in the Senate as amended.

Mr. Speaker, as you are aware the amendments to Bill C-42 delete any vestige of policy that is designed to have lasting application. All public policy in Bill C-42 regarding a judge's ability to accept assignments with international organizations has been removed and substituted by a special exemption to be written into the Judges Act to allow Madam Justice Louise Arbour to accept an assignment with an international organization. One person, one exemption and no lasting application.

Obviously the amendment to Bill C-42 clearly meets the criteria laid out by the Speaker of the other House on what constitutes a private bill.

In addition, citation 1055 of Beauchesne's sixth edition outlines principles for a private bill:

> —private bills demand peculiar vigilance, lest public laws be likely set aside for the benefit of particular persons or places.

The amendment introduced by the government in the other place sets a public law aside for the benefit of one particular person. I emphasize that the manner in which it is being done fosters less vigilance rather than more. It sets aside section 55 of the Judges Act specifically for Madam Justice Louise Arbour to take a leave from her judicial duties to serve as prosecutor of the international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia and of the international tribunal for Rwanda.

• (1010)

One could argue that we are dealing with only one section of the bill and that there are other aspects of public policy contained within the bill. The fact that some provisions of the bill are of a private nature is sufficient grounds to prevent Bill C-42 as amended by the government and the other place from proceeding any further.

Mr. Speaker, I refer you to a ruling from March 12, 1875. The bill under consideration was a bill to rearrange the capital of the Northern Railway Company of Canada to enable the said company to change the gauge of its railway to amalgamate with the Northern Extension Railways Company and for other purposes. It is important to note that only some of the provisions of this bill were of a private nature. When this fact was brought to the attention of the Speaker in 1875, he ruled that the point of order was well taken and that the bill could not be introduced as a public bill.

Bill C-42 as amended contains provisions only appropriate in a private bill. What we now have before us is a motion to retroactively create some sort of hybrid public-private bill. Erskine May's 21st edition, at page 793, gives two reasons for hybrid bills:

> —although in part they may be of a private nature, their main object is a public one; and secondly, that there may be no parties able and willing to present a petition.

Bill C-42 does not meet this definition because Madam Justice Louise Arbour is able to present a petition.

However, in the Canadian practice, public matters and private matters must be dealt with separately.

Mr. Speaker, I refer you to Beauchesne's sixth edition, citation 623, which states: ''According to Canadian standing orders and practice, there are only two kinds of bills—public and private. The British hybrid bill'', as defined by Erskine May, ''is not recognized in Canadian practice''.

There is a procedure in our rules for private bills and a procedure for public bills. The government cannot go down the middle on this one. It must go back to the drawing board and present a public bill to deal with the provisions of Bill C-42 which are of a public nature and if petitioned, a member can introduce a private bill to exempt Madam Justice Louise Arbour from the public policy.

Mr. Speaker, I suggest that we do not proceed any further with the motion to concur in Bill C-42 as amended until you have made your ruling on this matter of procedure.

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have listened carefully to the point of order raised by my hon. colleague. Frankly and with the greatest of respect I have to say that this is clearly not a private matter. It is a matter of public policy to permit the hon. Madam Justice involved to make the comments which she has made.

The point that is important to remember in the point of order which has been raised is that we do not have a bill before us. We merely have a message from the Senate concerning amendments. Therefore, the 1975 precedent which has been cited by my hon. colleague in my view respectfully is irrelevant. We are dealing with a message from the Senate in exactly the same manner as prescribed by the standing orders and the commentaries in those standing orders.

If the House wishes to reject the amendments, then it is certainly free to vote against the motion. It is not for the Chair, respectfully, to interpose itself between the Houses. It is for the House to be permitted to declare its views on this matter.

That is my respectful submission on the point of order raised by my hon. colleague.

The Speaker: Is the hon. member for St. Albert rising on the same point of order?

Mr. Williams: Mr. Speaker, it is on the same point of order. If I may be permitted a short rebuttal to the—

• (1015)

The Speaker: It will have to be very short. I do not want to get into a debate. Everything should be presented to the Chair on your first pass.

Mr. Williams: Mr. Speaker, I did that. However, I would just draw one point to your attention. Bill C-42 as it was passed in the House was ruled by the Speaker of the other place to be a matter of public policy. The Speaker said the wording of the bill was specific in a public policy manner to allow Madam Justice Louise Arbour to be the prosecutor, the position she currently holds.

The point is that the public policy ran into a problem in the other place. The government withdrew the public policy and introduced a specific exception to section 55 of the Judges Act for Madam Justice Louise Arbour.

I would also draw attention to the note on the motion that would amend the Judges Act which is before the House. It starts off by saying: ''Notwithstanding section 55, Madam Justice Louise Arbour may apply for a leave of absence''. That is the point, Mr. Speaker.

SPEAKER'S RULING

The Speaker: I thank the hon. member for St. Albert for bringing this specific point of order to the House. I listened with interest to what the parliamentary secretary had to say, both being put in juxtaposition.

We have here two amendments by the Senate for which concurrence of the House is sought. What the member is asking me to do is to rule on the procedural acceptability of changes made by the

Senate. My view is that your Speaker cannot stand as a procedural judge on what is done by the Senate. What they do over there, they do over there.

I would refer members to a ruling made April 26, 1990, at page 10723 of the Commons *Debates*, where Mr. Speaker Fraser notes:

> —the Speaker of the House of Commons cannot unilaterally rule out of order amendments from the other place. I can comment, as I am doing, but the House as a whole must ultimately make the decision to accept or reject amendments from the Senate, whether they be in order according to our rules or not.

It comes down to a decision of the House.

● (1020)

I am going to reach back just a little further to Erskine May, 20th edition, *Parliamentary Practice*. I am quoting from page 582. Subsection (2) states:

> No objection can be taken to a Lords Amendment—

—which means a Senate amendment for our purposes—

> —on the ground of order.

These amendments are sent to us from the Senate. Your Speaker cannot rule procedurally on what the Senate does. That is a matter for the House to decide. The House should rule on these amendments.

I thank both hon. members for their interventions and for bringing this to my attention.

ROUTINE PROCEEDINGS

[*Translation*]

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 three petitions.

* * *

ARTISTS AND PRODUCERS PROFESSIONAL RELATIONS TRIBUNAL

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) and in accordance with section 61 of the Status of the Artist Act, I have the honour to table, in both official languages, copies of the second annual report for the year 1995-96 of the Canadian Artists and Producers Professional Relations Tribunal.

Pursuant to Standing Order 32(5), this report is deemed referred to the Standing Committee on Human Resources Development.

Routine Proceedings

COMMITTEES OF THE HOUSE

HEALTH

Hon. Roger Simmons (Burin—St. George's, Lib.): Mr. Speaker, I have the honour to table, in both official languages, the third report of the Standing Committee on Health.

[*English*]

Pursuant to Standing Order 108(2), your committee has agreed to adopt the report on Bill C-202, an act respecting a National Organ Donor Day in Canada without amendment.

PROCEDURE AND HOUSE AFFAIRS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 45th report on the Standing Committee on Procedure and House Affairs regarding its order of reference from the House of October 22, 1996 in relation to Bill C-63, an act to amend the Canada Elections Act and the Referendum Act. The committee reports the bill with amendments.

* * *

PETITIONS

GOODS AND SERVICES TAX

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I have petition, duly authorized, from 100 constituents in the Calgary area. In part it says that the undersigned believe that the application of a 7 per cent GST to reading material is unfair and wrong.

Among other things they ask Parliament to zero rate reading materials under the proposed harmonization sales tax, and ask the Prime Minister to carry out his party's repeated and unequivocal promise to remove the federal sales tax from books, magazines and newspapers.

[*Translation*]

ABOLITION OF SENATE

Mr. Réjean Lefebvre (Champlain, BQ): Mr. Speaker, I welcome this opportunity to present a petition from the riding of Champlain, consisting of 9,000 signatures covering 450 pages. This petition seeks the abolition of the Senate.

The text of the petition reads as follows: ''The undersigned residents of Canada call upon the House to note the following: whereas the Senate consists of non-elected individuals who are not accountable for their actions; the Senate has an annual operating budget of $43 million; the Senate refuses to account for its votes to the committees of the House of Commons; the Senate does not fulfil its mandate for regional representation; the Senate duplicates the work done by members in the House of Commons; and considering the need for modern parliamentarian institutions and the motion to abolish the Senate now being debated in the House of

Commons; therefore your petitioners call upon Parliament to take steps to abolish the Senate''.

* * *

● (1025)

[*English*]

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 Deputy Speaker: Shall all questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CANADA LABOUR CODE

On the Order:

November 19—The Minister of Labour—Second reading and reference to the Standing Committee on Human Resources Development of Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I move:

That Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, be referred forthwith to the Standing Committee on Human Resources Development.

We are referring Bill C-66 to the Standing Committee on Human Resources Development so that it can review the bill and make recommendations.

Bill C-66 amends part I of the Canada Labour Code and the Corporations and Labour Unions Returns Act. The Canada Labour Code has not undergone—

[*English*]

Mr. Johnston: Mr. Speaker, I rise on a point of order. There seems to be no English translation coming through.

The Deputy Speaker: I ask the hon. Minister of Labour if he could wait for a minute so that we can make sure the

[*Translation*]

Mr. Gagliano: Mr. Speaker, I was saying that the Canada Labour Code has not undergone a major overhaul in more than 25 years. It had to be updated with the future in mind. This is a commitment, my colleagues will recall, we made in the last speech from the throne.

My primary objective is to ensure an orderly approach is taken to industrial relations. I sincerely believe that clear rules striking a balance between the rights and responsibilities of all concerned are essential to the effectiveness of our collective bargaining process.

I also believe that the reform proposed by our government specifically meets this balance requirement. This has earned it substantial support from the parties covered by the Canada Labour Code.

[*English*]

The amendments to part I of the Canada Labour Code are important, timely and essential but not radical. They will not turn our system on its head but will encourage co-operative labour-management relationships as well as constructive collective bargaining.

We want to develop a positive legislative framework. The bill creates a fair and equitable set of rules for a collective bargaining process. It will allow the parties to frame their own agreements and have the flexibility to find appropriate solutions to the competitive pressures of our changing environment.

Our reform package reflects a broad consensus among stakeholders and the recommendation of the independent task group chaired by Andrew Sims. These recommendations have been published in the report ''Seeking Balance''.

● (1030)

[*Translation*]

We want to improve the administration of the code. This is why we are replacing the current board by the Canada Industrial Relations Board which, with its extended responsibilities, will be more effective and also more representative.

We have tightened up the negotiation process to allow a faster and smoother resolution of disputes, thanks to the following: a four month notice to bargain before the expiry of a collective agreement; a single one stage conciliation procedure; a secret vote within 60 days of a work stoppage; and a 72 hour advance notice before a strike or a lockout.

We want to promote better communication between employees, employers and the union. We also recognize the right of employers to express their views directly to the employees, provided they do not resort to unfair practices. As for the union, it will be allowed to get from the board the list of employees working off site and to contact them, as long as their privacy and their safety are maintained.

Traditionally, union and management groups were never able to reach a consensus on the issue of replacement workers. The government had to make a decision. After an in-depth analysis, it opted for a moderate and reasonable approach which, once again,

strikes a balance between the rights and the responsibilities of all those involved.

The equation is based on the premise that those involved will act in good faith. Under normal circumstances, the employer will be allowed to use replacement workers during a legal work stoppage. However, if it is established that such a practice is designed to undermine the representational capacity of a union, rather than to meet the legitimate objectives of a negotiation process, it will be deemed unfair.

We are giving unions the right to refer any contentious case directly to the Canadian Industrial Relations Board, which will have the authority to prohibit the use of replacement wokers during a conflict.

Our reform also provides that replacement workers must not be members of the bargaining unit. Therefore, they cannot take part in any vote, including a vote to return to work. At the end of a work stoppage, unions members will have the right to go back to their old job, before any other employee. They will also be still entitled to some benefits during the work stoppage, provided they keep paying related premiums. Moreover, any dismissal or disciplinary action could be subject to an arbitration process.

[*English*]

During any work stoppage we have to ensure that the measures necessary to protect public health and safety are maintained. No specific activities will be designated in the code. I believe that the parties should have the opportunity to negotiate an agreement. If they are unable to agree, the board will have the power to make that determination.

An important amendment ensures that the bargaining rights and the collective agreement will be carried over when an undertaking moves from provincial to federal jurisdiction. This is particularly important in these times when changes in ownership can occur frequently. It will prevent unnecessary disruption in labour-management relations and deter those who would use jurisdiction hopping to avoid bargaining obligations.

The next item deals with successive contracts for service in the airport industry. When a contract for services such as aircraft refuelling or security screening is transferred as a result of retendering, the new contractor will have to pay equivalent remuneration to employees. In the past the end of each contract has resulted in the loss of remuneration and employment for a group of workers mainly composed of women and immigrants. I feel it is our utmost responsibility to give them some protection against a competition process that would otherwise be based on who can pay the lowest wages.

This amendment will create a level playing field for contractors whose employees are unionized and reduce turnover rates, an important element to help maintain our airports at the highest security level possible.

• (1035)

In the new code grain handlers and their employers will retain the right to strike and lockout. In the event of a work stoppage involving other parties in port related activities, including longshoremen, service affecting grain shipment must be maintained.

The shipment of grain is a multimillion dollar industry. We export to over 70 countries and the livelihood of over 130,000 farmers depends on our reputation as a reliable supplier and exporter.

When a work stoppage involving employees in longshoring or other port operations impact on grain exports, special labour legislation has become the normal reaction. This has effectively removed the incentive for the parties to resolve their own disputes.

Taking grain shipping out of the equation will allow the parties to address their differences in a less destructive manner, accept the responsibility for their own actions and forego involving Parliament in the resolution of their disagreements. We are confident that this measure will address the vast majority of disruption to grain exports at Canadian ports.

In 1999 we will review its effectiveness and if necessary we will look at the stronger measures like those recommended in the west coast ports industry inquiry in order to deal with this important problem for the whole country.

Finally, let me make it crystal clear that the amendments to the Corporations and Labour Unions Returns Act, as we call it CALURA, do not in any way diminish the accountability process of the unions. On the contrary, Statistics Canada has found a better, more efficient and cheaper way to collect the data. It will be included in the labour force survey Stats Canada receives every month from the union membership.

This simple operation will save Statistics Canada $300,000 a year and give us regular, reliable data. This is, therefore, a noticeable improvement to the old procedure and I am very happy to present it in Bill C-66.

[*Translation*]

In conclusion, I would like to share with my colleagues a very wise remark made in the Sims report. The report maintained that the Canada Labour Code must strike a balance between conflicting values and interests; between the interests of the employees and those of the employers; between social and economic priorities; between rights and responsibilities; between individual and majority rights; between the public interest and free collective bargaining.

This is exactly what we tried to do with the review of the Canada Labour Code. Therefore, I would urge my colleagues to support this motion. Bill C-66 will then be immediately referred to the standing committee. All those interested will be able to express

their viewpoints to committee members, who will then report on the suggestions that were made.

This is how all my colleagues can help turn the Canada Labour Code into a modern and useful tool to help both management and unions to settle their labour disputes.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the least we can say this morning, and the Minister will agree, is that a review of the Canada Labour Code is long overdue. Several times we stood in this House to ask questions on various provisions of the code and each time the Minister would refer to the review he tabled three weeks ago, parts of which, I must say, are certainly evidence of his good will.

I am well aware that the Minister is a courteous man, but I have a feeling that he did not follow his reform ideas through to their logical conclusion and that he was a little bit inhibited in some of his actions. I certainly hope to have the opportunity in committee to urge the Minister to go further, to surpass himself, and to see to it that the bill be further improved upon, since, as you well know, this is the role of the opposition and a full time job.

• (1040)

This being said, there are positive elements in there. Obviously, when the Minister suggests measures to accelerate the hearing of the parties, we cannot but agree. When the Minister proposes that a one person court may be convened so as to speed up the work of the Canada Labour Relations Board, we are all for it. When the Minister wants to change the name of the Canada Labour Relations Board, which lived last winter a crisis that almost destroyed it, we are in favour of that.

What the minister will have to specify is this: in the bill that will be considered by the human resources development committee, to make the Canada Industrial Relations Board, a quasi-judicial tribunal that is extremely important for the balance he is seeking to strike, does he intend to make it a truly representational body as he was asked to do on many occasions? Will he accept that members of this board be appointed from lists that will be submitted, as is done for other governmental organizations? To ensure that the Canada Industrial Relations Board decisions are not never questioned, the board must become a representational body.

Too often, in the past, appointments were made that did not reflect the kind of talent, expertise and knowledge that is to be expected from people who sit on this quasi-judicial tribunal.

The minister knows perfectly well this bill contains a provision that is rather vague. It says that the minister will consult. Of course, the notion of consultation is not very precise. It is true that consultation is important when making this kind of appointments, but I think balance would be much better served if the minister could use lists that would be submitted by both management and union representatives to fill vacancies on the board.

You will also understand that this reform, and the opposition's position, and the common understanding that will guide us over the coming weeks, because we on this side of the House are very aware that this is the beginning of a relatively lengthy process, since the Canada Labour Code is an extremely important tool in union democracy, that the whole issue of replacement workers will be the focus of our concerns.

I must say that it is undoubtedly this aspect of the bill that is the most disappointing. It is undoubtedly this aspect of the bill that goes most against the grain for the minister, where he did not achieve what he would have liked. The reform the minister is proposing has no central component, only peripheral details.

It is not clear where this came from. Recognizing the right to use replacement workers only in cases where the union's representational capacity is undermined is not something that flows from the Sims report. First of all, there is no case law to support it. There is no partner. I challenge the minister to rise in his place and tell us who asked for such a formula when the Sims task force was conducting its review. Who on the employer side or the union side is calling for such a convoluted formula, the concrete results and ramifications of which are unknown?

The mere fact that negotiations are continuing and the parties sitting down at the same table is evidence that a union's representational capacity will not be undermined and that the employer is not entitled to use replacement workers.

I cannot go along with the minister's statement that he cannot act without a consensus. I think this indicates a lack of knowledge of the context giving rise to the legislation passed by the National Assembly in 1977. If a consensus is required it is clear that, in such an instance, we are condemned to the status quo, and I think both the legislator and members of Parliament could be faulted for lack of courage in their failure to permit this very healthy exercise in democracy to take place in a well defined context. We agree that it must not take place in any old way, but, rather, that the context in which replacement workers are used must be well defined.

• (1045)

I think we have to give in to what has been requested by the FTQ, the CSN and the Canadian Labour Congress and include it very plainly among the unfair labour practices. At the moment, seven unfair practices are set out and defined in the Canada Labour Code.

What is an unfair practice? It is the allegation that an employer, a union or an individual has taken part in an activity prohibited by the Canada Labour Code. Why was it not named clearly and

unambiguously? It would then have been a lot easier for the Canada Labour Relations Board to conduct the arbitrations required.

Everyone agrees that a strike is the ultimate weapon. It is acknowledged that there must be intermediate stages. However, in cases where it is unavoidable—and it is acknowledged to be an element of union democracy—I think it should have been clearly included among unfair practices along with section 24; section 50, which is about bargaining in bad faith; section 94, which deals with interference in union business; section 37, which has to do with a union's duty of fair representation; and section 95, which concerns prohibitions relating to trade unions.

I repeat, this is the thrust of the reform. You are well aware that the official opposition will not let this demand drop. We will encourage the minister to go right to the limit of his reformer tendencies, because I know for a fact that the minister is not a conservative.

There was also a strong demand by the unions regarding technological change. On several occasions, the minister rose in this House and mentioned how much the labour market was changing, and how traditional practices were fast disappearing.

One of the major demands was the right to strike, to reopen a collective agreement whenever significant technological changes occur between the signing of a collective agreement and its renegotiation. I believe we must keep this in mind. The committee will have to do some soul-searching regarding this particular demand.

I believe the minister should have implemented the Sims report as a whole and taken note of a demand, a very important recommendation regarding his powers. This very studious minister could not have forgotten the existence of a very clear recommendation to abolish eight different powers, or eight sections of the act giving the minister powers that appear somewhat archaic in light of current practices and realities.

Cases in point are section 57 regarding the authority to appoint arbitrators and an arbitration board; section 59 regarding the minister's right to receive copies of arbitration decisions; and section 71 regarding the right to receive notices of dispute. There are about eight sections like that. I believe that members of the Sims task force were all agreed that these powers were somewhat outdated.

You will also understand how disappointed the opposition is with regard to the RCMP. We even tabled a motion—which I moved—inviting the minister to put an end to the discrimination against RCMP employees. The RCMP is the only police force in Canada which is not allowed to negotiate working conditions through collective bargaining.

I believe the Sims report was very clear in this regard. The minister must be aware of it. It was recognized that it was not desirable to grant the right to strike. In fact, no one within the RCMP is asking for this right. What they are asking for is the right to collective bargaining with compulsory arbitration, which many municipal police forces currently enjoy.

Another serious omission, which we will have a chance to address in committee, concerns a very important demand made by PSAC, the Public Service Alliance of Canada, an organization the minister has held in high esteem so far. PSAC asked to be excluded from the application of the Public Service Staff Relations Act and be subject to the Canada Labour Code instead.

• (1050)

Why did the Public Service Alliance of Canada and its members democratically express such a demand? Because under the Public Service Staff Relations Act they cannot negotiate provisions as important as those governing job security in legislation other than the staff relations act. The same goes for protection against technological changes, job classification, appointments, promotions, and transfers.

To conclude, while recognizing that the minister is acting in good faith, this proverbial good faith of his, we must take his reform proposal one step further and include a number of substantial changes requested by unions among others. I am convinced that, by the time we are through with our committee work, the minister will heed the official opposition's demands.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, it has been more than 20 years since the Canada Labour Code was amended. Over that period, the Canadian labour force changed dramatically thanks to the rapid growth of technology.

For the most part, the code has served us well. Only a few changes are needed to improve the operations of the Canada Labour Relations Board and to ensure that strikes or lockouts do not negatively impact on the health, safety and economic well-being of Canadians.

It has been evident from the legislation presented by this government that there is a tendency to go overboard, gun registration being a case in point.

In the case of Bill C-66, the government is intruding on the rights of workers, employers and the Canadian public far more than is necessary. In its attempt to be all things to all people, this government has foisted a flawed bill on the Minister of Labour.

Even though the Canada Labour Code governs the activities of only 700,000 workers, federally regulated industries are often the lifeline for Canadian manufacturers, producers and processors. They are primarily service oriented, involved in free movement of goods, services, capital and people across Canada. Because of the unique nature of the federal system, alternative sources are not often available.

The goal of any legislation and regulation should be to create an environment which encourages economic growth.

The government should seize the opportunity to fulfil one of its red book promises, that being the one called jobs, jobs, jobs, by making sure that the Canada Labour Code allows businesses and their employees to operate on a level playing field.

We know that taxes kill jobs. The government infrastructure programs and other make work projects do not create permanent jobs. Vague labour legislation and regulations that are made on a case by case basis will not create jobs either.

With the unemployment rate at 10 per cent, 1.4 million people unemployed and more than 1 in 4 Canadians worried about losing their jobs, one would think the government would do its utmost to ensure a stable environment for conducting business.

Last week the Minister for International Trade released a study showing that after-tax costs of setting up a business in Canada average 6.7 per cent less than in the United States. This is good news for Canadians and could be a catalyst for job creation for businesses looking for a place to expand and invest.

The government should be helping by offering a secure and dependable infrastructure that would allow them to get their products to market and receive their raw materials unimpeded. Instead, Bill C-66 would only muddy the waters and become more of a deterrent than a booster of economic growth and job creation.

It is in the interest of all Canadians that we have reliable access to essential services, to keep the employment within our borders and to establish and maintain a reputation worldwide as reliable exporters of goods.

Stable labour relations will promote investment and reinvestment. Bill C-66 does not clarify what constitutes an essential service, nor does it spell out what constitutes undermining a union when replacement workers are used in a strike or a lockout. This is not fair to workers, employers or third parties who often have the most to lose in labour disputes that occur in federally regulated industries.

Scores of witnesses appearing before the industrial inquiry commission on industrial relations at west coast ports testified about the repercussions experienced by farmers and producers when strikes or lockouts prevent their crops and products from reaching markets.

• (1055)

Those witnesses convinced the members of the commission who in turn proposed a number of workable recommendations to solve the problem. Unfortunately the drafters of this legislation did not follow the commission's advice and came up with what at best could only be called a watered down or partial solution.

This half measure would ensure that grain, once it reaches port, would be loaded on ships. There is no provision, however, to ensure that grain reaches the port if there is a labour dispute elsewhere in the system. If that happens Parliament will be called upon to legislate everybody back to work.

Over the last 20 years Parliament legislated an end to 19 strikes in the transportation and grain handling sector. It is in the interest of labour and management producers and processors to resolve disputes without parliamentary intervention.

In the face of the growing importance of the global economy there is a need for continuous reliable shipping through Canada's ports and transportation sectors. The costly interruption of government business is not required. While there is a need for regulation by various levels of government it is not practical to put emergency measures in place each time labour and management are unable to reach a satisfactory agreement. Resolving the differences of these two groups can be achieved without interrupting the regular flow of government proceedings.

A permanent and fair resolution process must be put in place, removed from the whims of government. We need permanent legislation that would provide both sides with predictable rules and a timetable by which to negotiate. Canada has a world class transportation system and communications infrastructure that should not be vulnerable to closure.

A disruption in the day to day operation of vital transportation sectors inhibits the national economy from functioning. The potential impact of even a short work stoppage in many federal operations is catastrophic to Canadian business and to the Canadian economy as a whole. A strike in either the rail or truck sector cripples the automotive industry which must move finished products, raw materials and parts throughout North America on a daily basis.

Westerners rely heavily on the railways. Each year approximately 80 million tonnes of products, most of which are bulk commodities such as grain, coal, sulphur and potash, leave the prairies by rail on their way to consumers in domestic and international markets. Prairie shippers provide CN and CP rail with 50 per cent of their originating tonnage and contribute almost the same portion in revenues.

While it is impossible to put a price on the damage done to our reputation as a reliable exporter, the direct costs from the 1994 west coast ports dispute are said to have amounted to over $125 million. The estimated indirect costs, loss to future business and so forth, were in excess of $250 million and threatened $500 million in grain sales.

The risk to Canadian jobs must be minimized. Not only will a significant number of jobs be lost in the export sector if these disputes cannot be resolved, but jobs and the ports will be at severe risk when alternative means to ship goods are utilized. The use of U.S. ports could result in a loss of cargo and jobs in Canadian ports.

I recommended final offer selection arbitration many times in this House and to the Sims task force and the west coast ports inquiry commission. Final offer arbitration is a tool to effectively and permanently resolve labour issues that fall under federal jurisdiction. It does not favour one side or another and here is how it works.

If and only if the union and employers cannot make an agreement by the conclusion of the previous contract, the union and employers would provide the minister with the name of a person they jointly recommend as arbitrator. The union and employer would be required to submit to the arbitrator a list of the matters agreed upon and a list of the matters still under dispute. For disputed issues each party would be required to submit a final offer for selection. The arbitrator then selects either the final offer submitted by the union or the final offer submitted by the employer; all of one or all of the other. The arbitrator's decision would be binding on both parties.

The measures contained in Bill C-66 will not, however, achieve the balance that the minister seeks. It will not promote harmonious relations between the two, nor will it ensure the uninterrupted flow of commodities to market.

• (1100)

If Canada is to be a major player in the global marketplace, it is incumbent upon us as legislators not to interfere but to provide logical, sound legislation under which workers and management can operate.

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, I am pleased to rise before the House today to address Bill C-66 which will amend part I of the Canada Labour Code, the Corporations and Labour Unions Returns Act. I am pleased because this piece of legislation is a symbol of the possibilities which exist when government, labour and business work together in an atmosphere of trust and co-operation.

The bill will modernize the industrial relations component of the Canada Labour Code, thereby improving the ability of labour and management to adjust and thrive in an increasingly global economy.

This is especially true when we consider the fact that the proposed amendments will affect about 700,000 Canadians in very important pivotal industries, such as banking, telecommunications, broadcasting, rail and road transportation, airports and airlines, and others. These industries are part of the backbone of our national economy. In many cases they are also where we will find jobs for the future.

It is so rare to see management and unions sharing the same opinion that I thought it important to mention the fact here.

It is true that a tremendous amount of work has been invested in producing this piece of legislation. Bill C-66 is the product of an extensive consultation process. These consultations included a task force of labour relations experts, a working group of management and labour organizations, and a series of meetings held by the Minister of Labour with representatives of labour, management and other interested parties.

The task force was chaired by Andrew Sims, an Edmonton labour lawyer specializing in arbitration and dispute resolution. He was admirably supported by two experienced colleagues, Toronto based labour arbitrator, mediator and fact finder Paula Knopf, and Quebec labour arbitrator and professor at Laval University, Rodrigue Blouin.

The task force received numerous written submissions and met with labour and management delegations and with members of the academic and legal communities at various locations across the country. It also invited labour and management organizations whose members are subject to the Canada Labour Code to set up a working group to discuss and endeavour to reach a consensus on issues.

When the task force submitted its report entitled: ''Seeking a Balance'', it reflected the consensus reached by the labour-management working group in a number of important areas. In addition to its own findings and those of the working group, the Sims task force also took into account the recommendations made by the West Coast Ports Industrial Inquiry Commission which had issued its report in December 1995.

It is quite an accomplishment that both labour and management have expressed support for the overall balance of the recommendations of the task force. The consensus reached is an illustration of what can be accomplished when we work together in a spirit of good faith and mutual respect.

On several key issues Bill C-66 reflects the consensus reached by labour and management. With these amendments the government is acting as a proactive catalyst for change. It is proposing strategies which will modernize the code, encouraging parties to settle their differences in a less adversarial fashion.

The amendments include the establishment of a new representational Canada industrial relations board composed of a neutral chairperson and vice-chairpersons, and equal numbers of members representing employers and employees. This board will replace the current non-representational Canada Labour Relations Board.

The new board will be given greater flexibility to deal quickly with routine or urgent matters. The board's powers will be clarified or extended to ensure that complex industrial relations issues, such as those arising from the review of bargaining units or sales of businesses, can be fully addressed, and to provide appropriate remedies in the case of unfair labour practices, such as failure to bargain in good faith.

There is the replacement of the current two-stage conciliation process by a single stage with a choice of procedures, to take no more than 60 days.

The right to strike or lockout will be subject to the holding of a secret ballot vote within the previous 60 days and the giving of a 72-hour advance notice.

● (1105)

Parties involved in a work stoppage will be required to maintain services necessary to protect public health and safety. Services affecting grain shipments will be continued in the event of legal work stoppages by any third parties in the ports.

There will be no general prohibition on the use of replacement workers. However if they are used for the purposes of undermining a union's representative capacity, the board may declare their use as an unfair labour practice and order the employer to stop using them for the duration of the dispute.

Employees will be entitled to maintain insurance and benefits programs during work stoppages.

The amendments will also confirm the rights of employees in the bargaining unit who were on strike or locked out to resume employment following the end of a work stoppage in preference to any persons hired to replace them.

As chair of the parliamentary Standing Committee on Human Resources Development, I look forward to a very interesting debate and hearing further opinions from all sides of the House. We will find ways to perhaps improve this piece of legislation.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I am pleased this morning to speak to Bill C-66, particularly since my colleagues, as members of the opposition, and I, as official critic during the rail strike, may be partially responsible for its existence.

I remember that, while the strike spread throughout Canada, and we in the Bloc Quebecois spoke for the right to strike as set out in the Canada Labour Code, many Canadians told us that we were putting Canada at risk and I kept repeating: ''If the Canadian economy cannot afford the Canadian Labour Code, then change it. Until then, we defend those who use the Candadian Labour Code.''

So I understand that the government wished to amend the Canada Labour Code so that it facilitates dispute resolution in industries which are vital for the Canadian economy.

We cannot disagree with its intent. However, as my colleague, who now acts as critic and who spoke so eloquently, made clear, and as we will keep repeating and will no doubt hear very often during committee hearings, this intent cannot be reinforced by just any provision. As far as labour relations are concerned, nothing can be as insidious for the legislator as thinking that he does not have to strike a balance. The legislator must be aware that, in real life, if strong unions have developed, it is because there were strong, prosperous companies.

But we can say that, in Quebec and in Canada, unions have become increasingly responsible, that they have decided to take part in the economic development of their industries, and that they understand that hostile and antagonistic labour relations can be harmful. But, at the same time, they know that there can be no peace if they are toothless. Historically, and not only in Canada, when labour relations do not guarantee this balance, there is no peace, which is our goal.

● (1110)

The absence of conflict within a company does not mean that peace prevails. As a former labour relations teacher, I can tell you that there is nothing worse for a business than to have employees who are dissatisfied, who are frustrated, who feel the business is not well managed, and who do not have a say in its operations. Nothing is more harmful, because the productivity that everyone talks about will not exist.

Productivity, that is the one coming from workers and not investments, is possible when workers feel that the business is well managed, that what is asked of them is feasible, and that they are given the means to do the job. However, in order to achieve that, workers must be allowed to speak up.

Under these conditions, unions that are increasingly responsible, that take it upon themselves to hold sometimes vigourous debates with their members, that support the development of a business and of its management, that become key players in the process, and I could name of few, including in the port industry, these unions expect the other side to recognize them as a voice for the workers who fully take part in the development of a business. Unions expect to be recognized as such, including in the legal periods agreed upon for the renewal of collective agreements.

Thus, when we want to introduce, as is being done, principles of essential services, with which nobody can really disagree, but when on the other hand we do not guarantee unions that workers who are not unit members, the replacement workers, or ''scabs'' as they are commonly called, will not be prohibited, unions do not feel they are fully recognized. If follows therefore that the trust placed in them during the operation of the collective agreement would no

longer apply when the renewal period is legally recognized, at a time when a power struggle is actually going on. It is an economic power struggle, and this is the real factor that will bring about results on the workers' side, but also on the employer's side.

On the thorny issue of rail transportation, we have often seen employers resort to lockouts, whereas workers were willing to work night and day to ensure essential unloadings. They know they cannot do otherwise. However, it is important to know, when such provisions exist, that employers would not be allowed to sabotage the good management tool a responsible union becomes once a collective agreement is signed.

Let me tell you this: If employers think that, after having used replacement workers in time of strike, they can count on the co-operation of unions—not co-operation in the sense of their refusal to stand up for their members' interests, but in the sense of a refusal to get involved in the development of the business—they are mistaken.

I think the minister should understand that, in this regard, he cannot expect that employers would agree with anti-scab legislation. That would be asking them to deprive themselves of a powerful tool. Therefore, the minister must have the courage to give people in the workplace this tool, which is essential if a balance is to be struck.

• (1115)

Let me to say that when the Parti Quebecois government passed its anti-scab bill in 1977, initially, there was a wave of protest. I can tell you that employers were praying for a change of government in 1985, when the Liberal government came to power. They wanted Mr. Bourassa to cancel the anti-scab legislation.

But what did Mr. Bourassa tell them? This quote comes from a publication called *Les Affaires*. Mr. Bourassa told them this: ''Look, now that social peace has been achieved, why would you want to upset it, and disrupt it?'' And Mr. Bourassa kept the anti-scab bill because it provided rules that allowed and even, to some extent, compelled the unions to be the responsible instruments we need.

We need workers who have authorized and democratic representatives to speak on their behalf and wield some power, and we need well managed businesses, where employers have the managing powers they need to expand and be profitable. There is no doubt about that.

I know that our time is limited but I wanted to stress this point, which, in my opinion, is a major one. This point is not only precise or limited. No. In spite of real the improvements this bill will make to the code, if this clause on legal replacement workers is maintained, I think the spirit of the code will not be what the minister is seeking.

As was so eloquently said by our critic, we will work very hard to help the minister make the changes that are desirable.

[*English*]

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, I would like to take this opportunity to speak in support of this bill. I begin by reinforcing what my colleagues have said about the fair and balanced nature of this legislation.

I come to this discussion with a unionist background, someone who has sat at the other side of the table. It is very important when we are having this kind of discussion to keep in mind that in fairness and in order to make a system work, there not only must be a perception of fairness and balance but there must be fairness and balance in essence.

As some in this House have already mentioned, the alternative is to be draconian, to not allow people the ability to pull their services and on the employer side to lock employees out. If we want to go to that extreme then it is not necessary to find a fine balance and to maintain the fairness which the Canada Labour Code has had for a number of years.

Before I get too far into my presentation I will suggest that what we see here today is a consensus that was arrived at between employers and employee groups across the nation. As the minister has already said, it may not be some grand scheme to totally reform the Canada Labour Code, but there are a number of steps and changes to improve the code, which is what this is all about.

This is good for Canadians and Canadian business. I will look at some of the ways the government's amendments will help the employers of Canada. From my perspective it would be very easy to spend my short time talking about the importance to labour but I will talk about the importance of these amendments for employers. If I can feel comfortable, I imagine a number of members would also feel comfortable. Before I do that, I would like to say a few words about the consultation process.

• (1120)

This consultation process is one that a lot of members in this House, whether they are new or have been here for a number of terms, are always arguing; the Government of Canada or the provincial jurisdictions do not do enough.

One of the things that is unique in the labour field is that very little takes place without extensive consultation. The consultation process was actually initiated some two years ago when the government was made aware of the need for momentous changes

and the fact that it wanted to, because of the way the work force was evolving, make changes to the Canada Labour Code.

I am sure those in this House will not argue that there has not been consultation. The Sims task force was going across the country. The task force went to Halifax, Vancouver, Toronto, Ottawa, Edmonton, Montreal and Winnipeg to meet with Canadians and to listen to their views. The task force also held academic round tables at the universities of Laval, Toronto and Calgary. Of course it met with numerous interested parties in informal meetings and received a great number of written submissions.

As we have heard in earlier speeches in this House, the task force set up a labour management working group and considered the recommendations of the industrial inquiry commission. I will not go into that because suffice it to say this group did a remarkable job and did it with a lot of determination.

It does not surprise me from my past background that the labour side of the discussions with employers and employees working together has always been through labour relations, its hallmark and the reason why the legislation that is now before us has been very effective over the years and of course will be more effective once the new amendments are in place.

At the end of its consultations the group presented its report entitled ''Seeking a Balance''. The task force's recommendations were based on four solid principles and I think we should keep these principles in mind.

First, that the existing Canada Labour Code basically continues to serve its constituents well. This obviously means that the economy will be moving along at a good clip and having some fairness and balance in the system for both employers and employees.

Second, stability is highly desirable and pendulum like changes in the code do not serve the best interests of the concerned parties or of the general public. That is really one of the major issues that the minister and the different consultation groups focused on during these discussions. It is not acceptable either from the right or left wing's perspective in this country to think that you can make major pendulum swings in that balance I was talking about. The balance is so narrow in its parameters that if you move too far one way or the other it makes for very difficult negotiations and discussions between the two parties.

If we were to do as some members have suggested across the way and remove the right to strike and have final offer arbitration, that of course is a form of getting where you want to go but it does necessitate making those dramatic pendulum swings that I was talking about which could cause some disruption to a very successful labour relations regime that we in Canada have grown accustomed to.

Third, that consensus between the parties is the best basis for legislative change. That goes back to the official opposition's interest and making changes where there is no consensus. If you do that you could be accused in this case of trying to drive a round peg in a square hole. If it does not fit too well, so be it; we are trying as politicians should to be leaders in a field and ahead of the public and ahead of the consensus that may evolve over time.

Do not get me wrong, I think quite frankly in Quebec there are certain parts of its labour code that are effective to that province and that particular society, and that is good. However, we are not dealing here with one province. We are dealing with a total nation, a very large piece of geography, and a number of other provinces.

● (1125)

We cannot take one specific issue in one specific province and try, as much as we might like to, to make it fit. It just does not work that way.

It is important to know that this piece of legislation and the amendments we are proposing are a consensus between the parties which, in labour relations, is a very smart thing to do indeed.

The fourth recommendation should be enactable, long lasting and based on the concept of volunteerism. I believe all will agree that these principles are well founded. It is easy to see why the task force was able to come up with recommendations that were endorsed by both business and labour groups.

Today we are talking about the support of these groups, business and labour, as though it were quite a common thing. We all know that is not true. Everyone knows that the aims of organized labour and management, job security on one side and the most effective use of human resources on the other, are difficult to reconcile. Anyone who has been involved, like I have, across a negotiating table will know that it is sometimes a miracle to see that we can get these kinds of agreements without all the difficulty that can occur.

Without going through a number of examples of some of the groups, I would like to mention why the government has introduced certain amendments. We understand that measures which help resolve labour disputes faster and in a more positive environment are good for employers, workers and all Canadians. What these particular amendments will do is streamline some of these aspects of the legislation.

On the amendments that address the bargaining cycle and how they benefit employers, a primary objective of this group of amendments is to reduce delays in the collective bargaining process. The benefit of accomplishing this should be clear to anyone. One amendment will allow a notice to bargain to be served within four months prior to the expiry of the collective agreement. At present it is three months.

The task force thought that an earlier opening date would be established to encourage earlier attention to collective bargaining and to give the parties enough time to conclude an agreement before the expiry of the previous one.

Another amendment will provide for a single stage conciliation process. Both labour and management question the effectiveness of the current system which can involve two stages and can take a long time to resolve disputes. Single stage conciliation is one of the points upon which labour-management working groups agreed.

I hope I get a chance to speak on that particular issue at a different reading because it is important to get into how the conciliation process works and how important it is to the Canada Labour Code and labour relations in Canada.

There is the need, under this section, for a secret ballot vote before workers are allowed to strike. This vote will have to be taken no more than 60 days before the right to strike is exercised. While most unions already hold such votes, the Canada Labour Code does not require it at present. The requirement to hold a strike vote no earlier than 60 days prior to strike action will ensure that the vote is less of a bargaining tactic to pressure employers with more of an authentic expression of the employees' wishes. I can say from experience that at times that could be a bargaining tool.

Before people get too far into these amendments they should spend some time with their local labour groups and get a feel for them. They will find that there is a consensus in these amendments.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I am very pleased to speak today to Bill C-66, an act to amend the Canada Labour Code and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts. As the minister was saying in his speech, the purpose of this bill is to amend the Canada Labour Code, which has not undergone an in-depth revision in more than 25 years. Therefore, it had to be modernized with a view to the future.

What is unfortunate is that, in the end, the government has come up with an incomplete reform. Certain important issues, which have been around for several years and are still of considerable interest, are not covered by this reform.

● (1130)

Here, in this House, we studied two private members' bills to prohibit the use of replacement workers, and the number of members voting in favour of these bills went up each time. The last time, the number was almost sufficient for the bill to pass. However, in the government bill before us today, there are no concrete measures to prohibit the use of scabs.

It is even somewhat offensive, because instead of saying nothing about that, the bill contains measures that are a bit ridiculous. It says that employers who negotiate will be allowed to use replacement workers, whereas employers who do not negotiate will not be allowed to do so. Everybody knows that, in the world of labour relations, it is very easy to appear to negotiate.

Any employer can pretend that he is negotiating. He can show up every morning at the bargaining table without any progress ever being made. We must not forget that the Canada Labour Code applies to areas such as telecommunications, radio, broadcasting, international and interprovincial transportation, airports, air carriers, ports, long-shoring, grain transportation and banking. We all know the labour relations background of these industries, how they can treat people and the impact of technological change in these areas. It is very clear that, if the government does not change its position, it will be missing a crucial element of this reform, namely to have a bill that prohibits the use of scabs, like the one Quebec has had for 15 years.

Quebec's experience shows that there has been a very obvious improvement in labour relations and that this legislation preventing the hiring of strike breakers is an important contributing factor. The minister, who represents a Quebec riding, should have been more sensitive to the representations made, all the more so as the last strike at Ogilvie Mills in Montreal, which lasted almost two years, was primarily about this issue. He represents a riding almost next door to that company's location. Representations were made to all the present federal ministers with ridings in Quebec, and there was lobbying somewhere, and this is all the government can come up with. It is not delivering the goods.

Therefore, giving an employer the right to hire strike breakers if he negotiates is purely cosmetic and is not an acceptable solution. It is essential that this be re-worked in committee.

Another current issue, the right of RCMP officers to form a union, has often been raised here.

The Royal Canadian Mounted Police have not always been good friends of Quebec's sovereignists. However, it is a police force that has duties to perform and that is entitled to a certain level of independence with respect to its employer in order to be able to carry out its work effectively. This demand has also been on the table for a number of years. There are practices that exist in labour relations with police forces in a number of Canadian provinces. Unions have been formed and are doing well, and labour relations are good. Here also, the federal government is sidestepping its intended reform.

The minister says there has been no reform for 25 years and that an overhaul is necessary. If we want an in-depth reform, we need to have these two elements at the outset, namely a provision prohibiting the hiring of scabs and the possibility for RCMP staff to become unionised.

There is another area where the minister has not listened to the recommendations made by the consultation committee. It is about appointments to the Canada Industrial Relations Board. Management as well as unions wanted board appointments based on lists proposed by management and union representatives.

Yet, the minister has left the door open to appointing people who might not meet with the approval of one of the parties involved in industrial relations but who might nevertheless meet with the approval of the Liberal Party of Canada, for example. At any rate, the minister is leaving a door open, is leaving some room for political manoeuvering, in short, for political appointments.

• (1135)

I think the minister will have time to think about that. I hope the committee will, in its wisdom, add amendments to ensure that appointees are truly experts in the field, so that the Canada Industrial Relations Board will have a solid and enviable reputation for its competence and for the fact that its members truly represent the world of work meaning both employers and employees.

Unfortunately, in the first supposedly major reform in 25 years, we see no reference to preventive withdrawal for pregnant women. In Quebec, those measures already exist and have been in effect for a number of years.

Here, in Canada, there is no mention of this at all. However, there are sectors where the number of female workers is very significant and where working conditions may be difficult. More and more new technologies are being used, and often their impact is not sufficiently known. We cannot afford to put a pregnant woman or her child at risk. This is not an area where we can proceed by trial and error.

I think that, considering the level of our modern technologies, society in Canada and Quebec should be just as innovative in the way it treats workers. As far as preventive withdrawal for pregnant women is concerned, I hope that in committee, the government will improve on its proposals to reform of the Canada Labour Code. I hope various groups will make representations and persuade the government to change some of its positions and be sensitive to certain arguments, including this one, and to understand the relevance of taking action.

I think the women of Canada would be grateful to the government if they saw this provision added to the bill, and it is quite surprising that the present government has failed to understand the relevance of making changes of this kind for the entire sector regulated by the Canada Labour Code.

In concluding, I may say that the Canada Labour Code is another flagrant example of the fact that jurisdictions in Canada are unnecessarily fuzzy. Within the same province, some people come under the Quebec Labour Code and some people under the Canada Labour Code. There is no similarity between the two. In Quebec, under working conditions which should be the same, some workers will not be covered under the antiscab legislation while others will be because they come under the Quebec Labour Code. This situation makes no sense to me.

This is the result of the implementation of the Canadian Constitution through the years without any amendment or improvement, and today we have two classes of citizens and double standards. This means that some workers come under a provincial code which is closer to the people—the government is more in touch with reality, more aware of certain issues such as the protective re-assignment of pregnant workers. The fact that it has been responsible for the implementation of social legislation might have heightened its sensitivity. It might also be due to the kind of governments we have had since it is indeed an area where Quebec has been ahead for a long time.

Last week, we celebrated the 20th anniversary of the Parti Quebecois. Obviously it implemented a wide range of measures with positive results. To conclude, I will say that the opportunity is still there for the Government of Canada to get with it and bring about its reform.

We do not proceed with a reform of the Canada Labour Code every year, in fact there had not been one in 25 years, therefore the Canadian government should do its job in committee. To conclude, I will repeat what I believe to be the four major points: make sure effective antiscab measures are in place; allow the appointment of members to the Canada Labour Relations Board from lists provided by those involved; take measures providing for the protective re-assignment of pregnant women; and, as a whole, see to it that measures which will be taken will ensure that we have a real Canada Labour Code in the years to come.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, it is also with great pleasure that I support the motion to refer Bill C-66 to the Standing Committee on Human Resources Development.

• (1140)

This committee stage will be the last step in a long series of consultations that were held across Canada on this bill which updates the Canada Labour Code.

I believe the labour minister clearly demonstrated how seriously he took this reform. He also showed some remarkable qualities as a conciliator and a unifier. His objective was a balanced, fair and

equitable reform. He certainly reached this objective since all the parties involved largely approved the bill.

Of course, all the parties would have liked the minister to totally support their own position, and many will go before the committee to seek amendments in their favour. It is normal, predictable and quite in line with the political and parliamentary tradition of this country.

However, all those who participated in the numerous consultations on the reform said they were satisfied that the minister had respected the consensus reached by the parties. I am not surprised. I know the labour minister is a man of his word who says what he means and does what he says.

I am happy that others have now discovered his great qualities. Under the circumstances, it is rare for labour and management to agree on something, particularly on the qualities of a labour minister.

Naturally, the Bloc Quebecois members maintain that the minister did not go far enough, that he should have adopted the unions' position with his eyes closed. Once again, the Bloc Quebecois members are lapsing into excess and abuse. It is always all or nothing. They cannot find a middle ground or reach a consensus.

Let us take for example the clause of the bill dealing with replacement workers. The Bloc is saying: ''We must do what is done in Quebec, ban them entirely''. Indeed, in the 1970s, the Quebec government passed legislation banning replacement workers. The economic and social context in 1996, on the eve of the next millennium, is quite different from what it was 20 years ago, and businesses are restructuring. They must face competition not only from other Canadian businesses, but also from competitors all over the world. In many cases, unfortunately, this results in hundreds of lay-offs.

We are no longer in the era of all or nothing draconian solutions. The labour minister understood that well and wants to modernize the Labour Code to ensure that everyone has rights and that the parties seek to resolve their disputes before resorting to a strike or a lockout.

If Bloc members look closely at Bill C-66, they will see that everything has been provided to rationalize procedures and to allow the parties to talk to each other, to resolve disputes among themselves or to call upon the Canada Industrial Relations Board to assist them. It is in this perspective that the minister has provided that, under normal circumstances, employers will have the right to use replacement workers during a legal work stoppage.

However, the minister did not want to leave workers without any resources, which is why his formula is so brilliant in my opinion. Should an employer use replacement workers to undermine the union's capacity to ensure proper representation, this would be perceived as an unfair practice, thus warranting the referral of the matter to the board.

If, after reviewing the case, the board determines that the employer's action does constitute an unfair labour practice, the board will now have the power to ban the use of replacement workers for the duration of the dispute. That is what I call an articulate and modern position suited to the working world of the year 2000. Employers have rights, and so do the workers.

In addition, the minister proposed other amendments which complement this important measure and give it even more value. First, he restructured the board. In the future, the new Canada Industrial Relations Board will be composed of a chairperson and neutral vice-chairpersons appointed by the government. Each case heard by the new board will be presided over by one of its neutral vice-chairpersons.

• (1145)

Unlike its predecessor, this will be a representational board made up of an equal number of members representing employers and employees. This was not the case in the past. In the future, both employees and employers will have a say. They will be able to take an active part in the board's decision making process. For me this is a major step forward and the Bloc members should at least recognize it for what it is.

Also, Bill C-66 sets out a new procedure to be followed before a work stoppage. The notice to bargain may be served four months ahead instead of three months, to give the parties more time to discuss and reach an agreement. A secret vote on any planned work stoppage must be held within 60 days of a strike or lockout. Again, the government wants the parties to fully realize the importance of such action and not make any rash decisions.

[*English*]

Another major amendment proposes that workers who have been on strike or locked out will be first in line for their old jobs. It is important for employees to know that once a work stoppage has ended, no one else will be able to take their jobs. In a nutshell, I believe workers have made important gains with this reform, and they are well aware of this.

[*Translation*]

I find it unfortunate that Bloc members act as the unconditional mouthpieces of unions. As the fine representatives of all the people who elected them, including employers, I believe they should make allowances and not see everything in black and white. Above all, they should support the fair and balanced bill the Minister of Labour has put before us. I urge them to think about all this.

They could take advantage of the standing committee meetings to ask the minister any question they may have. I hope that, when

Bill C-66 comes back to us, they will agree to support this excellent reform of the Canada Labour Code.

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I am pleased to take part in the debate on Bill C-66, an act to amend the Canada Labour Code, which was tabled by the labour minister on November 4. This legislation implements reforms to the collective bargaining provisions of part I of the Canada Labour Code, which govern federally legislated private sector employers and unions.

The key components of this reform are: the creation of the Canada industrial relations board, with extensive powers; changes to the conciliation process; the establishment of the rights and obligations of the parties during a work stoppage; the requirement to continue essential services during a conflict; making the undermining of a trade union's representational capacity during a strike or lockout an unfair labour practice; improving access to collective bargaining for off-site workers; and a requirement to maintain services affecting grain shipments, in the event of a work stoppage.

I have many criticisms regarding this bill, but for now I will only deal with the issue of replacement workers. Clause 42 prohibits the use of replacement workers only when an employer uses them for the purpose of undermining a trade union's representational capacity. For example, if an employer refuses to negotiate while using replacement workers at the same time, the new Canada industrial relations board could prohibit such a practice.

However, a company merely has to negotiate with the union, even if only for the sake of it, to avoid this prohibition and continue to use scabs. It is inadmissible. It will be difficult, if not impossible, to demonstrate that this unfair practice seeks to undermine a trade union's representational capacity. In most cases, the conflict will have been resolved without such a practice being confirmed.

● (1150)

The basic principles of our collective labour relations system make it clearly illegitimate to hire replacement workers during a strike or a lock-out. This practice brings intruders into a dispute affecting exclusively two clearly identified parties, throws off the balance of power, and curtails the freedom of expression of strikers.

The rationale of economic pressure is that the loss of salary will be an incitement for the workers to be cautious and accept a settlement as soon as possible. It should be the same for the employer. At any rate, there is no comparison between the day to day economic hardship of strikers and that of an employer who can keep the production going with the help of management workers.

During a strike, employees can go into debt for a long time and jeopardize their professional career, not to mention their financial problems. During my long experience in the labour movement, I witnessed some tragic situations in this regard.

When an employer hires replacement workers, strikers have an immediate gut reaction of utter frustration. They feel personally targeted. They see this practice as unfair. The focus of the conflict shifts from working conditions to the hiring of scabs and job stealers. That frustration brings a degree of harshness into the conflict. That gut reaction of strikers is all the more serious since employment has become such a challenging problem in our society. Therefore, the use of replacement workers has a very negative impact on the strikers' behaviour.

Organized labour is very disappointed by the fact that the government has not totally prohibited the use of scabs in its amendments to the Canada Labour Code. Nancy Riche, Executive Vice-President of the Canadian Labour Congress, has condemned the government for once again not taking this opportunity to put an end to confrontation in the event of a strike or a lockout.

Clément Godbout, president of the FTQ, also complains that nothing in this bill prohibits the hiring of scabs. The FTQ represents almost 100,000 salaried employees under federal jurisdiction.

On October 22, I introduced Bill C-338 to amend the Canada Labour Code and the Public Service Staff Relations Act. The purpose of this bill is to prohibit the use of replacement workers during a strike or a lockout, as is currently done in Quebec and in British Columbia.

The bill also contains provisions to ensure that essential services are maintained during a labour dispute. It is also aimed at maintaining a balance between the negotiating parties in order to shorten labour disputes and avert violence. My bill will affect some 700,000 Canadian workers under federal jurisdiction.

By introducing Bill C-338, I fulfilled a commitment I made to Canadian and Quebec workers. I think anti-scab measures are urgently needed.

● (1155)

I urge the numerous Liberal members who, in the past, supported this kind of measure to exert pressure on the labour minister and their government. For once, the government should listen to the demands of the unions in this area. The Bloc Quebecois and I will pursue our efforts until legislation to prohibit the hiring of replacement workers is passed.

Earlier, I was listening to the labour minister who said that the absence of a consensus between the unions and management led him to decide not to include real anti-scab provisions. Such an excuse is unacceptable. There will never be a consensus in this regard. The government should have the fortitude to made such important and crucial decisions, as the Quebec government did in

1977. The measures taken at the time by the Quebec government are now instrumental in settling labour disputes as soon as possible.

I must say that I am also disappointed to note that the bill does not include any provision concerning the precautionary cessation of work for pregnant women. In Quebec, for instance, pregnant women are protected by the Act Respecting Occupational Health and Safety. However, Quebec women working for the federal government are not covered by this important provision.

I also regret that the bill introduced by the minister does not give RCMP employees the right to negotiate their working conditions through collective bargaining. I have a lot of reservations about this bill. We will have the time to express our concerns in committee and then to debate the issue in the House at third reading.

[*English*]

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, it is a pleasure to rise in support of Bill C-66. I would like to address my remarks to one aspect of the bill, that portion which deals with replacement workers.

When looking back over the union movement, at the turn of the century we see it starting with the sense that workers should receive fair value for their labour. As time went on the union movement in Britain, Europe, the United States and Canada grew stronger and stronger, particularly in the post-war period, after the second world war.

In the 1970s and 1980s the driving force of unionism transposed from this desire to have a value for labour—full value for the labour that the worker put in—to something that was a little bit more, the principle that the worker should share in the profits of the company.

In my own view, consequently what happened with organized labour, certainly in the 1970s and 1980s, was a sense that if unionized workers were employed by a company that was doing very well in the market then they bargained for higher and higher wages and benefits. I do not think that any of us would quarrel very much with that in principle. It seems reasonable that if the work force is very much a part of a company, it should benefit just as shareholders do when a company does well.

However, times change and sometimes they change very rapidly. In the late 1980s and coming into the 1990s we have seen the phenomenon of the global markets. First was North American free trade and now certainly a very strong trend to world free trade. This is a change in the situation with respect to countries like Canada in terms of their relationship with their work forces.

● (1200)

It now becomes imperative, if a country's industries are going to compete on the world stage, that they be cost efficient, especially in the area of labour. Thus we find the situation where, particularly in the United States, for example, the union movement is under assault simply because the average American worker, particularly the unskilled labourer, is in direct competition with the workers of Mexico, the Far East and other places.

We have two trends running here. We came out of the eighties with the desire to give unionized workers a greater share in the earned benefits of a company and then the contrary pressure that companies have to be more and more competitive.

In 1993 the Ontario government introduced legislation that banned the use of replacement workers. This legislation was a logical evolution in the union movement. It gave more power to the unions and better guarantees to workers that they would share in the profits of the company.

This law was too late. It was behind its time. By 1993 it was very clear to anyone who was interested in business, finance and watching world markets that this law, which the New Democratic government in Ontario had passed, was not in the best interests of the Ontario economy being able to compete in other markets.

There was quite a bit of resistance at the time the legislation was introduced and considerable resistance thereafter. There was a simple reason for this. I can cite from my own experience in the communications industry that technology had created a situation where replacement workers in the high tech industries could be recruited from home. They could actually operate from their homes rather than go to an office. The whole idea of banning replacement workers made it very difficult for high tech companies to create an environment where they could use workers who were no longer on the premises but were operating outside of the city where the company was located.

In the high tech area the ban on replacement workers had a very negative consequence to the competitive position of high tech industries in Ontario. Because it gave such clout to organized labour, it was a threat to those companies which sought to renegotiate contracts to bring the level of remuneration to the workers down to a level that was more competitive in the world markets in which they had to compete.

When the new Conservative government was elected in Ontario one of the first things it did was repeal that legislation. I am not entirely in agreement with what the Ontario government did. I believe that even though we have these pressures from world markets on organized labour, we as Canadians and as politicians have a basic responsibility to defend the traditions of organized labour.

In the final analysis, organized labour fights for the rights of workers. We have every reason to want to see, when these terrible pressures come to bear on organized labour, that it does not ultimately collapse under the pressures, as indeed is happening in the United States. The union movement in the United States is

undergoing severe changes. Its influence and size is reducing very rapidly.

Bill C-66 addresses the problem of replacement workers. There was a very excellent report entitled ''Seeking a Balance''. It reviewed the Canada Labour Code. I commend this document to people who are interested in the economic situation vis-à-vis labour unions in Canada. It is an excellent review and an excellent analysis.

• (1205)

It addresses the problem where corporations have the desire to break unions because of market forces. This tempts companies to confront labour unions and to even lock them out. Then there is the danger of very bitter and brutal strikes and ultimately the destruction of particular unions. Because there is so much labour in the marketplace, it is a real danger that companies can replace the unionized workforce with scab labour. That is not a good thing either.

Instead of banning replacement workers entirely, as was done in 1993 in Ontario, and as laws exist right now in British Columbia and Quebec, Bill C-66 provides that a company facing strike action can bring replacement workers on board for the duration of the strike as long as it is made very clear that it is not trying to do so as an attempt to break the union.

After the labour dispute has been settled, Bill C-66 requires a company that has used replacement workers to hire back the unionized employees. That avoids a situation where a company may deliberately try to break a strike by using replacement workers and then hiring the replacement workers after the strike.

The legislation takes a very positive step in addressing the conflicting pressures of the union movement that is faced with these overwhelming global market pressures which try to reduce the effectiveness of the unions.

This is the kind of balance that the Liberal government in its wisdom is able to strike between the very conservative political right which would see the elimination of most labour unions and the very left of the left, the left wing of the spectrum which has over past years created a situation where unions have more power than is in the interests of Canada's competitive situation. I really endorse that aspect.

I would like to add one other remark about a very positive aspect of the legislation. It addresses a past problem involving grain handling at our ports. Situations have arisen in the past where the country was literally held to ransom when our ports were shut down, not by the transportation unions alone, but by affiliated unions, some very small unions on occasion, that have set up picket lines. Of course other union organizations respect these picket lines and on occasion it led to the paralysis of our ability move valuable commodities.

The provision in the bill which limits the right to strike, to paralyze ports, to those unions directly engaged in that form of activity is a very positive one.

I hope that members on all sides of the House will see fit to support the bill. It is a very good bill.

[*Translation*]

Mr. Bernard St-Laurent (Manicouagan, BQ): Madam Speaker, labour ministers have been coming and going for three years, and they have all promised us a renewed Canada Labour Code. It was supposed to be a little marvel.

Well, a few weeks ago, the minister finally delivered this little marvel. The bill is not all bad, but it certainly is no marvel. Some aspects of the bill are what we could call an improvement, but others are deficient. Let us look first at something that I have noticed as being a small improvement.

• (1210)

I am talking here about the recognition of the family residence as a place of work. We have to live in 1996. We are approaching the 21st century. Things have changed and it has become normal. It is a good thing that the government has thought of including this in the Canada Labour Code. Such a decision must have been inspired by certain speeches from members of the Bloc Quebecois.

It is important that the Canada Labour Code create a balance of power. I was listening to my colleagues opposite who were praising the newly tabled bill. They were saying that, finally, there was a balance of power, continually claiming that the balance that existed before had even been improved.

A few moments ago, when talking about the antiscab legislation in Quebec, a member even said that it was out of date, that we had to live in 1996 and that the labour environment had changed. It is sad to hear these kinds of things. We know that the antiscab legislation has been in force in Quebec since 1977 and that this province keeps getting good results with regard to the length and the contents of negotiations.

Everybody is happy, including unions and management, because strikes do not last as long. Everybody is happy. We must not forget that, when there is a strike, there is a picket line, of course, but these people on the picket line have families, spouses, children. Families are affected by a strike, and the impact then extends to businesses, services, etc.

I will not enumerate all those affected by a strike, but the impact goes far beyond the striking workers. It is often said that they are spoiled children earning $12 an hour who want $13 and therefore go on strike for 6 months. It is much more than that. People who go on strike are seeking a better quality of life.

A strike is a balance of power. If provisions are not added to the Canada Labour Code prohibiting replacement workers, it is a sign that the balance of power is being ignored, that it is acceptable for one of the parties to be stronger than the other.

And then they wonder why there is violence on picket lines, why people are frustrated. When there is no balance of power, people are frustrated. It is only normal, people are like that. In a nutshell, the Liberal government's complete lack of will to ban replacement workers is the most important weakness in this reform. It is obvious that there is no will to do anything about the issue. I will come back to this later.

Another aspect not often mentioned is the minister's powers. The Sims report recommended taking away some of the minister's powers, but this bill adds to them instead. In addition to some fifteen possible interventions by the minister in the bargaining process, another one is added: the power to order a union to hold a vote on the employer's latest offers. Nobody else, just the union. This is interference in the administration of the central labour body affected by the conflict. In my opinion, this is really biased. It comes close to being—I will not use the word—but I will say that it is biased, to be very nice.

Where does it say in the Canada Labour Code that the minister can force a company to act on sincere offers from the union? The underlying theme is always that the union is dishonest. It may well happen that a union is dishonest. An employer could be as well, but there is still a marked imbalance here.

• (1215)

I am afraid I am running out of time, so I will concentrate on my next point, which is that the minister denied a request by the Public Service Alliance of Canada to be regulated by the Canada Labour Code and not by the Public Service Staff Relations Act. We could also add the RCMP, the only police force in this country—and there are a lot of people in this country, 27 million—which does not have the right to unionize. Talk about image! Their horses might have a better chance of joining a union than they would. This does not make sense. After all, this is 1996.

Earlier, I heard members say that in 1977, Quebec's legislation was rather obsolete. I just want to read to you a recommendation concerning Canada Post. As you know, negotiations are taking place at this time. Now this is what could happen without anti-scab provisions. ''Recommendation No. 15, that if the collective bargaining process does not produce the necessary adjustments without interruption of service—I am talking about postal services—the government be prepared to take appropriate steps to protect the immediate public interest and ensure the long term financial viability of a strategically repositioned Canada Post Corporation''.

Adding this to the Canada Labour Code means that Canada Post could hire scabs at any time, and we know what the consequences have been in the past. It is a mystery to me why they still fail to understand the risks involved in hiring scabs. But Recommendation No. 15 is clear: if you do not accept, we have the right to hire scabs, and we will. This is highly unusual.

One last point, because I know my time is running out. Right next door we have Bradson Mercantile which provides security services for the government in buildings scattered all over Hull and Ottawa. Its employees are now on strike. Scabs were hired to replace them. So what happened recently? It is just not done, but I feel I must tell you about it. Employees attended a meeting where they were told that a vote would be held to find out whether they were in favour of going back to work. And imagine, 30 scabs were there to vote as well. Seventeen people voted in favour of going back to work.

This means that some scabs voted against these people going back to work. That is what can happen under the Canada Labour Code when there is no anti-scab bill. Of course these scabs voted against the employees' going back to work, as their livelihoods depend on the lack of an agreement between the parties. They came to influence the vote because if the other people went back to work and the dispute was resolved, they would lose their jobs. So they took part in the vote. This is serious.

The government turns a blind eye to this kind of abuse, as far as the Canada Labour Code is concerned, to allow workers to establish what the hon. member for Mercier referred to earlier as ''l'équilibre des forces''. It should not be a privilege but a right. Fairness and balance should be what the Canada Labour Code is all about. But it is not, and there are many cases of abuse like the examples I just gave you and those my colleagues gave you this morning.

In concluding, I am disappointed because of certain shortcomings in the Canada Labour Code.

• (1220)

[*English*]

Mr. Geoff Regan (Halifax West, Lib.): Madam Speaker, today I would like to discuss the proposed amendments to part I of the Canada Labour Code and how important they are to the workers they apply to. These amendments as outlined in Bill C-66 will have some enduring benefits to this important player, the employee, in the rapidly changing labour scenario.

The amendments are based on recommendations made by the task force on the review of the Canada Labour Code. In its report, ''Seeking a Balance'', the task force strove to find a balance between competing interests including those of labour and management.

The amendments we are discussing today serve to update the existing federal labour law and in no way radically alter the existing Canada Labour Code. Yet they will, I believe, serve the interests of working Canadians.

Part I of the Canada Labour Code applies to the approximately 700,000 workers and their employers in the federal private sector. These include the men and women who serve in our banks, keep our airlines safe and punctual, and physically move our volumes of grain exports on to the ships that come in for example to Halifax harbour. They are part of the group of workers who keep this country moving.

What are the concerns of this important group of workers? Apart from some issues specific to the particular industries they work for, their requirements as employees are no different from those of other industries and other employees. For instance, they want stability. They want to be able to exercise some of their democratic rights, such as the right to organize. They want to be able to have their voices heard in the workplace to ensure their viewpoints are heard and understood. These are factors central to the amendments.

One thing that will not change with these amendments is the continuing ability to engage in collective bargaining. It is an essential that has to remain. This right of workers and employers to organize and bargain collectively is central to any democratic society with a market based economy.

I am reminded of the book *The Company Store* which is well known in my area of the country. It talks about how in the 1920s the workers in the coal mines of Cape Breton were treated terribly by the coal mining companies, like Dominion Coal Company. It gives a very strong case for why we do need to have collective bargaining in our country and why workers' rights are so important to defend.

There may be those who feel at times that the unions today have become very strong, but if we look at the history we can see why we have to have the collective bargaining process. It is important that workers' rights be protected.

Collective bargaining is fundamental to the Canada Labour Code. For employees it ensures they get a fair and adequate reward for their labour and that they are able to participate as equals in determining policies that affect them in direct and significant ways.

Our existing collective bargaining system has served Canada well. Both employees and employers said that to the task force. It is our expectation that these amendments will allow it to continue to enhance co-operation between and among the respective parties.

Some of the key amendments that will be important to the employee include the following:

There is the establishment of a representational Canada industrial relations board. The chairperson and vice-chairpersons of this new board will be neutral and it will include equal representation of employees and employers. This will make the board more responsive to the community it is intended to serve. Formerly the Canada Labour Relations Board was non-representational. This new development will reflect more accurately the changing face of the Canadian workforce.

The board's remedial powers will be expanded to ensure good faith bargaining. The board will be given the power and the flexibility to deal quickly with routine or urgent matters.

Proposed amendments are also aimed at speeding up certification and decertification processes. They will protect employee rights where there is a change from provincial to federal jurisdiction.

Currently the code does not provide for continued recognition of bargaining agents and collective agreements in cases where a contract for services is transferred to a new employer as a result of contract re-tendering. This has resulted in the loss of remuneration and employment at the end of each contract period for workers employed by contractors in the air transport sector, which is important for instance at Halifax international airport in my riding of Halifax West. Many of the workers in the air transport sector are women and immigrants. Such successive contractors would now be required to pay employees equivalent remuneration. This is a very important amendment.

● (1225)

This proposal intends to deter competition based on who can pay the lowest wages. This will create a level playing field for contractors whose employees are unionized with those who are not, and it will help to reduce turnover rates, an important consideration for all of us in these challenging times. I know even here we are concerned about turnover rates.

With the growth of non-standard employment in Canada, particularly home based employment, attention has to be paid to ensuring that these workers are also a party to the benefits of collective bargaining. Most home based workers are women. It is estimated that two-thirds of home based workers are employed by an organization located elsewhere.

While the home based work arrangement has advantages for many people, others find themselves in a vulnerable situation unable to acquire the traditional employment benefits. For this reason we have included amendments proposing that the board have the discretion to grant an authorized representative of a labour

union a list of the names and addresses of employees who normally work in locations other than the employer's premises.

The union will therefore have access to off site employees on the condition that the privacy and security of off site workers are protected. The industrial relations board can indicate conditions and in a particular case for instance can say: ''We are going to give you this kind of information so you can access the people using a way that is suitable in the circumstances so that the privacy and security of the people in their homes are protected''.

As the minister said in his speech, one of his main goals was to bring an orderly process to industrial relations in Canada. Therefore some amendments clarify the rights and obligations of the parties during a legal work stoppage. The use of replacement workers during a legal strike has always been a very contentious issue. For as long as I can recall, labour and management have held opposite positions on this issue.

Not surprisingly, the consultation process did not succeed in reaching a consensus on replacement workers. This split appeared also in the Sims task force where a member tabled a minority report. In the end the minister and the government had to decide, and they did. They chose a moderate, fair and equitable formula based on the good faith of the parties.

There is no general edict forbidding the use of replacement workers during a legal strike. However their use for the purpose of undermining a union's representative capacity would be considered as an unfair labour practice. The union can refer the case to the Canada industrial relations board. If the board determines a violation has occurred, it can order the employer to stop using replacements for the duration of the dispute.

The amendments also confirm the right of employees in the bargaining unit who are on strike or locked out to resume employment following a work stoppage in preference to any persons hired to replace them. Another critical feature for employees is that they will be entitled to maintain insurance and benefits programs during work stoppages.

These then are some of the key amendments that will affect workers under part I of the labour code. The legislation also addresses management's interest and is indeed fair and balanced in its approach and aims. Its aim of enhanced co-operation should lead to improved productivity, better job security and increased worker participation in workplace decisions. This is good for Canadian workers and it is good for Canada.

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Madam Speaker, I am pleased to speak on Bill C-66 which amends the Canada Labour Code. This is a fair, balanced and extremely credible piece of legislation and I am proud to support it.

Bill C-66 is the culmination of extensive consultations with interested parties across Canada. Public consultations began about two years ago with preliminary discussions with the labour movement and business groups. These discussions identified major areas of agreement and disagreement concerning possible amendments to part I of the Canada Labour Code. Following these preliminary discussions, a task force of exceptionally able and credible labour relations experts was established to examine part I of the code and to make recommendations to the minister.

● (1230)

The task force was led by Andrew Sims, QC, and its other members were Paula Knopf and Rodrigue Blouin. The task force held public consultations in Halifax, Vancouver, Toronto, Ottawa, Edmonton, Montreal and Winnipeg. More than 90 written submissions were received from close to 50 groups and individuals, including the Canadian Labour Congress, the Canadian Federation of Labour, the Canadian Chamber of Commerce and the Federally Regulated Employers group.

In most of the cities it visited, the task force also met informally with labour lawyers and labour law administrators. The task force held full day meetings at the universities of Laval, Toronto and Calgary which provided academic experts in labour law and administration an opportunity to express their opinions.

The task force also benefited from the work of the labour-management consensus group made up of representatives from the Canadian Labour Congress, the Confederation of National Trade Unions, the Canadian Federation of Labour, the Federally Regulated Employers-Transportation and Communication, the Western Grain Elevator Association and the Canadian Bankers' Association. The work of this group was important in identifying issues and areas in which consensus was possible.

The task force produced its report, including extensive recommendations, early this year. A final round of consultations involved meetings the minister held in April with representatives of labour, management and other groups in Vancouver, Regina, St. John's, Montreal, Toronto and Ottawa. These meetings gave the minister a chance to hear in person reactions to the recommendations of the task force.

An important conclusion of the Sims task force was that the Canada Labour Code is generally accepted by the labour and management groups as a viable framework which has facilitated collective bargaining in the federally regulated private sector. The workplace to which the code applies has been subject to a number of significant changes in recent years, however.

Privatization of government services has meant the transfer of some jobs to the private sector regulated by the code. Deregulation policies such as open skies and the elimination of the Crow rate

have changed the conditions of the competition in a number of industries regulated by the code.

This had a direct impact on collective bargaining as unions and management have realized that a work stoppage can have a serious impact on market share and profitability. Changes in trade policies, the adoption of new technologies and changing market conditions have also had significant effects on federally regulated private sectors.

In the face of these changes, unions have generally been on the defensive, employers have pressed for industrial change and the very existence of collective bargaining has come under some scrutiny.

I reject the view that collective bargaining is no longer relevant. Canada has benefited greatly from the collective bargaining process. The freedom of workers and employers to organize and bargain collectively is a cornerstone of our democratic, market based society. It is the means by which labour rates are fairly established. It ensures stability, predictability and efficiency. In times of dramatic economic change, globalization and new trading blocs, an efficient, effective and a responsive collective bargaining system is essential.

I believe that we are beginning to see a new level of co-operation between management and labour. We are seeing the flattening of organizations and the emergence of new styles of negotiation. The members of the Sims task force recognized that if such co-operation is to grow a balance must be found between a number of competing objectives. A balance must be found between social and economic goals. Work is a form of personal expression and a source of social security. Yet many businesses continue to export jobs in pursuit of profits. A balance must also be found between instruments of labour policy. Protection of freedom of association, for example, must be balanced against property rights. A balance must be found between rights and responsibilities.

● (1235)

While our system of collective bargaining conveys certain rights to management and labour it is also based on the expectation that labour and management will meet their responsibility to bargain fairly and in good faith.

Finally, a balance must be found between collective bargaining and public interest.

Bill C-66 is a balanced and fair piece of legislation which takes these dramatic changes into account, which recognizes the need to balance competing objectives and which will ensure that the code continues to operate effectively into the next century.

I would like to use the rest of my time to focus on aspects of the legislation which would include efficient administration of part I of the code.

Bill C-66 would significantly improve administration of part I of the code by restructuring the Canada Labour Relations Board. The non-representational CLRB would be replaced with the representational Canada industrial relations board. The new board would be made up of a neutral chair and vice-chairs with equal number of board members representing labour and management groups.

This would increase the confidence of those appearing before the board that their case is fully understood and properly reviewed. Decisions made by the board, especially those involving the exercise of the board's discretion, would be more credible in the eyes of both labour and management.

The appointment of part time regional members who are representative of labour and management will significantly improve the cost effectiveness of the board, give the board access to the expertise of persons who are active in labour relations and improve links between the board and the labour relations community.

Measures to reorganize the board contained in Bill C-66 would also make it more flexible, allowing it to respond more quickly to both routine and emergency issues. Rather than a three member panel, for example, a single vice-chair would be able to resolve some cases. In some cases such as preliminary motions or requests for the extension of time limits this simply makes sense. Access to the board would be enhanced by a repeal of the provision that requires parties to obtain ministerial consent before filing an allegation of bad faith bargaining. This would be particularly significant in cases where an immediate board hearing is needed to break a deadlock in negotiations.

Bill C-66 would give grievance arbitrators a number of important new procedural powers. This is necessity because the arbitration process has become more and more complex. The amendments will make the arbitration process more flexible and efficient and are an important step in ensuring that grievance arbitration is reserved for the resolution of disputes that parties cannot resolve on their own.

● (1240)

The Acting Speaker (Mrs. Ringuette-Maltais): I am sorry, but your time has expired.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Ringuette-Maltais): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): Call in the members.

The vote on the motion stands deferred until tomorrow after Government Orders.

* * *

JUDGES ACT

The House proceeded to the consideration of amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act.

Hon. Douglas Peters (for Minister of Justice and Attorney General of Canada, Lib.) moved:

That the amendment made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act, be now read the second time and concurred in.

The Acting Speaker (Mrs. Ringuette-Maltais): Is it the pleasure of the House to adopt the motion?

Some hon. members: No.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am pleased to speak on the motion that this House give second reading to and concur in the amendment made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act.

As hon. members will recall, Bill C-42 received third reading in this Chamber on June 18, 1996. In the Senate the government moved and the Senate agreed to an amendment to one clause of the bill, clause 5, which was passed by this House. It was a provision of general application regarding international activities of federally appointed judges.

The original purpose of the clause was to clarify the terms on which judges could engage in activities abroad, such as technical assistance projects in developing countries. It would have changed the existing law by allowing judges who participated in such activities, with the authorization of Canada, to receive expenses directly from an international organization.

The original clause 5 would also have established a framework within which judges could, with the authorization of Canada, work for an international organization of states or an institution thereof. Such a judge could, with the approval of the governor in council and after consultation with the chairman of the Canadian Judicial Council, request a leave of absence without pay in order to be paid directly by the international organization.

During the consideration of Bill C-42 in the Senate certain concerns were expressed about the implications for judicial independence of certain aspects of clause 5. It became evident that to obtain passage of the bill without further delay, the government had to agree to amend clause 5 to restrict its application to one specific case, that of Madam Justice Louise Arbour.

● (1245)

As hon. members will recall, Madam Justice Arbour of the Ontario Court of Appeal had been appointed by unanimous resolution of the United Nations Security Council following the recommendation of the UN secretary-general to the position of chief prosecutor of the United Nations war crimes tribunals for the former Yugoslavia and Rwanda. For independence reasons the UN insists that the chief prosecutor not receive his or her salary and expenses from a member state but instead directly from the United Nations.

Clause 5, as passed by the House in June, reflected sound policy and practical considerations and fully respected the principle of judicial independence. By moving an amendment to clause 5 in the Senate, the government did not accept that the arguments of those who said that clause 5 as originally worded would have threatened judicial independence.

The government moved its amendment for the sole and simple reason that it saw no other way to proceed quickly with the bill. The Senate's amendment to clause 5 would specifically authorize Madam Justice Arbour alone to take a leave of absence for the purpose of serving as the chief prosecutor of the UN war crimes tribunals for the former Yugoslavia and Rwanda.

It would also permit her to elect to leave without pay and to receive salary and expenses directly from the UN in connection with her service as the chief prosecutor. In other words, by this amendment, clause 5 would cease to be a general amendment to cover the use of Canadian judges for international activities.

I would add that while the Canadian Judicial Council would have preferred to see the passage of clause 5 as originally approved by the House, the council has no objection to the amended version of this clause.

Bill C-42 would permit Madam Justice Arbour to respond to the request of the United Nations secretary-general and the security council to take on an international assignment of enormous importance to the world at large. They are counting on Canada to undertake the necessary measures to allow her to serve in accordance with reasonable and understandable needs of the UN.

Certainly all Canadians can be proud that one of our citizens, one of our judges, is representing this country and indeed the world at large in such an important forum. Therefore, I urge hon. members to approve the Senate's amendment to clause 5 of Bill C-42 as quickly as possible.

All other aspects of Bill C-42 as passed by the House in June remain unchanged. The bill would transfer from cabinet to chief justices the authority to approve judicial leaves of absence of up to six months as recommended by the last two triennial commissions on judges' salaries and benefits and endorsed by the Canadian Judicial Council.

The bill recognizes the importance of the Court Martial Appeal Court of Canada by including the chief justice of that court on the membership of the Canadian Judicial Council and authorizes the payment of a modest accountable representational allowance of up to $5,000 per year to the head of that court.

The chief justices of the courts of appeal of the Yukon and the Northwest Territories would also be granted similar representational allowances.

Bill C-42 would also permit the appointments of up to three additional judges Canada-wide to the provincial courts of appeal which have been experiencing increasing workloads and backlogs over the past number of years.

It is the minister's stated opinion to recommend that two of these new appointments be made to the British Columbia Court of Appeal which needs more judges to deal with its workload and one to the Ontario Court of Appeal to replace Madam Justice Arbour.

• (1250)

Finally, the bill would correct some of the technical errors and clarify some ambiguous language that exists in the Judges Act. Therefore, I call on all hon. members to support these changes to the Judges Act.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, I am pleased to rise today on this bill as official opposition justice critic, given that Bill C-42 has already been debated in this House and sent subsequently to the Senate. It has been returned to this House as the result of certain changes the Senate wanted to see in the bill.

I think that, to properly understand the full implications of the changes proposed by the Senate, we must at least look to see whether the bill initially met certain requirements and whether it followed due legislative process: that is, first, second and third reading.

Did the government, the official opposition and the third party seriously vet this bill to see if it required changing? Was Bill C-42 studied in committee? Was each clause studied by the parliamentary committee of members elected to this House? Was it passed at report stage?

The answer to all these questions is yes. Bill C-42 passed through all these stages. Those who received a very clear mandate from the people and who are in the House of Commons analyzed Bill C-42 and passed it. Yes, under the present system, this bill must go to the other House, the Senate. Why? Because that is the way it is, because that is the way the system works.

However, we must not take away the essence of the bill when it comes back to us. I think that Bill C-42 as passed by the House of Commons achieved the objectives that were set. It revolves around four main points, on the basis of which the members of this House decided this was indeed a good bill, one that should be passed.

I tried to understand the Senate's changes and I think that, for the people watching us, following the debates to some extent, to have some understanding of the Senate's changes, they must at least be familiar with the four main ideas behind Bill C-42.

We in the Bloc Quebecois supported the bill for many reasons. There was, among other things, a series of provisions which created new positions for judges. As we know, the present law allows the Canadian provinces and Quebec to create seven additional positions. With the change proposed in Bill C-42, which was passed by the House, legislative assemblies in each province can now decide, if necessary, to increase from seven to ten the number of additional judges.

Given what the provinces are experiencing, given what Quebec, Ontario and other provinces are experiencing, given the court delays, given the workload of judges, this change was normal. This has to be left alone. It was passed by this House.

There was also a series of clerical and wording changes. It was normal to update this law, to make it fairer. Judges were granted leaves of absence in order to ensure their independence. This is a very important criterion if we are to properly assess the changes proposed by the Senate, which must be approved by the House of Commons.

• (1255)

Bill C-42 included a new paragraph requiring the approval of the Governor in Council only for leaves of absence of more than six months. At the present time, his approval is required for leaves of absence of a month or more. If a judge wanted a leave of absence of one month, he had to submit a request to the Governor in Council.

This change was to keep away the executive branch, to keep judges' decisions free from any political intervention. It was a deliberate choice, a very important change for the Canadian legal system, for the Quebec legal system. We welcomed this change and we supported it in this House.

The fourth amendment provided for in Bill C-42, which was quite new, and met a need in today's world, but which has been directly impacted by what came back to us this morning from the Senate, was the possibility for a judge, with the government's authorization, to take part in legal activities at the international level. Until now, judges had to devote themselves exclusively to their judicial duties. There exists, furthermore, a tradition requiring

judges to avoid involvement in situations that could oblige them to take a stand in public. Bill C-42 therefore represents a departure from our legal tradition in that it would allow judges to take part in international activities. But this was a good thing, since Bill C-42, which was duly passed in the House of Commons, set out very clearly how this was to be allowed.

This bill also rightly provided that a judge could not be paid twice. In other words, if a judge took on international duties, during that time he could not be on paid leave nor receive any kind of remuneration from the country where he had been appointed a judge.

Clearly, as a whole, the amendments in Bill C-42 met a national need, an immediate need, a need of those involved, as well as an international need given the major conflicts and international trials we are faced with nowadays on a regular basis. In a sense, the bill was a response to the needs of the international community.

This bill was carefully reviewed by a team of experienced researchers as part of a thorough analysis, and it was decided that the bill should be passed without amendments, that certain comments should be made in committee, but the elected representatives decided very democratically to pass Bill C-42 this way.

As I said at the beginning of my analysis, in Canada, we have another House, a non-elected House, some of whose members I could describe as slightly out of touch with reality, it is a fact, people who occasionally nod off, lulled by the sounds of party politics. One morning, in a fleeting moment of wakefulness, a senator said: ''Fear not, we shall not let this bill pass without amendments. We will amend it for the sake of justifying the money we make here at the Senate. At least part of the $43 million spent yearly on the Senate must be justified''.

The senators decided to take a specific example. They said: ''Let us amend Bill C-42 in a specific fashion, taking one judge in particular. This way, every time judges want to get involved on the international scene, they will have to start all over, going first before the House of Commons, then before the Senate. This will give us a little work to do. It will give us a chance to poke our noses into these matters, and make amendments. It will be great fun''. So, to a large extent, the Senate basically considers the general idea behind this bill as a specific case, and decided to amend it to have it apply only to the case of Madam Justice Arbour from the Court of Appeal of Ontario.

• (1300)

Some of our listeners, including the Liberals across the way, may think that the Bloc is trying to protect some Quebecer. The fact is we are do advocate the principle of independence. But in this case, where the Liberals condone, to some extent, the attitude of the Senate, the person involved is a judge from the Ontario court of appeal.

This amendment has been sent to us after the House of Commons went through a clear and comprehensive process: first, second and third readings, not to mention a clause by clause review in committee, and report stage. Now we have to start all over again; we have to review the nice amendments made by the Senate. But what prompted the Senate, if not partisan considerations, to make amendments such as these?

I decided to have some fun. I rarely do this, but I read the great philosophical debates of the other place. Once in a while, we should read what senators have to say on a particular issue.

I read the *Debates of the Senate* for Monday, October 28, for November 7, and for October 22, 1996, to see what senators had to say on Bill C-42. I must say I was very surprised by the depth of the senators' review, by the seriousness with which they reviewed the legislation, and particularly by the sources that prompted them to propose amendments.

In the case of one senator, whom I will not name, out of respect for her, one such source is the infamous gossip magazine *Frank.* The senator said: ''Listen, in Ms. Arbour's case it does not make sense. We have to make a specific amendment''. The October 23 issue of the gossip magazine *Frank* carried an article on Madam Justice Arbour's friends in high places. It stated: ''Ms. Arbour has many friends and allies to boost her to the top— It was Goldstone who finessed Arbour's appointment through the United Nations. In Canada, the deal was stick-handled through judicial circles by her common-law husband, the sebaceous deputy attorney-general of Ontario, Larry Taman''.

The senator relied on this gossip magazine, this rag and the article published in it to say that a specific amendment had to be made to Bill C-42 to deal with the appointment of Madam Justice Arbour. Can that be the only evaluation criterion by which one can determine if a bill coming from the House of Commons, which is composed of democratically elected members, must, yes or no, be amended? Every four or five years, we go before the people to get elected. I find it hard to believe that a senator with such great intellectual capacity, one who likes to quote *Frank*, would be prepared to stand for re-election now and then.

The same senator went on to say, in her analysis: ''I am informed that Justice Arbour's contracted salary with the United Nations is US$250,000 tax free with, in addition, many more hundreds of thousands in expenses. With remuneration like that, Canadian judicial benches will soon be empty if Canadian judges are permitted to roam internationally in procurement of such employment and remuneration''.

Still, why should it matter to senators that such a person should earn US$250,000.? If the senator is afraid that judicial benches will soon be empty, since there would surely be judges who would decide to work internationally, she has nothing to worry about.

• (1305)

I believe the Minister of Justice and the Government of Canada would be only too happy to appoint their good friends to the bench. Good? We know very well that, at the federal level, these are political appointments. But, up until now, even though these appointees have been friends of the government, I have no complaints, at least as far as Quebec is concerned. Having practised law before becoming a member of Parliament, I saw that the judges were quite competent, after all.

When the Conservatives are in power, all the judges are Tories, and when the Liberals are in power, all the judges are Liberals, but that is part of the game, as we say in my part of the country.

But let us be clear. Let us reassure the senators so that they are not worried or afraid. We will always find judges, we will always find very competent and well trained persons for the bench. The walls of the temple of Canadian justice shall not crumble because one, two or three judges decide to serve on an international tribunal and put their knowledge at the service of the world community. I thought that only one senator thought this way, but I read on and, unfortunately, there is more than one.

There is another senator who is a former member of this House. He was appointed to the Senate by the previous government. He says that there must be an amendment. He approved of the proposed amendment and said: ''Listen, the independence of the judiciary is one of the principles that all Canadian parliamentarians must strive to protect and advocate''. This is profound and it is true. He thought long and hard before coming to that conclusion.

''The independence of the judiciary is one of the last defences for the respect of democratic values in this country''. When a non-elected senator speaks of democratic values in defence of an amendment proposed by the Senate itself, I think this goes against the very principle of independence he claims to be promoting.

In Canada, we have written rules, unwritten rules, customs, and what not. The Minister of Justice or his parliamentary secretary must certainly know that there is an unwritten rule that says that Parliament should never adopt a bill for one specific judge. Never. To do otherwise is to go against the independence of the executive branch and of the courts.

I know that this is not meant to be a specific legislation, that Bill C-42 is not about Madam Justice Louise Arbour, but by bringing a specific amendment, by changing the spirit of a provision to make it specific to a particular case in order to solve a problem, I think the Senate is making this a specific legislation.

I think it is dangerous and deplorable that the government has decided to give up its powers because of the wishes of the other place. The government had taken a stand in Bill C-42. It had clearly stated its position. However, for considerations that nobody else knows, it has decided to yield to the Senate to amend the legislation and, indirectly, to undermine a recognized principle.

During the debate on Bill C-42, many things were said about impartiality, about the appointment of judges and about the whole legal system within which this legislation must be viewed. I will not repeat them.

• (1310)

However, if the government is using the Senate to amend a piece of legislation, to bring amendments to a bill or to parts of a bill because of things it had not noticed, it is cause for concern. I do not think this is the case. I know the Minister of Justice. We can agree or disagree with his position in certain matters, including his decision to refer to the Supreme Court a matter of a very political nature affecting Quebec, we can disagree with some of his decisions, but I think the justice minister is a man who knows his bills inside out.

He is a man who, before making a decision, has the bill analyzed by his advisers, by his team of researchers, by experienced lawyers. And only then does he decide to table a bill. It has been discussed, he changed his position. The bill was passed after it is discussed, after the government and the opposition parties debated it.

I think that it is unthinkable that, in 1996, the Senate can force the government to backtrack on an issue as important as that of the independence of the courts.

I say to the government and its representatives that they are on the wrong track, they should not do this. Instead, they should make the Senate toe the line on this sort of issue. In this case, we are not in agreement with the Liberal government, the Canadian government, on this amendment. In fact, if I had not afraid that it would be interpreted as opposition to Bill C-42, I would have asked the House not to approve the bill at second and third reading. But as for the substance, as I said earlier, we are in agreement with Bill C-42.

As the opposition party, we are against the amendment made by the Senate through the government. We will therefore be voting against this amendment.

I urge the government to do its homework over again. I urge the government to consult its lawyers, researchers and special advisers a second time. I urge the government to do its homework over again, to take another look at the bill, so that it knows exactly what the situation is on this extremely important issue, so that we have legislation that is clear and that does not encourage judges to leave Canada. That is not what the Bloc Quebecois wants. We want

legislation that is clear. We want judges to know the rules ahead of time, and if a judge has expertise in a certain field and would like to be useful at the international level by being seconded to a court outside his jurisdiction, I think we should encourage that with legislation that is clear.

There should be a fair and equitable process for all individuals who would like to take advantage of this international experience. The amendment proposed by the Senate would make this impossible. How each case is evaluated would depend on the amount of pressure on the government opposite. I think this is disastrous in a society that calls itself democratic and emphasizes the independence of the executive and the judiciary.

In concluding, I would urge the Minister of Justice to review his calculations, if he has done any, to review everything with his legal advisers to make the necessary adjustments and in the end decide that the amendment proposed by the Senate is bad for the Canadian judiciary system and therefore for the Quebec judiciary system.

• (1315)

[*English*]

Mr. John Williams (St. Albert, Ref.): Madam Speaker, I have been listening to the debate so far and primarily to the speech by the hon. member for Prince Albert—Churchill River. The speech that he read sounded to me as though it was a speech written by the Minister of Justice who did not feel it important enough to show up here to read it himself. That being said, looking at the content of the speech, he urged us to deal with this amendment quickly, that we should rush it through in order to facilitate the government's agenda. I wonder why the rush.

As has been pointed out, there is a problem with Madam Justice Louise Arbour, a justice of one of the superior courts in the province of Ontario, who is currently on international assignment. I believe the rush is to legitimize her current assignment.

Section 55 of the Judges Act states:

> No judge shall, either directly or indirectly, for himself or others, engage in any occupation or business other than his judicial duties, but every judge shall devote himself exclusively to those judicial duties.

We know that Madam Justice Louise Arbour is not devoting herself to those judicial duties. She is in actual fact working abroad for the United Nations. She has accepted an appointment from the United Nations. Hence the rush by the government.

Also when we listened to the speech this morning, we learned that the Senate had a problem with Bill C-42. As the hon. member for Prince Albert—Churchill River stated, in order to get this bill through quickly and in order to legitimize Madam Justice Louise Arbour's current dilemma of not being exclusively devoted to her duties, the government amended the bill in the Senate and that amendment is now back in the House for debate.

The member spent some time talking about that amendment. However, the interesting thing is that there are two amendments, not one but two amendments. If I heard the member correctly, he did not mention that there were two amendments. He only dealt with one amendment.

Let me read the first amendment which the other House has sent back for our consideration:

> 1. Page 1, preamble: Strike out line 1 and substitute the following:
>
> Whereas the Canadian Judicial Council has been consulted with respect to certain provisions of this act, particularly section 5, and agrees with the purpose of section 5;

The Canadian Judicial Council is made up of the chief justices and is chaired by Chief Justice Lamer of the Supreme Court of Canada. That is the highest court in the land and he is the highest judge in that court. Perhaps it is not unusual for them to pass judgment on legislation before it becomes law, but obviously the minister, in the other House, in order to push this legislation through as quickly as he could, decided to introduce this new preamble which says that the judicial council, which is chaired by Chief Justice Lamer, agreed with this particular section of the bill and indeed agreed with the entire bill.

I want to deal with the appearance of independence and integrity. For the record, we all know that Chief Justice Lamer is a man of integrity. His reputation is not being disputed in any way, shape or form. However, I am calling into question very much the fact that the Minister of Justice has put the chief justice in a very awkward position by putting this preamble in the bill in the other House and which is now being debated here.

Why? Quite simply, clause 3 of Bill C-42 confers a benefit on the chief justice and his spouse, who also happens to sit on the federal bench. As far as we are aware, clause 3 of Bill C-42 confers this benefit on the chief justice and his spouse alone. We have heard the Minister of Justice say there is one other couple but he has not divulged their names. Therefore, we are not sure if there is another couple. If there is another couple there is a maximum of four, but we do know that there are two. The chief justice and his wife benefit by clause 3 of section 2 and could very well benefit to a substantial degree.

• (1320)

The Minister of Justice has written to the chief justice of the supreme court asking: ''What do you think of Bill C-42? Do you like it?'' He reads Bill C-42 and there is section 3 conferring a benefit upon himself. What is he supposed to do? He is put in a most difficult and compromising position, courtesy of the Minister of Justice who wrote to him asking what he thought of Bill C-42. The integrity of the chief justice of the supreme court has been

compromised by this preamble and this preamble is here by the choice of the Minister of Justice.

The point is that the independence of the judiciary is being slighted in the worst way in this odious amendment. And I do say odious amendment because what was the chief justice to say? He could either concur with the bill and accept the benefit which was within the bill. Perhaps he agreed with clause 5 because of the benefit. I hope not. As I said, he is a man of integrity and I would not question his integrity. But I do question very much that the Minister of Justice has placed him in this position. That is why this particular amendment must be defeated. If we have any semblance of respect for our judiciary, this amendment must be defeated.

This morning I rose on a point of order regarding the fact that by this amendment this is now a hybrid bill, a public-private bill because of the fact that Madam Justice Louise Arbour is being specifically mentioned in the amendment.

If I can go back to my point on the situation of the chief justice being dragged into this bill, I would like to quote from the *Alberta Report* of October 28, 1996, page 27. Professor Morton from the University of Calgary was speaking to the Senate committee regarding this bill. It reads:

> Professor Morton instructed senators at length on the importance of judges appearing impartial. The Supreme Court ruled in 1984 that impartiality means the ''absence of bias, actual or perceived''. Earlier this year, the Canadian Judicial Council of which Mr. Justice Lamer is the titular head, said the relevant test of improper conduct by a judge is whether ''public confidence would be sufficiently undermined'' by it''.
>
> Comments recently retired University of Toronto political scientist Peter Russell: ''It is very troubling that a main beneficiary of the change is the chief justice. That raises questions of whether there was any communication between him and the government. I think the public deserves some answers''.

That was prior to the amendment to the preamble. Now we know there has been communication with the chief justice and this perception is now a very, very difficult situation.

Returning now to Madam Justice Louise Arbour, I mentioned this morning the fact that Madam Justice Louise Arbour's exemption from section 55 of the act is rightly the matter of a private bill. Again I quote the *Alberta Report* of October 28, 1996, page 27:

> Madam Justice Arbour sought and won the UN job herself. Then Mr. Rock agreed to amend the Judges Act to allow judges to take unpaid leaves of absence

If that is not a petition by an individual, a person to have an exemption from the law, I do not know what is.

I quoted a ruling by a Speaker in the other House and I will quote a bit of it again: ''A public bill relates to a matter of public policy, while a private bill relates to a matter of particular interest or benefit to a person or persons. A bill containing provisions which are essentially a feature of a private bill cannot be introduced as a public bill. A bill designed to exempt one person from the application of the law is a private bill and not a public bill''.

● (1325)

It is fairly obvious from reading the *Alberta Report*. That Madam Justice Louise Arbour sought and won the appointment by the UN herself and then got the concurrence of the Minister of Justice to introduce an exemption to allow her to obtain the position seems to be a rather odious way of exempting a person from the Judges Act. Independence and integrity are very much being called into question here.

I am looking at Beauchesne's citation 1055 which talks about private bills demanding ''peculiar vigilance, lest public laws be lightly set aside for the benefit of particular persons or places''. The way that the contents of this bill, which are the appropriate subject matter of a private bill, are being passed is certainly not in a vigilant process.

Therefore I move:

> That the motion be amended by deleting all the words after ''that'' and substituting the following therefor:
>
> a message be sent to the Senate to acquaint Their Honours that the House disagrees with the amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act, since Amendment 1 places the Chairman of the Judicial Council in a conflict of interest and Amendment 2 has negatived the original intent of Bill C-42 to amend public policy and now introduces a waiver to s. 55 of the Judges Act for Madam Justice Louise Arbour, which according to the House of Commons rules and practices is properly the subject matter of a private bill and thus should not be inserted in a public bill.

The Acting Speaker (Mrs. Ringuette-Maltais): The Chair will look at the proposed amendment and will advise the member. The hon. member may want to continue with debate.

Mr. Williams: I can continue on, Madam Speaker, if you want to have time to rule on whether or not that is an acceptable amendment. I certainly hope that you find it is so.

Regarding that particular amendment, if I may draw your attention to the amendment that I have just given to you, the Speaker ruled this morning, and he quoted certain references and precedents, that he did not have the authority to amend a message from the other place and that the right to amend the message from the other place rested with this House. On my point of order which asked that the part regarding Madam Justice Louise Arbour be the subject matter of a private bill, he felt that the decision had to rest with the House rather than with the Chair. I do hope you will agree that we can debate the motion and arrive at a conclusion by this

House on whether or not we want to proceed with what is being proposed by the Senate as an amendment to Bill C-42.

However, continuing on, the concerns that we have regarding Madam Justice Louise Arbour cannot be overstated. Again, I respect the integrity of Madam Justice Louise Arbour and the work she has done on the bench.

The point is that while she has the reputation as being an eminent jurist and has been selected by the United Nations for this arduous work in Brussels, according to the *Alberta Report* she sought the job herself. She was not selected because of her reputation around the world. The point is that if she did, this government has acquiesced in a most inappropriate manner, in a retrospective manner rather than in a proactive manner.

• (1330)

The Minister of Justice has told the House many times that his responsibility is to uphold the rule of law. It is his responsibility to uphold the rule of law. We now have a Canadian jurist in another country working for the United Nations to uphold international law and to prosecute horrendous and horrific crimes. We do not doubt the great work that needs to be done over there and we do not criticize the fact that it is an honour for a Canadian to prosecute.

However, we do concern ourselves with the integrity of the judicial system at home. If it requires a waiver of the Judges Act—retroactively I might add—for the jurist to go over there to uphold the rule of law, we are sending the wrong message. The message being sent is that we are prepared to bend and retroactively change our laws to allow this to happen when she is over there to uphold the law. There is an incongruity which needs to be addressed very carefully.

The rules of the House have been circumvented somewhat by the fact that this was introduced as a public bill, that it passed this Chamber as a public bill, is now back before us as a hybrid public-private bill which is not allowed by the rules of the House. There is division in the House whether we should be circumventing the rules in this way. I feel this casts a shadow on the appointment of Madam Justice Louise Arbour to fulfil these obligations for the United Nations. If the minister had wanted Canada's reputation as a prosecutor for justice to go around the world, then he should have been more careful in the way he approached the matter.

I respect the integrity and the competence of Madam Justice Louise Arbour. She is a jurist and in her new job she is to be a prosecutor. It means she will be on one side prosecuting the other side. I do not dispute the fact that she is prosecuting crimes of a horrific nature. But the point is that she is a prosecutor and she presumably intends to return to the bench and to that independent, impartial position. She has in essence removed herself from that independent, impartial position by accepting this position as a prosecutor.

Again, I am very much concerned that when she returns to the bench her impartiality might be challenged. It is a very problematic question. I would have hoped that the Minister of Justice would have thought that through, discussed it with the other members of the House, perhaps even discussed it with members of the other Chamber in order that Canada could have made and endorsed this appointment in order for Madam Justice Louise Arbour to take up these onerous duties and be a shining light for justice around the world and for Canada.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, it never ceases to amaze me the nonsense that spews from the mouths of Reformers on occasion. The nonsense has come forward today in relation to this bill, an important bill in a number of respects. The bill would allow one of our eminent jurists to do a very important international duty, to prosecute war crimes at the request of the United Nations.

• (1335)

Canada has always been in the vanguard of justice on the international front. It has always stood for integrity and responsibility in doing our part to ensure that war crimes are punished and that our nation participates in just causes. It is out of respect for the reputation of Canada that Canadians are often asked to participate in such fora.

However, something so good and so noble is being dragged through the gutter by the Reform Party. That ought not to surprise anybody. If anybody is interfering with judicial independence, it is the Reform Party. There is no doubt that Madam Justice Arbour will acquit herself and her country well in her new duties. We feel it appropriate to bring forward the amendments and allow this to happen in accordance with the rules of the United Nations.

Another point has been raised by hon. members of the Reform Party. They have questioned the integrity of the Chief Justice of the Supreme Court. What is being brought forward in this bill is simply an amendment to bring the Judges Act in relations to pensions into equality with public service pensions, members of Parliament pensions and with other pensions. This amendment has been requested for a significant number of years. It has been brought forward along with a number of other amendments to the Judges Act. It is that simple.

The Reform Party questions how many people on the bench are married to other judges. There are four couples that we know of in that circumstance. There may be more but they are not required to report to the Minister of Justice when they fall in love and decide to get married. However, something that is good, something that is

appropriate and something that brings these plans into line with other plans is being questioned and turned into something bad.

This is very symptomatic of all that the Reform Party has stood for and has brought forward. It is to take things that are good and honourable and to turn them into something else. I ask the hon. member, in light of these circumstance, why the Reform Party continues to try and degrade good pieces of legislation which will bring honour to this nation?

Mr. Williams: Madam Speaker, I am certainly glad to respond to that intervention by the member for Prince Albert—Churchill River.

Let me be perfectly clear. In my speech I said that I would never think of challenging the integrity of the Chief Justice of the Supreme Court. I have no intention whatsoever of challenging the integrity of Madam Justice Louise Arbour. I am quite sure that her integrity and the respect which she enjoys is well deserved.

• (1340)

What is not well deserved is the way in which the government has gone about amending the rules. It has put these two eminent jurists in a very difficult, awkward and compromising position. They are not there of their own choosing, they are there because of the government.

If the member for Prince Albert—Churchill River cannot understand that point, perhaps that is why this bill and this government is in the mess it is in today regarding these two situations. The government has created the problem. It is not the Chief Justice of the Supreme Court of Canada. His integrity is impeccable. He has been put in a compromising position by the Minister of Justice.

I do not know too much about Madam Justice Louise Arbour but I presume her integrity is also impeccable. She had been put in a very difficult position by the Minister of Justice who has allowed her to leave her duties on the bench against section 55 of the Judges Act and assume a position prior to legislation being passed by this House and the other place. That is the crux of the matter. Reform members feel that Madam Justice Louise Arbour is now compromised in her ability to prosecute and be a shining light for Canada. We think it is great and fully endorse the fact that a Canadian has been chosen to that high and prestigious position.

As I said earlier, these were horrific crimes and people have to be held accountable according to the rule of law. Surely those who are sitting in judgment, those who are prosecuting and those who are speaking on behalf of the world community that has been shocked by these crimes would want the confidence of knowing that the people who are performing these arduous duties are there without the slightest blemish or hint of problem from the country from which they come.

The point is that the government has put these two people in a most awkward and compromising position.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, it is with some consternation that I keep hearing the Reform members talking about certain things that cause us in Quebec to wonder what planet they are living on.

I do not want to return to the question of pensions and so forth, because I think it has nothing to do with the amendment before us, but the hon. member seems unable to distinguish between a judge appointed to serve an international community, who has an ad hoc mandate, a specific mandate to serve as attorney, which is one thing, and a judge who decides from one day to the next to request leave without pay to act as crown prosecutor in Canada, Ontario or Quebec. These, I think, are two different things.

For a judge to decide to take on a specific assignment to go and serve internationally to help an international community gather evidence to convict individuals who have committed major crimes, that is one thing. However, I do not understand the hon. member saying that once Ms Arbour, in this particular instance, returns to Canada, should she resume her duties as judge, there would be doubts as to her impartiality. What world do the Reformers live in?

Are they forgetting that judges are lawyers, crown counsel or in private practice before they are appointed judges at some point? When arguing his case, is the crown attorney right to question the judge's impartiality because he comes from the private sector, or vice versa?

• (1345)

I have often argued before judges whom I knew to have worked for the crown. Do I fear from the outset that they will not be impartial? It is part of the training of someone in the legal profession to be able to separate things.

To conclude, I would ask the member if he does not think it beneficial to Canadian and Quebec jurists to work internationally showing how we do things. Does he not think international exchanges should be promoted?

[*English*]

Mr. Williams: Madam Speaker, in quick response to the member's question, yes, we have prosecutors and lawyers who are appointed to the bench and they are expected to make impartial judgments. However, this is a different situation. Someone is going from the bench and becoming a prosecutor. That is the opposite direction.

The intent is that at some later point she will return to the bench. She is not being asked to resign; she is being granted a leave of

absence. That issue has never been dealt with before. As far as I am aware, if a judge leaves the bench to become a prosecutor, he or she cannot return.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I have a few comments to make about Bill C-42 which has come back from the other House.

I would like to make a few initial comments about the justice critic for the Bloc. Obviously he does not remember the path which this bill followed. The bill did not go before the Standing Committee on Justice and Legal Affairs. Witnesses were not called. We were assured by the government that this was a housekeeping bill. The government said it was a rather innocuous bill which deserved rapid passage through the House and that is exactly what happened.

If we are to criticize those who have looked at it in a more exhaustive manner, then we should really look at what they are saying about the bill.

The hon. member for Prince Albert—Churchill River, who was the one who indicated to our caucus that this was just a housekeeping bill and a rather innocuous one, now says it is a very important bill.

When this motion on Bill C-42 came back, I examined the reasons for it. Why would it come back? It is a housekeeping bill. It is an innocuous bill. It was not an important bill.

I read what witnesses who appeared before the committee of the other House had to say about the bill, as well as some of the senators' comments. In the short time I have I will quote some of the expressions made by one of the witnesses who appeared before the committee in the other House with respect to Bill C-42.

I will quote from the testimony of Professor F. L. Morton. I do not have time to touch on all of his testimony but I would like to quote a portion of it: ''The government is concerned, as well it should be, with the current status of Justice Arbour and the implications of her status for those responsible at justice. The government seems to hope that by passing Bill C-42 as quickly as possible it can retroactively legitimate apparent indiscretions by Justice Arbour and possibly others''. That is a pretty serious statement. It was not made by someone from the other House, who may be detached from reality, as was suggested by the hon. member from the Bloc a few minutes ago; it was made by a professor of law.

Professor Morton went on to say: ''For the past week I have tried to ascertain whether or not Justice Arbour is currently acting within the letter of Canadian law. On balance it seems that there is considerably more evidence to suggest that she is not''.

• (1350)

Again, this is certainly something we were not aware of at the time that we examined the bill and the bill passed through this House. We were not aware of those opinions and the ramifications of this bill.

To go on to quote Professor Morton's discourse:

> My understanding is that Justice Arbour left for The Hague on August 1 to undertake new duties as ''Special Advisor'' to the UN Commission on War Crimes; and that as of October 1—that is, more than two weeks ago—she officially took up her new responsibilities as Chief Prosecutor. Apparently the government has attempted to ''authorize'' Justice Arbour's actions through two orders in council as authorized by section 54 of the Judges Act. Does section 54 authorize leaves for the type of activity that Justice Arbour has already undertaken? Not according to the testimony of Mr. Rock before this committee on October 7.

Professor Morton quoted the justice minister, stating this:

> There is no provision in the Judges Act for a federally appointed judge such as Madam Justice Arbour to be granted a leave of absence without pay to work for an international organization such as the UN, nor does the act permit the salary and expenses of a judge during a period of leave to be paid by an organization or entity other than the Government of Canada or, in the case of expenses, by the government of a province.

The Acting Speaker (Mrs. Ringuette-Maltais): With your indulgence I would like to inform the House that the amendment of the hon. member for St. Albert is in order.

Please continue debate, the hon. member for Crowfoot.

Mr. Ramsay: Madam Speaker, to carry on with the testimony of Professor Morton:

> It would appear that Justice Arbour agreed to the appointment before it had been approved by the Minister of Justice (or any other officials), thereby forcing the minister to react to a fait accompli. Furthermore it then appears that the minister, rather than recommending to Justice Arbour that she postpone her new activities pending necessary amendments to the Judges Act, sought to temporarily legitimate her actions by an order in council; and then (because the order in council is conceded to be insufficient) sought to retroactively legitimate J. Arbour's new employment with general amendments to the Judges Act, Bill C-42, thereby forcing the hand of Parliament.

I will conclude my quoting from the testimony of Professor Morton with this passage:

> No doubt some will say that this is nit-picking. My response is simple. If the justice minister and appeal court judges cannot be expected to comply with the letter of the law, then who can? Indeed within the last month the justice minister himself pronounced on the meaning and importance of the rule of law. When Mr. Rock referred the issue of Quebec's so-called ''right of secession'' from Canada to the Supreme Court he declared that:
>
> The rule of law ''is a living principle that is fundamental to our democratic way of life. In substance it means that everyone in our society, including ministers of government, premiers, the rich and powerful and the ordinary citizen alike, is governed

by the same law of the land. We are all bound by the Constitution, by the Criminal Code, by acts of Parliament and the legislatures''.

● (1355)

These are some observations. I only have time to refer to Professor Morton's concerns about Bill C-42 but there are others, including former Professor Peter Russell, who have expressed concerns about aspects of the bill. I feel that it is the duty of members of this House to closely examine these concerns.

I conclude by referring to the amendment the hon. member for St. Albert made and which I seconded. I am not completely satisfied with that and I offer an amendment to the amendment which reads: ''That the amendment be amended by adding ''and that this House respectfully request that Their Honours respond to this message no later than June 19, 1997''.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, as I am reading the amendment moved by the Reform Party, I find it somewhat dangerous to state in the amendment that the chairman of the judicial council is in a potential conflict of interest. We know that the chairman of the judicial council was merely consulted with regard to Bill C-42 as he is an extremely important player in its implementation.

We only have to look at what happened in the past with highly charged issues such as the case of Judge Bienvenue when all parliamentarians rebelled and rose to condemn the state of affairs. In the end, the people in charge of the issue were the members of the judicial council. To consult the chairman of the judicial council on such a bill is, I believe, necessary and very important.

I would like the member to tell me in what way he believes the chairman of the judicial council is in a conflict of interest with respect to the debate we are having on Bill C-42.

[*English*]

The Acting Speaker (Mrs. Ringuette-Maltais): I would like to inform the House that the Chair will reserve its right to look over the subamendment as proposed by the hon. member for Crowfoot.

Mr. Ramsay: Madam Speaker, I acknowledge the question from my hon. friend from the Bloc.

The fact is that this bill has not been thoroughly examined by this House. We know the history of the bill as far as this House is concerned. The examination of the bill has occurred by individuals outside this House, particularly members of the other place who called witnesses.

The Speaker: My colleague, I know that you are in the middle of an answer and I am very reluctant to intervene at this time. If you could keep your train of thought we will get back to you right after question period.

As it is now 2 p.m., we will proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

MEDAL OF BRAVERY

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, I rise today to relay to the House an act of bravery and courage by a constituent of mine in the riding of Scarborough Centre.

Ronda Sparkes was recently awarded the Medal of Bravery by the Governor General of Canada for her unselfish and heroic act of bravery.

On November 30, 1993, Ms. Sparkes along with her friend Kelly Kramil, went to the aid of three people caught in a strong Pacific Ocean undercurrent at a resort in Manzanillo, Mexico. As soon as the two women realized that the swimmers were in deep trouble, they grabbed a life ring and jumped into the ocean in spite of the rough waters. Ms. Sparkes and Ms. Kramil managed to keep all three people afloat until a rescue boat arrived and brought the exhausted group back to shore.

I want to congratulate Ms. Sparkes on her Medal of Bravery and extend my praise for her courageous deed.

* * *

[*Translation*]

AGRICULTURAL LABOURERS

Mr. René Laurin (Joliette, BQ): Mr. Speaker, it would appear that the Canadian government is planning to withdraw, by the end of March 1997, its 40 per cent share of the funding of the agricultural day haul transportation assistance program, to which Quebec contributes to the tune of 60 per cent.

In the Lanaudière area only, these cuts will mean an $80,000 shortfall. Some 800 individuals will be affected, mainly students picking berries and canning vegetables. Moreover this will deprive vegetable producers of labourers who live far from their work place and have no other means of organised public transportation.

In order to maintain a program which has a significant impact on this sector of our economy, the federal government must contribute to its funding. If it withdraws, it should at least compensate Quebec financially.

* * *

[*English*]

YOUNG OFFENDERS ACT

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the justice minister is so far out of touch with reality that he will not

even acknowledge the fact that since the introduction of the Young Offenders Act, youth violent crime has increased by over 400 per cent.

It does not take much to conclude that this Liberal oriented document simply is not working. Rather than address this legislation as unworkable, the minister's recent comments indicate the probability of punishing the provinces by removing funding if they do not change their ways.

He claims that 80 per cent of the funding goes to incarceration while only 20 per cent goes to alternative measures. He also claims that provinces are acting more like vigilantes than justice agents.

When will the minister wake up and realize the Young Offenders Act contributes to more law breaking than it prevents? Why does he not recognize the YOA is a joke to most youth? Why does he not scrap the Young Offenders Act in its entirety, introduce programs and measures that will prevent youth crime and penalties to indicate society is no longer prepared to handle youth crime with kid gloves? When will we send the strong message that youth—

The Speaker: The hon. member for Winnipeg Transcona.

* * *

CHILD POVERTY

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, since Ed Broadbent's motion that called for the abolition of child poverty by the year 2000 was passed unanimously by this House approximately seven years ago, child poverty has actually grown by 41 per cent. This is at a time when the families of wealthy corporate executives, who in the 1980s made 12 times as much as the poorest families, now make 24 times as much.

The Liberals have allowed the most privileged and powerful in Canadian society to turn their backs on the children who make up Canada's next generation. Many Canadian families are under severe stress, while the prosperity of the new economy is blowing into executive pay packets but not into children's lunch buckets or into their educational opportunities.

The leader of the NDP, Alexa McDonough, has called for the restoration of balance into our economy. We are calling for a cap of $200,000 or less on executive salaries that can be deducted from corporate taxes as a business expense and to direct the tax savings to programs to reduce child poverty.

* * *

DOUG THOMLINSON

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, I want to congratulate a resident of Ingersoll who worked with the Canadian Executive Services Organization, or CESO, as a Canadian volunteer adviser.

Doug Thomlinson, a former teacher at Fanshawe College, hosted a Czech technical college teacher. He familiarized him with training programs for entrepreneurs, community college courses and counselling services for small businesses. The visitor will develop a plan for the future tourist trade in the Czech republic.

CESO volunteer advisers are professionally skilled men and women, usually retired, who share their experiences with businesses and organizations in developing nations and aboriginal communities in Canada. Since 1967 some 7,000 CESO volunteers have completed over 30,000 assignments in more than 100 countries and throughout Canada. In 1995, their 19,000 days of service were valued at $7 million.

I thank Doug and all CESO volunteers for their significant contributions to international development and prosperity.

* * *

EVAN AND JOAN WHITEHEAD

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, I would like to relate the outstanding volunteer efforts of my constituents who recently returned to Canada after working overseas for CESO.

Mr. Evan Whitehead, accompanied by his wife Joan, went on assignment to Ghana in Africa. He had been asked by a stock brokerage and investment banking firm to train staff and to assist the firm in marketing its services.

Mr. Whitehead put in place a revised organizational structure with responsibilities well defined. He trained senior staff and management in marketing and also made recommendations to address computer software and hardware problems. He redesigned office space and layout, introduced the concept of weekly meetings and set up a recruitment program. Before Mr. Whitehead left Ghana, interviews were set up to recruit additional staff.

CESO is a volunteer organization supported by CIDA and hundreds of Canadian corporations and individuals who willingly share their years of experience with needy businesses and organizations in developing nations.

• (1405)

My congratulations to Evan and Joan Whitehead who reside in the riding of Lambton—Middlesex.

* * *

PORNOGRAPHY

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, many of my constituents have written to me to express their concerns

over the harmful effects of pornography. I join them in an expression of anger and sadness that women, men and children are exploited through pornographic material and that such material continues to circulate in our society.

Pornography has a corrosive and damaging effect on our culture and it has pushed the margins of acceptability and decency.

The campaign against pornography is the people's attempt to push back. Due respect for the dignity for all persons is the strongest measure in seeing the blight of pornography removed from our society.

I applaud and support the efforts of those who are trying to raise public awareness on this sad but important issue.

* * *

[*Translation*]

WOMEN IN NON-TRADITIONAL JOBS

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I am proud to rise today to draw attention to the courage and determination of women in non-traditional jobs.

In my riding, several women have managed to find work in occupations that traditionally excluded them. They are linewomen, welders, assemblers, surveyors, electricians, machinists, mechanics, truckers, engineers, and policewomen.

The Partance group and its board of directors recently published a directory containing information on and statements by 49 women holding non-traditional jobs.

I commend these women as well as the co-ordinator and counsellors of the Partance group, who, through their work, show that change is possible when the desire is strong enough. This is an example the people of my riding of Drummond follow with pride.

* * *

[*English*]

BILL C-216

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, earlier this year the people of this country, for once, enjoyed a small triumph in this House. Despite the best efforts of high-priced Ottawa lobbyists, the culturecrats and the full weight of the Deputy Prime Minister, the House adopted a bill to ban negative option billing.

Bill C-216 has moved just a few metres down the hall to the other place and, lo and behold, our unelected and unaccountable senators are playing games with this bill.

I ask citizens and consumers: What is the similarity between backroom events in this House and in the other House? Lobbying. Lobbying on the part of the Department of Canadian Heritage, the CRTC and powerful lobbying buddies, former politicians and bureaucrats. All these unelected senators and lobbyists are working overtime to bury a bill which was passed by the elected members of the House of Commons.

If there are any responsible members in that other place I would urge them to stand up and be counted on the side of consumers and quit their shameful blockade of the will of the Canadian public.

The Speaker: Colleagues, I would remind you about criticism of the other place. We are getting very close to the line. Please be very judicious in your choice of words.

* * *

CANADA COMMUNITY INVESTMENT PROGRAM

Mr. Tony Valeri (Lincoln, Lib.): Mr. Speaker, Hamilton and the surrounding area has been selected by a national board of private sector equity capital specialists to run a Canada community investment program demonstration project.

The CCIP bid, which was spearheaded by Renaissance Economic Initiatives, links eight economically interdependent communities which include the cities of Brantford and Burlington, the regional municipalities of Haldimand-Norfolk and Hamilton-Wentworth, Six Nations of the Grand River, the towns of Grimsby and Lincoln and the township of West Lincoln.

By strengthening access to equity capital for small business in what is now referred as the inter-lake economic corridor, we are creating more opportunities for jobs and growth.

I would like to congratulate Renaissance Economic Initiatives, my caucus colleagues and all the community partners not only for their dedication and hard work in making the CCIP bid successful but also for the model which they have established for future inter-regional partnerships.

* * *

ZAIRE

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, because of the tragic situation in Zaire and the horrible potential for mass starvation, it was absolutely necessary for the United Nations to intervene.

The Secretary-General of the UN, Mr. Boutros Boutros-Ghali, called on Canada to step forward and lead this crucial humanitarian effort. Canadians believe that this nation has a moral responsibility to do all that we can to prevent the loss of life in central Africa.

I have had considerable input on this crisis from my constituents of London—Middlesex. While there are dissenters, the vast majority of my constituents, and I believe of all Canadians, support our leading this humanitarian effort.

• (1410)

Although we have economic problems at home, Canadians know that our so-called problems pale in comparison to the tragedy in central Africa. Given the rapidly changing nature of this crisis, obviously there is uncertainty about the exact nature of this mission. However, there is no uncertainty about the fact that

Canadians are proud that the government and the nation will do all they can to prevent the loss of life in this troubled region of the world.

* * *

[*Translation*]

EMPLOYMENT AND HEALTH

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, it is already a well known fact that the poorer people are, the more they risk getting sick. Three medical researchers in my region took this statement one step further, coming up with figures to confirm it.

The Saguenay—Lac-Saint-Jean region lags in the job creation department. Year after year, our region posts the highest rate of unemployment in the country. At the same time, greater use is made of health care services in our region than in others.

The regions' level of economic development must be boosted in order to improve the health of the population. More must be done to create jobs. Putting people back to work will reduce health costs in our region. This is true not only for the Saguenay—Lac-Saint-Jean region but also for all the other regions. It makes sense: give people work, and health costs will go down.

* * *

[*English*]

IMMIGRATION

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, a federal report commissioned by the immigration department has stated that the immigration processing centre in Vegreville is a haven of sexism and racism. According to Sunday's Toronto *Sun* the study portrays the town of Vegreville as ''a redneck, racist community like something out of 'Mississippi Burning'''.

Racism and sexism cannot be tolerated. However, the government report portrays the entire community of Vegreville as being racist because of the alleged actions of a few people. By unfairly labelling an entire town, this report is doing to the people of Vegreville what the report claims the people are doing to some of the workers at the centre. Is the government unfairly stereotyping the people of Vegreville for political gain, to have an excuse to move the centre to a Liberal riding?

The truth is that Vegreville is one of the best places in this country in which an immigrant and his family could find a home. Just ask the thousands of immigrants who have done that over the years.

[*Translation*]

EXPORTS

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, in today's issue of *La Presse* there is a scoop from journalist Claude Picher, who tells us that exports will experience a remarkable growth over the next five years.

According to Mr. Picher, the Export Development Corporation will release tomorrow its five year projections, and it is expected that the annual growth rate of our exports will be slightly above 8 per cent.

As you know, the Export Development Corporation is a Canadian crown corporation whose primary mandate is to provide financial and risk management services to exporters. According to the EDC, 40 per cent of Canadian production will be exported in the coming years.

Given that exports provide five million jobs in Canada, including 1.2 million in Quebec, we have every reason to be pleased by the EDC's projections.

* * *

BLOC QUEBECOIS

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, Daniel Turp, the chairman of the Bloc Quebecois policy committee said recently, and I quote: ''I find the speeches of some militant members of the PQ particularly troubling''. He added that there were few hard core PQ members, although they were noisy and influential.

In response to this statement, the leader of the Bloc Quebecois might tell us whether Mr. Turp's statement represented the party's official position on the Parti Quebecois. If this is the case, would the Bloc leader provide details on the sources of friction between his party and that of his former leader, Lucien Bouchard?

The movement of dispute currently dividing militant separatists in the Parti Quebecois and the Bloc makes it very clear that these people are unable to put the interests of the public ahead of their ideological battles.

* * *

ONTARIO LEGISLATURE

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, I would like to inform the House of a deplorable situation in the Ontario legislature.

A Conservative backbencher apparently demanded an opposition colleague speaking French speak English.

• (1415)

According to a report in the media, this is the third time the Conservatives have made such remarks in the legislature since their election last year.

[*English*]

It is unacceptable that Premier Harris does not intervene in this abusive situation toward the francophone community. And that, under his very nose, in his own legislature.

ORAL QUESTION PERIOD

[*Translation*]

GREAT LAKES REGION OF AFRICA

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, there have been further changes in the last few hours in the situation involving the great lakes region of Africa. The United States has just announced that it will not send troops, but will only provide logistical support for the mission being planned.

Rwanda's foreign affairs minister said that he did not feel the mission was necessary other than to ensure that humanitarian aid reaches refugees who have returned home. It would appear that even this statement is not up to date, because the Rwandan government has apparently said in the last few hours, minutes even, that in their view the entire mission is no longer necessary.

My question is for the Prime Minister. Given that all observers apparently feel that American involvement is essential to the success of the mission, and given that the United States has announced that they will not take part, that they will not send ground troops and participate fully, what alternative is planned to ensure the safety of troops and to guarantee the multinational character of the intervention?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as the Leader of the Opposition has said, the situation is evolving very rapidly. According to reports, 500,000 refugees have returned to Rwanda. At this time, General Baril and observers from the United Nations, the United States and elsewhere are assessing the current situation in eastern Zaire, at the border with Rwanda, particularly in the southern part of that region.

When we have the information, we will know exactly how many Rwandan refugees are in Zaire. Will they return to Rwanda? When they go back to Rwanda, they are home and there is no longer any need for military intervention because they are in their own country. It is strictly a question of providing them with humanitarian aid.

The situation is evolving. General Baril, who was appointed to lead the mission, is now in Kigali. There will be a meeting of military commanders in Stuttgart, Germany, on Thursday or Friday chaired by General Baril, for the purpose of evaluating military requirements.

Tomorrow, there will be a meeting of political representatives at the United Nations. That will be held in New York. Saturday, in Geneva, all representatives of countries contributing humanitarian aid will meet to evaluate needs and see what can be done.

As we speak, the mission is still on. The statement to the effect that the United States has announced officially that it will not be present does not match my information. I spoke with Mr. Lake myself yesterday evening. He told me that he and the others were assessing the situation and that he would be in Stuttgart on Thursday, and that a decision would be made at that time. The United States has assured us that it has not changed its basic position.

The situation is changing rapidly and we should be pleased that the refugees have been able to return home without military assistance. I think this is a great achievement that should make everyone happy.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, I thank the Prime Minister for his information, but there is one point on which I still have a question.

When the Prime Minister tells us that there is no need for any military intervention in the case of the refugees who have gone back to Rwanda, I would like to ask him if the Canadian government has obtained assurances from the Rwandan government that the safety of these people will truly be assured. In our opinion, it is not obvious that these people are necessarily completely safe once they return to Rwanda.

● (1420)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, these are Rwandan citizens returning to their own country. Local authorities assure us that measures have been taken to help them return to normal life in their country. This is within their own country.

At this time, the Rwandan government does not want military intervention with respect to its own citizens within its own borders. This is entirely normal under international law.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the mission that we supported and that the government set up was for the very purpose of saving lives, of ensuring that food, medicine and water reached all these people, many of whom are in terrible straits. I know that the Prime Minister is concerned about these people.

We have soldiers over there who are being prevented from doing their work. I would like to know what steps the Canadian government has taken, or can take, to ensure that they are in a position to take action. It is far from obvious, just because a certain number of refugees have returned home to Rwanda, first, that they are safe, and, second, that humanitarian aid—the purpose of the mission—water, food and medicine can reach those who have not yet made it

back and those still travelling and dying daily. Is the Prime Minister in a position to ensure that the troops already there can take action?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the information I have is that the Rwandan government welcomes those wishing to provide humanitarian aid. There is no doubt on this score. They will facilitate the movement of people who must travel there to distribute food, clothing, and necessary medication. In this regard, we have the assurance of the Rwandan government that everything will proceed normally. This aid will not necessarily be distributed by the armed forces, but by organizations that can dispense these services.

As for eastern Zaire, a reconnaissance mission is assessing the situation. It is now at the site, accompanied by Rwandan authorities. Flights are also being made over the area to assess population movement. It will be with accurate information about what is taking place that the Stuttgart meeting will be held and a decision taken on the nature of the military intervention, if the need still exists.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is directed to the Minister of Foreign Affairs.

In light of rapid developments in the situation in Zaire, does the Government of Canada approve of the restricted mandate which the U.S. government and Rwanda seem to want to impose on it, in other words, a mandate that excludes opening and maintaining humanitarian corridors outside Rwanda?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the Prime Minister pointed out, it is important to examine the situation in Zaire very carefully. It is very important to share information with other countries that are members of the multinational force. Tomorrow, during the meeting at the UN and later at the meeting in Stuttgart, we will be asked to examine and evaluate what the next step should be in achieving the goals set by the UN last week.

Mr. Pierre Brien (Témiscamingue, B.Q.): Mr. Speaker, considering that the numbers that were to be involved in the multinational force are now, according to current information, being reduced, what is the level of resources, human and otherwise, that the Government of Canada would judge to be essential if this multinational force is to fulfil its mandate effectively?

• (1425)

[*English*]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the Prime Minister said to earlier questions and as I just stated, we are looking for better information and intelligences in the southern province of Kivu in Zaire. At this time we know there are a number of refugees there but we do not know how many. We are also not sure whether they will be moving across the border in the next 24 or 48 hours.

As soon as we can evaluate that very carefully we will determine whether the continuing aid for the multinational force to provide a secure environment for humanitarian aid is required or whether the emphasis will be fully shifted to supply that humanitarian aid to Rwanda.

We will certainly keep the House informed. I offered yesterday to maintain an ongoing consultation through the committee system. We will make sure that as each development takes place Parliament is made fully aware of each development.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, the government's aid mission in Zaire seems to be all over the map. The immediate crisis is over. We know that and are glad for that, but humanitarian aid is still required, as was just mentioned.

The disaster assistance relief team is stuck in Uganda and our soldiers have not even been allowed past the airport in Rwanda.

Will the Prime Minister explain to the House just what our mission to Central Africa is and what efforts he is making to ensure the safety of our Canadian troops?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the mandate is very clear. The mandate has been given to an international force to go into Central Africa to help provide food, medication, shelter and other needs to the refugees. At this time we are all on the side of Zaire.

I am happy to see that the representative of the third party realizes that probably half of the refugees are back in their country of Rwanda and others are moving. At this moment a survey is being made by a team in eastern Zaire to evaluate the situation to find out what is happening to the refugees who are still there. We are told by the Government of Rwanda that it will open the southern part to let the refugees into Rwanda in the days to come.

By the end of the operation we will know if there are still some Rwandan refugees in Zaire. If there are none, the problem will become strictly humanitarian. As I said earlier, the Government of Rwanda is willing and eager to receive help from all the countries that want to contribute to this settlement of the people coming back home after two or three years.

It may be that in the next three or four days we will be in a position where the armed forces will not be required any more. At this moment the Canadian soldiers who are in Kigali are completely safe and in no danger. They are awaiting the evaluation that will be made by General Baril and the other military officials involved. They will be meeting in Stuttgart, Germany on Thursday or Friday and the decision will be made at that time about what kind of forces and who outside Canada will be contributing.

The British are contributing and the Americans say they will be there and many others. I was on the phone with President Mandela a few minutes ago discussing the matter. He wants to be there and he wants to have a strong African participation in the effort.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, certainly the safety of our troops should be one of the government's top priorities.

We were invited into Bosnia and Haiti. Yet Canadians still suffered over 120 casualties in Bosnia, including 12 deaths.

Rwanda, as the Prime Minister said, is still refusing military troops and the armed forces. Eritrea is opposing our involvement and South Africa is no longer willing to commit troops, as we understand it. It is not clear how welcome the Canadian troops are.

Will the Prime Minister ensure to Canadians that he will not commit Canadian troops beyond the immediate relief team there already until African countries agree to and support our involvement there?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the resolution at the security council last week was unanimous. When the meeting was called by Canadians before the resolution, we expected to have 25 countries show up, and 75 came and everybody was very eager to have a resolution adopted and everybody wanted to find out what kind of contribution they could make.

• (1430)

As I said earlier, the actual commitment of troops will be discussed in Germany on Thursday or Friday. Depending on the evaluation of the situation, a decision will be made by the military officers who are in charge. As of this moment, the meeting has been called by General Baril, a Canadian, who received a mandate from the security council to prepare troops if military intervention is needed.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, we hope that when that decision is made it is a practical decision, not a political one.

There is a human cost that is paid every time we send our troops into theatres of action. They are the best in the world and we support our military without reservation. The government, however, must not over extend our military reach. Many military analysts are saying that Canadians and Canadian troops should not be supporting another military engagement.

The Prime Minister knows that Canadians need to make an informed decision regarding committing Canadian troops to Zaire. Will the Prime Minister tell us whether he plans to scale back our commitments in Bosnia and Haiti?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, three years ago we had more than 4,300 Canadian troops committed abroad. They were stationed in the former Yugoslavia, Cyprus and so on. At this very moment we have about 2,000 troops in Bosnia, Haiti and Africa. This is less than half the amount of people who were committed three years ago.

I have been informed by the Minister of National Defence that to commit more troops to Africa at this time is not outside the capacity of the military. In all the discussions we have had, the Canadian military is very well respected around the world. I was very confident in asking it to take the lead and go to Zaire.

* * *

[*Translation*]

TOKAMAK PROJECT

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, my question is for the Prime Minister.

By participating in the Tokamak project, Canada is making a 1 per cent contribution to the international nuclear fusion research effort. The Prime Minister is no doubt aware that this 1 per cent contribution gives Canada access to 100 per cent of all developments in this area of research and that his unfortunate decision to cut Tokamak's funding by $7.2 million will exclude us completely from this very promising area of research.

I call on the Prime Minister's common sense. Given the fundamental importance of this project and the extremely positive impact it will have on Quebec's economy, would the Prime Minister not consider personally interceding to find the $7.2 million necessary to carry on such an important research project?

[*English*]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, as I have told the hon. member a number of times in this House, very difficult decisions have had to be made during the exercise of program review and returning fiscal order to the books of the nation. AECL has not been immune from these very difficult exercises.

As I have explained to the hon. member on a number of occasions, fusion research is not a priority for this government. Therefore when we have to make tough fiscal decisions, we have to decide what our priorities are and we have decided. I think the hon. member understands the reasons why we made the decision we made.

[*Translation*]

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, as it is a matter of finding the meagre $7.2 million required to maintain Tokamak in operation and ensure we do not lose the substantial

economic benefits of this project, the Bloc Quebecois will take the liberty today of making a suggestion to the government.

Since the Minister of Natural Resources claims—she just said so herself—she can no longer afford to fund this project out of her department's budget, why does the government not draw on the Federal Office of Regional Development for Quebec and the National Research Council of Canada, as it did for the TRIUMF project in British Columbia?

[*English*]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, first of all, let me reiterate that fusion research is not a priority for this government.

• (1435)

Let me on a more positive note remind the hon. member that for every CANDU reactor that is sold we create over 4,000 person years of employment in the province of Quebec, primarily in the area of Montreal.

Let me remind the hon. member that for every CANDU reactor we sell we spend over $150 million in the Montreal area, in its economy.

In fact, by repriorizing the activities of AECL in terms of selling CANDU reactors in the export market we are directly contributing to the economy of Montreal and Quebec.

* * *

HEALTH

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, in August 1984 senior scientists at Health Canada were sounding alarm bells about the danger of HIV and AIDS. At the same time that legislation was drafted to protect the blood supply, the Liberal government of the day ignored the warnings in the legislation because it did not want to touch such a hot potato just before the election.

My question is for the Prime Minister. Why is the government hiding the fact that it had warnings and draft legislation prepared that would have protected the blood supply and saved thousands of Canadian lives in 1984?

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, the member ignores the fact that the government has co-operated completely with the investigation being conducted currently by the Krever commission.

The government has put all of its cards on the table in a very serious way to resolve a problem which has been ongoing and which preceded this particular administration.

The member will also recognize that in the interim report the recommendations that related to the federal jurisdiction were immediately addressed. The Government of Canada is doing its very best to co-ordinate all factors that come into play in ensuring that such a tragedy will not happen again.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, some co-operation. We have a legal challenge, we have an end run with transfusion Canada and now a gag. That is co-operation?

Justice Krever thinks this information is vital for his inquiry. The blood supply killed thousands of Canadians, yet this government refuses to give him the information. Cabinet secrecy, it says. Nonsense. The only secret is this government's trying to keep from the public that Liberals could have protected the blood supply in 1984. Instead they chose to do what was politically expedient. They chose to do nothing.

My question, again, is to the Prime Minister, who was deputy prime minister in 1984. Why will he not release these documents to Krever? What is the government trying to hide?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the documents referred to are documents related to the operation of the cabinets of previous governments, not this government, and under the law the Prime Minister cannot release cabinet information from previous administrations.

I have nothing to hide. It is the law of the land that I am respecting.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

Yesterday, the minister said, and I quote: ''I will confirm this: Starting January 1, 1997, an additional 500,000 Canadians will be covered by unemployment insurance, because they will now qualify for coverage under this system''. I must be dreaming. Did the minister spend time in his constituency office? Did he look at the bill? Did he read his department's documents? These documents are clear: 500,000 more people will pay premiums, but not one additional person will qualify.

Does the minister recognize that paying premiums does not equate being covered by the system?

Hon. Pierre Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, what I do recognize is that we have a modern employment insurance system which indeed covers an additional 500,000 people. I checked again, since it was the fourth time that this question was put to me.

• (1440)

I checked yesterday afternoon to make sure that the data I had was accurate. In the course of this verification with my advisers, I found the same thing I do when I go, every Friday, to my constituency office, which is also in eastern Montreal. I can tell you

that, out of these 500,000 Canadians who now qualify under the new system, which is based on the number of hours, and who work part time, 270,000 are women. We are very proud of our reform.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, first, it does not apply now but only as of January.

Does the minister recognize that, to be covered under the system, one has to qualify, and that the new legislation which will come into effect in January triples the basic requirements for all those who are currently not in the workforce, particularly young people and women, including those of Saint-Michel, and others, and that it doubles these requirements for all the others, including pregnant women? This is the new economy.

Hon. Pierre Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I appreciate the interest shown by the hon. member for Mercier regarding this reform. I am perfectly aware that the new requirements will come into effect on January 1, 1997, and I also realize that people are anxiously awaiting the implementation of this employment insurance reform.

* * *

[*English*]

TAXATION

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, I am reading from a finance department document entitled ''Revenue Measures''. It shows that the finance minister has raised taxes 12 times in 1994, 11 times in 1995 and 7 times this year. This is a $1,500 increase in federal taxes for the average taxpayer and a 19 per cent increase in federal government revenues. It is a far cry from the minister's claim that he has not raised taxes.

Can the finance minister explain why a document produced by his own department shows he has raised taxes 30 times? Will he explain why he refuses to cut government waste and permanently lower taxes as Reform has proposed in its fresh start election platform?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, between 1993 and 1997-98 the revenues will have increased by some $23 billion, $600 million of which is from excise tax increases. I would remind the hon. member there has been no increases in personal income taxes. Of that, $2.2 billion is from closing tax loopholes. Does the hon. member object to the closing of tax loopholes? Does he object to the fact that we have perhaps closed some of the loopholes used by his wealthy friends for the betterment of the average Canadian?

The vast majority of the increase, $17.1 billion of the increase, has arisen due to increased economic activity. The country is working and that is what it is all about.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, he has not raised personal taxes, he has raised taxes on persons. According to the Fraser Institute there has been a $3,000 national pay cut since the government came to power.

Let me provide some areas where the government can cut its spending so that it can indeed introduce lower taxes. How about the $3,600 grant this government gave to the Mary Kay distributor in Midland, Ontario? I know the industry minister will say it was for research and development but frankly I do not buy it. There was $10,000 for the tattoo shop in Vancouver. I am sure that was very vital spending.

Why does the minister squander tax dollars on these boondoggles while families, seniors and low income Canadians desperately need tax relief? And could I have the answer without the waving of the arms and the aneurysm?

● (1445)

Hon. Paul Martin (Minister of Finance, Lib.): Just wave your arms and all things will be revealed unto you.

Mr. Speaker, let us talk about tax cuts. Let us talk about the reduction of $500 that somebody who is going to buy a $15,000 car will get this year compared to last year. Let us talk about the $3,000 reduction on a $100,000 mortgage for somebody who rolls their mortgage over today compared to a year ago. Let us talk about the reduction in the cost of refrigerators. Let us talk about the increase in disposable income that Canadians have as a result of this government's activities, this government's budget and this government's economic management.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Human Resources Development must certainly be living in another world when he says that he has met a lot of people who are looking forward to the implementation of the employment insurance reform. I think he must work for the conseil du patronat. Leaving aside the arrogance and fine words, I have a very simple question.

Mr. Pettigrew: Arrogance?

Mr. Duceppe: Leaving aside the arrogance, because in order to say people are keen, one really has to be cut off from reality.

Leaving aside the fine talk, I have a very simple question. We will use the example of a person from Papineau—Saint-Michel,

who has been laid off after 50 weeks of work, who has worked eight hours a week for a total of 400 hours in the year. Working for 52 weeks at six dollars an hour, this person has earned $2,400. I am asking him this question to make sure I am right, if the hon. member for Papineau—Saint-Michel understands properly.

Is it not true that this person will pay premiums for each of the 400 hours worked, whereas none were paid before? Is it not true that this person will receive no benefits after being laid off, for having worked only 400 hours instead of the requisite 910? Is it not true that the premiums paid will not be reimbursed?

Hon. Pierre Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, excellent written question. I can explain, and I think the official opposition will understand. As regards the people in my riding, when you talk about the new employment insurance system, they appreciate that the system focuses on active measures and that they may be covered from the first hour they work.

That is, people who were not working 15 hours a week because only 10 or 12 hours were available did not pay and were not covered. Now, from the time they pay and have worked even only eight hours in a week, it counts. These hours will of course be added to other hours they do in other weeks, where the average is better. So, from the moment the system is in place, coverage is expanded and flexibility is greater.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the question is not written, because I followed the debate, and I know how it went, and I was here when we debated the reform now under the minister's responsibility.

I repeat my question. With 400 hours worked in a year at the rate of eight hours a week, paid six dollars an hour for an annual salary of $2,400, the person will have to pay now where he did not before. This person is not eligible for benefits and will not be refunded his contributions, because he earned more than $2,000. Will the minister confirm that this person will now be a contributor but not a claimant? That is the question.

Some hon. members: Hear, hear.

Hon. Pierre Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I appreciate the show of support, it brings back fond memories.

I will repeat that the new employment insurance system promotes a return to work and encourages people to work as many hours as possible—it promotes employment, in other words. We see this system as a way to encourage people to return to work and do as many hours as possible to improve their coverage.

• (1450)

[*English*]

HIGHWAYS

Mr. Lawrence D. O'Brien (Labrador, Lib.): Mr. Speaker, my question is for the Minister of Transport.

Last month I was pleased to meet with the minister to discuss a number of transportation issues of importance to Labrador. most important of course is the completion of the trans-Labrador highway system. Does the minister recognize the important contribution the trans-Labrador highway system would make to the people of Labrador, to Newfoundland and to Canada as a whole?

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, as the hon. member knows and as we discussed, the trans-Labrador highway is not part of the national highway system and is essentially a provincial responsibility. However, under two of the current Canada Newfoundland and Labrador contribution agreements, $32 million has been approved for improvements to the trans-Labrador highway. Of that $32 million, $26 million is the federal contribution.

* * *

TAXATION

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the Liberal government continually harps on its crime prevention agenda and measures. Unfortunately its actions do not speak louder than its words.

Professionals across the country say that the best way to prevent youth crime is to make sure children are being raised in caring stable homes by a primary caregiver or someone the child knows in the neighbourhood. Reform's fresh start for the family includes a child tax benefit so parents can better afford to raise their children in this way.

Because tomorrow is National Child Day and since this Liberal government claims to be concerned with preventing youth crime, will it take some real action and extend the child tax benefit to anyone with children under 12 regardless of how they are caring for their children?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, forgive me but this is my first question from this member. I am not quite sure how to handle it.

As was very clear in previous budgets the whole issue of parenting and children is of uppermost concern to the government. We have brought in a number of measures including the doubling of the working income supplement, broadening the eligibility for the child care expense deduction, and the extension of the age limit for children. We will continue in this vein.

JUSTICE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it is the first time I have asked a question of the minister. It was refreshing to hear an answer that is logical from the Liberals. I do not know how to handle it.

Some hon. members: Oh, oh.

Mr. Thompson: Canadians are saying that they want crime prevention measures that will work and will make them feel safe on the streets again, and they want control of family decisions returned to the family.

When will the Liberal government finally quit talking and start doing what is right for Canada and Canadians? When will it begin to implement crime prevention measures that will work, that will return the control of the family to parents and will end the Liberal government's attempt to remove parents from Canadian families?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, for my part I am quite used to questions from this member and I know exactly how to deal with them.

Some hon. members: Oh, oh.

Mr. Rock: It is by responding with the logic which I hope he is becoming used to day by day.

It was this government that two and a half years ago created the National Crime Prevention Council. It was this government that two and a half years ago began plotting a national crime prevention strategy. Through our policies and through our legislation we have done everything possible to strengthen families to make sure children are brought up in the stable environments that the hon. member refers to.

I want to talk about a measure that was passed by this House just yesterday. Bill C-41 strengthens the process by which child support payments are determined and enforced in this country. Those measures are going to assist in the support of children when parents divide.

As the Minister of Finance has told the House, the money we derive from the change in the tax system on child support is being devoted to a doubling of the working income supplement which over the next five years will put more than $1 billion of additional revenue into the hands of 700,000 Canadian families, fully one-third of which are single parent families, and that is going to help children.

• (1455)

[*Translation*]

SINGER COMPANY

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, as a demonstration of the infinite tolerance and patience of the Bloc Quebecois, we will put a third question to the Minister of Human Resources Development today.

On November 7, referring to the request made by retired Singer employees, the Minister of Human Resources Development said the following:

> I believe there is a problem due to the fact that the pension fund belonged to the Singer company that was transferred to the United States, which closed its doors here and has declared bankruptcy in the U.S.

Is this supposed to imply to retired Singer employees that the federal government will not acknowledge its responsibility unless it is able to recover the cost of doing so from the Singer company?

Hon. Pierre Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, the former Minister of Human Resources Development did in fact receive a letter from counsel for the retired Singer employees. We will release the government's response to counsel very shortly.

The Department of Human Resources Development and my predecessors have reviewed this case several times since 1993. However, I wanted to check personally some facts that go back to the period from 1947 to 1964.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the minister confirms that there was a case, but the problem here is that there is also a statute of limitation. As soon as that kicks in, the Singer employees will have to go to court, and their average age is 80. That is what we are trying to avoid. Time is of the essence.

Considering that between 1947 and 1962, the federal government was responsible for the pension plan, that there was a $700,000 surplus remaining in the plan at the end, and that the government allowed Singer to use that money, which was not allowed under the contract, I would like to ask the minister whether, aside from the trouble the government may have recovering these amounts, he will finally admit that the government must acknowledge its responsibility and act quickly on this case?

Hon. Pierre Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we have been in touch with counsel for the retired Singer employees, and our lawyers are reviewing with them the implications of these contracts. As I pointed out before, we will give an answer as soon as possible, once our lawyers and counsellors have decided what they can do about this difficult case.

[*English*]

JUSTICE

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, Walter Beltran is serving a sentence for breaking and entering and possession of a narcotic. While in jail he compiled a list of 150 young girls and women in the Calgary area and systematically harassed them over the phone from his jail cell. The victims' families and other community members are shocked that Beltran could get away with this kind of terrorism and fear his pending release.

My question is for the immigration minister. Since Walter Beltran is not a Canadian citizen, will the minister ensure that this violent criminal is deported without delay?

[*Translation*]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is very clear—the legislation provides for it—that we will not allow individuals with a criminal record, who are not Canadian citizens, to remain in Canada.

Bill C-44, which was passed by this Parliament, was aimed at giving us the tools to do just that. To our total amazement, the Reform Party voted against it at the time.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I am still not clear whether or not the minister is going to deport this person. We are talking about a safety issue here.

This is an urgent matter. Beltran is to appear before an immigration adjudicator tomorrow who will decide if he is to be deported or released back into the community. Beltran's juvenile criminal record is as follows: possession of an unrestricted weapon, possession of heroin, intimidating witnesses, assault, and obstructing justice.

The people of Calgary want this person removed. Will the minister use section 44 of the Young Offenders Act, obtain Beltran's violent juvenile criminal record, declare him dangerous and have him deported so the people of Calgary will be at ease?

• (1500)

[*Translation*]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the case is presently being reviewed by the courts. Let us not change the system and let it deal with such cases, and do not ask the minister to interfere while it is still before the courts.

[*English*]

ZAIRE

Ms. Colleen Beaumier (Brampton, Lib.): Mr. Speaker, my question is for the Minister for International Co-operation. After yesterday's debate it is quite clear that all members agree humanitarian aid to Zaire is crucial.

Will the minister tell me what role Canada will play and when will we get some details?

Hon. Don Boudria (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, I am pleased to inform the House that Canada will be leading a high level, major donor meeting this Saturday in Geneva. I intend to chair the meeting on behalf of the Canadian government.

The purpose of this meeting is to co-ordinate humanitarian aid and to discuss the transitional nature of those Rwandans who are now leaving the refugee camps along the borders inside and outside Zaire in order to regain shelter within their own respective communes.

A number of donor countries have already announced their participation, including the United States, a number of European jurisdictions, Japan and Australia.

I am also pleased to inform the House that Rwanda will be represented by one of its cabinet ministers.

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TRADE

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, my question is for the Prime Minister and has to do with the Canada-Chile agreement that was signed yesterday.

The NDP regrets that the government did not take the opportunity to build into that agreement a mutually shared enforceable code with respect to labour and environment.

Has the government made any studies of who will be affected by this agreement? Will there be any adjustment programs like the Liberals called for in previous free trade agreements when the Tories were in power? Will there be adjustment programs and are there any studies? If there are not, will there be any studies so that we will know who will be hurt and how the government plans to help them?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, in the absence of the minister of trade who is in Toronto today with the Chilean delegation promoting major business investments in both countries, I can assure the hon. member that the agreement includes both a major side agreement on labour and one on environment that allows both countries to work out the basic standards that can be met.

A dispute settlement resolution system goes with it and there is a referral system. The agreement breaks new ground and establishes the fact that there can be a relationship between environment, trade and labour matters to encompass the whole notion of sustainable development.

We would be happy to send the hon.member a copy of those agreements.

GOVERNMENT ORDERS

[*English*]

JUDGES ACT

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act; and of the amendment.

● (1505)

SPEAKER'S RULING

The Speaker: Before question period an amendment to the amendment was moved by the member for Crowfoot. The subamendment stated:

That the amendment be amended by adding ''and that this House respectfully requests that Their Honours respond to this message no later than June 19, 1997''.

I took this subamendment under advisement. The purpose of the subamendment is to add to the amendment already before the House the words already quoted.

First, I would remind the House that when the Senate has amendments to a bill, and these are under consideration in the House, the debate must be strictly related to the amendments. This is specified in citation 742 of Beauchesne's sixth edition.

Second, the purpose of a subamendment is to alter the amendment and not to enlarge the scope of the amendment or to bring in a new element foreign to the amendment. I refer the House to citation 580 of Beauchesne.

As stated in Beauchesne's citation 553, the House can give an order only to itself, to us here. Were this subamendment adopted it would seem an order to the other place.

For all these reasons I rule that the subamendment proposed by the hon. member for Crowfoot is out of order.

CONSIDERATION OF SECOND READING AND CONCURRENCE

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

● (1510)

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Call in the members.

And the bells having rung:

The Speaker: The vote will be deferred until tomorrow at the end of Government Orders.

* * *

FISHERIES ACT

The House resumed from November 8 consideration of the motion that Bill C-62, an act respecting fisheries, be read the second time and referred to a committee.

The Speaker: It is my information that the hon. member for Comox—Alberni has 17 minutes remaining.

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, I barely got started on my speech on the fisheries act about two or three weeks ago so I would like to resume. For those watching, if they wish to look back in *Hansard*, they will get the first part where I was dealing basically with the aboriginal fishery and what Bill C-62 is all about.

This bill is about power: power for the minister and power for the bureaucracy. The Department of Fisheries and Oceans already has all the power and strength it needs to manage the fishery. The difficulty is that my colleague from Delta challenged the minister's authority and right to an aboriginal commercial fishery, not an aboriginal food fishery. Nobody disputes that. It is the right of aboriginals to fish commercially with other fishers not being allowed to fish that is being challenged. There is no equality in the fishery. That is what this bill is about.

Talk about overkill, the bill will extinguish the public right to fish. I have fished in the Alberni Canal for the past 15 years. That has been my right as a Canadian and this bill will overturn that. The only way that I or anyone in this House can go fishing will be with a decree or some kind of ministerial authority and that is absolutely wrong.

• (1515)

In a nutshell that is what is wrong with DFO. It manages from the top down. I have worked in the industry with the people at the bottom and they are a hard working and dedicated bunch. But it is the top end. As the member for Skeena has often said, why is it that DFO, a couple of blocks from the House of Parliament, has to have an office with 1,000 people? It is a two-hour plane ride to the nearest fish. The problem with DFO is that it is a top down bureaucracy.

This bill would give the minister complete discretion to manage the fishery through ministerial decrees and that is absolutely wrong. As well, within the bill there is absolutely no detail as to how this will be carried out. How are we as members in this House supposed to look at the bill and deal with the bill when there are absolutely no details on how it is going to be enforced? It will all be done through regulations at a later stage.

The Fraser River fishery has almost been eliminated. There has been practically no non-native commercial fishery on the Fraser River and that is this government's action. What happened to the equality of all fishers?

In British Columbia native fishers form 40 per cent of the fishery. They are already well represented in the fishery yet this bill will give them exclusive rights. This is not a slam against native fishers. What this country is about is equality of all Canadians. All Canadians regardless of their origin should have the right to that fishery and the minister wants to overturn that.

This is not just hearsay, it has been shown in the courts and it is law. Only commercial fishers have the right to sell fish. This has been shown in the Van der Peet, the NTC Smokehouse Limited and Gladstone supreme court decisions. The court ruled that aboriginals have no right to an exclusive commercial fishery yet this bill will overturn that. Bill C-62 is the minister's attempt to work his way around the law to give exclusive rights to specific groups which is absolutely wrong.

I do not believe the minister understands the bill, but do his bureaucrats? Absolutely. They are right on. This bill is coming from the bureaucrats, not from the minister. This is a classic example of a minister being run by his own bureaucrats.

This minister has shown his incompetence on the west coast through the lighthouse issue, the coast guard issue and now on the fisheries issue. He does not understand and does not care to look into what is going on on the B.C. coast. He is bungling once again by fundamentally taking away our public right to fish.

Let me quote the Liberal red book: ''Conservation and rebuilding of fish stocks will be the top priority of Liberal fisheries policy, a policy that will also encompass broader ecological and environmental decisions. A Liberal government will implement effective conservation measures immediately, because if remaining stocks are not conserved now, there will be no fisheries industry left on which to build sustainable development''.

One of the very first actions of this new minister was to close down a substantial number of hatcheries on the west coast. Clearly that is not conservation. The government continues to ignore the fact that the fishing industry is in serious danger from declining stocks. There are problems with the Americans mainly in Alaska. We need strict enforcement of the conservation measures.

The Liberal red book states: ''A Liberal government will deal with foreign fishing outside the 200-mile limit and scrutinize foreign quotas within the 200-mile limit''. This has not happened under this minister.

• (1520)

The west coast fishery is being ignored by this government. British Columbia has 12.9 per cent of the population. We have over 3.8 million people. We are a cash cow to the government and we are tired of being ignored by the government.

Earlier I mentioned issues that the minister has ignored, for example, lighthouses. The former minister and the present minister have taken the people out of the lighthouses. The cost is very small, about $3.5 million.

They say that automated lighthouses will cover the fishers and aircraft but they do not. People are needed to tell them about the fog. A person needs to tell them about the size of the waves. During the last storm in British Columbia a significant number of the automated lighthouses went down. They did not report the weather at a time when the aircraft and the fishers needed that information.

The B.C. coast is one of the most dangerous coasts in the world because of the topography, the weather and the all-round climate. It is not a nice place for flying in the fall or winter, nor for taking fishing vessels through the inlets and coves. We need those lighthouses; we need those people. Yet the government has decided to trim them out at a paltry savings of $3.5 million. But the largesse is fine when the government gives Bombardier $87 million as a gift because it happens to be in Montreal. What happened to east and west? This is what happens to the west coast time and time again.

The same issue arises with the coast guard. The coast guard and the fisheries were amalgamated. A number of bases have been shut down. Search and rescue on the west coast is extremely important. Timing is important. Yet the safety of people on the west coast does not seem to have any effect or impact on the government.

I could go on at length on what the government has not done for the west coast.

This bill is significant to all Canadians. The public right to fish is a right which we have had in common law since Confederation, yet the minister and the government want to extinguish it. They want to

put the right to fish under ministerial decree. That is absolutely wrong. It is a signal of where the government is going.

In conclusion, Bill C-62 only deals with the government's official problems. It does nothing else. It does not deal with the issues. There is no reason to support it. Therefore, I move:

> That the motion be amended by deleting all the words after the word ''That'' and substituting the following therefor:
>
> ''Bill C-62, an act respecting fisheries, be not now read a second time, but that the order be discharged, the bill withdrawn and the subject matter thereof referred to the Standing Committee on Fisheries and Oceans''.

The Speaker: The amendment is in order. The debate will now be on the amendment.

• (1525)

Before I give the floor to the hon. member for Labrador on debate, I will go to questions and comments.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I listened to the speech given by my Reform colleague. You will allow me to make a comment instead of asking a question. My colleague may have lost his momentum since he started his speech before the parliamentary break and finished it just now.

I would like to remind the members and the ministers present, and all those who are listening, about the irritants that Bloc Quebecois members mentioned during their speeches—and we will have the opportunity to repeat them—so that we can relate these irritants to the amendment proposed by the Reform Party and really understand what is happening here this afternoon.

The main point which annoyed the Bloc in this bill was clause 17, the provision on management agreements. My honourable colleague also mentioned these agreements. Thanks to his discretionary power, the minister can decide who will be party to an agreement. He can chose whoever he wants.

What I understood from my colleague's speech is that he criticizes the repeal of a privilege that until now all Canadians could enjoy, provided they lived close enough to a lake or river, of course, that is the privilege to fish.

I think the issue of fisheries management agreements is worth a closer look. I also think that, before we proceed any further, the minister should go back to his drawing board. I must also remind the House, as I think my colleague did, that we are dealing with the bill of the century, which proposes the merging of four existing acts, some of which are as old as the Canadian Constitution itself. It is very important that we do a good job because it could be another 100 years before this legislation is reviewed.

The other point I would like to stress concerns the delegation of powers to the provinces. There are clauses in this bill that allow or indicate delegations of powers, specially with regard to fishing licences and the environment.

I am not sure that both sides of the House agree on the extent of the powers being delegated. With regard to the intent of the bill, when the Minister, in Part I, deals with the delegation of powers relating to fishing licences, I think this is both inadequate and contradictory.

Clause 9, I think, provides that a provincial Minister of Fisheries may, by delegation, issue licences. But clause 17 provides that the Minister has the discretionary power to decide who will receive the various licenses. I think this is contradictory.

I say it is inadequate because provinces, including British Columbia and Quebec, are asking for more powers. When we talk about delegating powers with regard to fisheries, we do not mean only the authority to issue licences. For the sake of consistency, fisheries management must include control over fishery officers and the allocation of resources among communities, which is very important.

This fall, the Department of Fisheries and Oceans has been taken to task. The department lost a court case on its handling of the delegation of powers and the establishment of fisheries boards. Part III of the bill provides for the establishment of quasi-judicial tribunals to deal with issues and administrative sanctions relating to fishing licences.

Once again, allowing the Minister to use his discretionary power to appoint fisheries judges for a period of three years is no way to improve the situation. I do not see any difference with current procedures, under which sanctions are imposed by Fisheries and Oceans regional directors.

• (1530)

Those appointed will be in the minister's pay. Their mandate will last only three years. I think Quebecers and Canadians alike deserve a justice system that is much bigger, tighter, and above all more professional and politically neutral.

I will conclude with a question to my colleague. I will try to make it short. My colleague moved that the bill be not read a second time but sent back to the Standing Committee on Fisheries and Oceans. I would like him to examine the matter more carefully, because I understand there is still a lot of work to be done, and I will let him conclude this debate. Later this afternoon, I will get another chance to comment on this issue.

[*English*]

Mr. Gilmour: The member is absolutely correct, Mr. Speaker. That is the reason for my motion, to take it back to the committee

so the committee can examine it. This has been charged through far too quickly. The public right to fish, as the member says, is a 100 year old law. This is absolutely right.

It is this type of statement that puts people on the west coast in the frame of mind of saying: ''Why does B.C. not take over the fishery? Obviously Ottawa does not care about it''. It is this type of legislation that is fueling that sentiment. The member is correct. We want to take it back to the fisheries and oceans committee and deal with a number of these major concerns, call witnesses and deal with it in detail.

[*Translation*]

Mr. Bernier: Mr. Speaker, I will take the two minutes remaining. I appreciate that the Liberal member for Labrador is impatient to make his speech on this subject but I would also like to have other Liberal members take part in the debate. I would like them to take the floor this afternoon and tell us why we should rush through an act which is supposed to be the act of the century, while Reform members are saying we should go back to the drawing board.

I believe that Reform members are right and I think it is up to the Liberals to convince us this afternoon.

[*English*]

Mr. Lawrence D. O'Brien (Labrador, Lib.): Mr. Speaker, it is a pleasure to have the honour to speak in the House of Commons. It is my first time speaking during a debate. While it is a bill about fisheries, I will speak to some degree to the fishery but as this will also be my maiden speech, I will be injecting some other discussions and comments.

I am pleased to support Bill C-62, the new fisheries act, which is long overdue. It is the first major rewrite of this act since 1868. Bill C-62 will make it possible for governments to work together with stakeholders to build the fishery of the future. If we have the will, together we can create an industry that is self-reliant and economically viable, an industry that will provide good incomes for both the large and small fishing enterprises.

Canada's fishery resource is the mainstay of hundreds of coastal communities. I have 24 communities in my riding spread along the coast of Labrador from L'Anse-au-Clair in the south to Nain in the north. That is a coastline of 600 miles or so. We all know how stock declines have devastated many of these communities economically. We are working to rebuild those stocks. We must also ensure that the stocks on both coasts do not suffer a similar fate.

• (1535)

It is my privilege and honour to talk about the relevant issues that tie in with the fishery and other developments in Labrador.

First, I would like to tell the House that I am the first elected native born Labrador person in the House of Commons. I was born in a small community on the coast of Labrador in a place called L'Anse-au-Loup. Its population is about 600. I grew up there and then I went to Memorial University in St. John's. I went back to Labrador and taught school. Fifteen years ago I moved into Goose Bay and launched a municipal political career. Thanks to the support from the good people of Labrador I want to do my very best to represent their needs here in the House of Commons.

Labrador is a big land. It consists of 300,000 square kilometres. It has 1,000 miles of coastline. There are 24 communities along the coast of Labrador. There are four communities in central Labrador, the Goose Bay area, Sheshatshit, North West River and Mud Lake. It has the mighty Churchill Falls, which have been so hotly debated. Western Labrador is the mining capital of iron ore in Canada, located in Labrador City and Wabush.

I am indeed very proud to represent these 33,000 or 34,000 souls, representing a voting population of about 18,000.

Labrador is very distinct. It has very diverse and distinct cultures. There is the Innu population of Sheshatshit and Davis Inlet. My colleague who is in the House was in Davis Inlet with me last week, as well as the Minister of Indian and Northern Affairs. We signed an agreement to provide a better future for the people of Davis Inlet.

In addition to the Innu culture is the Inuit culture. The Labrador Inuit Association is their parent body. They are doing very well in moving along on land claims. Also the Metis people live on the south coast and in central Labrador.

We have the settlers who moved in from Europe and other places. In Goose Bay we have ancestors from Germany, Britain and Holland, as well as many other cultures. It is a very diverse land, a very big land and a great challenge for its member of Parliament to represent. I feel very honoured and very comfortable. Indeed, I feel poised to continue to serve the needs of the people.

I also want to thank my colleagues in the House. The Prime Minister made a personal visit to Labrador last summer. The Minister of Transport came with me and spent eight days performing official duties in Labrador. I want to thank my other colleagues who have travelled with me through Labrador and who continue to travel with me.

The natural resources committee went to Labrador last week to hear 12 presentations. I met with that committee again today and they were very struck and incensed by some of the comments they heard from the richest of people, in terms of economies in the west to some degree, and from the poorest of people. The extremities of life are found along 20 kilometres of the Labrador coastline. They include sectors related to the mining industry and so on.

I would encourage my colleagues to visit Labrador with me and to share the cultures and the great surroundings. It is a rural frontier riding. It is basically unknown in this House to a large number of people. I am up to the occasion. I welcome all my colleagues, as I have welcomed them in the past.

It is important to the people of Labrador to have members of Parliament visit. It is important to this House to share the great knowledge and wealth of understanding which Labrador has. I am going to carry forward the issues of the people of Labrador. I am one spoke in a wheel of 295, so I need support. I will go forward and generate that support in the way I have just outlined.

● (1540)

Many of my colleagues, if not all of them, who have travelled to Labrador in the past, have shown interest in coming back in one capacity or another, with family, friends, to do some fishing, to tour around, to look at the historic sites or whatever the case might be. That speaks well of Labrador. We have a lot to offer and I think the rest of Canada must know that. I plan to make sure they know it. Mr. Speaker, you have heard me and will continue to hear me in caucus, in this House and around Parliament Hill supporting and taking pride in my riding.

In promoting Labrador I want to mention that I speak often about the trans-Labrador highway. I spoke today on the trans-Labrador highway. I will be speaking again in the late show, in the four minutes allotted, one of these evenings. I speak often in the Atlantic caucus and the national Liberal caucus on it. I try to promote it wherever I can and I will continue to promote it. It is a must that the road become a reality in Labrador: a trans-Labrador highway through Quebec, through Baie Comeau into Fermont, Labrador City, Wabush, Churchill Falls, Goose Bay, down to the coast of Labrador and on into Newfoundland, Nova Scotia and P.E.I. That circular route is a must.

It is my task to make sure that my colleagues understand that issue and at some point in the near future it becomes a fast track reality. It is a must. It is my number one priority. I will not settle, slow down or take a back seat to anything but promoting that highway and making it a reality.

I mentioned the fishery in my initial remarks. I want to mention it again. As I stated, I am a member of the fisheries committee. I am honoured to say that I come from a very strong fishery riding. Off the coast of Labrador there are 17 shrimp licences which are shared among the Atlantic provinces. The people of Labrador get three and a half of those licences. We like sharing with people. We like sharing with our colleagues. These licences are worth $180 million annually to the economy.

In addition to that, we have thousands of tonnes of turbot, scallops, crab and God knows how many seals. There are millions of seals. One of these days we are going to come to our senses and realize what they are doing to the ecosystem of the North Atlantic and deal with that in the true context.

The point I am making is that the resources are there. I am proud to say that the minister of fisheries, his colleagues and his staff are working with me to put together a plan whereby the people on the coast of Labrador can further benefit from the fishery, so we can keep our plants open and the workers can go on to have sustainable incomes.

Our people do not want to be on employment insurance or anything like that. They want sustainable incomes and a sustainable economy. We have the resources. It is a matter of how they are managed. Management, development and working in conjunction with the minister of fisheries and the government, I know that Labrador will have a much more successful future than it is currently encountering.

In the fishery we also have the Atlantic salmon issue which is an ongoing debate and one which the conservationists say we have to close down and so on. It is an ongoing debate. I am very pleased that the hon. minister of fisheries has seen fit, based on discussions with me and the people in my riding, to put together a task force to look at the implications of the salmon fishery. Hopefully we can rationalize this issue and come to some common understanding for the betterment of all concerned.

I want to mention the Department of National Defence as well. Goose Bay is the low level flying capital of Canada. The German air force, the Dutch air force, the Royal air force from Britain and of course the Canadian air force fly out of Goose Bay doing advance low level flights.

● (1545)

The allied countries of Europe are contributing in excess of $100 million a year to our economy. It is basically the mainstay of the economy of Goose Bay and the surrounding area. We want to make sure that we keep that economy and we forge ahead and develop that industry whereby it will be on the positive side for Canada, Labrador and for the people of Happy Valley, Goose Bay. With the onslaught of Voisey's Bay in my riding, Goose Bay will benefit as well as Labrador City, Wabush and other coastal communities.

We have a very good future. It is a matter of how it is managed, how it is looked at by leaders, organizers and planners, how it works with government perspectives relative to provincial, municipal and federal governments and the economic giants of the world like Inco.

My colleague from Nickel Belt and I are planning a business partnership exchange. We hope to exchange business views that

have taken years to accomplish in Sudbury with our friends, my supporters, voters in the good riding of Labrador. I think it will benefit Sudbury, Nickel Belt, Labrador and all of us generally. That is why this country is so grand, so great and why we can do things to help each other.

On a further point with regard to the smelter at Voisey's Bay, the people of Labrador are currently experiencing a number of unanswered questions vis-à-vis smelters, mines, mills et cetera. As the days move along I think in the next few weeks some answers will become evident. I hope and pray that the corporate giants such as Inco and Voisey's Bay Nickel will be making decisions bearing in mind the importance of the question of adjacency and how it applies to the social and economic fabric of the people I represent in my riding.

At the end of the day we will come out of this happy, partners, and maybe we can all do better in sharing our great resources.

I am particularly concerned with the people who are on welfare, untrained or who need literacy training. I am interested in looking at the youth. I see the pages in this House and they are looking forward to university and a new career. The people in my riding are no different. We need something to come back to. Too many people are leaving Labrador because there are no jobs. It is a shame we do not have jobs when we have so many great resources, so many great developments, and we wonder why we cannot continue. I know the people will be trained. I know Voisey's Bay Nickel, the good institutions of Labrador, the province and Canada generally will provide for the youth. They will be back and they will be happy and we will sustain a great Labrador into the future.

I want to mention a few other points. The environment is extremely important. We need sustainable development and it has to be environmentally friendly because we have a very pristine environment in Labrador. Without a good environment no one gains.

I want to reiterate my support for the land claims process that is currently under way by the Labrador Inuit Association and the impending claim for the Labrador Metis Association.

I would be remiss if I did not mention Churchill Falls as it relates to the ongoing discussions nationally. I support the discussions currently under way by the premiers as they relate to contracts. We have to honour the legal jargon relating to the signing of deals and so on. I do feel that we need to benefit from Churchill Falls, the upper Churchill. I think we can also develop the lower Churchill and other hydro generation in Labrador; 5,000 megawatts have been developed and I think there are another 4,000 or 5,000 available. I am sure that in due course we will proceed along these lines.

• (1550)

The Labrador west situation, IOC, Wabush mines, Quebec North Shore and Labrador Railway are great boosts to the economy. As I said, it is the iron ore capital of Canada.

When there are situations where 65 per cent of the railway is in Labrador and 100 per cent of the ore coming out of Labrador and of the 140 jobs only 10 are people from Labrador, I have reason to be concerned.

These are the kinds of inequities that I have to address and work with the corporate giants of the iron ore companies, Inco and all the others in the world, to make sure there is some balance in their thinking, some balance in their training, some balance in the planning and in their priorities so that the people of Labrador and the people of the rest of Canada will all benefit without too much frustration.

In retrospect, the mood in Labrador is to forge ahead in terms of socioeconomic, culture, training, education of our youth and various other things. Certainly infrastructure is a priority. I would be remiss if I did not mention that while health care is a provincial matter, we are in critical need of a major health facility in Labrador. It was nice to hear the vice-president of public affairs for Inco mention the need for a health care facility for Goose Bay. In all probability Goose Bay will be a staging point for the mine and mill in Voisey's Bay. I found that very encouraging. We will get on with the issues and forge ahead with the province and the federal government to make sure we get our fair share.

We in Labrador are not looking for anything more than is reasonable. Labrador has been a great contributor to the Canadian economy and will continue to be a great contributor to the Canadian economy. With the support of my colleagues from both sides of the House we can work this through the various departments and cabinet. We can come to some rational decisions affecting Labrador to the benefit of Canadians.

I have a couple of concluding comments. I would be remiss if I did not mention that I heard the Prime Minister announce that there will be parks in northern Canada, Yukon and the Northwest Territories. We have a great potential for parks, to which my colleague for London—Middlesex can attest. One is the Torngat Mountains north of Nain and the other is in the Mealy Mountains just south of Goose Bay.

It is my hope that some day soon by working with my colleagues collectively we will be able to make an announcement that Labrador has its first national park. It is very important to Canadians and to the culture of Labrador, the pristine areas, to develop at least one national park as soon as possible. Tying in with that would be other national historic sites like the site of Hebron, Hopedale, down the coast in Battle Harbour and Red Bay. We have

some fabulous areas which I want to make sure are brought into their proper perspective.

In conclusion, I appreciate the opportunity to speak here today. I feel very comfortable working in the House and with all colleagues from all parties.

● (1555)

I take support wherever it comes from but I take advice as well.

Mr. Bernier (Gaspé): What about the Gaspé coast?

Mr. O'Brien (Labrador): Yes, we are good to the Gaspé coast. There is no question about that. It has a good turbot quota and so on. I do look forward to the member's support.

However, the important point is that we collectively bring ourselves together and understand each other. I am new to this game but I am learning. Yes, I do take advice from 20 year veterans and 25 year veterans and so on. By doing that, I am making some progress. I am looking forward to continuing.

With the kind of support I have received to this date and the support coming from Labrador and from around the House, I think it is going to be very interesting. I believe Labrador will benefit from my stay here in Ottawa.

The Speaker: My colleague, you join the ranks of close to 4,000 of us in this House of Commons. Your maiden speech is a rite of passage. Usually when we have maiden speeches we get a free ride. No one heckles you and surely the Speaker does not intervene in any way. I know that in the years to come all of the very small things that will have to be improved on in whichever way you choose to deliver your speeches will be improved on.

However, for today I bid you welcome into the fraternity and sorority of parliamentarians. You are one of close to 4,000 now and you are welcome here.

* * *

[*Translation*]

MANGANESE-BASED FUEL ADDITIVES ACT

BILL C-29. NOTICE OF MOTION ON TIME ALLOCATION

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the parties have been unable to reach an agreement pursuant to Standing Order 78(1) or 78(2) at third reading of Bill C-29, an act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese-based substances.

Pursuant to Standing Order 78(3), I give notice that a crown minister will move, at the next sitting of the House, that a specific number of days or hours be allotted to the further consideration of this stage of the bill and to the required decisions for its disposal at this stage.

Some hon. members: Shame.

* * *

[*English*]

FISHERIES ACT

The House resumed consideration of the motion that Bill C-62, an act respecting fisheries, be read the second time and referred to a committee.

The Deputy Speaker: The member for Labrador may have to take questions or comments. I think it is normally understood that we do not ask questions or make comments after a member's maiden speech. However, it is my duty to ask members if they want to interfere with his maiden speech in that way.

[*Translation*]

Mr. Gérard Asselin (Charlevoix, BQ): Mr. Speaker, first of all, on behalf of the Bloc Quebecois, I also want to welcome the hon. member for Labrador, who has been here for some time already, and to congratulate him on his maiden speech. I wish him a long political career, since he said that he would never throw in the towel as long as he is in this House. As he may be here for a very long time, I urge him to grin and bear it and to keep putting pressure on the government. Again, we will see if the riding gets more when they are in power. The issue raised by the hon. member is also of concern to my constituents.

First of all, I want to tell the hon. member for Labrador that I am the member for Charlevoix and that I live in Baie-Comeau. Baie-Comeau is the gateway to the north through highway 389, which goes up to Manic 5. Under the last Conservative government, work was done on a link between Manic 5 and Fermont, which covers much of the access to the north.

● (1600)

The problem in Labrador is one of road infrastructure. The hon. member for Labrador can be assured of my cooperation and that of the hon. member for Manicouagan in ensuring the development of the whole North Shore region by developing the resources of Labrador.

As we know, Labrador has fish, wood, iron and nickel. It also has the big hydro-electric power station at Churchill Falls. We know that Labrador has problems exporting and processing nickel.

I want to assure the hon. member for Labrador of our full co-operation and wish him a long, effective career, because if he can get a highway for Labrador, it will also benefit Charlevoix, especially the area around Baie-Comeau.

[*English*]

Mr. O'Brien (Labrador): Mr. Speaker, I would like to answer if I may.

I thank my hon. colleague. It speaks well, which is the point I was making. We all need each other. The economy of Quebec benefits. The people of Quebec benefit with this trans-Labrador highway. Call it northern gulf route, call it what you want.

I look forward to working with all members who have a stake in this. I thank the member very much. Perhaps at a future date we can have a discussion on this. We can put our cards all in the right line so we can get on and make this a reality.

Hon. Ethel Blondin-Andrew (Secretary of State (Training and Youth), Lib.): Mr. Speaker, I too would like to congratulate the hon. member on his maiden speech which was very informative and very enjoyable I am sure for all the people across Canada.

I was particularly pleased to hear about the various initiatives that involve his riding, for example, the highway he spoke about. We also have a need for a primary highway. In our case it is up the Mackenzie valley. We are working on that as well.

He spoke about Voisey's Bay. We just announced the first diamond mine in North America. I am sure a similar process will ensue in his riding. There is so much commonality between our regions although we are in two different parts of the country, thousands and thousands of miles apart.

He also mentioned youth which is my responsibility. What could the government do better for young people in Labrador?

Mr. O'Brien (Labrador): Mr. Speaker, I am starting to feel like I am a minister now. To have a question asked of me by the minister is indeed an honour. It is a very good question.

My background is teaching. I spent nine years teaching and I am very close to youth. I go into the schools quite often to discuss the Chamber make-up et cetera.

Last week in Goose Bay during the hearings for the natural resources committee we heard quite a few views, particularly in relation to youth. The strongest point was that it is very difficult to transport people from Hopedale, Labrador, an Inuit community near Davis Inlet, and the people from Nain thousands of miles away for training.

These people have cultural ties. It is slightly different in our white society. They are asking us to identify the kinds of things they can do, to identify the areas of work in mines, parks and so on that they can do. They are asking us to do whatever we can to bring the training to them rather than them to the training. Maybe we can work together on some of that.

• (1605)

[*Translation*]

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, I am pleased to speak to this bill that was introduced by the fisheries minister. First of all, I must say that, with this bill, the federal government is not taking any action to ensure that, in the future, fishing will be done in a responsible way, that is, in a profitable and sustainable way, from viewpoint of both the environment and of industry workers.

To me, this bill represents one of the worst to be introduced in the House since our election. Yet, it should be the bill of the century. It combines several acts, some of which have existed since 1867. It is one of the worst bills I have seen, because it does not take into account the industry itself. Also, it does not take into account those who work in it and, particularly, those who depend on it.

Did this bill try to do anything to solve the problems of overcapacity? Absolutely not. Was there any attempt to solve the problem of industry revenues, of the industry's viability? Absolutely not. Dis this bill try to do anything to solve the problem of over-regulation? No.

Furthermore, this bill does not take into account Quebec's demands with regard to fisheries. Thus, this bill has the same characteristics as many others, that is, that the federal government keeps on acting unilaterally and maintains its centralizing perspective, which the Bloc Quebecois has always rejected. This is also unacceptable to the stakeholders in the industry.

The Minister of Fisheries and Oceans has obviously learned well, and learned fast. I must admit that his predecessor was rather good when it came to federal paternalism. Notwithstanding his role in the now famous October 1995 demonstration of love, his predecessor never showed Quebecers he was aware of their needs and concerns regarding the fisheries industry.

While this bill establishes a regime for the conservation and management of fisheries, the minister's priority is to issue fisheries management guidelines. Does the minister realize that, before issuing such guidelines, he should have asked himself what the fishing industry is like in Quebec and Canada?

We all know about the current depletion of fish stocks. In fact, this depletion led to a moratorium on Atlantic groundfish. On the west coast, major steps had to be taken to ensure a degree of control over stocks. This goes to show there is indeed a serious problem. Will this bill solve this problem?

• (1610)

Let us see how the minister intends to go about it. As far as he is concerned, stock management simply does not exist. There is no mention, anywhere in this bill, of this important concept which is, I might say, vitally important to the fishing industry.

There are a number of questions, important questions, that the minister should have asked himself, questions like the following: Who will the fishers authorized to harvest the resource be? Should fishing become a profession, with a limit to the number of fishers? What types of vessels should fishers use? This bill does not answer any of these basic questions.

Is the minister blind? Does he have a vision for the future of this industry? There is no hint of that in here. This bill will put in place a regime for the conservation and management of fisheries. It provides the minister with new powers. If the bill is passed, the minister will be authorized to enter into agreements with fishers' associations or organizations.

These agreements could have a serious impact. There could be agreements on harvest limits and conservation measures for instance. How many licences will be issued and how much will they cost? What will the responsibilities and funding measures applicable to fisheries management be? To all these questions, the minister does not provide an answer.

The agreements could also state that fishers are required to contribute to biological research. As if it was not bad enough that they have to pay to have the right to fish, they could also have to pay for research. Now I have heard it all.

The government will go so far as to provide guidelines regarding the decision to be made in case of major violations of the act. But who will be part of this group of fishers? We cannot find out. There are no guidelines on this issue. With whom will the minister negotiate? Let us not be fooled. We know very well that the minister himself will decide who will sit at the negotiation table. He will invite his friends, of course, and should the minister not agree with those sitting at the table, who will form the group of fishers? The minister will have full authority to renege on his word.

The fishing industry needs clear and precise answers. It has been plagued by uncertainty for too long to now be presented with solutions such as those proposed in Bill C-62. This industry, and a large proportion of those who live off it, has had to put up with unstable and inadequate revenues for too long. Is this what the minister wants to offer to these people?

● (1615)

In Quebec, we feel the fishing industry is one that must be looked after. We feel it is one of the economy's engines. Consequently, our approach is totally different from that of the federal fisheries minister. The Quebec government's official position on fisheries is the one that was stated at the 1994 conference of fisheries ministers, in Victoria.

Quebec then publicly asked the federal government to give to the province full authority over fisheries management. Quebec wants to take full responsibility for the stocks fished by its residents. It is of course understood that any transfer of responsibility should be accompanied by a transfer of the budget set aside for this purpose.

Quebec wants its fair share of fish stocks taken by residents of more than one province. Let us consider how the industry in Quebec sees this share. I would like to point out at this point that Quebec's position was unanimous, including the government and all partners who took part in the forum on Quebec maritime fisheries.

The industry in Quebec believes it is essential to get out of the traditional pattern of interprovincial competition and concentrate on joint management of a renewable resource. A quota would be applied to the available volume of a particular species and would determine how the industry would manage that species.

If this mechanism is applied to all species, it will determine the resources available to each province. This will put an end to provincial bickering. There will be no more lobbying to appropriate a greater share of traditional resources.

Professional fishers would then enjoy stable access to their resources and feel more secure in the major investments they must make in this industry. Once their share is established, the industry and governments, federal and provincial, would be able to concentrate their efforts on developing this sector on a sound basis.

The entire industry stands to gain. When we know what we are entitled to and what is available, we are in a better position to manage the resource and subsequent processing. The minister is aware of the Quebec government's position in this respect. He was advised of this position in September by the Quebec Minister of Agriculture, Fisheries and Food.

Once again, the federal government is encroaching on Quebec's jurisdiction. We see duplication in matters such as the conservation and protection of fish habitat and pollution prevention. In case the minister did not know, Quebec has happens to have a Minister of the Environment and Wildlife. He is responsible for the protection and use of the aquatic environment and the resources found therein.

● (1620)

Quebec has jurisdiction over civil rights, private property, municipal authorities, physical planning and resource management, and this includes any matter of a local or private nature. It is therefore up to Quebec to take the responsibility for managing the aquatic environment and to take all necessary steps to protect it, to ensure the quality of that environment and to conserve its resources.

So what is the federal government doing here? Why more duplication? This is unacceptable federal encroachment. Since

1993, we have said repeatedly in this House that this government is increasingly encroaching on the jurisdiction of the provinces.

This government must absolutely allow the provinces to decide if they rather be subject to federal standards or to their own. Quebec has asked not to be subject to federal standards. The minister must reconsider and respect Quebec's wishes, thus preventing costly duplication.

I would like to draw attention to the new structure imposed under Bill C-62. This bill provides for the establishment of fisheries tribunals. The members of these tribunals could be appointed by the government for three year terms, and then be reappointed. As if the government had run out of places in the current structure to appoint its friends, it is now creating fisheries tribunals. This way, the minister retains complete control over the sentences handed out by these tribunals. We know full well that those who are appointed by the government must toe the government line.

Does the industry agree with the proposed creation of fisheries tribunals? No, it does not. Those involved do not want to answer to an administrative tribunal. We have magistrates in Quebec and Canada. Our judicial system is very efficient. The people in the fisheries industry want to be treated like any other citizen, they want to be tried by the judicial system in place, not some new structure.

The minister must abandon his plans to establish fisheries tribunals and go back to the drawing board as soon as possible. He must review his bill. He must listen to what the industry has to say. He must also take into account Quebec's demands, and ensure that his bill meets the needs of those who depend on the fisheries.

The fisheries industry is too important an industry, in Quebec as well as in Canada, to have a bill imposed on it that does not meet the needs of those who depend on it. It is therefore imperative that the minister go back to the drawing board.

• (1625)

[*English*]

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, I was listening intently to the hon. member's comment.

I want to say that this bill is the first rewrite of the act since 1868. All across Canada we have seen the need for stabilization in this industry. There is a very great need. The member spoke of stabilization of income and I agree with him. I think there needs to be a stabilization of income. But this will happen only if there is a professionalization of the industry. This is exactly what the bill intends to do.

I am making more of a comment than asking a question. I think the time has come for greater professionalization of this industry and for there to be some stability in the harvesting methods. That can happen only through a better quota system.

I would like to ask the hon.member to comment on how he would provide for stabilization and professionalization of both the industry and income.

[*Translation*]

Mr. Fillion: Mr. Speaker, I thank the hon. member for her comment, which reflects what members of the industry want, that is to make theirs a professional industry.

However, the bill before us is silent on these issues. It is merely a merging of several existing acts. It maintains the status quo. What is new in this legislation? For example, does it say anything about how to make the industry viable and profitable? Does it say that the government is prepared to protect the investments made by fishers to develop their industry? The answer is no. This bill is general in nature, except for the fact that it gives the minister more and more power over the various organizations.

We know that, the more the minister consults these organizations, the less he follows up on what people are asking him. The same thing happened with other bills. Therefore, the problem will not be solved with a minister like this one, who does not give a hoot about the consultations he holds all over the country. The minister made a lot of people come to meet him and to make representations. What was the result of this whole exercise in the proposed bill? Nothing. A big zero.

For example, did the minister streamline regulations to help members of the industry adjust more easily? No, nothing was done in this regard. What about the issue of excess capacity? There is absolutely nothing on this either. Again, the minister has a short-sighted vision of what is going on in this industry. He does not realize that, if the bill is passed by this House, it will apply for many years to come and fishers will have to do without any improvement. The result is that the industry will once again experience total chaos.

The minister must review his position, and I hope many Liberal caucus members will inform him of their intentions and get their message across.

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I have a few comments for my colleague. First of all, I would like to congratulate him. For a member from Chicoutimi, even if people say fishing is not that good up there, I believe some people like to troll for redfish and go ice fishing in the winter.

But what I find so surprising is that the hon. member took the time to do his homework and to read the fisheries bill.

• (1630)

Now let me explain. People from Chicoutimi are not as familiar with the sea as the hon. member for Newfoundland or I myself might be, but he understands the problem perfectly.

Before I put a question to the hon. member for Chicoutimi, I would like to elaborate on the comment made by the hon. member for Newfoundland. I must say it is very apt, and because this lady replaced the former Minister of Fisheries, Mr. John Crosbie, I suppose I can expect her to know something about the fisheries as well.

She pointed out that the fisheries industry was keen on professionalization. I want to make sure I understood correctly. I imagine she will have a chance to make her speech this afternoon.

When the first moratorium was established, Newfoundlanders referred to this as an act of God, and claims for financial assistance were the order of the day. When the second moratorium was proposed, again by a Minister of Fisheries from Newfoundland, but this time flying the Liberal colours, and I am referring to Mr. Tobin, the minister said that before the fisheries resume, it would be necessary to rationalize, by either reducing the number of fishers or their quotas.

The hon. member for Chicoutimi touched on this in his speech. Where are the government's measures for rationalization? The fishers said that one way to achieve rationalization would be to professionalize the industry. Where are the criteria for a professional fisher?

There is nothing in the bill. The minister should provide guidelines. He should tell us what his strategy is. But no, nothing, despite invitations to do so from other governments.

The hon. member for Newfoundland should tell us later on in her speech what the professionalization of fishers should entail. I wish she would mention this later on.

As for questions and comments on the speech made by my colleague from Chicoutimi, he mentioned initiatives by British Columbia and Quebec and that he would like to see a study, a breakdown of resources. I wish he would tell us more about this, because I think he hit on the right word, referring to the situation as total chaos.

Before starting up the fisheries again, it is useful to discuss how much we intend to catch. For the benefit of the House, I may point out that nearly 75 per cent of fish species now being caught in the Gulf of St. Lawrence or which were being caught before the moratoriums were already subject to individual quotas. These were referred to as enterprise allocations, and in some cases were transferable. That is also a management tool.

Nowhere in the bill does the minister provide any guidelines. Nowhere. One wonders what is going on here. We are entitled to an explanation from the minister. And if he cannot give us one, he should let someone else do his job.

Mr. Fillion: Mr. Speaker, as regards the first part of the statement made by my colleague from Gaspé, I would like to inform the members of this House that, despite everything that happened in July in the Saguenay—Lac-Saint-Jean region, if the minister decides in the coming hours to take a real stand on ice fishing in the Saguenay—Lac-Saint-Jean region, because the flooding caused river banks to shift, this activity cannot continue without the permission of the minister of fisheries. I therefore invite the hon. members of this House to come and visit us and take part in this winter activity, thus giving the region a much needed boost in light of everything it went through. We are therefore promoting winter tourism.

• (1635)

As for his comment on the bill itself, I would simply like to say there are three problems the bill does not resolve. It maintains the status quo as regards the problem of overcapacity. Only the industry and the provinces concerned can decide what quotas the industry can absorb and the resource can tolerate. This must be decided not by federal standards and in high places, but by those who are close to the people earning their living from it.

To my way of thinking, this bill represents the status quo. The Bloc Quebecois wants to encourage the growth of a more independent and cost effective fishing industry—which is important for the people living off this resource—and especially one that is free of the many subsidies, which do not please everyone. We want to get rid of this sort of thing.

People want to work, they want to earn a living from this resource. They want to develop it into something that is cost effective. So let us give these investors—small or big—all the means they need to draw reasonable incomes from this industry.

I am sure, as it is a regular occurrence, that we will not be seeing people exerting pressure on the ministers any more in an attempt to remedy things. Why not correct everything when we have the opportunity? We could do it, if the current minister of fisheries went back to the drawing board.

The Deputy Speaker: My dear colleagues, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Cumberland—Colchester—employment insurance; the hon. member for Châteauguay—National Defence; the hon. member for Davenport—Pesticides Products Control Act.

[*English*]

Mr. Harbance Singh Dhaliwal (Vancouver South, Lib.): Mr. Speaker, I will be sharing my time with the member for St. John's West.

I listened intently to my colleagues from the Bloc. Many of us in the House have heard them say on every issue that no matter whether it makes good sense or common sense, they would have us turn everything over to Quebec.

The member, although he spoke very passionately and articulated his views very well, should understand that fish do not respect boundaries. They do not understand jurisdictions. Fish swim between international boundaries and they swim between provincial jurisdictions. For the member to stand up and say that we should turn everything over to Quebec, he is not understanding the fundamentals of what fisheries is all about.

I am pleased to speak on this new fisheries bill. As someone who served as a parliamentary secretary to Brian Tobin, the former Minister of Fisheries and Oceans, I have learned a little bit about the fishing industry. I probably have a lot more to learn about it because it is a very complicated area.

Before I took over the position of parliamentary secretary, I think I had two experiences in the fishery, going out to fish. Both times I was not able to catch any fish, so my friend did not invite me any more to go fishing with him because he figured that I was not good luck for him.

This is a very important bill. I know that my colleagues in the Reform Party think it is very important. That is why they are listening very intently. I am sure they know that I have some very interesting things to say.

This fisheries bill is long overdue. As has been stated earlier in this House, since 1868 the act has not been reviewed in a comprehensive way. The area I want to concentrate on is habitat, which is very important, but before I get into that I want to make some general comments.

This bill modernizes and updates the Fisheries Act. Members of the House should be saying that this should have been done a long time ago and not complain about how it fails to deliver. In fact it does deliver on some of the fundamentals of the fisheries, which is to have a fishery of the future, a fishery which is environmentally sustainable, a fishery which is economically viable and a fishery which reflects a commitment to the coastal communities.

• (1640)

This new fisheries bill is about building partnerships. I know many members in the House, including both opposition parties, the Reform and the Bloc, have talked about partnerships and how important it is to develop partnerships in the industry.

I had the opportunity to meet many of the members in the industry. Whether it was the aboriginal community, the commercial industry, the sports fishery or the small communities, they wanted a change in the fisheries. They wanted a change which would help build a stronger and more sustainable fishery. One way they wanted to do this was by building strong partnerships.

The reason we want to build strong partnerships is so that people will have a vested interest in the fisheries. It will ensure that when people are involved in the fisheries, they will act in a responsible way.

One of the highlights of this bill is it builds partnerships. It also gives the minister the ability to sign agreements and ensure that the communities and the industry are very much involved in the management of the fisheries.

The other area this legislation tends to emphasize is the administrative side. One of the things that many groups talked about and which was important for B.C. was to ensure that there was more local input in the decision making. Some of the changes in this bill ensure that we have boards not only in the Pacific but in the Atlantic as well. This will ensure that those boards are sensitive and that the decision making is based on regional needs and requirements. The bill addresses that particular concern.

The bill also deals with licences, how licence appeals are to be based and the whole licensing policy. This is very important for British Columbia and all of Canada.

I could go on and on about a whole array of subjects that are important and which my colleagues have failed to talk about. They have only talked about jurisdiction.

When I worked with the former minister of fisheries we looked at the salmon treaty and tried very hard to deal with that. As members know, this act incorporates the act which was brought in to deal with foreign overfishing. This will be simpler and easier to deal with.

This is a very good bill. We have to compliment the minister of fisheries for bringing in legislation which is modern, up to date, flexible and which reflects some new realities in the fisheries. The fisheries have changed a lot and the demands from the communities have changed a lot. If we want to have sustainable fisheries and truly want to protect our fisheries, the act will provide the needed flexibility to do so.

One of the most important components of this bill is habitat. This bill amends the habitat provisions to help habitat in the Fisheries Act. These important provisions of the legislation allow the Minister of Fisheries and Oceans to delegate several freshwater habitat protection responsibilities to provincial governments that are in a better position to fulfil them. That is a very good common sense approach.

We heard the member of Parliament from Chicoutimi talk about allowing the provincial government to deal with this. That is what this bill does. It states that it wants to delegate several freshwater habitat protection responsibilities. This addresses some of the concerns that have been put forward. It makes very good common sense.

This government has continued to make sure that we take a very common sense approach. Where the provincial governments can do a better job, where they can administrate better, where they can deal with the responsibilities and where we can reduce overlap, this legislation deals with it.

Canadians have said they want us to reduce overlap and duplication with the provinces. This bill deals with that by having delegation agreements with the provinces. It deals with it by clarifying roles and setting out clear responsibilities that will improve habitat management and make it more consistent across the country, that will help to eliminate the overlap of federal and provincial roles in freshwater habitat protection and reduce the confusion that results from such overlap, that will clearly spell out which level of government will be responsible for what aspects of habitat management. These agreements would not change the constitutional responsibilities of the Minister of Fisheries and Oceans.

• (1645)

The Canadian fishing industry is an international industry with 80 per cent of Canada's production being exported to over 70 countries worldwide. Canada is the world's fifth largest exporter of fish and seafood products. There is a significant international component to the whole fishing industry. The members of the Bloc would not agree with that because they do not realize that 70 per cent of the fishery involves exports. They think it should be mandated provincially but it has a very international mandate.

Recently I travelled across Canada as the vice-chair on the national Liberal task force on aquaculture to regions with active aquaculture industries. It is a new developing industry. I have come away with the impression of a positive future for this rapidly expanding industry.

For example, in 1995, B.C. sold $165 million in farm fish and fish products while employing thousands on a full time basis. Eighty-five per cent of this product is exported to markets in the United States and along the Pacific rim. This new industry will provide jobs, business opportunities and boost the Canadian economy. That is why we as Liberals recognize that.

We recognize the new opportunities that exist in this area which is why we have a task force. It is unfortunate that other members have not recognized the opportunities that exist out there.

I will conclude by giving other members an opportunity to speak as well. The objective of the provisions of the bill is to clarify roles and responsibilities. This legislation will go a long way to protect fish habitat. I urge hon. members to support this much needed legislation.

Mr. John Cummins (Delta, Ref.): Mr. Speaker, I was delighted that my friend from Vancouver South decided to address this fisheries bill.

I am also delighted to learn that he has gone sport fishing twice. I did not realize that he had invested so much time in the pursuit of fish but I think it is a very worthwhile objective for him. I believe he is taking his anti-capital punishment leanings a little too far when he goes fishing and does not catch any fish, that is not the purpose of it.

I would also suggest that success in fishing has something to do with virtue. Virtue is rewarded. I would be happy to take him out fishing with me sometime. A little of my virtue might rub off on him and he might have a little more luck. We will see about that.

The issue I want to question him about has to do with the delegation of authority for habitat to the provincial government. It is common knowledge in British Columbia and I believe right across this nation that the current premier of British Columbia, Glen Clark, makes Brian Mulroney look like the truth fairy.

When we turn something as critical as habitat over to that provincial government we must have some very stringent guidelines in place, guidelines that we know will be lived up to and fulfilled. Otherwise I would fear for the habitat.

We have plenty of examples in B.C. where the provincial government is responsible for protection of habitat. In the last few years it has fallen down on the job. For example, there have been instances where construction of the new island highway on Vancouver Island has led to the desecration of good coho habitat. How can we turn this kind of responsibility over to that provincial government without some ironclad guarantees?

• (1650)

Mr. Dhaliwal: Mr. Speaker, I would love to take the member up on his offer to go fishing with him but I am afraid I might get arrested and spend two days in the slammer and I am not sure if I want to do that. I will have to get certain guarantees that I will not be arrested when I go fishing with the member.

The hon. member for Delta has a very good point about making sure that we have standards. Part of this legislation is to make sure that we have national standards to ensure that all provinces, when they manage the habitat, have signed an agreement. Within those agreements there will be standards to which they must adhere. I agree with him that we need standards but that is in the bill. Part of

what the bill is all about is to give those powers so that we can negotiate and have national standards.

I ask the hon. member to go back to the bill. This is one of the main purposes of the bill, to ensure that there are national standards and habitats are protected. That is under the minister's constitutional mandate and the agreements will be there to do it.

As much as I agree with him, I think if he reads the bill he will understand and recognize that his concerns have been dealt with under the bill.

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, I am pleased to rise this evening to speak on Bill C-62. I want to thank the hon. member from the Bloc. I must admit I miss these days of not being able to listen to him. His knowledge of the industry is deep and I still miss being in the fisheries committee.

The new bill contains provisions that will authorize the Minister of Fisheries and Oceans to enter into legally binding fisheries management agreements with commercial licence holders, aboriginal organizations and other groups, for example, the recreational fishing industry.

This new approach to management, or partnering as we are now calling it, will serve as a cornerstone for developing a new relationship between the Department of Fisheries and Oceans and fisheries stakeholders. We have heard on a couple of occasions this evening about the confusion that exists with regard to management and partnering. I would like to clarify some of those issues.

What is partnering? It is the logical next step in the evolution of fisheries management. It will build on and extend their existing co-management approach. It will provide for a more efficient and effective fisheries management regime and also increase the role of industry stakeholders in the decision making process. It will also provide greater opportunities for community involvement. Like any partnering arrangement, co-operation cannot be imposed. It will be up to the stakeholders whether they wish to discuss and pursue fisheries management partnering with DFO.

A partnering agreement between DFO and a group of stakeholders will spell out the terms and conditions on how the fishery will be managed for a defined period of time. It will be legally binding on both parties. This type of security, provided through a legally binding agreement where the rules of the game are clearly specified, is what many sectors of the industry have been requesting for quite some time.

It will provide incentives for better conservation and management of the resource plus give fishers the certainty that will allow for better business decision making and as we said earlier, for more stable incomes.

Discussions were held with most sectors of the industry on a partnering approach. In fact these discussions are still ongoing. Many of the ideas which are being discussed have come directly from the industry. The concept is work in progress. There are still many important issues to sort out with stakeholders. There are already some fisheries in Canada where co-management, which is a precursor to partnering, are already in place. For example, in British Columbia we have a co-management process with the Geoduck fishery since 1990 allowing fishers ongoing input into the management and decision making process.

Similar arrangements exist for halibut and sable fish fisheries where fishers have direct involvement in the management of their fishery. In Quebec, the beluga fishery has been managed since 1982 on a co-management basis, also allowing input from aboriginal fisheries into the management of that fishery.

Agreements in some of the maritime region's crab and shrimp fisheries provide the basis for industry to participate in the decision making process and to share the costs of managing the fishery and research.

• (1655)

Co-management is used in exploratory fisheries as a way to conduct scientific and market studies to determine if a commercial fishery would be sustainable and viable.

In the maritimes, exploratory fisheries for skate, monkfish, Jonah or rock crab and red crab are under way. This approach is allowing the industry and government to learn more about these fisheries in terms of biology, harvesting practices and potential markets.

Our goal is to continue to build on these types of initiatives. Not everyone is ready for change nor do they understand the concept fully. There are those who support the approach and have requested further consultation. Others wrongly view this as DFO's way to privatize the resource. Some have suggested that partnering is only for high valued lucrative fisheries. This is not the case.

To set the record straight the following should be understood. Partnering will allow for joint decision making by licence holders on the management of the fishery. It will allow industry and government to work together to ensure conservation of the resource remains paramount.

It must be considered for fishers in all sectors of the industry and for other resource users and their communities should they wish to explore this approach further. It requires each party, for example DFO and the sector, to bring something to the table. It is a two way street where benefits must accrue to both parties and allow for a more stable operating environment for fleet sectors who are prepared to share in the management of the fishery.

A cornerstone of the partnering approach is that these agreements must be in the public interest and not give preference or special treatment to individual groups. The agreements will not be imposed on the fishing sector. Both parties must agree on the terms and conditions for the agreement to come into force. It must complement and enhance our resource management objectives for the fishery, namely, the environmentally sustainable, economically

viable, integrating both economic and social considerations, and encouraging the industry to be self-reliant.

Both parties should adopt a flexible approach toward developing partnering agreements. These agreements can take on many different designs which will depend on individual circumstances.

There are some things that partnering will not do. It will not lessen the power of the minister with respect to conservation of the resource or prevent the minister from taking action to address conservation concerns. It will not result in change in historical landing patterns or current management strategies to conserve the resource or require all fishers to enter into partnering arrangements.

It should be understood that partnering may not be applicable or feasible in all fisheries. It will not be considered for only high valued lucrative fisheries. All sectors of the fishery are encouraged to explore the process.

Backroom deals will not happen. All stakeholders subject to the agreement will be consulted with regard to the proposed agreement. It will not privatize the resource or result in the fishery being administered or managed by large corporations, nor will it be designed solely to pass on fisheries management costs to the industry.

Partnering means for the fishing industry that it will provide the basis for industry to proceed on a new regime of fisheries management, a fishery that will have less government involvement and real industry input into the decision making process which is what has been requested of this government and other governments.

Partnering will require working with fisheries in coastal communities to find more efficient and effective ways to manage their fisheries. The industry has a legitimate role to play in fisheries management.

Partnership will set the framework for the industry to be more accountable for its actions and assume more responsibility for management activities specifically related to their sector. It will create a more stable operating environment in that DFO would formalize longer term allocation scenarios. This would allow for a stable operating environment within the industry allowing for longer term business planning.

With this in mind, partnering has the potential to change the behaviour of fishers to focus on conservation as they become true stewards of the resource. In some cases partnering could mean sharing the financial responsibility for fisheries management and science.

What does partnering mean for DFO? DFO would be able to evolve from being solely accountable for the management of the fishery to a position of shared accountability. It will continue to be responsible for conservation and protection of the resource. DFO will set the standards and audit industry performance to ensure that the standards are being met. It will be able to manage the fishery more effectively with reduced resources, focusing on its mandate of conservation, doing what government does best and letting the industry do what it does best.

• (1700)

Partnering will allow for direct and full dialogue with the industry. A typical partnering agreement will clearly set out: the allocation process for access to the resource; those who are in the fishery, and the process for additional participation in the fishery; mechanisms for each party to have a say in the decision making process; suggested sanction levels for various offences; roles and responsibilities for each party in the management of the fishery; and the financial obligations for each party.

Where do we go from here and what will happen next? The legislative authority to enable DFO to enter into the partnering agreements has been tabled in Parliament. The new fisheries act, if passed, will provide the basis for the legal implementation of partnering agreements. Until the new act is law, legally binding partnering agreements with respect to management of the fishery cannot be entered into.

The final details on how formalized co-management and eventual partnering will work will evolve through industry and DFO consultations. DFO has been consulting and will continue to consult with the industry.

Partnering will provide an opportunity for all sectors of the fishing industry to speak with a more united and effective voice. It is in line with the Government of Canada's desire to see more influence flowing to the fishers and consequently to their communities where fishing is the mainstay, and I can say that this is no more true in any riding than it is in mine.

The idea of the industry and government working together co-operatively to achieve joint goals and objectives makes common sense. Partnering has the potential to evolve as the management regime of choice as we proceed into the 21st century.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I must say it had been a while since I had last heard my hon. colleague from St. John's West speak.

I will be as brief as possible, but I just could not let what the hon. member for Vancouver South said at the beginning of his remarks pass without comment. We are hearing speeches from Liberal members from coast to coast, from Newfoundland to Vancouver.

The hon. member for Vancouver South said that fish does not know boundaries. I would like to start my speech by stating that, at present, under the existing legislation and the proposed legislation as well, if we look at the situation in the Gulf of St. Lawrence, around Newfoundland for instance, live cod falls under federal jurisdiction. But when it is dead, regardless of where it is—be it in Newfoundland or in Gaspé, Quebec—it becomes the responsibility of the province, because the provinces have jurisdiction over processing plants. They are the ones that issue licences. That is why the current minister and his predecessor have had and still have all kinds of problems. Nothing was done about streamlining.

Why do I raise this issue? Because my hon. colleague has been a member of the Standing Committee on Fisheries and Oceans for the past two years, yet, as far as I can see, this bill does not contain any guidelines as to the direction the industry should take in the future. We have heard about Brian Tobin's plans to limit fishing capacity, but there is not a word in here about future directions.

Worse yet, while partnership agreements are provided for, they may only be entered into with the minister's approval, based on the opinion of the minister. I refer the hon. member to paragraph 17(1). It clearly states that the minister may enter into an agreement with any organization that, in his opinion, is representative of a class of persons or holders. We do not know who will be part of such a group. It would be very important to specify it.

Another thing is very clear, and I wonder how the hon. member will be able to sell this to her constituents. I also wonder how Nova Scotia members will do it. It is clearly stated and the hon. member said it: to be part of a management agreement, one will have to pay new management fees, in addition to the fishing rights that people began paying in 1995. Such is the heritage left to them by Mr. Tobin.

• (1705)

I see that the Minister of National Revenue is with us. I hope we will hear from her this afternoon. This is another bonus for the government. Once again, it will take money from the pockets of fishers. I thought we had only one tax system in Canada: a person works, earns money and pays taxes. However, in the case of fishers, and the hon. member for Nova Scotia said so literally, she makes no bones about it, there will be two tax systems. How will she sell this to her constituents?

I say this in the presence of the revenue minister, and I am very comfortable doing so. Maybe she will provide a reply. It was just indicated that Canadian fishers will be subject to two tax systems. They will pay when they file their tax return, but the government will also take money from their pockets. I would appreciate a reply from the hon. member.

[*English*]

Mrs. Payne: Mr. Speaker, I thank the hon. member for his question. As I said before, he has a great knowledge of the fishery.

The member knows that this is the first time since 1868 that the act has been rewritten. There were a great many flaws in the act.

As the member is well aware, the ongoing consultations have tried to work out for the benefit of the industry and the stakeholders in the industry what is the best area of jurisdiction for the provinces and what is the best area of jurisdiction for the federal government. This bill speaks to that. It outlines very clearly where the jurisdiction lies. That was not done by the federal government alone or the provinces alone; it was done in consultation with all of the stakeholders: the fisher people, the harvesters, the provinces, and the Department of Fisheries and Oceans.

The bill is clear. It is very streamlined and simple. It outlines exactly what the provinces will be responsible for.

There will be ongoing consultations. It is not a closed book. If something is not working, then we will talk about it and we will make it work.

One of the things that will happen is that the fishery will be managed. It will not be open for everyone to rape and pillage as was done in the past. All of us know what happened to the fishery on the east coast. We all know what will happen to many other stocks if they are not managed properly.

That is what the bill is designed to do. It is what the bill will do in a fair and consultative way with the provinces and the stakeholders.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, I am pleased to rise today to speak to Bill C-62.

As a member of Parliament from British Columbia, I am pleased to rise on behalf of many of my constituents whose concern over the management of the western fisheries is far more than just academic. Many of my constituents and those of my colleagues have been and are directly impacted by government fishing policies. Unfortunately, this impact lately and largely has been detrimental due to the injustice reflected by present Liberal government policies.

Bill C-62 rewrites the Fisheries Act and combines with it the Coastal Fisheries Protection Act.

What do we see in the fisheries today? There are problems in the fisheries. Much of them are the result of government mismanagement. On the east coast much of the fishery is closed due to the collapse of the groundfish stocks. On the west coast there are severe problems. There are continuing problems with the Alaskan

catch of Canadian bound salmon which remain unresolved with the Pacific salmon treaty.

On the west coast we also have the salmon fishery which is our key fish stock. It is a fishery which is in total disarray. There have been almost no non-native commercial fisheries on the Fraser River, which borders my constituency, for the past two years. The government native only commercial fishery is also in disarray.

Unfortunately the fisheries act which is before us today does nothing to address the foundational problems which exist in the government's high-handed approach to the fisheries.

● (1710)

Fisheries mismanagement has already had a deep impact on the livelihood of many B.C. fishers. I fear that continued mismanagement and the mindset we have seen hold dire consequences for the future.

Perhaps the most significant injustice in the present system and one which has received a fair amount of press coverage in my area is the manner in which the government has flaunted a supreme court decision that has literally established a race based fishery policy which benefits B.C.'s aboriginal fishers at the expense of the rest of the fishers in the province of British Columbia. In doing so it has trounced Canadian legal tradition and thus violated the rights of all Canadians.

In 1992 the fisheries minister of the day told fishers that the supreme court decision of Sparrow v. the Queen required the establishment of an exclusive native only commercial fishery specifically in law. In 1995 after the Fraser report's scathing condemnation of the government's race based policy, the supreme court declared unequivocally that its previous ruling did not call for such a system.

The native only commercial fishery was undermined by the supreme court's August 1996 Van der Peet, NTC Smokehouse and Gladstone decision. The court ruled against an aboriginal right. They have no right to an exclusive fishery. B.C. natives do not have a constitutional right to catch and sell fish commercially. Once the decision came down in August, regular commercial fishers, including my colleague, started to fish with the native commercial fisheries and had a full right to do so.

Thus, with no mandate from the courts, no mandate from the Canadian people and no mandate from Parliament, this government today maintains an unjust and, I will say, discriminatory policy in the fisheries on the west coast.

Specific to this management of the fisheries and specific to the item I have just mentioned, there is nothing that government can do under this new fisheries act that it cannot do already under existing legislation except, which I point out very specifically, for the right to extinguish the public right to fish. This essential change with respect to fisheries management is that the minister gains substantial powers to do what currently requires the specific authorization of Parliament or cabinet. This flies in the face of democracy and the good interests of the public fisheries in Canada.

The fisheries act which Canadians hoped would restore equity in the system fails to do so. As a result, the Reform Party cannot support this bill.

Today, I would like to take the time I have been given to read into the record a report that throws much light on many of the issues we are talking about today. It is a report written as a response to the Fraser River Sockeye Public Review Board. It is of note that this report is an evaluation commissioned by DFO on the performance of DFO with regard to the recommendations of the Fraser report which I mentioned earlier.

I will proceed to read this response into the record so that we can see the whole picture and how DFO has responded to what needed to be done. Some of the department's responses to the recommendations of the Fraser report are incomplete and others are still under study. The comments of this evaluation fall into six categories: management; institutional arrangements; the quality of the management principles; the aboriginal fishing strategy; the environment; and user groups views and responsibilities.

Under the title of management, specifically risk aversion management, the first recommendation is:

> We recommend that DFO retain and exercise its constitutional responsibilities and not in any way abrogate its stewardship of resources under federal jurisdiction. Conservation must be the primary objective of both fisheries managers and all others participating in the fishery. The conservation ethics must prevail throughout and be adhered to by all.

● (1715)

The comments on the evaluation were:

> —DFO did not achieve its escapement targets for Fraser sockeye in 1995.
>
> —stock-specific conservation of Fraser River sockeye is threatened.
>
> DFO cannot hope to succeed without a clear vision of what it is trying to achieve i.e., achieving conservation is more than just meeting escapement targets. The first requirement, therefore is an explicit definition of ''conservation''.
>
> There can be no conservation of Fraser sockeye salmon in the long run without equivalent care and protection for the habitat on which fish stocks rely. In this light, the pending expiration of key programs as the Fraser River Action Plan, and the funding base that has supported it in recent years, is of utmost concern.
>
> In terms of outcome, however, DFO was not fully successful.
>
> DFO came close to achieving its escapement targets in 1995—It did not, however, fully achieve them. There were escapement shortfalls relative to target levels for all major run groupings with the most significant for the late runs.

The escapement shortfalls in 1995 indicate the need for even more prudence in DFO's planning and management than it exhibited in 1995.

Retaining and not abrogating: DFO officials do not believe they have in any way abrogated their responsibilities, but recognize there is perception of this, particularly in commercial and recreational fisheries. DFO did not directly respond to this part of the recommendation or the perceptions or concerns that underlie it.

Conservation must be a primary objective: Again from DFO's point of view this is a problem of perception, not substance.

There is a difference between recognition of intent and confidence in success. In 1995, run sizes were significantly overestimated, and fishing effort was sharply curtailed—As a result, public confidence in DFO's ability to achieve its conservation goals have been underestimated.

I can attest to that.

While escapement targets are above levels necessary to preserve the runs in aggregate, they are not in themselves necessarily adequate to preserve weaker stocks.

DFO did not achieve its escapement targets because it overestimated run size both pre-season and in-season—DFO was not always able to curtail fishing effort as much as required.

Failure to meet these targets, even if it does not place the resource—in aggregate—at risk, does point to the challenge of ensuring that DFO's conservation goals are achieved.

The unprecedented poor returns in 1995 suggest that DFO may also need to reconsider the targets it aims to meet. There is the longstanding concern about the diminution of weak stocks and the growing number of strong stocks—Making conservation a top priority requires reconsideration of their targets themselves and not just how they might be more consistently achieved.

Those are comments to the first recommendation. The second recommendation:

We recommend that DFO take immediate steps to initiate a process of planning for the future of the fishery, addressing all critical problems affecting conservation and sustainability, through an ongoing consultative forum. Among the problems to be considered would be over-capitalization, user-group allocation and ensuring equitable treatment under the law.

Comments to this:

Fleet reduction, in itself, will not address the fundamental problem underlying over-capitalization of the fleet—the common property nature of the commercial fleet.

The intersectoral allocation issue may not get resolved as planned. It is not clear whether a supportable framework will in fact be developed and implemented.

To date, DFO has not established a broad, multi-stakeholder consultative process to plan for the future and address critical problems affecting conservation and sustainability. DFO has not identified the responsibilities and composition it should have, nor its relationship to existing processes.

● (1720)

The third recommendation:

We recommend that DFO and PSC adopt a risk aversion management strategy because of the great uncertainty on stock estimates, in season catch estimates and environmental problems. Conservation goals must be achieved before any other priorities are addressed.

A risk averse strategy has not yet been developed. We found in our evaluation that DFO's actions were not the result of an explicit, well-defined risk averse management strategy, but rather were a response to the unprecedented events of the 1995 fishery.

DFO's actions were not based on a well-defined risk averse management strategy. The question of how DFO defines risk averse and how risk averse is expected to promote conservation must be addressed. Without this clarity there is no way to test if DFO's activities are in fact guided by well conceived and well defined strategy or whether their activities in themselves define what DFO means by risk averse.

The fourth recommendation:

We recommend that DFO, in conjunction with provincial authorities, First Nations, commercial and recreational fishing groups implement (both in marine and in-river areas) a revised system to ensure that catch information is timely and reliable, given that accurate counting and timely reporting of catch are fundamental to conservation. The system must also include a more stringent paper trail. There must be stricter control of landing and sales slips and a retention of sales slips with fish through to retail sales or export.

We recommend that DFO explore the application of new technology to collect information on stock levels in ocean areas in order to supplement catch statistics.

They made recommendations on institutional arrangements. We recommend that DFO develop better co-ordinated, inter-party communications among its staff and between staff and PSC, First Nations, commercial and recreational fishing groups with a greater degree of co-operation aimed at enhanced in-season management and post-season evaluation and at fostering working arrangements among all parties, and facilitate clearer and more transparent management and allocation policies.

The recommendations are an institutional arrangement and there are a number. We recommend that DFO and PSC give First Nations greater and more meaningful access to and involvement in the management process.

Quality management principles is another area. We recommend that DFO make a commitment to quality management principles in the management of fixed stocks by specific region and in this context for the third party quality auditing organization be contracted to provide ongoing services.

There is a litany of recommendations and a litany of where DFO has fallen short in meeting these recommendations.

I recommend to the House that the department again reviews all of these recommendations and the shortfalls so that, indeed, what is in the bill today will better reflect the well founded concerns and act accordingly.

In conclusion, I would like to put forward an amendment from the Reform Party. I move that the amendment be amended by adding:

''and that the committee report back to the House no later than June 19, 1997''.

● (1725)

The Deputy Speaker: The hon. member has provided her subamendment. The Chair will rule on it shortly. In the meantime the debate will continue. Questions and comments.

Mr. John Cummins (Delta, Ref.): Mr. Speaker, I thank the member for her submission today. I agree wholeheartedly with what she had to say. The one point she made which I certainly support is the fact that the only thing the government can do in this bill which it cannot do in existing legislation is to extinguish the public right to fish. That may not seem like much but let us look at the implications of it.

Clause 17(1) says:

Her Majesty in right of Canada, represented by the Minister, may enter into a fisheries management agreement with any organization that, in the opinion of the Minister, is representative of a class of persons or holders.

What does that mean? It means in the first instance that the public right to fish is eliminated. The minister now will control the resource. He will be able to say to his friends that they have the right to capture a certain amount of the fish stocks and that is just the way it will be. There is no appeal when something like that happens.

For instance, he could go to a lodge owner who was a good contributor to his party—and I am not suggesting in any way, shape or form that the current minister would do this, but it opens a door for someone to do this kind of thing in the future.

Some minister in the future who lacked a sense of fair play and what is right and wrong could come to a friend who was a great contributor to himself or to his party and say: ''I'll give you 20,000 fish to harvest'' and that would be it. It would be a fait accompli.

The bill says as well in clause 19:

The Minister shall publish a fisheries management agreement in the manner he sees fit.

Therefore, he does not have to tell you and I that he has given this other individual 20,000 chinook to harvest. He does not have to tell anybody, except it states in clause 18 that before a fisheries management agreement is entered into, notice of it shall be given to the holders or persons likely to be subject to it.

The only people he has to tell are the people who are liable to catch the fish. In the instance of a sports fishing lodge operator he lets the guys know who are coming to his sports lodge that yes, they can catch these fish because he has this agreement with the minister that gives him the right to do it, but the public does not have to know.

How does that affect us? If we take my friend from Labrador who spoke earlier or we take into consideration my friend from Vancouver South who spoke of his history of two trips out sports fishing, what that means is that they could be barred from fishing simply because somebody else has been secretly given the right to catch those fish.

The impact is on the public. It is on the individuals. It is on you and me and anybody else who wants access to that resource. We will lose it. We lose access to the resource.

The member for Vancouver Quadra said here the other day that we did not understand the section of the Magna Carta that dealt with the public right to fish because we did not speak the language that the Magna Carta was written in, so how could we understand it. He was casting aspersions on the Supreme Court of Canada because as recently as last August in the Gladstone case the supreme court acknowledged that the public right to fish has existed since the time of the Magna Carta. That public right can only be extinguished by competent legislation, in other words by legislation which passes through this House.

● (1730)

How the hon. member for Vancouver Quadra could say we cannot justify the public right to fish and the existence of that with reference to the Magna Carta is beyond me. The Supreme Court of Canada can do it and certainly we can too.

What happens if we extinguish that public right to fish and we give the minister the authority to dispense fish to his friends? We open the door to all sorts of secret arrangements and pay-offs, pay-offs from the public purse so to speak, from the public treasury. This is a resource owned by all Canadians yet it could be doled out and given to whomever the minister sees fit, to whomever he wants to make that donation. That is totally unacceptable. It is something I do not think the people of British Columbia can tolerate. It is certainly something that this House should not tolerate as well.

The Deputy Speaker: Order. I believe we are now into private members' time.

The ruling with respect to the subamendment will be made the next time the matter is called. The member will have the right to reply to the question from her colleague the next time the matter is called.

[*Translation*]

It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CONSTITUTION ACT, 1867

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.) moved that Bill C-284, an act to amend an act for the Recognition and Protection of Human Rights and Fundamental Freedoms and to amend the Constitution Act, 1867, be read the second time and referred to a committee.

He said: Mr. Speaker, in May of this year I introduced Bill C-284. I sent an information package to every member of Parliament describing why protection of property rights should be strengthened and how this should be and could be accomplished without amending the charter of rights and freedoms. In the package I described the three main reasons that government should aggressively defend every person's right to own, use and enjoy property, namely: property rights make society richer; property rights protect freedom and democracy; and property rights protect the environment.

No doubt government members are getting tired of debating property rights. The reason Reformers continue to bring the issue to the floor of the House of Commons is that Canadians' property rights are not adequately protected in Canada.

Property rights were first debated by Reformers on February 24, 1995 when the hon. member for Skeena introduced Motion M-301 which proposed an amendment to add property rights to section 7 of the charter of rights and freedoms. The Liberal government opposed protection of property rights.

This year the member for Comox—Alberni introduced Motion M-205 which proposed to strengthen the property rights provisions of the Canadian Human Rights Act. Motion M-205 was debated on June 10, September 30 and November 5. The Liberals opposed protection of property rights during debate and voted against Motion M-205 on November 6, 1996, believe it or not.

Because Motion M-205 was votable and similar to my bill, the subcommittee for private members' business decided that my Bill C-284 would not be votable. The subcommittee's decision wasted literally hundreds of hours of effort and research on behalf of my own office. It wasted some of the fine legal analysis and drafting by the House of Commons legislative counsel branch. It is sad that the Liberals are more interested in their own social engineering than in protecting the fundamental rights of Canadian citizens.

● (1735)

Motion M-205 and Bill C-284 outline the specific property rights that need to be better protected in federal law. However my bill goes further by describing the legislative means needed to implement these improved property rights protections.

I want to make all Canadians aware of the obvious contradictions in the Liberal government's opposition to improving property rights protection. I want to point out how the Liberal government of the nineties is totally at odds with the position which Liberal governments took on property rights during the sixties, seventies and eighties. Today's Liberal government opposes strengthening the protection of property rights in the Canadian bill of rights, while the Liberal governments of the sixties, seventies and eighties argued forcefully and repeatedly for the inclusion of property rights in the charter of rights and freedoms.

Where did the Liberal government lose its vision? When did Liberals decide to oppose strengthening every person's property rights? Was it when the current Prime Minister took over?

It is odd that while the Liberals were being led by the Right Hon. Pierre Trudeau they aggressively supported including the protection of property rights in the Canadian Charter of Rights and Freedoms, but now that I call for the strengthening of property rights they have changed their minds. Now that Mr. Trudeau's strong philosophical and ideological principles about fundamental rights and freedoms are no longer guiding the Liberal Party, it does an about face on strengthening the protection of one of our democracy's most important fundamental rights, that being property rights.

Unfortunately and contrary to what today's Liberals are saying, Canadians do not have these rights and protections under federal law. The only protection Canadians have to turn to if the federal government arbitrarily takes their property is the Canadian bill of rights. Unfortunately, the Canadian bill of rights falls far short of providing the protection which every Canadian thinks they now have.

We each have seven fundamental property rights. The bill of rights only provides rather feeble protection for three out of the seven: the right to the enjoyment of property; the right not to be deprived of property except by due process; and the right to a fair hearing. Those are the only three. Even these rights can simply be overridden by saying so in the legislation. They are rather weak, feeble and quite useless, just like what the Liberal government did with Bill C-22 which cancelled the Pearson airport contract.

Unfortunately for Canadians, if the government does decide to arbitrarily take a person's property, the Canadian bill of rights does not provide protection for the following property rights. There are four of them which are not adequately protected: the right to be paid fair compensation; the right to have compensation fixed arbitrarily; the right to receive timely compensation; and the right

to apply to the courts to obtain justice if they feel that any aspect of their property rights has been denied or infringed upon.

That is why we need to improve the bill of rights. That is why we need to strengthen the protection of property rights in federal law by passing motions such as M-301, M-205 and bills such as Bill C-284 which we are discussing today.

On June 10, 1996 the hon. member for Prince Albert—Churchill River, Saskatchewan, who is also the Parliamentary Secretary to the Minister of Justice, outlined the Liberal government's reasons for opposing better protection of property rights. He said in summary that there is already more than adequate protection for property rights. He said that the laws already provide fair procedures and fair compensation and that common law already provides the presumption of compensation. He said that much of the responsibility for regulating property is provincial. He said that it would establish a hierarchy of rights in the bill of rights. Finally, he said that it may prevent socially useful legislation.

In my speech to the House on November 5, 1996 I destroyed these pitiful excuses one by one. I exposed the real reason that the Liberals oppose property rights, namely, it would affect their social engineering agenda. I made it abundantly clear. I refer people to the *Hansard* record of that day to read how those arguments were destroyed.

● (1740)

The Liberal Party under the leadership of Pierre Trudeau was not afraid of entrenching property rights in the Constitution. However, the Liberal Party of the 1990s is afraid that even strengthening protection of property rights in federal law as proposed in my bill will interfere with its plans to re-engineer Canadian society.

I first became interested in property rights during the debate on Bill C-68, the Liberal government's half-baked, tax wasting scheme to register every rifle and shotgun legally owned by every law-abiding citizen in Canada. That was when I became aware of the lack of property rights in Canada. That bill will affect 20 million legally owned firearms owned by five to eight million law-abiding citizens.

It did not deter Liberal social engineers that this half a billion dollar expenditure of public funds would not in any way reduce the criminal use of firearms or that it would not improve public safety. Liberals believe that they need to tax anything that moves and is healthy and if it continues to move it needs to be regulated. When it stops moving, I think they believe they have to subsidize it.

As I read Bill C-68 I came to understand that the most dangerous part of Bill C-68 was not the flawed registration scheme but it was the absolute power the justice minister was giving himself and those government ministers that follow him. The most dangerous part of Bill C-68 is the absolute lack of respect and protection for property rights of Canadian citizens.

Just as a little aside, the debate we just had today in regard to fisheries and the debates we have been having in so many areas over the past three years impact on property rights. The ministers in the legislation in this House are giving themselves absolute rights and are taking away the rights of the Canadian people. Those rights need to be protected.

The lawyers in the Library of Parliament who analysed my bill cited C-68 as a bill that would be affected by property rights. They themselves zeroed in on C-68 as being one of the bills that would be affected. With the passage of Bill C-68 the Minister of Justice prohibited or banned over half a million already registered handguns and thousands of rifles, all firearms that are commonly used for hunting and sporting purposes.

As a consequence, the minister dramatically reduced the value of these firearms and all but eliminated the market for the sale of these firearms. With the passage of Bill C-68, the Liberal government violated the fundamental property rights of hundreds of thousands of sports shooters, farmers, hunters, fishermen, collectors, aboriginals and even museums that own firearms.

Section 117.15 of Bill C-68 grants the Minister of Justice through the governor in council the powers to prohibit any firearm which in his opinion is not reasonable for hunting or sporting purposes. Section 84(1)(e) of the Criminal Code of Canada used to prevent the prohibition of any firearm commonly used for hunting and sporting purposes but no longer. The Minister of Justice can ban any firearm he thinks is bad regardless of how safely the firearm is being used. What the firearm is being used for or how many Canadians are legally using this type of firearm makes no difference.

The Liberal government has given the Minister of Justice the absolute power to ban every firearm in Canada. Not even the Supreme Court of Canada could overturn his decision no matter how ridiculous because the legislation states ''in his opinion''.

There are a few Canadians who might agree with the Minister of Justice if he banned all guns. However, I ask everyone to consider this very scary truth because it can happen: if it can happen to one type of property such as firearms, it can happen to anything that a citizen owns. We do not have strong, effective property rights protection protecting Canadians from their own government. It could affect land. It could affect businesses. All types of property could be at risk. I have many other examples but I am citing some of the ones I am most familiar with. Section 119 of Bill C-68 even gives the Minister of Justice the power to make firearm regulations or ban firearms without parliamentary review if, again in his opinion, that fatal phrase, the regulation he proposes is urgent, immaterial or insubstantial.

• (1745)

Section 116(2) of the Criminal Code used to require the justice minister to lay every regulation before Parliament at least 30 days before its effective date, but no more.

So here we have a prime example of the Liberal government's overriding the fundamental property rights of hundreds of thousands of law-abiding citizens. The value of the firearms banned by the Minister of Justice is the property of the persons who own the firearms. All they have is some very limited protection in the Canadian Bill of Rights. All other rights and freedoms are protected under the charter of rights and freedoms but not property rights.

We have to ask ourselves why were property rights omitted from the charter of rights and freedoms but all other rights contained in the Canadian Bill of Rights were put into the charter.

Here are some other examples of how government runs roughshod over property rights. Under the guise of improving the environment the government can pass laws which restrict the use of private land. Private property owners are already concerned that Bill C-65, the Liberal government's endangered species act legislation, may be extended to include federal government control over endangered species on private lands.

While this bill is before Parliament there is time to clarify this point. But what if the government arbitrarily decided to extend the endangered species act to cover private lands? What protection does the individual property owner have? The answer is no constitutional protection whatever, only the very limited protection under the Canadian Bill of Rights. That is what I am proposing to change. I am not proposing a constitutional amendment but simply to strengthen the Canadian Bill of Rights so we have something at least.

The federal government also reveals its arbitrary abuse of individual property rights by imposing monopolies on grain producers in the west. A farmer in western Canada can grow wheat and barley but he can sell it only with the permission of the federal government, the Canadian Wheat Board.

Some farmers have proven they can get more money for their wheat and barley by selling it in the United States than to the Canadian Wheat Board but they are denied the opportunity to get their extra value from the sale of their property and the fruits of their labour by government decree backed up by government force. Some of them have their trucks seized. Some of them face heavy fines. Some of them have gone to jail for trying to do what every other property owner takes for granted, selling their private property.

Here are just three examples of the federal government's power to arbitrarily take property to control it. The Pearson airport deal is another example which is remarkable in that it was revealed that Americans investing in Canada have more property rights under the North American Free Trade Agreement than Canadians investors have under Canadian law. That is shocking.

I am not saying that it is wrong for the government not to take property. What I am saying is that if the government does take a person's property they need to have better protection for their property rights.

Bill C-284 would extend property rights protection in the Canadian Bill of Rights for all seven fundamental property rights, including the right to fair and timely compensation, the right to have compensation fixed impartially, the right to apply to the courts to obtain justice.

Further, property rights would be extended to include not just future bills passed by the House of Commons but would include any law in force in Canada and any order, rule or regulation passed by Parliament. Bill C-284 goes much further than just expanding the description of each person's property rights. My bill introduces a number of measures which come as close as possible to entrenching property rights in federal law.

The first measure proposes that a person can be deprived of their property rights only if it can be demonstrably justified in a free and democratic society. This means that the federal government can still deprive a person of their property. However, the government must be able to prove that the taking of the property serves some reasonable and justifiable public purpose. The prohibition measures in Bill C-68 would just not pass this test.

• (1750)

The second measure proposes that in order to override the enhanced property rights protection in the Canadian Bill of Rights the government would have to pass ''a declaration of notwithstanding'' with a super majority vote, which means a two-thirds majority of the members of the House of Commons. This demonstrates that sometimes fundamental rights need to be overridden by government for the greater good of society, but it should not be easy for government to do so.

Third, my bill proposes that a declaration of notwithstanding would be automatically repealed by using a five year sunset clause. This guarantees that if the government decides to override property rights in a bill it must be automatically reviewed by Parliament every five years and must pass another super majority vote in the House.

Finally, my bill proposes an amendment to the Constitution to permit the use of the super majority vote and comes as close as we can to entrenching this measure into federal law by requiring a super majority vote in the House to change it.

A lot of work has gone into this bill, only to have the Liberals avoid the issue by declaring it non-votable. Because property rights were omitted from the charter of rights and freedoms, they should be strengthened in the Canadian Bill of Rights. That is what I am proposing. It is the second best choice, because the Canadian Bill of Rights is not entrenched in the Constitution. That could be changed, if necessary, by Parliament. Again, I am proposing a two-thirds majority vote.

The Library of Parliament has done an excellent analysis of my bill. I recommend that all members read it before they decide whether this is a good bill or not.

Even the courts of Canada have been very timid in protecting property rights because they are not strongly protected. This bill would address that problem. The courts have had to invent the applicable standards with regard to property rights, something they have not done very well.

Canadians at present are second class citizens in the world of international trade. Our main trading partners all have stronger property rights than we have as Canadians. That puts us at a very distinct disadvantage.

I have a little time left. I wonder, if I would be silent for a few moments and not say a word, would it make any difference? When I listen to the debate that takes place in this House and I see members vote, I wonder if they were even listening when the debate took place.

We were given the impression that there would be free votes on Private Members' Business. Will that be the case with this bill? Is there any point to going through all of this exercise and all the work which has been put into this bill?

I really appeal to members of the House to take a close look. Remember, property rights are fundamental. We have to have property rights if we want to have a strong society.

In light of all the work which has been done on this bill, I ask for the unanimous consent of the House to send the bill to the Standing Committee on Human Rights.

[*Translation*]

The Deputy Speaker: Dear colleagues, is there unanimous consent to refer the bill to committee?

Some hon. members: No.

The Deputy Speaker: The hon. member does not have unanimous consent.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased this evening to have the opportunity to speak to Bill C-284, brought forward by the hon. member for Yorkton—Melville. The bill proposes that the Canadian Bill of Rights be changed to provide further protection pursuant to property rights.

The Canadian Bill of Rights is part of Canada's longstanding tradition to human rights. The bill has included provisions protecting property rights since it has been in force. Section 1 of the bill of rights recognizes the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law.

● (1755)

Property rights are also protected at the federal level by statute and common law. Federal statutes that regulate the disposition of property have been designed to ensure that people are treated fairly. That is, these laws provide for fair procedures and for fair compensation where property rights are affected.

Property rights are also protected at the provincial level. For example, the Alberta Individual Rights Protection Act protects the ownership of property by a due a process clause. The Quebec Charter of Human Rights and Freedoms provides some protection to the peaceful enjoyment and free disposition of his or her property.

The common law also protects property rights. For example, judges frequently apply the presumption of compensation where someone is deprived of their property.

It is important to remember that the Constitution assigns much of the responsibility for regulating property to the provinces. In fact, section 92(13) of the Constitution Act provides that the provinces have exclusive power to make laws relating to property and civil rights in the province.

That is not to say that the federal government cannot legislate in ways that affect property, but that its jurisdiction is limited in these respects.

On the whole, the average Canadian enjoys a very high level of protection for property rights under the statutes and the common law applicable at the federal level, including already the Canadian Bill of Rights.

I would venture to say this is generally true at the provincial level as well. This protection reflects the value that we as Canadians place on property rights. The right to own things, a home, a car or other possessions, is basic to our way of life. The right to use and dispose of property is also fundamental, although we recognize that these are not unlimited rights, which the hon. member for Yorkton—Melville recognized very explicitly in his speech.

In Canada we place a very high value on property rights, the right to own many of our possessions. The right to use or dispose of the property is also very fundamental to our way of life. These rights we value very highly in this country of ours. These property rights are ingrained in our legal system. They are ingrained in statutes at the federal level. They are ingrained in statutes at the

provincial level. They are ingrained in human rights legislation at the federal level and within the common law.

In fact, a basic premise of our legal system is the right to own and dispose of property. Our laws, whether legislated or judge made, are replete with examples of rules concerning the ownership and use of property.

For example, our laws concerning real property, lands and buildings contain many rules protecting both purchasers and vendors. Thus when I consider the broad range of legislation and judicial precedence that protects property rights, it is not clear to me that the solution offered by the hon. member provides any further protection. Taking that into account, it is important to reflect on what the proposed amendment would actually do.

It singles out property rights from all the other rights in the Canadian Bill of Rights for very special protection. Again, section 1 of the Canadian Bill of Rights recognizes the rights of the individual to life, to liberty, to security of the person and enjoyment of property.

• (1800)

Out of all those very fundamental rights to Canadians, the Reform Party tries to raise property rights up for special protection. It seems that all of these rights are very important. When one considers the right to life and liberty, certainly one would not raise the value of property higher than those very special and important rights to all of Canadians.

I do not understand why we would want to have this particular amendment. It would end up establishing a hierarchy of rights in the Canadian Bill of Rights which would not be appropriate. Each of the rights in the Canadian Bill of Rights is of equal importance. They are all very important. To say that one is more important than the other would not be appropriate.

The Canadian Bill of Rights is historically significant. It represents one of the first steps toward a constitutionally entrenched bill of rights. Just over 20 years after the Canadian Bill of Rights was enacted, we did provide constitutional protections in the form of the Canadian Charter of Rights and Freedoms. Since then our energies have been focused on the charter. In light of that evolution, I do not think we should be revisiting the Canadian Bill of Rights.

As I mentioned earlier, the right to own and dispose of property is not an unlimited right. It is limited by laws that regulate the use of property in the public interest. For example, land use, planning and zoning laws may limit the type of building that can be placed on residential lots. They may limit the type of construction in certain types of business districts.

Environmental laws regulate everything from the disposal of hazardous waste to the removal of trees. There are laws that regulate the ownership of transactions and shares in limited companies. Other laws regulate bankruptcy and the ownership of land by non-Canadians and so on. All of these laws impose real limits on the ownership and use of property.

No one disputes that these are necessary limits in a free and democratic society. When that is realized, it is incumbent on us to think carefully about the implications of amending the property rights protection in a general human rights document.

I am concerned about what effect a general and broad provision on property rights may have on these laws. I am equally concerned that socially important legislation could be challenged in the courts on the basis of such considerations.

The United States has had considerable experience with property rights and we can learn from its experience. Initially constitutional property rights were used in the United States to prevent socially useful legislation such as regulating hours of work. Later on the courts adopted a more enlightened view but still attempts to regulate the environment or trade in endangered birds or land use have been met with court challenges based on conflict with property rights in the American bill of rights. This sort of general provision has complicated the regulation of whole varieties of areas germane to the public interest.

Canadian courts have demonstrated that they will go their own way in interpreting the provisions of the charter and our other human rights laws. However, the proposed amendments would leave us with uncertainty about the meaning of property rights and the effect of the amendment on a wide variety of laws that touch on property in one way or the other.

I certainly have a great deal of sympathy for the purpose behind Bill C-284. Like the hon. member for Yorkton—Melville, I feel very strongly about the importance of property rights in our society and legal system.

Having said that, I would also say that so far as I am concerned we have more than adequate protections in our statute law and common law for property rights. Not only do I not see the necessity for the proposed amendment to the Canadian Bill of Rights but I am also concerned in some respects about its impact.

In light of the American experience I would think it far better that we continue to rely on the very extensive protections of property rights that already exist in our laws. For these reasons I cannot support the bill.

• (1805)

When we look at the history of our nation, the history of the evolution of property rights within the common law system, going back to the system of law evolving in many provinces and in the national government from the common law of England, we have

that basis. The basis is stated in many statutes designed to protect property rights from the actions of government or other individuals. This is both at the federal and provincial levels. At the municipal level these would be covered by provincial statute.

All of these types of protections are offered our citizens as we enjoy property of various types. The protection of our property is important. Our common law and statute law are absolutely replete with examples of how we seek to protect and ensure that our citizens can enjoy their property fully and completely without fetter, without hindrance from other individuals, government and so on.

While the hon. member's bill is well intended, I believe that if we closely examine the protections that are currently available to all citizens of Canada—

The Deputy Speaker: The hon. member's time has expired.

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, as our colleague, the hon. member for Yorkton—Melville, has mentioned, this is the third time the House has had an opportunity to debate property rights. On each occasion, we have heard the same arguments from both sides of the House.

I listened very carefully to the member for Yorkton—Melville, and the least one can say is that our colleagues in the Reform Party are consistent and persistent, because, as I said, we are now looking at the third bill or motion concerning property rights. On each occasion, the Bloc Quebecois, the official opposition, opposed this kind of motion and was even more strongly opposed to a bill, although the bill now before us is not votable.

Why is the Bloc Quebecois, the official opposition, opposed to a bill with a purpose like that of the bill brought forward by the member for Yorkton—Melville?

In his speech, our colleague mentioned two or three of the reasons he introduced this bill. First of all was the fact that recognizing property rights makes society richer and also provides better protection for the environment. In the same vein, he pointed out that these rights are not protected by existing legislation.

I will show, in the few minutes available to me, that property rights are recognized by both our federal and our provincial legislation, and I will refer to the situation in Quebec.

In his speech, our colleague also mentioned that it was not the purpose of his bill to amend the Canadian Charter of Rights and Freedoms, in other words to introduce a constitutional amendment.

• (1810)

I want to say right away that this argument will not wash. Unless I misunderstood or misread clause 6 of Bill C-284, it is clear that the purpose of this bill is among other things to amend the Constitution Act, 1867 to reinforce property rights so that, as provided in clause 6, every time a bill would have the effect of modifying property rights, its passage would require the support of two-thirds of the members of this House. Clause 6 also proposes to amend the Constitutional Act, 1867 so as to recognize the principle to which I just referred.

I think it is quite clear, although I am not a constitutional expert, that what my Reform colleague wants is a constitutional amendment with all its troublesome implications.

That being said, the real issue in this debate is whether in our society, in Canada and in Quebec, property rights are recognized. Can individuals across Canada acquire property or goods and dispose of them as they wish, always with due respect for the law? Is this actually the case?

When we look at the situation in Quebec, the answer is an unqualified yes. The Quebec Charter of Rights and Freedoms specifically recognizes property rights. Section 6 of the Quebec Charter Rights and Freedoms says that every person has the right to peaceful enjoyment and free disposition of his property, within the limits provided by law.

In other words, in practice this section means that yes, every person has a right to property which allows him to purchase goods, movable or immovable, and to dispose of them as he sees fit, always within the limits of the law. That is what we must remember in this debate. The Bloc Quebecois is opposed to adopting this legislation but recognizes property rights as a basic right that is currently protected by our statutes, both federal and provincial, and which in our view does not need additional protection.

Another point. If by some misfortune this kind of bill were adopted by the House and if by some even greater misfortune, a constitutional amendment were tabled to recognize property rights in the Constitution, in the charter of rights and freedoms, this would have far reaching consequences for the way our institutions operate in each province, and especially in Quebec.

It would mean that all legislation passed, previously, now or in the future, with the aim of limiting or circumscribing the right to property must come under our basic law, which is the Constitution.

I have a few examples of potential consequences. The Secretary of State for Justice mentioned a few earlier, but I think it is important to repeat some of the basic ones.

• (1815)

Quebec has agricultural lands protection legislation, which was passed nearly 20 years ago by the PQ government of René Lévesque. It naturally limits property rights. It circumscribes the right by limiting the acquisition of agricultural lands and by preventing any change in their status in agricultural terms when they are sold.

If there were an amendment like the one proposed by our colleague, could people challenge this legislation right up to the Supreme Court and risk, essentially, the revocation of legislation sought by all Quebecers, which still today despite difficulties in applying it meets with everyone's approval?

The scenario is the same in the case of legislation on income security. Under this legislation in Quebec, known as the Loi sur l'aide sociale, an individual may not own a building worth more than $50,000 without his social security being affected. Such a provision, clearly, limits the right to property. Does this mean that the Government of Quebec or another province wanting to keep such a provision could find itself stymied before the higher courts if a bill such as the one proposed by our Reform colleague were passed?

Other provisions also lead us to conclude that existing legislation, or provincial powers to legislate on property matters, is quite adequate to permit both enjoyment of the right to property and to offset this right with all of our social rights.

[*English*]

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, it gives me great pleasure to speak to my colleague's private member's bill, Bill C-284, which proposes to strengthen and protect individual property rights through a number of legislative measures.

The member and I have worked together because I had a similar votable motion, No. 205, which was debated in the House on June 10, September 30 and November 5. The procedure was very interesting because I received a number of inquiries from Liberal members who were interested in the bill. Since it was a private member's bill they would have the opportunity to vote impartially, so-called.

However, when it came time to vote every Liberal voted against the motion. It is very rare in the House that on a private member's motion all members of a party will vote the same way. It was clear from my perspective that Liberal members had been told not to vote for the motion. The reason was it would have embarrassed the government on Bill C-68 dealing with firearms. It would have embarrassed the government on the endangered species act, because if a specific plant grew on your land, a little extension of this legislation could mean that the government could move in and take the land without compensation. This is where the Liberals are coming from.

• (1820)

Bill C-284 would guarantee that every person has the right to the enjoyment of that person's property and the right not to be deprived of that property unless the person is accorded a fair hearing, paid fair compensation, the amount of that compensation is fixed by an impartial person, and the compensation is paid within a reasonable amount of time.

It does not tie the government's hands. Reform is saying that if we take something away for the public good then the owner must be compensated. This is not rocket science. The Americans have it, other provinces and countries have it, yet when comes to Canada this appears to be somewhat vague.

In addition to the property rights provision proposed in my motion, Bill C-284 proposes specific legislative measures to strengthen and protect the bill of rights.

Section 7 of the charter of rights and freedoms provides:

> Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Canadians believe in a free and democratic society, fundamental justice and the necessity for fairness. Most believe that property rights are among those very basic rights. Yet property rights, as opposed to what the member from the Bloc would say, are not protected. I want to make that very clear. There is no guarantee of fair treatment by the courts, tribunals or officials who have the power over individuals or corporations. There is simply no reason why a government should have the freedom to expropriate private property without fair, just and timely compensation, and this is what this bill is about.

In the past there have been many attempts to deal with private property concerns and I will run by a bit of history on where we are going.

In 1960 John Diefenbaker introduced and passed the Canadian Bill of Rights. The bill of rights includes property rights yet the guarantee of protection is marginal at best. There is no provision that government must pay just compensation whenever it expropriates property.

Former Prime Minister Trudeau fought to include property rights in the charter of rights and freedoms, yet the Liberals have voted down my motion, the same Liberals across the floor of this House. It just does not make any sense; a former prime minister pushing for rights and yet these people across the floor are opposed to them.

In 1968 Mr. Trudeau as the minister of justice tabled a Canadian charter of human rights which included protection of property rights.

In 1969 Prime Minister Trudeau wrote that the charter should protect the right of the individual to the enjoyment of property.

In 1978 Mr. Trudeau's constitutional amendment bill included a clause representing fundamentally the same protection he had suggested 10 years earlier.

In 1980 Trudeau attempted to include the property rights clause in the proposed charter.

As minister of justice our current Prime Minister supported Trudeau's attempt to include property rights in the charter of rights and freedoms. The Prime Minister described property rights as ''a central value of our society and an essential agreement for the charter, a right which all Canadians should have regardless of where they live in our country''.

I am disappointed that our present Prime Minister did not stand by his words and vote for property rights in this House.

In 1982 Pierre Trudeau made the last attempt to include property rights in the Canadian Charter of Rights and Freedoms. In 1982 property rights were left out of the charter and Canadians were denied property rights once again. In 1988 the House voted overwhelmingly to support a motion that proposed: ''The 1982 Constitution Act be amended in order to recognize the right of enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice and in keeping with the tradition of the usual federal provincial consultative process''.

This was passed in the House with a majority of 108 votes of support versus 16 against.

Clearly this points out that through the 20 years in the history of this House various administrations have supported private property rights. It did not get that far and it is not in legislation, but the leaders have supported it. Yet here we have the crowd across the floor trashing it again. Property rights were removed from the Charlottetown accord against the wishes of many Canadians. I would suggest that is one of the reasons why the Charlottetown accord failed. Any attempts to entrench property rights within the charter have failed.

• (1825)

My colleague's bill, Bill C-284, avoids concern about federal interference in provincial jurisdiction. Bill C-284 applies only to federal law and to operations of the federal government. That is important. It does not tromp on provincial territory, as the Bloc member was saying.

Most provinces support the entrenchment of property rights. British Columbia, Ontario and New Brunswick have passed resolutions supporting the inclusion of property rights in the charter. In a 1987 Gallup poll 87 per cent of the people supported increased property right protection. It is there. The Canadian people want it and yet the Liberals refuse to recognize it.

Many national organizations have also come out in favour of greater protection for property rights, including the Canadian Bar Association, the Canadian Chamber of Commerce, the Canadian Real Estate Association, to mention but a few. The United Nations Universal Declaration of Human Rights, signed by Canada in 1948, commits Canada to the protection of property rights. Article 17 reads: ''Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of this property''. That was signed by Canada in 1948 and here we are, 50 years later, still arguing about it.

A number of other democratic countries have already taken the lead, as I suggested earlier. The United States, Germany, Italy and Finland all have private property rights. Why is it that we in Canada, supposedly the best country in the world, do not have protection for individual property rights? It is absolutely wrong.

The fifth amendment of the United States constitution, adopted in 1791, provides that the federal government cannot deprive anyone of life, liberty or property without the due process of law and also stipulates that private property cannot be taken for public use without just compensation.

Canada alone among the industrialized nations does not grant some form of constitutional protection to property ownership. I do not understand why this government refuses to grant Canadians the protection which was agreed to almost 50 years ago.

Protecting property rights does not diminish the rights which Canadians already have or prevent the government from carrying out its duties for the common good of the nation.

Amending the charter of rights and freedoms requires the support, as my colleague said, of two-thirds of the provinces and 50 per cent of the population. Amending the Canadian Bill of Rights, as proposed by this bill and by my Motion No. 205, could be accomplished in the House.

Protection of these rights has been supported by all sides of the House in the past and this is the time to move forward.

In conclusion, the protection of individual property rights is a fundamental freedom which must be protected. It is time that the government took a serious look at property rights and put aside partisan concerns to work together for the common good of the people. I will be supporting my colleague in this bill.

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, I would very much like to thank all of the members who have participated in the debate. I appreciate it very much. I have listened carefully to their comments.

I would like to reply briefly to some of the comments. I do not know if it will do much good to argue this because people have already decided that they will not vote on it. However, to Canadians it is a very important issue. They are out there listening and they are going to make the final decision on who is right with regard to all this.

I would like to make a few comments in reply to the hon. member for Prince Albert—Churchill River. He was in error when he said that the federal government cannot override property rights because it is an area of provincial jurisdiction.

I would like to point out one area in which the government did it and I will tell the House how it did it. Again, I have been battling Bill C-68, the useless gun registration legislation which was brought down. How did the government override the rights of law-abiding gun owners to own their property? It completely devalued a lot of property by outlawing certain firearms. How did the government do that? By putting the legislation into the Criminal Code of Canada it overrode the rights of the provinces to regulate it. Otherwise this legislation would have been thrown out by the courts. So it has found a way to circumvent the rights of the provinces to regulate private property by entrenching it in the Criminal Code of Canada. I am hoping the courts will see what it has done.

• (1830)

Let us look at the Pearson airport deal. How did the government manage to do that? It is the same thing.

I would also like to point out to my hon. Bloc colleague that this legislation only affects the federal government. It does not interfere in matters that he was describing within the province of Quebec.

The member for Prince Albert said that they value property rights, that they are ingrained. That is false and I gave three examples of how they have been completely disregarded. When he said we do not need further protection, that was also false.

All the lawyers who have analysed it have said and have agreed that this is needed. Listen to what the bar association or the chambers of commerce and other organizations have said.

The member said there is a hierarchy of rights in the Canadian bill of rights. I explained that it has to be put in the Canadian bill of rights because it is not in the charter. He never explained why it has never been in included in the charter of rights and freedoms, a very critical omission.

The member also never answered why his government protects foreigners better than it protects Canadians. That is a very key issue which has never been addressed. He said that it may prevent socially useful legislation. What is he referring to, the Pearson airport deal, Bill C-68?

I wonder if the member agrees that it was right to completely devalue all the property. I wonder if he was listening when I explained the supermajority provision that my bill provided and that it cannot be easily overblown.

In conclusion, when we build a strong house we need a strong foundation. In order to build a strong society we have to have strong foundations. If we do not have property rights, we do not have that strong foundation. It is a very key thing. We as legislators and parliamentarians have to look at the big picture and build that type of society so people can have the protection they need to build strong foundations.

Big government can abuse its position and the citizens of Canada need protection from their own government. That is why I am saying we need property rights strengthened in Canada.

[*Translation*]

The Deputy Speaker: My colleagues, the hour provided for the consideration of private members' business has now expired, and the item is dropped from the Order Paper.

ADJOURNMENT PROCEEDINGS

[*English*]

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

EMPLOYMENT INSURANCE

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, my riding of Cumberland—Colchester is a very old historic riding, a very rural riding. Five Fathers of Confederation came from that riding and many of the communities were built in coastal areas at a time when transportation was only by means of wooden boats on the coastal waterways. As a result of this long history, we have gone through a transition period where wooden boats no longer are the mode of transportation and changes in sectoral employment have varied immensely.

The unemployment rate in my riding today is 14.3 per cent at the regional level for the northern region. However, in certain sectors it probably reaches 16 per cent to 18 per cent. In my riding there are many seasonal workers.

The people in my riding, because of this long history, do not always have access to the jobs in the larger urban centres. When we designed the employment insurance bill this past year, there was a recognition that high unemployment regions such as mine would

have a difficult move through the new Employment Insurance Act, that there may be great difficulties in this transition to finding full employment without additional support mechanisms to aid in the transition period.

As a result, our government brought in some measures that would help people to excel in entrepreneurial skills. There was a self-employment fund and a transitional job fund. We were also targeting supplements to families who would need them to take them above the poverty line.

● (1835)

My question is for the Minister of Human Resources Development as to how well this additional transitory assistance to families who are in need is working and if it is helping those people achieve self-sustaining income through the new Employment Insurance Act.

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, I would like to respond to my colleague's question in the short time that I have.

The new EI bill is intended to help people get back to work. There is no doubt that we have moved from a passive system to a very active system. The employment benefits are there to assist participants in obtaining employment and to help them continue with their skills development if necessary.

If we look at the employment insurance bill, under part II there are a number of new tools for people who are looking for work. These tools, when agreements are signed with the provinces in the next year, will be the cornerstone of that very active participation of governments in helping people get back to work.

As well, we are now going to a new system on January 1, 1997 which intends to put all part timers into the system. Some 500,000 people will have access to employment insurance for the first time.

As well, we put in place as the member mentioned a system of family supplements. This recognizes that there are many people at the low end of the income scale who need protection and through no fault of their own at times find it very difficult to find work. We want to protect, to better target and to assist families with children who have incomes of no more than $25,921. We also put the family supplements in place and linked them to the child tax benefit. This is a top up of regular benefit rates to not more than $413 per week.

At the same time the maximum benefit rate in 1997 for those on the family supplement will be 65 per cent of annual insurable earnings, while the recipient who falls under the normal category will collect 55 per cent of their annual insurable earnings. Eventually over the next four years, once the whole program is in place, an individual who is collecting family supplements will be able to get a maximum benefit rate of 80 per cent of their annual insurable earnings.

There is a great potential through the new EI system to help those who are at the low end of the scale. It is important as well to emphasize that this is a bill which recognizes seasonal employees. Because of the fact that we have gone from a weeks based system to an hours based system, quite frankly that particular system will help—

The Deputy Speaker: Unfortunately, the hon. member's time has expired. The hon. member for Châteauguay.

[*Translation*]

NATIONAL DEFENCE

Mr. Maurice Godin (Châteauguay, BQ): Mr. Speaker, at the beginning of November, I questioned the Minister of National Defence about his intentions regarding the major defence procurement project under which new submarines will be bought and the next batch of shipborne anti-submarine warfare helicopters will be equipped.

I was asking him more specifically whether he was prepared to drop once and for all the idea of spending several hundred million dollars on submarines whose usefulness has yet to be proven. Second, I asked if he could soon share with us his plans for defence equipment procurement. My third question was the following: Will the minister commit to having a debate in the House of Commons on his procurement plans so that the urgency and usefulness of such procurement can be publicly discussed, according to our priorities and financial capability?

In response to my questions, the Minister of National Defence indicated quite candidly that they were not ruling out anything in terms of defence procurement. I found that this was not a very substantive answer from a minister administering a $10.5 billion budget, especially after his predecessor and General Boyle had resigned, the problems encountered in Somalia and the issue raised about the lack of leadership in DND.

● (1840)

This government should show some good sense and announce that it has given up the idea of buying or leasing submarines, in whatever manner. Such an acquisition is certainly not a priority, given the cuts in social programs. It is even less necessary in the present international context. The same goes for shipborne helicopters. The government should forget about equipping them with anti-submarine and other sophisticated devices for which there is absolutely no need in the present world context.

Why a debate in the House? If we look back at last year, the government, without any justification, went ahead and bought new armoured vehicles by awarding a contract of over $2 billion to GM in London without going to tender. It also announced that it was

going to buy 15 new search and rescue helicopters at a cost of $600 million, without requiring any Canadian content whatsoever of those tendering for the contract.

Another bit of madness by this government was the purchase, for $23.6 million, of 1,600 new anti-tank missiles, which have apparently never been used except for training.

It will be recalled that during the election campaign the Bloc Quebecois suggested cutting the defence department's budget by 25 per cent, which would have represented a $3 billion reduction. At the time, this was considered ridiculous. But thanks to pressure brought to bear by the Bloc Quebecois in the House since 1993-94, when the budget was $12.032 billion, it will be $10.5 billion in 1996-97.

In my view, that was the reason—

The Deputy Speaker: The member's time is up. I recognize the hon. Parliamentary Secretary to the Minister of Health.

[*English*]

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I would like to address a couple of the questions the member wanted to have answered.

He will know that Canada must maintain a multi-purpose combat capable force that can operate alongside modern forces of our allies and like minded nations.

He will know as well that last November 6 the minister announced the government's plan to spend to some $500 million on six projects over the next five years. I would like to list the projects for him.

First, there is the $187 million clothe the soldier project to provide Canadian forces soldiers with 24 items of weatherproof clothing and personal equipment from combat boots and gloves to rucksacks and protective eye wear.

Second, a $13.4 million contract has been awarded for 60,000 helmets to Gallet Sécurité du Québec.

Third, the department is proceeding with a $27 million project to acquire six modern land mine detection systems.

Next, the Canadian forces will proceed with a $180 million project to equip the army with a modern command and control system that provides timely and accurate information which will allow the commanders to better plan, direct and monitor missions.

We are also moving ahead with a $145 million project to replace the turrets on our Leopard tanks.

Finally, we are moving ahead with a $15.3 million project to purchase 2,524 grenade launchers.

The Canadian forces must maintain the combat capability if they are to perform their missions effectively. These equipment purchases will help them to do so.

As for the second question, decisions regarding military equipment acquisitions are made in accordance with the guidelines provided in the 1994 defence white paper. In that vein, we will continue to function in an open and transparent way while ensuring that we balance the needs of our domestic and international security with our financial realities.

PESTICIDES PRODUCTS CONTROL ACT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, last month I asked the Minister of Health when he would introduce legislation amending the Pesticide Products Control Act. He replied that he would table it in due course.

The proposed amendments to this act have a long history. The consultations began in 1989 and culminated in 1990 with a publication of the pesticides regulatory review team's report. The report recommended modernizing the pesticide registration system in order to further enhance the protection of human health, safety and the ecosystem. This would be achieved by minimizing risks associated with pesticides while still allowing the controlled use of pest control products. It is worth noting that health, environment, agriculture and the chemical industry representatives unanimously supported the report's recommendations.

In 1994 the government began to implement the recommendations put forward by this review team. First, the government transferred the responsibility for the Pest Control Products Act from the Department of Agriculture and Agri-Food to the Department of Health.

Then a Pest Management Regulatory Agency was created within the health department. This agency is charged with administering pesticide regulation as well as other pesticide related methods. The agency contains a pesticide alternatives office for advising on the availability of possible alternatives during the pesticide registration process.

Eight years after the start of the consultation process, the 1969 Pest Products Control Act is still waiting to be amended. Our dependence on pesticides in agriculture, urban settings, forestry, aquaculture, you name it, is still considerable. Such dependence can negatively affect human health. It can lead to water pollution and damage to the ecosystem.

It is now most desirable that the government move quickly with amendments that would accelerate the reduction of this dependence on toxic substances. Therefore, eight years later speed is of the essence and new legislation is due within the life of this Parliament.

Again tonight I ask the minister through his parliamentary secretary, when will the legislation to amend the 1969 Pest Control Products Act be introduced in the House?

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I am pleased to further respond to the question posed to the Minister of Health by the hon. member for Davenport on October 24 which has repeated again this evening.

As my hon. colleague knows, the reform of the pest management regulatory system was a campaign promise of the government. In February 1995 the government announced the creation of a new agency, the Pest Management Regulatory Agency.

This new agency is mandated to protect the health of Canadians, their environment, and at the same time to provide the necessary pest management tools needed by farmers and other users. The agency has steadily made progress in implementing these reforms. Let me cite some examples. International harmonizations have been put in place to reduce costs to manufacturers and to save time. Operations have been streamlined. The agency has spearheaded federal-provincial working groups to find creative solutions to persistent pest problems.

As to the other question, the minister intends to introduce legislation during this mandate to provide the statutory basis for the reformed system. This step will usher in the final chapter of the reform process. The new legislation will modernize, clarify and strengthen the law and the regulation of pesticides, and it will provide the basis for a system in which we can all have confidence.

The Deputy Speaker: The motion to adjourn the House is deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m.

(The House adjourned at 6.48 p.m.)

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