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(HANSARD)

Wednesday, October 1, 1997

Speaker: The Honourable Gilbert Parent

CONTENTS

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

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HOUSE OF COMMONS

Wednesday, October 1, 1997

The House met at 2 p.m.

Prayers

• (1400)

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

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

STATEMENTS BY MEMBERS

[*English*]

RALPH CAMPBELL

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, I take this opportunity to pay tribute to Ralph Campbell, a constituent in my riding, for his work as a volunteer with Canadian Executive Services Organization.

CESO is a non-profit, volunteer based organization which transfers Canadian expertise to businesses, communities and organizations in Canada and abroad. As a volunteer with CESO International Services, Mr. Campbell contributed to a review of the Asian Institute of Technology's administration procedures. The institute is located in Bangkok, Thailand.

[*Translation*]

On behalf of all Canadians, I congratulate Mr. Campbell for the altruism he has shown in contributing to the economic development of Thailand.

* * *

[*English*]

PACIFIC SALMON FISHERY

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, this Liberal government treats the aspirations of British Columbians as grievances. The fact of the matter is that British Columbians have lost faith in Ottawa and who can blame them? British

Columbians are crying out for federal leadership and this government is failing them miserably.

Nowhere is this better displayed than in the Liberals' mismanagement of the Pacific salmon dispute over the past four years. The sustainability of the Pacific salmon fishery is at stake and the minister of fisheries sits on his hands and does nothing except criticize his own citizens.

Having witnessed the Tory government destroy the Atlantic fishery a few years ago, this government seems intent on doing the same to the Pacific fishery.

It is a simple case of Liberal, Tory, same old incompetent story. This government had better wake up to the concerns of British Columbians. A good start would be to resolve the crisis in the salmon fishery before it is too late.

* * *

TOM EDWARDS

Ms. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, I rise today to recognize the outstanding municipal career of Mr. Tom Edwards who announced Monday that he will not be seeking re-election as mayor of the town of Whitby.

Mayor Edwards has a long and distinguished career in public service spanning five decades. After faithful service to his country in the armed forces he became involved in the labour movement and served as either president or vice-president of the Oshawa and District Labour Council for 18 years.

Entering politics in 1960 Mayor Edwards was elected to the Whitby Public School Board. In 1964 he was elected to the council for the county of Ontario where he served in the capacities of reeve and councillor. In 1980 he moved to Durham regional council and in 1991 was elected as mayor of the town of Whitby.

As a rookie councillor in 1991, I often turned to Tom for guidance and advice. He was never too busy to help a newcomer learn the ropes.

Tom Edwards has served his community well over the years and Whitby is a better place for it.

* * *

[*Translation*]

QUEBEC PREMIER

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, for some days federalist circles have been on red alert, because

S. O. 31

Mr. Bouchard's economic mission to France has been a success on all counts, which disturbs the federalists across the way.

Yes, this mission is a real success. Again yesterday, Mr. Bouchard spoke before 500 world business leaders, and a few minutes later some 30 economic agreements with a total value of \$170 million were signed between French and Quebec businesses.

The ultimate goal of the undertakings by Mr. Bouchard and the ministers accompanying him is to make Quebec a focal point of trade exchanges between Europe and the rest of America, and we believe this project has every chance of success.

This unprecedented support for Quebec democracy and the contracts and jobs for Quebecers arising out of this mission by our premier ultimately benefit all of Quebec. Anyone who would dare minimize this good news would be showing bad faith, nothing more.

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[English]

BREAST CANCER

Mrs. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I wish to inform the House and all Canadians that October is breast cancer awareness month.

Breast cancer remains a major health problem for women in Canada. We estimate that approximately 18,400 new breast cancer cases will be diagnosed this year and that 5,100 women will die of this disease.

The federal government is concerned about the suffering caused by breast cancer in our society and has taken steps to address this present situation.

In 1992 Health Canada launched a five year \$25 million initiative on breast cancer, a collaboration among breast cancer survivors, health care professionals, NGOs, provincial authorities, researchers and support groups.

Borrowing from the ideas generated at the landmark National Forum on Breast Cancer in November 1993, federal leadership mobilized concerted country wide efforts around breast cancer through five linked components: the Canadian breast cancer research initiative; and the Canadian breast cancer screening initiative; clinical practice guidelines; the professional education strategy; and five breast cancer information exchange pilot projects.

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[Translation]

INTERNATIONAL SENIORS DAY

Mrs. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, I would like to salute the millions of Canadians who are celebrating international seniors day.

[English]

The riding of Ahuntsic has one of the largest concentrations of seniors in Quebec. I wish to pay tribute today to the organizations and volunteers who work toward improving the lives of all seniors in my riding and the quality of life of all of my constituents.

[Translation]

The Association des retraités d'Ahuntsic, the Association québécoise de gérontologie, and numerous seniors clubs such as the John Caboto, Henri Julien and Notre-Dame-de-Pompei clubs are all active in my riding.

We owe our high standard of living and our enviable quality of life in large extent to them.

Our thanks to the volunteers and the organizations.

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[English]

MUNICIPAL GOVERNMENTS

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, the throne speech neglected to acknowledge and invite municipal governments, the governments closest to the people to help keep Canada together. There are over 4,400 municipal governments in Canada who are the first order of government, again the governments closest to the people. Who better to consult on any subject, including national unity. That is why I have written to every Canadian municipality inviting their ideas and input on how to renew a united Canada.

• (1405)

Many hon. members in this Chamber began their political careers in municipal government. There are at least 60 such members in this Chamber today. In 1996 at the Federation of Canadian Municipalities convention in Calgary, many including myself heard the prime minister acknowledge the importance of municipal governments and that it was time to recognize the municipal governments in their right.

The prime minister made a pledge to municipalities and municipalities want him to make good on that pledge in this Parliament.

* * *

TARYN LAING

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, today I am pleased to welcome my constituent, Miss Taryn Laing and her family who have come to Parliament today to visit the prime minister.

As a grade eight student, Taryn wrote an essay entitled "If I were the Prime Minister of Canada". She is the grand prize winner and will have an opportunity today to present her essay to the prime minister.

In that essay she encourages Canada's leading edge technology, the importance of working together as a nation, the importance of educating our youth and the importance of our health care system

to us all. She closes her essay by saying, "Finally, if I was prime minister, I would hold my head high because after all, Canada does have a lot to be proud of".

Congratulations Taryn and thank you for your inspirational words on behalf of the youth of Canada who are indeed our most precious resource.

* * *

[Translation]

FRANCOPHONES

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, some journalists and some members opposite claim I have treated French Canadians as second class citizens.

What I said had already been said by the Fédération culturelle canadienne-française in its criticism of the federal government's unfair treatment of francophone culture. The Fédération said: "We must reject this treatment as second class citizens too long accorded us by governments".

I say that, if francophone Liberals are happy that there is no longer a francophone hospital west of the Outaouais region and if they are happy that health services are not available in French in British Columbia, they are happy being treated as second class citizens.

The 600,000 people outside Quebec who still speak French need a party to represent them and not one that kowtows to the majority. They can count on my support.

* * *

QUEBEC PREMIER

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, who would think that I too would be a member of the perpetually humiliated club.

I thought this exclusive club was limited to members of the BQ and the PQ and separatists of all stripes. I was wrong. I too have become a humiliated Quebecker and I too have rent a number of items of clothing after seeing the Quebec premier grovelling before the French government in an effort to get a yes he never got.

It was sad to watch Lucien Bouchard clutching a bit of paper telling journalists what President Chirac had just told him. Imagine: "I have just told you what President Chirac has just allowed me to tell you".

I am disappointed and embarrassed to watch the premier of Quebec asking for a favour from France as a cat might come asking to be patted. It is pathetic.

Quebeckers deserve better than this deplorable colonialist spectacle. When is the next statue due?

S. O. 31

[English]

BREAST CANCER

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, today marks the beginning of a month of mourning for over 5,000 women who died of breast cancer in 1997. Every woman who died this year was someone's wife, mother, daughter, sister, grandmother, aunt or cousin. Whenever I hear of another death from breast cancer I cannot help but think there might be some young child who is growing up without a mother.

Breast cancer takes one life every two hours in this country. These statistics are alarming and discouraging for the 18,600 women who are diagnosed each year.

In its throne speech the government announced that it will expand the Canadian breast cancer initiative. However there are no details about how and when the Liberals plan to do this.

• (1410)

The numbers speak for themselves. The time has come for action by this government to prioritize research dollars.

To the families who have suffered the loss of their loved ones to breast cancer, I extend—

[Translation]

The Speaker: I am sorry to interrupt the hon. member. The hon. member for Pierrefonds—Dollard has the floor.

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QUEBEC PREMIER

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, for several days now Bloc Quebecois members seem to have been on cloud nine following a statement made by President Chirac.

I would like to bring them back to earth to tell them that France's Prime Minister, Lionel Jospin, confirmed that, in the very unlikely event of a yes vote in a hypothetical referendum in Quebec, France would have to assess Quebeckers' decision, as well as Canada's assessment of it, before taking a decision.

That is a clear and precise statement consistent with the 1995 Helsinki agreement guaranteeing the territorial integrity of participating states. It should be noted that France and Canada are signatories to this agreement.

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[English]

PERSONS WITH DISABILITIES

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, in light of last weekend's tragic incident in a Toronto subway, I want to address the desperate plight of the thousands of mentally ill in our

Oral Questions

country, people who have been deinstitutionalized without the support needed to allow them to lead safe and productive lives.

The federal government has consistently denied its responsibility for the disabled. It abolished the Canada assistance program, disproportionately affecting those with disabilities. It cut \$4 billion from medicare, ending important community programs. Cuts to provincial education have left thousands of children in supposedly integrated classrooms without support. Almost half of Canada's four million people with disabilities remain without jobs.

The government's decision to wind down federal support for Canadians with disabilities will mean repetitions of the Toronto incident as the divide between the elite and the street widens.

It is time the government made more than a passing reference to persons with disabilities. New Democrats hold the Liberal government accountable for not maintaining our social safety net and ask it to now assume its responsibility for all of those in our community.

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[Translation]

QUEBEC PREMIER

Ms. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is often said that travel broadens the mind, but I did not think that the Premier of Quebec could be so transformed after fewer than two days away.

I had to keep rubbing my eyes when I read in the paper this morning that Lucien Bouchard boasted to his French hosts about the bilingual nature—I repeat, the bilingual nature—of the Quebec labour force.

One might think that the leader of Quebec's separatists, who never misses an opportunity to do battle on the linguistic front, has two different personalities: one international and one local. Outside the country, he recognizes the virtues of bilingualism, while in Quebec, he is against it.

If he goes on like this—

The Speaker: I am sorry to interrupt the hon. member. The member for Charlotte has the floor.

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[English]

AIDS

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, this week is AIDS awareness week. Canadians from all parts of our country are volunteering their time, money and compassion to increase

public awareness of this disease. I am extremely proud of the thousands of Canadians who have chosen to participate.

Almost every family in Canada has in some manner been touched by this disease. We all know people who have been infected with HIV through blood transfusions and who have since passed away. To their families I express not only my compassion for their grief, but also my assurance to do everything possible to guarantee that all future blood supplies are safe.

The red ribbon has become the symbol for AIDS, the commitment to end this tragic disease and a memorial to the children, women and men who have died from it.

Research and awareness are key in our fight for a cure. Let us all work together toward that end.

ORAL QUESTION PERIOD

[English]

FOREIGN AFFAIRS

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the big news out of the Middle East today is putting Canada on the world stage in a very unfortunate light.

Two people charged in an attack on a Jordanian Hamas leader were carrying Canadian passports. Today it appears the attackers may have been Israeli Mossad agents.

● (1415)

Will the prime minister tell Canadians what the Government of Canada knows about this attack and about these two Canadian passport holders?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have been informed that there are allegations to the effect that two persons were carrying Canadian passports in this situation. We are at this moment in communication with the authorities in Israel and in Jordan to find out if it is true.

It is completely unacceptable to this government that anybody authorized by a government would use a Canadian passport to perpetrate any illegal action as they have done.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the reports in this instance seem to imply the involvement of a number of foreign governments, the Israeli government, the Jordanian government and perhaps other governments.

Would the prime minister clear the air and tell us precisely with which foreign governments he or the department has been in contact with respect to this incident?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am informed that the Minister of Foreign Affairs is in touch at

this moment with the Government of Jordan and the Government of Israel. I do not know of any other governments that have been involved. If so, I will inform the hon. Leader of the Opposition.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, this incident occurred almost a week ago. Yesterday the minister promised more information in the House today. Canada's reputation must be upheld. This government must protect the good reputation of the Canadian passport.

Can the prime minister advise whether the Department of Foreign Affairs has ever been approached directly or indirectly by foreign governments to provide Canadian passports to non-Canadian operatives?

Right Hon. Jean Chrétien (Prime Minister, Lib.): I have never been informed of any such request by any government.

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REVENUE CANADA

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, it looks like FedEx is the courier of choice at Revenue Canada. Not only does Federal Express get special treatment at the border, but Revenue Canada employees are actually going on temporary leave to work at this private company.

What does the minister plan to do to stop this blatant conflict of interest?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I want to assure the hon. member and the House that Revenue Canada staff provides no preferential treatment to Federal Express over any other carrier involved in the departmental courier program.

Under the department's collective agreement with our unions employees are entitled once in their career to apply for unpaid personal needs leave. They are reminded also of the conflict of interest guidelines should they choose to take outside employment during this unpaid leave.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, it is funny he should talk about personal needs. I am not sure what the qualifications for personal needs would be to go work for FedEx during the time they are unpaid.

I want to ask the minister something specific. There is a veteran customs officer we have just heard about who is going to be blowing the whistle on the corruption at Revenue Canada. It is not just an isolated case like the minister would like to talk about. Documents are about to be filed. This officer reports that when the minister's staff members were supposed to be searching aeroplanes at Toronto's Pearson airport they were actually pulled away from

their jobs to expedite FedEx shipments. There is no excuse for this and I want to ask—

The Speaker: If the minister would like to answer the preamble he is welcome to.

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, if the hon. member has anything substantial rather than rhetoric and cheap political points she is trying to make she should table it in the House right now instead of making these types of accusations which are incorrect and not true.

* * *

[Translation]

SUPREME COURT OF CANADA

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, today the Prime Minister appointed a new justice to the Supreme Court of Canada, Mr. Justice Michel Bastarache. This is obviously a patronage appointment made under a system that allows the Prime Minister to appoint whomever he pleases depending on what he wants done.

Does the Prime Minister not find it unacceptable, as much for the sake of the Supreme Court's credibility as for that of the judicial system, that the members of the highest court in the land are appointed by a single person without any sort of public consultation?

• (1420)

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am very pleased to announce today the appointment of Mr. Justice Michel Bastarache, of the New Brunswick Court of Appeal, to the Supreme Court of Canada.

[English]

It is with very great pleasure that I announce to the House formally this afternoon the appointment of Mr. Justice Bastarache of the New Brunswick Court of Appeal to the Supreme Court of Canada. I made that recommendation to my colleagues in the government after a lengthy consultation process with interested parties in the Atlantic region.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in anticipation of the upcoming farce in the Supreme Court about Quebec's right to decide its future, the Prime Minister has appointed an amicus curiae to speak on behalf of Quebec without any mandate from Quebec to do so. That takes some doing.

Does the Prime Minister think that he has boosted the Supreme Court's credibility by appointing to it the former co-chairman of the national yes committee in the 1992 referendum on the Charlottetown accord?

*Oral Questions**[English]*

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to reassure the House that the hon. Mr. Justice Bastarache is a man of extraordinary capabilities and an extraordinary background. As a legal scholar, as a business person and as a judge, Mr. Justice Bastarache has proven himself to be exemplary.

Perhaps my friends in the Bloc would be interested to know something.

[Translation]

He was made a member of the Ordre des francophones d'Amérique by the Government of Quebec in 1981.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my question is for the Prime Minister.

The Prime Minister has just appointed Michel Bastarache to the Supreme Court of Canada, not long after this same Liberal government had appointed him to the New Brunswick Court of Appeal.

Does the Prime Minister not find it indecent to appoint to the highest court in the country a former colleague, someone very close to him, someone close to the Liberal Party of Canada, someone who co-chaired the national committee for the yes side during the referendum on the Charlottetown accord?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if the hon. member is referring to the fact that the hon. Mr. Justice Bastarache worked for three years at the distinguished Canadian law firm of Lang Michener where the prime minister also served for some period of time, we do not deny that. Why would we?

I am deeply offended that anyone would suggest that Mr. Justice Bastarache's service at that law firm would in some way disqualify this distinguished individual from his appointment to the—

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Prime Minister's silence on issues as important as this one is quite telling.

Does the Prime Minister recognize, and I hope he has the courage to rise and respond to the question, that in addition to using the Supreme Court of Canada for strictly political purposes, he has just undermined its credibility with this highly partisan appointment?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if there is someone who has fought for the French fact before every court in Canada, it is Justice Bastarache.

When a seat became vacant on the Supreme Court, I asked, as is the custom, the Minister of Justice and Attorney General of Canada to inquire and find the most competent person to fill this important position.

• (1425)

The minister did just that. She held discussions with judicial authorities in the maritime provinces and came to the conclusion that Justice Bastarache was currently the most qualified person for the job.

* * *

*[English]***PAY EQUITY**

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my question is for the President of the Treasury Board. For the past 20 years it has been illegal in Canada to pay men and women different wages if they are performing work of equal value.

For 13 years this government has been evading the law, dragging its feet and wasting our tax dollars through tribunals, hearings and court challenges on pay equity.

Citizens must comply with the law. Unions must comply with the law. Will the President of the Treasury Board inform the House whether this government intends to comply with the law and honour its obligations to women without resorting to legislation that would water down and diminish the rights of Canadians?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, it is of course false to say that the government has been evading the law.

The government has been applying the law and the government has been paying over \$1 billion over the last 20 years in applying the law. The government has also offered \$1.3 billion to the unions that represent the women involved in order to give justice and pay equity in the country. This government has been a model in the application of pay equity.

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the minister has not answered my question. Pay equity is an issue of human rights and basic fairness.

The federal government must decide if it wants to continue forcing those lowest paid to pay personally for sexist discrimination by their employers or if it wants to end the discrimination today and honour the law on human rights.

If government can evade the law and refuse to honour the finding of the Canadian Human Rights Commission, how can Canadians trust this government not to change the law, any law which it finds inconvenient?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the

Oral Questions

hon. member is obviously misinformed if she believes that the government has not been applying the law.

There is at present a case in front of the human rights tribunal and we are waiting for that judgment to be rendered. Once again, we have been trying to negotiate with the union to get a fair settlement. We stand ready to apply the various judgments once they are made final.

* * *

[Translation]

RCMP INVESTIGATIONS

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, my question is for the Solicitor General of Canada.

Can the Solicitor General of Canada confirm in this House that an RCMP investigation is currently being conducted in the Montreal area into allegations of conflict of interest and influence peddling relating to the Liberal Party of Canada's fund raising practices in Quebec?

[English]

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I am not aware of the allegations that the member has made, but the role of solicitor general is not to interfere with the operation of the RCMP.

[Translation]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, I would like to inform this House that I have been given confirmation that an investigation is indeed under way, and that ministers of the current government might be directly or indirectly involved.

If this is the case, can the Prime Minister assure this House that this investigation will not be delayed or interfered with in any way, and that if any members of his Cabinet are involved in any way, he will take the necessary steps to relieve them of their duties until it is completed?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as the Solicitor General says, RCMP investigations are not the responsibility of political authorities. The RCMP must perform its duty, and it will.

If the police make recommendations, the government will act, but making such unfounded accusations before the police investigation is completed is totally unacceptable in our legal system.

* * *

• (1430)

[English]

SUPREME COURT OF CANADA

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, a retiring supreme court judge, Gérard La Forest, called on the Liberal

government to select his replacement through an open review process. Obviously the prime minister did not heed the advice of a man with almost 50 years' experience in the practice of law. Today, the prime minister appointed one of his law partners.

Why did he insist on making this appointment without parliamentary review?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have said in the House before, the appointment process of supreme court justices has served the country very well for 130 years.

However, I have also indicated that if there are ways in which I can develop a broader consultation process to receive the views of those interested in supreme court appointments, there may well be merit in that and I would be willing to consider the possibility.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, perhaps the justice minister could take the advice of the retiring supreme court justice.

The supreme court is preparing to hear the legal reference determining whether or not Quebec has the right to separate unilaterally.

Given that he is a party in this court case, has the prime minister considered that he may have put the court in a conflict of interest position by personally appointing his old law partner to the Supreme Court of Canada?

Right Hon. Jean Chrétien: Mr. Speaker, I have informed the House that I have never been a partner in that law firm. I worked two or three days a week in the law firm and was paid for my services. I had nothing to do with the management of the firm. I was never a partner and I did not know anything about the relationship among any of the lawyers in the firm.

* * *

[Translation]

INFORMATION HIGHWAY

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

The advisory committee on the information highway tabled its final report in September. It contains no specific reference to Quebec or to Quebec culture.

Would the Minister of Industry not expect Quebec to play a principal role, in the North American context, in setting up the francophone information highway?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, I would like to congratulate my hon. colleague on her first question as the Bloc Québécois' industry critic.

The report of the advisory council is a committee report. It is not a government report. Its purpose is to advise the government.

Oral Questions

I agree entirely that, in promoting the French language on the information highway, Quebec artists and technological firms will be at the forefront in creating content.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, seven of nine provinces have yet to have a single word in French at their Internet site. However, the committee gives them responsibility for producing a critical mass of French content for francophones outside Quebec.

Does the minister recognize how awful this situation is in view of the importance of the information highway for the future?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, support for the French language here in Canada and around the world must include participation in the new technologies of the information highway. However, I must point out that it is by creating national networks, like SchoolNet and the community programs we have created, that we can develop a network where there is a place for the French language throughout Canada. That is vital.

* * *

● (1435)

[English]

CUSTOMS

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, Dennis Coffey, a veteran customs inspector, has alleged that the former head of customs at Pearson airport cut secret deals with certain trucking firms to bypass customs clearance. In fact he alleges that the revenue department has knowingly allowed over a million shipments of commercial cargo to escape customs control.

My question is for the Minister of National Revenue. Given that the government has known of these allegations for two months, why has his department missed over a million chances to protect Canadians from illegal drugs, contraband and firearms?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I know the Reform Party often has trouble with the facts, as we have seen in the House quite often.

I can assure the House that our customs people are professional, committed and do an excellent job of protecting our borders. In fact, some of the new technology we have helps us to do our job in an excellent way. We have effected a tremendous amount of drug seizures crossing the border. We will continue to do an excellent job.

On this matter, unless the member has some facts to put on the table he should not rely on reports and allegations which are not true.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, the minister seems to think that his officials are flawless. Evidence has been introduced at a hearing and Mr. Coffey has made the allegations publicly. I would be happy to table them in the House.

We have learned also that the minister has instructed his lawyers to muzzle and intimidate Mr. Coffey to prevent him from making these allegations of fraud, nepotism and abuse public.

What is the minister trying to hide? Rather than trying to gag a 25-year veteran of his department, why does he not fully investigate these allegations today?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, the matter to which the hon. member refers is before a quasi-judicial review board. The hon. member knows that a minister is not able to respond to matters that are before a quasi-judicial review board.

He also knows that the appellant is in a hearing right now for someone who was dismissed.

Customs does an incredible job. I have had the opportunity to go to the borders and see the type of job they do. If the member has more facts, table them in the House.

* * *

[Translation]

GOODS AND SERVICES TAX

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Government of Quebec has repeatedly demonstrated the validity of its demand for \$2 billion as compensation for harmonizing the GST. But the federal government is still refusing to listen to reason and to consider any amount at all in this connection.

My question is for the Minister of Finance. Given the two diametrically opposed interpretations, would the Minister of Finance agree to let an independent arbitration board settle the disagreement between Quebec City and Ottawa, as our leader suggested during the last election campaign?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as I have said repeatedly here in the House, the Canadian government is prepared to offer compensation to those provinces who have lost money. Quebec did not lose any money. In fact, Quebec made money when it harmonized. This is based on figures from the Quebec government. Information was exchanged with representatives of my counterpart, Mr. Landry. It is very clear.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, is the Minister of Finance telling us he is afraid to put his arguments up against those of Bernard Landry, that he is afraid to have to admit he was wrong and that he owes Quebec \$2 billion?

Oral Questions

I would call on the Quebec members across the way to top acting like colonials and to help us out.

Is he afraid his arguments will not stand up to ours?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I would suggest that the member across the way keep his shirt on and take a look at the facts.

The fact is that Quebec has not lost any money. The Canadian government is not in the habit of paying compensation to those who have lost no money.

Furthermore, when we look at other areas, such as research and development, technology, technological partnership, and so on, the Government of Canada is certainly prepared to give Quebec more than its fair share.

* * *

• (1440)

[English]

CANADIAN SECURITY INTELLIGENCE SERVICE

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, the minister responsible for the solicitor general's department has admitted to approving wide-ranging Canadian Security Intelligence Service wiretap warrants, allowing CSIS investigators to conduct electronic surveillance on Canadian and foreign nationals not named in the warrant.

Will the minister tell the House how many Canadian citizens and how many foreign nationals were subjected to this unwarranted invasion of privacy and have they been notified of that fact?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I welcome the opportunity to speak to this question. I want the hon. member to know, first, that CSIS only operates on court ordered warrants. Second, there are rigorous tests against national security that apply to those warrants that go through screening by justice, our department and ultimately the court.

In the case in question, CSIS sought a warrant. It was turned down by the courts. We respect that decision. Therefore CSIS did not act.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, my concern is the unnamed people that have been subjected to this investigative technique in the past. These people should know that they have been investigated, although they were not reviewed by a judge in the original warrant.

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, in response to the question, the people he is referring to were all investigated as a result of the issuance of a warrant by the court.

[Translation]

ALGERIA

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

Given the recent massacres of innocent civilians in Algeria, the international community must take concerted action to help the Algerian population, which is the target of these barbaric acts.

Can the minister tell us if she has taken appropriate action to speed up the family reunification process for Algerian nationals living in Canada?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, family reunification for all immigrants who have already come to Canada is a departmental priority and it goes without saying that all these cases will receive priority treatment from the Department of Citizenship and Immigration.

* * *

ASBESTOS INDUSTRY

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, my question is to the Minister for International Trade.

For some months now, Quebec's asbestos industry has been threatened by the prohibition imposed on this product by France. Could the minister tell the House what measures he intends to take to strengthen Quebec's asbestos industry and preserve the jobs of workers in Thetford Mines and Black Lake?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, asbestos exports are a government priority. We are closely co-operating with our partners, namely the Quebec government, the companies and the unions.

For example, the federal government organized an international conference on asbestos in Quebec City last month, which was attended by 300 people from 45 countries. I also hope the Quebec premier, who is currently in France, will raise the issue with his Parisian friends.

* * *

[English]

HEALTH

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, it is finally clear why the officials of the health department were digging around in Dr. Brill-Edwards' file. Just this morning she revealed that the health protection branch prematurely approved the migraine drug Imitrex over the concerns of its scientists.

Oral Questions

Why does the minister allow bureaucrats to overrule the information provided by these scientists?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I am informed that the drug in question, Imitrex, has been available in Canada since January 1992.

It has been approved for use in many countries of the world, including the United States, Australia, and Great Britain. In Great Britain and Australia it is approved for use in the same dosage as it is in Canada.

Health warnings have been put on the labels, doctors have been warned not to use it except as indicated. I am informed by scientists who know and who have examined the product that it is safe when it is used as indicated to physicians.

I might say—

The Speaker: The hon. member for Macleod.

• (1445)

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, there is quite a contrast here. In the States they listen to the warnings of scientists. In fact a much lower dose is available. They have sent out warnings to their doctors of the new findings. Both those reasons are for safety. Here in Canada the health protection branch is strangely silent.

Why would the minister allow politics and profits to take precedence over public safety?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, it is the hon. member whose concern is politics. I am focusing on science and the protection of Canadians.

The baseless allegations of the hon. member opposite just show the wisdom of the steps we took last week: announcing that we were to appoint an independent arm's length science advisory board; announcing a public consultation on the way the health protection branch does its job, including the approval of pharmaceuticals; and a complete freeze on further cuts to the branch.

That is the responsible way to go about looking after the health of Canadians.

* * *

FISHERIES

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Last week I met with representatives of the B.C. Community Fisheries Development Program who have helped over 3,000 fishers in recent months to find new jobs for victims of the Mifflin Plan.

Will the minister explain why this vital program is now almost out of money? Will he finally stand up for B.C. fishers and coastal communities and come through with the full \$30 million promised by his predecessor and a commitment to stable long term funding?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am very pleased the hon. member has seen fit to point out that the programs of my colleague, the Minister of Human Resources Development, have in fact been very successful in dealing with many of the problems of those displaced due to rationalization of the Pacific salmon industry.

The issue concerning the \$20 million that has already been spent by his department in this area was done, as was indicated, in connection with other organizations including the United Fishermen.

If the member will be slightly patient, we will make sure that the continuing programs are in place, as was always intended from the beginning.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, B.C. fishers have been more than patient. It is their livelihood that is on the line.

The Liberal government has betrayed the people of British Columbia by time and again standing with the United States instead of with the province of British Columbia.

I want to ask the minister a supplementary question. Will he now withdraw his court challenge of the Nanoose shutdown? Will he start standing up for British Columbia instead of Washington, D.C., and will he finally end his treasonous sell-out of B.C. fishers—

Some hon. members: Oh, oh.

The Speaker: I know question period is very quick and sometimes we use words which are not parliamentary. In this context I find the word treasonous is not parliamentary. With respect, and by not replacing it with any other word, I would ask my hon. colleague from Burnaby—Douglas to please withdraw the word treasonous.

Mr. Svend J. Robinson: Mr. Speaker, I was sent here by the province of British Columbia and my constituents to—

Some hon. members: Oh, oh.

• (1450)

The Speaker: I will deal with this matter after the question period. The hon. member for Burin—St. George's.

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, many of the problems being experienced with the British Columbia salmon fishery have been caused by the present minister of fisheries and this government.

As the present minister and the former minister know, fishers in B.C. were promised flexibility in the expense of an income restrictive area management licensing system.

Will the minister immediately provide that flexibility to the system so that British Columbia salmon harvesters can achieve financial viability and at the same time protect stock sustainability?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I congratulate the hon. member on his first question in the House and his first question as critic on fisheries.

The Pacific salmon treaty was in fact negotiated and signed in 1985 during the Shamrock summit in between verses of *When Irish Eyes are Smiling*.

The purpose of it was to get it there in a hurry because the then prime minister wished to have something to show for that meeting. It was defective then because indeed the provisions only lasted for seven years and had to be renegotiated on an annual basis thereafter.

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, obviously the minister missed the question.

My question was pertaining to the area licensing system that is so restrictive to B.C. salmon harvesters that they cannot make a living.

I ask the minister a supplementary question. Will he immediately grant the flexibility that he and the former minister had promised so that British Columbia salmon fishermen can achieve financial viability with their enterprises?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member is not from British Columbia and does not know that we cannot achieve financial viability for the industry by having the entire fleet chasing up and down the coast depending on where the fish happen to be.

By breaking up with regions for different gear types we are creating a system where fewer fishers are able to fish for longer periods and be more assured of an income and of a fishery than would otherwise be the case.

The answer to his question is no, we will not change the area licensing system. We will maintain it.

* * *

LAW OF THE SEA

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, in 1982 Canada was one of the first nations to sign the United Nations Convention on the Law of the Sea.

My question is for the Minister of Foreign Affairs. When will Canada ratify this convention and thus keep a red book promise and take an important step toward marine and fishery conservation?

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows,

Oral Questions

Canada was one of the leaders and an inspiration to the third United Nations Convention on the Law of the Sea.

We have also, however, pushed for a UN agreement on straddling fish stocks. This was opened for signature in December 1995. It is intended to catch those foreign fishermen and flags of convenience that try to catch fish stocks that straddle our 200 mile fishing zone.

Legislation to implement the 1995 straddling convention died on the order paper when the House was dissolved for the election. We are reintroducing—

The Speaker: The hon. member for Kootenay—Columbia on one question.

* * *

CRTC

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, this summer the CRTC awarded an FM frequency to the CBC after the heritage ministry interfered in the CRTC process. Naturally the other applicants were really upset about this matter.

The plot thickens because Perrin Beatty yesterday announced that he would be making some kind of financial arrangement so that an FM signal could reach the Toronto marketplace from Peterborough.

Could the minister tell us if this is just an effort to rub out her fingerprints on her interference in the CRTC process?

• (1455)

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

* * *

[Translation]

POLICING OF AIRPORTS

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, my question is for the Minister of Transport.

Yesterday, the Minister of Transport once again invoked the work in progress at Dorval as an excuse to maintain an RCMP presence in international airports in Quebec, contrary to the practice elsewhere in Canada.

How can the minister keep using this excuse when we all know that extensive work is under way at other airports, including the one in Vancouver, and that the RCMP has nevertheless been replaced by municipal police forces everywhere except in Quebec?

[English]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I have answered this question two or three times.

We made a certain evaluation. It is in our power to make that kind of evaluation and assessment. We believe it is in the interest of

Oral Questions

the people at Dorval and Mirabel to keep the RCMP at the airport during this period of change.

* * *

CSIS

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I am from the proud island of Cape Breton. My question is for the solicitor general who has already attempted to address this issue.

The solicitor general has said that CSIS only operates on court ordered warrants and points to the recent federal court ruling as proof of a rigorous method. Yet he himself said yesterday “I am advised this clause has been used and the courts have allowed it in the past”.

Could the solicitor general indicate how many times CSIS has wiretapped individuals in the past without seeking proper judicial authority?

The Speaker: I do not know that any minister could be expected to have the very precise and specific figures we are looking for today.

Perhaps an order paper question would be in order. I am going to permit the hon. minister to answer the question but the specifics are getting a little bit tight.

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, never.

* * *

HEALTH

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, my question is for the Minister of Health.

During the election campaign the Liberal government promised a national pharmacare program but obviously had no idea of how it could or would be funded. To add to this, it had virtually no agreement with the provinces or territories with regard to implementation or compliance.

Is the government serious about its commitment to a pharmacare program, or is it just another campaign promise—

The Speaker: I would ask all hon. members not to use any props during question period.

I ask the Minister of Health to answer that question.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we intend to do exactly what we said we would, that is look at the concept of pharmacare as a long term objective with the intention of ensuring that everybody in Canada who needs medication can get medication without price being an impediment.

With my colleague, the minister of health of Saskatchewan, I am co-chairing a conference in January of next year which will bring together provincial ministers and other interested parties to look at all aspects of this issue. I will keep the hon. member posted.

SUPREME COURT

Mr. John Nunziata (York South—Weston, Ind.): Mr. Speaker, my question is for the prime minister.

Given the enormous power of the supreme court in setting public policy in Canada and given the fact the court often makes decisions that should be made by the House, will the prime minister agree that the appointment process for supreme court judges should include parliamentary ratification and, if so, will he refer today's appointment to the justice committee?

• (1500)

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, perhaps the hon. member missed my response to an earlier question on this point.

Let me first make it very plain that I think the appointment process in this country has served us very well. One hundred and thirty years of the most distinguished jurors in this country have served on that court.

In response to an earlier question from across the floor I did indicate there may be merit in having a broader consultation process to help me in making my recommendation to my colleagues in the government. Therefore I will take that under advisement.

* * *

NAMING OF MEMBER

The Speaker: During question period we had what I considered to be the use of unparliamentary language. I decided to put off any action until the end of question period.

I address myself directly to the member for Burnaby—Douglas. The hon. member is an experienced member of the House of Commons. Over the years he has served this House well with distinction and with honour.

I ask the hon. member to stand in his place forthwith and to withdraw the word “treasonous”, I believe it was. I do not want any other words added or taken away. I put the question directly to you, my colleague. Will you withdraw, yes or no?

Mr. Svend J. Robinson: No, Mr. Speaker.

The Speaker: Colleagues, in choosing me as your Speaker you have vested me with, in many ways, awesome authority. This is one of the most onerous tasks of the Chair and surely one which I do not relish. It is the last thing I would ever want to do in this House.

• (1505)

However, I believe we are setting the tone for how we are going to work in this Parliament. I appeal to all hon. members that when

Oral Questions

situations such as this arise we should always remember that we are the members of the House, representative of all Canadians.

As such, Mr. Svend Robinson, I have to name you for disregarding the authority of the Chair.

Pursuant to the authority granted to me by Standing Order 11, I order you to withdraw from the House for the remainder of this day's sitting.

[*Editor's Note: And Mr. Robinson having withdrawn:*]

* * *

VACANCY

PORT MOODY—COQUITLAM

The Speaker: It is my duty to inform the House that a vacancy has occurred in the representation, namely Mrs. Sharon Hayes, member for the electoral district of Port Moody—Coquitlam, by resignation effective October 1, 1997.

Pursuant to section 25(1)(b) of the Parliament of Canada Act, I have addressed today my warrant to the Chief Electoral Officer for the issue of a writ for the election of a member to fill this vacancy.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, I seek the indulgence of the House to provide a brief explanation of the resignation today of the member for Port Moody—Coquitlam and pay tribute to her dedication to the House, to her constituents and her family.

Members will know that the member for Port Moody—Coquitlam was a tireless advocate for and defender of the Canadian family both within our caucus and without.

In the House and in committee, Sharon Hayes was a tireless advocate for tax relief for families, protection for the unborn and the elderly, protection of the family from violence and state interference.

In all her work she was supported by her own family, her two daughters and her devoted husband Doug. However, in April of this year just before the federal election was called, tragedy struck her family. Her husband Doug, an insurance industry executive, suffered a heart attack followed by a number of serious complications which affected his eyesight and other faculties. These complications have not gone away. They have in fact increased Doug's dependence on his family's care and support.

For five months through the election campaign, through the summer and the opening of Parliament, Sharon valiantly struggled to perform two duties, to her constituents and to the House, and her duty to her husband who needs her more than he has ever needed her before.

• (1510)

Like many of us when we are confronted with two hard choices or options, she attempted for a while to pursue both. Just this week she decided that a real choice had to be made and, consistent with her attachment to the supreme value of the family, she has chosen to devote all her time to Doug's support and recovery.

I want to thank the people of Port Moody—Coquitlam for their understanding of Sharon's dilemma over these past five to six months. We assure them that other members of Parliament are more than willing to help represent them until a successor for Sharon is chosen.

Today I want to pay tribute to Sharon Hayes, who is now demonstrating her commitment to family in the most profound way possible. Our prayers and best wishes are with both Sharon and Doug.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, Sharon Hayes has been a very good member of Parliament, very dedicated, and an extremely nice person, respected in the House of Commons.

We all know how close she is to her family and her husband. Her husband was so proud of her. Every time she made an intervention in the House he made sure that she received flowers, even if she was giving me hell.

I want to wish Sharon a lot of strength and good luck. As the Leader of the Opposition said, we have her and her husband in our prayers.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on behalf of the Bloc quebécois, I would also like to extend our best wishes to Mrs. Hayes, who, I think, has done an outstanding job in representing the citizens of her riding.

I think it takes a great deal of courage to make the kind of decision she has made today. It is not an easy decision, but it certainly shows her nobility of soul. I want to express our wholehearted support to Mrs. Hayes and her husband.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, on behalf of my colleagues in the NDP caucus, I share in the regret that we all feel about this vacancy being created in this way.

Sharon Hayes and her husband will be in our thoughts and prayers. She has been a friendly and devoted member of this House.

I was speaking with her the other day and I am shocked to hear that she will not be with us for the remainder of this Parliament. Our prayers are with her and her family at this difficult time.

Privilege

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, Sharon Hayes was a good friend to me. As I sat alone in the House of Commons many times, she always reached out to me. She is a very special person.

I saw Sharon the other day because I was looking for Daphne, another lady who was very kind to me. I knew at that time something was wrong because there were tears in her eyes. One of her colleagues told me after about the illness of her husband and the difficult times for Sharon.

The prayers of my friends and colleagues here are with Sharon, her family and her husband. They did not know her like I did but she was very special. We will reach out to her. She had respect for every person who sat in this House. We will miss her, for she did fight for the family and we know that is most important these days.

* * *

● (1515)

POINTS OF ORDER

DECORUM IN HOUSE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I rise on a point of order. In light of the developments of this afternoon I would like to point out to the Chair that in sitting here along with some of my colleagues I could not help but notice there was a motion which, from my vantage point, I perceived to be one of disrespect and even to be threatening toward the Chair. I am not sure if Your Honour noticed this but I did want to point that out to the Chair.

Mr. Speaker, in keeping with your efforts to maintain decorum in the House I felt it was inappropriate that this occurred.

The Speaker: The nice part about being in the Chair is that you do not always see everything.

* * *

PRIVILEGE

STANDING COMMITTEE ON INDUSTRY

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, in accordance with Standing Order 48, I would like to raise a question of privilege regarding the premature disclosure of a committee report. I am presenting this question at the first possible opportunity since committees of the House were only struck yesterday.

Access to information documents reveal that on April 18, 1997 the industry minister and industry department officials were in possession of draft copies of the fifth report of the Standing Committee on Industry. The final report of the committee, entitled "Review of section 14 of the Patent Act amendment, 1992" was reported to the House of Commons only on April 23, 1997, five days later.

I have a copy of that draft report with me. In accordance with Beauchesne's reference No. 116 on page 29 I would like to table that document with the House.

Beauchesne's reference No. 877 on page 241 states that "no act done at any committee should be divulged before it has been presented to the House". Beauchesne's citation No. 877(2) goes further to state that "the publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to members will constitute a breach of privilege".

With respect to the privileges of the House, divulging an in camera draft report is a breach since it runs against the tradition that members of the House have the right to first view reports of committees.

Beauchesne's reference No. 57 on page 18 states "the House has in the past regarded the publication of the proceedings or reports of committees sitting in camera to be a breach of privilege".

Therefore, I move:

That this House refer the matter to the Standing Committee on Procedure and House Affairs.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if I understand it correctly, the issue brought to our attention by the hon. member is that the Minister of Industry of the last Parliament saw a document before it was tabled in the House. Mr. Speaker will know that the Minister of Industry is a member of Parliament and all members of Parliament can avail themselves of the privilege of seeing a document that is before a committee. It is the revealing of it generally that is prohibited under the rules.

Notwithstanding that, I believe that you, Mr. Speaker, claimed the privileges of the House for this Parliament on Tuesday of last week. Prior to Tuesday of last week no privileges were claimed. You had not previously claimed them on behalf of this Parliament because this Parliament did not exist.

I believe that one who says that there has been a breach of this Parliament for an act that occurred in a previous Parliament is not a question of privilege. There is perhaps a point of order that could be made were it to be in the same Parliament, but it is not even that. It was in a different Parliament.

● (1520)

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I would urge you not to be persuaded by the rather feeble argument offered by the government House leader that whatever happened in the last Parliament is somehow immune to your judgment or to the judgment of members of its appropriateness.

Is the government House leader actually saying you can do anything you like in the dying days of a Parliament because once the election is called there is no more privilege, there are no more

rules and it is perfectly okay for a committee to vet its report with the government minister?

The argument that the minister is also a member of Parliament completely evades the point of this point of privilege. What should concern us all, if we are concerned at all about the independence of committees, is that government members on this committee vetted the report with the Minister of Industry and it was subsequently changed. This is an affront to our notion of how committees should work and how Parliament should work. It is something that the Chair should take very seriously.

The Speaker: First, with regard to the tabling of the document, I will accept as a submission to myself so I can look at the document, the draft I believe the hon. member called it. I would like her to put that in my hands following these procedures today.

I will of course take into consideration the point made by the hon. government House leader as soon as I get all of the information that I need to proceed on this.

I would like to hear, if at all possible, comment from the minister, but I would reserve even that judgment until I settle in my own mind the point that the hon. House leader has brought as well as that of the member for Winnipeg—Transcona.

I will take the information under advisement and I will study it. I will get back to the House after I have satisfied myself that I have enough information to proceed to make a judgment.

* * *

POINTS OF ORDER

QUESTION PERIOD

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, again it goes back to question period and the purpose of question period.

Mr. Speaker, correct me if I am wrong, but I believe that question period is there so the opposition to take the government to task for deeds it has either done or not done and answer to the people of Canada.

What confuses me in this whole process is in the last number of days we have had questions thrown at the ministers in advance. In other words, backbench members of the government are putting on average two questions a day and the ministers are absolutely prepared in advance and actually reading from statements—

The Speaker: The hon. member and all hon. members will agree that all members in the House, except of course the parliamentary secretaries and the ministers, have the right to put questions.

Points of Order

The hon. member for Charlotte can believe or not that the minister is well prepared. Some people would look at that as a compliment and other people would look at it in another way.

As for myself, I intend to recognize members on all sides of the House when they stand in their places to ask questions. I know all hon. members will accept this in the spirit with which I say it. It is not my decision to judge either the quality of a question or the quality of an answer. I leave that to the House. It is my responsibility to see to it that hon. members' rights are respected in the House. Until the House decides to give me a new set of guidelines to work by, I will try to recognize all members of the House who feel when they have a legitimate question, that they will get, I hope, what they feel is a legitimate answer.

• (1525)

PRESENTATION OF MOTIONS

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, on a point of order, I wish to seek the unanimous consent of the House to move three motions that have been previously discussed and agreed to among House leaders. They are as follows:

That the Standing Committee on Industry be the committee designated for the purposes of section 33 of an act to amend the Business Corporations Act and to make consequential amendments to other acts (Chapter 24, Statutes of Canada, 1994).

This is a reference of a report to a committee.

The Speaker: May I ask the government House leader if he is going to include the other two immediately?

Hon. Don Boudria: Mr. Speaker, there have also been consultations regarding the following:

That the report of the Security Establishment Commissioner for the fiscal year ended March 31, 1997, laid upon the table April 24, 1997, be permanently referred to the Standing Committee on National Defence and Veterans Affairs.

Mr. Speaker, I also move:

That Standing Order 104(2) be amended in subsections (h) and (j) by deleting the word "sixteen" and substituting therefor the word "eighteen".

This has to do with adding two members of Parliament to two different committees.

The Speaker: Does the minister have the unanimous consent of the House to move the motions?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motions. Is it the pleasure of the House to adopt the motions?

Some hon. members: Agreed.

The Speaker: Agreed to and so ordered.

(Motions agreed to)

Routine Proceedings

BILL C-220

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I rise on a point of order. Yesterday I rose on a point of order during Routine Proceedings after the member for Scarborough Southwest had introduced a private member's bill which in the previous Parliament passed all stages in both the House and the Senate. The process was interrupted by the calling of the election.

Yesterday I asked for the unanimous consent of the House to deem the bill to have passed all stages in the House once again. Consent was given except for one member of the Bloc who indicated that if I brought the matter up again today when there would have been time to study it overnight then we could revisit that unanimous consent.

I might ask, Mr. Speaker, if we might revisit now that unanimous consent to have that member's bill deemed to have passed all stages.

The Speaker: Does the hon. member have the unanimous consent of the House to move this motion?

Some hon. members: Agreed.

Mr. Ted White: Mr. Speaker, for clarification purposes, the bill is to prevent criminals from making profit from the proceeds of crime from the writing of stories or the making of films having to do with their exploits in crime. I wanted to clarify it for all the members.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the second and third times and passed)

ROUTINE PROCEEDINGS

• (1530)

[*Translation*]

MAIN ESTIMATES, 1997-98

A message from His Excellency the Governor General transmitting estimates for the financial year ending March 31, 1998, was presented by the President of the Treasury Board and read by the Speaker to the House.

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I would also like to table again, in support of the estimates, part I, the government expenditure plan.

In addition I will table with the Clerk of the House, on behalf of my colleagues, part III of the estimates consisting of 78 departmental expenditure plans. These documents will be distributed to the

members of the standing committees to facilitate their consideration of the spending authority requested in part II.

These documents are identical to the budget documents tabled in the House on February 20, 1997.

* * *

[*English*]

CRIMINAL CODE

Mr. Tom Wappel (Scarborough Southwest, Lib.) moved for leave to introduce Bill C-224, an act to amend the Criminal Code (offence committed outside Canada).

He said: Mr. Speaker, section 6(2) of the Criminal Code specifies that, with few exceptions such as war crimes, hostage taking and hijacking, persons are not to be convicted of offences committed outside Canada. This results in situations where, as has happened, two Canadians holidaying in the Caribbean assault another Canadian. At present there is no way of prosecuting those people in Canada.

If the authorities in the Caribbean do not proceed with a charge, the people get away with what would clearly be a crime if committed in Canada.

My bill closes this loophole by providing that any act or omission committed outside Canada, which if committed in Canada would constitute an offence under the Criminal Code, shall be deemed to have been committed in Canada if the perpetrator is a Canadian citizen, a permanent resident or is present in Canada after the commission of the act.

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

* * *

MARRIAGE (PROHIBITED DEGREES) ACT

Mr. Tom Wappel (Scarborough Southwest, Lib.) moved for leave to introduce Bill C-225, an act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act.

• (1535)

He said: Mr. Speaker, the purpose of the bill can be succinctly stated. It would ensure that the only valid marriage in Canada is between one man and one woman. There are a few cultures and religions in the world which allow multiple wives or husbands. That is not part of Canada's history, tradition or values.

There are one or two countries or states which either permit or are thinking of permitting persons of the same sex to marry. That is not part of Canada's history, tradition or values.

Canada's history, tradition and values are being challenged in our courts. The United States has already passed similar legislation to defend the institution of marriage. It is time for Canada to do the same.

The bill would ensure that marriage remains what Canadians have always known it to be: a legal union between an unmarried female and an unmarried male.

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

* * *

[Translation]

CRIMINAL CODE

Mrs. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ) moved for leave to introduce Bill C-226, an act to amend the Criminal Code (protection of witnesses).

She said: Mr. Speaker, I am pleased to introduce this bill, which I had also introduced in the last Parliament and which had received majority support at second reading.

Unfortunately, my bill died on the Order Paper due to the dissolution of Parliament and the election call. At the time, it had been referred to the Standing Committee on Justice.

The purpose of the bill is to amend the Criminal Code so that every person who testifies in proceedings relating to a sexual offence or assault, or in which the offender allegedly used, attempted to use or threatened to use violence, is afforded the same protection as witnesses under 14 years of age are currently afforded under the Criminal Code.

It would amend the Criminal Code so that an accused can no longer personally cross-examine a witness in such proceedings, unless the trial judge is of the opinion that it is necessary for the proper administration of justice. Therefore, this bill seeks to protect, under certain circumstances, the integrity and the safety of those who testify in criminal proceedings.

Mr. Speaker, I hope my bill will again get the support of the members of this House.

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

* * *

[English]

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the House gives its consent I would move:

That the membership of the Standing Committee on Procedure and House Affairs be modified as follows:

John Solomon for Bill Blaikie

And that the following members be added to the list of associate members:

Michel Bellehumeur	René Laurin
Bill Blaikie	Bill Matthews
Michelle Dockrill	Réal Ménard
Jay Hill	Suzanne Tremblay

Routine Proceedings

The Deputy Speaker: Is there unanimous consent for the hon. member to move the motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

● (1540)

[Translation]

MAIN ESTIMATES, 1997-98

REFERRED TO STANDING COMMITTEES

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, pursuant to the provisions of Standing Order 81, I move:

That the Main Estimates for the fiscal year ending March 31, 1998, laid upon the Table on October 1, 1997, be referred to the several Standing Committees of the House, as follows:

The list of estimates referred to in this motion being long, I would ask that the House give its consent to have it printed in *Hansard* without being read.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[Editor's Note: List referred to above is as follows:]

- (1) to the Standing Committee on Aboriginal Affairs and Northern Development
 - Indian Affairs and Northern Development, Votes 1, 5, 10, 15, L20, L25, L30, 35, 40, 45 and 50
- (2) to the Standing Committee on Agriculture and Agri-Food
 - Agriculture and Agri-Food, Votes 1, 5, 10 and 15
- (3) to the Standing Committee on Canadian Heritage
 - Canadian Heritage, Votes 1, 5, 10, 15, L20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 140 and 145
- (4) to the Standing Committee on Citizenship and Immigration
 - Citizenship and Immigration, Votes 1, 5, 10 and 15
- (5) to the Standing Committee on Environment and Sustainable Development
 - Environment, Votes 1, 5, 10 and 15
 - Privy Council, Vote 30
- (6) to the Standing Committee on Finance
 - Finance, Votes 1, 5, L10, L15, 20, L25, 35 and 40
 - National Revenue, Votes 1, 5, and 10
- (7) to the Standing Committee on Fisheries and Oceans
 - Fisheries and Oceans, Votes 1, 5 and 10

Routine Proceedings

- (8) to the Standing Committee on Foreign Affairs and International Trade
—Foreign Affairs, Votes 1, 5, 10, 15, 20, 25, L30, L35, 40, 45, 50 and 55
- (10) to the Standing Committee on Health
—Health, Votes 1, 5, 10, 15, 20, 25 and 30
- (11) to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities
—Human Resources Development, Votes 1, 5, 10, 15, 20, 25, 30 and 35
- (12) to the Standing Committee on Industry
—Industry, Votes 1, 5, L10, L15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115 and 120
- (13) to the Standing Committee on Justice and Human Rights
—Justice, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40 and 45
—Privy Council, Vote 40
—Solicitor General, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50
- (14) to the Standing Committee on National Defence and Veterans Affairs
—National Defence, Votes 1, 5 and 10
—Veterans Affairs, Votes 1, 5 and 10
- (15) to the Standing Committee on Natural Resources and Government Operations
—Canadian Heritage, Vote 135
—Governor General, Vote 1
—Natural Resources, Votes 1, 5, 10, L15, 20, 25, 30 and 35
—Parliament, Vote 1
—Privy Council, Votes 1, 5, 10 and 35
—Public Works and Government Services, Votes 1, 5, 10, 15, 20, 25, 30 and 35
—Treasury Board, Votes 1, 5, 10, 15 and 20
- (16) to the Standing Committee on Procedure and House Affairs
—Parliament, Vote 5 —Privy Council, Vote 20
- (17) to the Standing Committee on Public Accounts
—Finance, Vote 30
- (18) to the Standing Committee on Transport
—Privy Council, Vote 15
—Transport, Votes 1, 5, 10, 15, 20, 25, 30, 35 and 40
- (19) to the Standing Joint Committee on Library of Parliament
—Parliament, Vote 10
- (20) to the Standing Joint Committee on Official Languages
—Privy Council, Vote 25
- (Motion agreed to)

* * *

[English]

PETITIONS

CRIMINAL CODE

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the honour to present five petitions, all of which are identical in form and content.

The petitioners pray and request that Parliament amend the Criminal Code of Canada to set the age of consent at 18 years of age to provide protection from exploitation and abuse.

CANADA PENSION PLAN

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I am honoured to present a petition to the House of Commons signed by constituents of Cariboo—Chilcotin residing in Williams Lake, Ashcroft, 150-Mile House and Tatlayoko Lake.

My constituents call upon the government to enact legislation to wind down the Canadian pension plan and allow Canadians to contribute to mandatory RRSPs of their own choosing.

[Translation]

FAMILY TRUSTS

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I have the honour to present a petition on behalf of the people of my riding.

This petition reads as follows—I shall summarize because it is rather long:

“We, the undersigned citizens of Canada, wish to point out to the House of Commons as follows:

Whereas the federal government refuses to initiate a proper investigation into the events surrounding the tax free transfer to the United States of \$2 billion from a family trust on December 23, 1991;

Consequently, we call upon Parliament to initiate a special independent inquiry with a mandate to cast light on the events surrounding the decision of December 23, 1991, and on the subsequent use of that tax loophole by other rich Canadian taxpayers”.

[English]

RIGHTS OF PARENTS

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, I have the honour and privilege to present a petition on behalf of the people of my riding of Surrey Central.

The petition is signed by 25 people and calls on the federal government to recognize the fundamental right of individuals to pursue family life free from undue interference by the state, to recognize the fundamental right and responsibility of parents to direct the upbringing of their children, and to urge the legislative assemblies of the provinces to do likewise.

* * *

QUESTIONS ON THE ORDER PAPER

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

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

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

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

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

• (1545)

[*Translation*]

APPOINTMENT OF A SPECIAL JOINT COMMITTEE

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

That the House of Commons do unite with the Senate in the appointment of a Special Joint Committee of the House of Commons and the Senate to study matters related to the proposed resolution respecting a proposed Amendment to Section 93 of the Constitution Act, 1867 concerning the Quebec school system;

That sixteen Members of the House of Commons and seven Members of the Senate be members of the Committee;

That the Committee be directed to consult broadly and review such information as it deems appropriate with respect to this issue;

That the Committee have the power to sit during sittings and adjournments of the House;

That the Committee have the power to report from time to time, to send for persons, papers and records, and to print such papers and evidence as may be ordered by the Committee;

That the Committee have the power to retain the services of expert, professional technical and clerical staff;

That the quorum of the Committee be twelve members whenever a vote, resolution or other decision is taken, so long as both Houses are represented, and that the Joint Chairpersons be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present, so long as both Houses are represented;

That the Committee be empowered to appoint, from among its members, such sub-committees as may be deemed advisable, and to delegate to such sub-committees all or any of its powers except the power to report to the Senate and House of Commons;

That the Committee be empowered to authorize television and radio broadcasting of any or all of its proceedings;

That the Committee make its final report no later than November 7, 1997;

Government Orders

That, notwithstanding usual practices, if the House or the Senate are not sitting when the final report of the Committee is completed, the report may be deposited with the Clerk of the House which is not sitting, or the Clerks of both Houses if neither House is then sitting, and the report shall thereupon be deemed to have been presented in that House, or both Houses, as the case may be; and

That a Message be sent to the Senate to acquaint that House accordingly.

He said: Mr. Speaker, on April 15, 1997, the Quebec National Assembly voted unanimously in favour of a resolution for a constitutional amendment that would end the application to Quebec of subsections (1) to (4) of section 93 of the Constitution Act, 1867.

I tabled an identical resolution in the House on April 22, but the election call prevented us from moving to strike a committee to examine this constitutional amendment. That is why I am tabling that resolution again, so that it can be referred to a special joint committee that is to report to Parliament in the coming weeks.

As I have indicated on several occasions, the Government of Canada supports the proposed amendment because it is a good thing for the citizens affected by it and because it enjoys a reasonable degree of support from those citizens.

It is one thing to want linguistic school boards and another thing to want to achieve them by way of a constitutional change. Although the Government of Canada has noted in recent months the existence of a consensus surrounding this proposal, including for the constitutional amendment, we could not flout the democratic traditions that Quebecers share with all their fellow Canadians.

The Official Opposition in the National Assembly asked the Government of Quebec, in vain, to strike a parliamentary committee. Therefore, we feel it is necessary to proceed, respecting our parliamentary procedure, by striking a joint committee to which experts, groups and citizens will be able to express their views. Such a committee will allow them to make their opinions known while promoting better understanding of the changes sought by the constitutional amendment.

For some time now, Quebec society has been secularized and has become considerably diversified through the contribution of newcomers. It is therefore not surprising that this society has questioned on many occasions the appropriateness of a system established on a denominational basis.

• (1550)

Throughout the consultations and reports that have marked the past 30 years, a consensus has emerged on the need to reorganize school structures along linguistic, rather than denominational, lines. That consensus was confirmed during the Estates General on Education in 1996, which verified that Catholic and Protestant Quebecers, anglophones and francophones alike, wanted to establish linguistic school boards.

Government Orders

Quebec's National Assembly acted on that desire for change by unanimously passing, on April 15, 1997, the resolution to amend section 93 of the Constitution Act, 1867, with respect to its application to Quebec.

Two months later, on June 19, 1997, Quebec MNAs again demonstrated their agreement on this matter by unanimously voting in favour of the legislation that will ensure the implementation of linguistic school boards and govern the place and role of confessionality in Quebec's school system. This legislation is the Act to amend the Education Act.

The proposed amendment not only makes it possible to adapt the Canadian Constitution to take account of the deep-seated changes Quebec society has undergone, but it also has the merit of allowing for the changes sought by the vast majority of the citizens that are affected.

First, it is noteworthy that the Quebec government is not seeking to exclude any reference to religion in education, but rather to secularize the administrative structures. Many Quebecers are attached to religious instruction, and the Quebec government has taken account of that. Section 520 of the Education Act, as amended by section 36 and by the schedule of the Act to amend the Education Act, authorizes schools that so desire to retain their denominational orientation.

Furthermore, the right to religious instruction is still guaranteed under section 41 of the Quebec Charter of Human Rights and Freedoms, a document that has quasi-constitutional status according to the Supreme Court of Canada.

Such arrangements help explain the support garnered by the reform sought by the Quebec authorities. While it has not expressed itself on the means used, the assembly of Quebec bishops has nevertheless publicly supported the establishment of linguistic school boards and has not opposed amending section 93.

For their part, many groups and associations have endorsed the constitutional amendment requested by Quebec's National Assembly. By way of example, I would mention the Catholic Committee of the Superior Council of Education, the Federation of School Boards, the Federation of Parents' Committees, and teachers' associations representing the entire teaching force of the province.

[*English*]

While section 93 does not protect linguistic rights, language and denomination nevertheless have close historical ties. In the past, Quebec's anglophone minority relied heavily on the Protestant school boards to ensure its development. The constitutional amendment proposed today does not run counter to the interests of that community. On the contrary in effect section 23 of the Canadian Charter of Rights and Freedoms will continue to provide strong constitutional guarantees to Quebec anglophones.

While section 93 guarantees the existence of denominational management structures in Montreal and Quebec City and the right of dissent in the rest of the province, section 23 allows the minority to control and manage linguistic school structures.

In addition the establishment of linguistic school boards will allow the anglophone community to consolidate its school population and thus to establish a more solid foundation for its rights under section 23.

As things stand now, Protestant school boards serve a growing number of children whose language of instruction is French. This phenomenon threatens to strip the anglophone community of its control over those institutions, institutions which are less and less reflective of sociological reality and which cannot in any event address the needs of the Catholic segment of the anglophone community.

In that regard it is important to note that students who profess the Protestant faith today account for less than 40 percent of the school population served by Protestant school boards.

• (1555)

Of course it is normal for any minority group to want to increase its constitutional rights. We understand the anglophone minority's concerns about its demographic situation, about the provisions which limit access to English schools and about the secessionist orientation of the current Quebec government.

In this light we understand why some groups in the anglophone community are using this opportunity to call for the full application of section 23 in Quebec. Nevertheless the Government of Canada believes that this issue raises a whole other debate. While the proposed amendment does not go as far as some might want, it nevertheless deserves to be passed because it is in the interests of both the minority and the majority in Quebec.

The government of which I am a member has reiterated on a number of occasions that any constitutional amendment must be the subject of a reasonable consensus within the minorities affected. I am pleased to note that that requirement is met in this case. The Government of Canada solemnly affirms that the same requirement would be indispensable in the event that another province called for an amendment with respect to guarantees for minorities within its territory.

[*Translation*]

In conclusion, Quebec society has succeeded in reaching a consensus on a constitutional issue which touches upon such vital issues for citizens as schooling, language, religion and the Constitution. For that reason, and because it will benefit the Quebec community as a whole, the government believes that this amendment should be passed.

Government Orders

[English]

Mr. Preston Manning (Calgary Southwest, Ref.): Madam Speaker, I listened with interest to the minister's remarks today, which he has made in large part at an earlier time in the House.

I would like to say at the outset that the official opposition regards the proposed amendment to be studied by the proposed joint committee as an extremely important one. It deals with the Constitution which is the fundamental law of the land. It deals with children and education. The manner in which it is handled may set an important precedent for other provinces with respect to educational reform. It deals with majority and minority rights. Of course it also involves Quebec-Canada constitutional relations and is therefore part and parcel of the national unity issue.

Reform is generally supportive of the establishment of a parliamentary committee to study the proposed resolution and amendment and to report to the House. We note that the government's motion directs the committee to consult broadly. We like those words. We want to encourage the government to consult broadly on any constitutional initiative.

In order to give the committee more time to do its work, we will propose an amendment to the government motion that the committee make its final report no later than the last sitting day in December.

We have some reservations about the proposed committee. For example, we share the view expressed by the member from Saint-Hubert in the last House that it is absurd to have senators who have no democratic legitimacy in either Quebec or Canada on a joint committee. However until the Senate is reformed, this resolution has to pass the Senate as it is, so we do not intend to quibble over Senate representation on the committee.

We have some further comments to make on the committee and the process it would employ. These comments will be made a little later by my colleague, the hon. member for South Surrey—White Rock—Langley.

Because this subject is so important to the people of Quebec, I dearly wish that I could be making my principal points en français. Since that is not yet quite possible, I am pleased that my bilingual colleague from Edmonton—Strathcona will also be commenting on the motion a little later in the day.

I would like to take a few moments to sketch the background of this particular motion and resolution.

As the minister said, on April 15, 1997 the Quebec legislature voted unanimously in favour of a resolution for a constitutional

amendment which would end the application to Quebec of subsections (1) to (4) of section 93 of the Constitution Act 1867. This is the section dealing with provincial jurisdiction over education. This resolution is the latest stage in an ongoing internal debate in Quebec over the past 30 years on how to change the province's denominationally based school system, known as the Confessional School system, into a secular system based on language rather than religion.

• (1600)

I want to read the text of the resolution passed by the Quebec Assembly into the record because I think members studying this should have the resolution in front of them. They might want to see the section of the Constitution that we are amending. The Quebec resolution reads as follows:

WHEREAS the Government intends to institute linguistic school boards as soon as possible:

WHEREAS in so doing the National Assembly of Quebec reaffirms the established rights of the English-speaking community of Quebec. More specifically, whereas Quebecers whose children are admissible in accordance with Chapter VIII of the Charter of the French Language have the right to have them receive their instruction in English language educational facilities under the management and control of this community, as provided by law and which are financed through public funds;

WHEREAS it is desirable, for that purpose, to amend the Constitution Act, 1867 so that Quebec may recover its full capacity to act in matters of education;

WHEREAS such amendment in no way constitutes recognition by the National Assembly of the Constitution Act, 1982, which was adopted without its consent;

WHEREAS undertakings were given by the federal government to proceed rapidly with such amendment, through bilateral action and with the agreement of the National Assembly,

THEREFORE, BE IT RESOLVED

That the National Assembly authorizes the amendment to the Constitution of Canada by proclamation of his Excellency the Governor Canada under the Great Seal of Canada in accordance with the following text:

1. The Constitution Act, 1867, is amended by adding immediately after section 93, the following:

93A. "Paragraphs (1) to (4) of section 93 do not apply to Quebec."

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

It will be noted that the Quebec assembly goes out of its way to state that its proposed amendment in no way constitutes recognition by the National Assembly of the Constitution Act of 1982. At the same time, the amending formula which the federal and Quebec governments propose to apply to this amendment is that provided for by section 43 of the Constitution Act of 1982. In other words, the Canadian Constitution is to be amended at the request of the Quebec assembly by means of an amending formula which the Quebec assembly does not recognize. Only in Canada would we have this phenomenon.

Government Orders

The section of the Constitution Act 1867 which the Quebec resolution seeks to amend is section 93. This is a section of the Constitution providing for exclusive provincial jurisdiction over education, subject to certain provisions pertaining to the protection of minority rights. Again I hate to take the time of the House but I think it is important to read into the record that section so members may have in front of them everything that is being talked about here.

The full text of section 93 is:

93. In and for each Province the Legislature may exclusively make Laws in relation to Education—

This is provincial jurisdiction over education, clear and simple.

—subject and according to the following provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;

(2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec;

This is the one subsection that specifically mentions the province of Quebec.

(3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education;

(4) In case any such Provincial Law as from time to time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that behalf, then and in every such case, and as far only as the Circumstances of each case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

• (1605)

If the Parliament of Canada approves the amendment sought by the Quebec assembly, it will be declaring that these last four subsections just quoted pertaining to the rights, powers, privileges and duties of the denominational schools do not apply to Quebec.

This is the background, the content and the import of the matter to be placed before the proposed special joint committee of the House of Commons and the Senate.

I would like to take a moment to summarize what I think the government's position is. The government will have a chance to correct me if I do not have it right.

On April 22 the Minister of Intergovernmental Affairs proposed that members and senators analyse the proposed amendment by asking and answering three fundamental questions. I take these questions to be the principal test that the Government of Canada feels members should apply to this amendment.

First, what amending formula is applicable to this particular case? Second, the government suggests that we ask, is the proposed amendment a good thing for the citizens affected by it? Third, does this amendment enjoy a reasonable degree of support from the citizens affected by it? Those were the three tests that the government proposed.

The minister then answered those questions on behalf of the government first, by saying that in the opinion of the federal government section 93 can be amended pursuant to section 43 of the Constitution Act, 1982. In other words, this is a bilateral amendment which can be made with the approval of the House of Commons and the legislature of the province to which the amendment applies, namely, Quebec.

The minister answered his second question by saying that the proposed amendment is a good thing in his judgment because it acknowledges the secularization of the Quebec school system while still guaranteeing rights to religious instruction, and because it permitted the Quebec educational system to be based on language rather than religion and that the proposed system, in his judgment, was fair to both language groups.

The minister answered his third question by saying that the amendment did enjoy a reasonable degree of support from the people of Quebec.

I would like to outline the approach of the official opposition to this amendment. First of all, I want to make clear that the Reform Party believes strongly in provincial jurisdiction in education. The official opposition therefore neither supports nor opposes a confessional school system for Quebec. We feel that this is an issue that the people of Quebec must decide for themselves by free and fair democratic processes and in accordance with the rule of law.

The official opposition also wishes to propose that members and senators analysing the Quebec resolution subject it to three great tests. I suggest respectfully that our three tests are broader and deeper than those proposed by the government. I would like to encourage the government to adopt them as useful tests.

We propose that if a constitutional amendment proposed by a province—whether it is the constitutional amendment proposed recently by the Newfoundland Legislature or that now being proposed by the Quebec Assembly—meets these three tests, then it should be supported by this Parliament.

Government Orders

We propose that, if a constitutional amendment proposed by a legislature does not satisfy these three tests, that legislature then be encouraged to make such changes in what it is proposing as would be required to meet those tests.

I want to suggest that our three proposed tests for application to constitutional amendments are broad enough and deep enough to handle any proposed constitutional change, including those of the most radical variety.

In other words, I think it is very important for this Parliament, which is going to be dealing with constitutional problems and approaches that have never been dealt with by this Parliament, to establish tests that will be applicable to virtually any situation that we may be confronted with, and not to get into a situation where we apply one set of tests to one type of constitutional amendment and then another set to some others.

These then, are the three great tests that we would propose being applied to this constitutional amendment or any other that comes before this Parliament.

The first is the test of democratic consent. The first question we ask members and senators of this joint committee to answer for themselves is: Do a majority of the citizens affected by the proposed constitutional amendment, in this case a majority of the people of Quebec, approve of the amendment?

• (1610)

We do not believe since Charlottetown or since Meech Lake that any major constitutional amendment should be passed without public ratification through a referendum. The public has had too many cases where their governments have said this is what our people want in terms of constitutional change, and found out later that that was not the case.

We believe on major amendments that the test should be conducted through a referendum. We would therefore ask, have a majority of Quebecers approved of the proposed amendment through a referendum process? Was the referendum process fair and was the referendum question unbiased?

The second test we propose, and this is not something that should have to be said in a parliament or legislature, but it does have to be said and that is that the proposed amendment be subjected to the test of the rule of law. The Canadian Constitution contains four different amending formulas, each of which is used for amending different parts of the Constitution. Most parts of the Constitution cannot be amended without the consent of at least seven provincial legislatures plus Parliament, as provided by the amending formula in section 38 of the Constitution Act of 1982.

Provisions which relate to only one province can be amended by the less rigorous section 43 amending formula which requires only

the consent of Parliament and of the relevant province's legislative assembly.

The government says, and I gather with the concurrence of the Government of Quebec, that section 43 is the relevant amending formula. Members and senators, however, on the joint committee will want to satisfy themselves that this is in fact the case. I will return to this point in a moment.

I would also like to point out that the intent of the Fathers of Confederation with respect to section 93, the one that is amended by this Quebec amendment, was to provide exclusive provincial jurisdiction over education, subject only to certain provisions for the protection of minority rights. Section 93(1) as it currently stands does not prevent Quebec or any other province from reforming its educational system or from implementing reforms that affect minority rights, but conformity to the rule of law as provided by section 93(1) does require that the Quebec government demonstrate that any proposed reforms do not prejudicially affect the rights of those who desire a religious orientation in the education of their children.

Members and senators on the committee should be asking themselves and asking the representatives of the Quebec government, does the proposed Quebec constitutional amendment prejudicially affect in any way the rights of those who desire a religious orientation in the education of their children?

There is a third test which must be applied to any proposed constitutional amendment and that is the test of the Canadian national interest. I suggest that is a test that in the final analysis only the Parliament of Canada can apply. The actions of one province affecting minority and majority rights in education may set important precedents regarding educational rights of majorities and minorities in other provinces.

Members and senators on the committee will therefore want to assure themselves that the passage of the proposed Quebec amendment in no way establishes a precedent prejudicially affecting minority rights in other provinces.

Having outlined those three tests, and I could say a lot more on each of them but I have said enough already, I would now like to make a preliminary application of those tests to the amendment that has been put forward by the Quebec assembly. I am not saying this is the last word in that analysis but I want to illustrate how these tests might apply to the amendment that the committee will be studying. It will be up to the joint committee of course to apply these tests and other tests to the Quebec resolution.

Let me apply first of all the test of democratic consent as we understand it. In the case of the recent request from the Newfoundland legislature asking the House to amend section 17 of Newfoundland's 1949 terms of union, the Newfoundland government has conducted two referendums and a majority of those voting voted on both occasions in favour of the proposed amendment. In

Government Orders

our judgment that therefore meets this test of democratic consent in a virtually indisputable way.

In the case of the proposed Quebec amendment, no provincial referendum has been held. We would suggest the test of democratic consent has not yet been fully passed. If the provincial government is confident as it says it is that there is a broad province wide consensus in favour of the amendment, it should conduct a referendum in order to demonstrate that fact beyond a reasonable doubt to this House and to other Canadians.

• (1615)

With respect to application of the test of the rule of law, the government says that section 43 of the 1982 Constitution Act is the appropriate amending formula to apply to the Quebec resolution. We want to be absolutely certain of that because if we proceed on that assumption and the courts end up saying that no, we have applied the wrong section, we have done more damage than we have good.

It is clearly understood by everyone that the section 43 amending formula can be used to amend the Constitution of Canada in order to place further restrictions on any individual provincial government's freedom of action. In practice whenever that is done, a sort of provincial constitution with additional safeguards for the rights of the citizens of that province is being created. This is what was done for example when several sections were added to the charter of rights requiring the New Brunswick government to offer services in both French and English. Similarly, it is presumably acceptable to use section 43 to remove any such special restrictions.

However it is not clear that it would be acceptable to use the section 43 amending formula to remove a restriction from one provincial government when that restriction is still in place for every other provincial government in the country, since this would have the effect of extending the powers of one province into an area henceforth outside the jurisdiction of any other province.

Such an amendment could potentially require the use of the general amending formula, the seven and fifty formula. At the very least any provincial government demanding an amendment of this sort should be expected to refer the proposed amendment to the province's supreme court for a ruling as to whether the use of the section 43 amending formula is legally acceptable. If the provincial government fails to do so, the Government of Canada should make a reference to the Supreme Court of Canada on that point.

These facts relate to section 93 in the following way. Paragraph (2) of section 93 was clearly intended to apply only to Quebec which is mentioned by name in the paragraph, the only place that it is mentioned. Therefore paragraph (2) is in practice part of the provincial constitution of Quebec and can be amended using the section 43 amending formula.

But paragraphs (1), (3) and (4) are intended as sections of general application to all provinces. These paragraphs apply to all provinces except Manitoba, Saskatchewan, Alberta and Newfoundland. In each of these four provinces, section 93 has been replaced by a section which restricts the provincial government's ability to prejudicially affect denomination schools at least as much as section 93 would have done had section 93 applied to that province.

For example section 22(1) of the Manitoba Act corresponds to section 93(1) and uses almost the same wording, but it contains a further restriction on the province's freedom of action. That section says:

Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or a practice in the province at the union.

My argument therefore is it appears that it is probably not constitutionally permissible to use the section 43 amending formula to amend the Constitution in the manner proposed by the federal government and the Quebec assembly. This matter could be resolved through a supreme court reference by either the Government of Canada or the Government of Quebec.

The Reform Party strongly believes in majority opinion and majority rights as expressed and exercised through referendum. However the Reform Party also believes that the majority has an interest in minority rights. We are all part of some majority in some situations, maybe an election or something else, but virtually all of us are part of a minority one way or another. It is therefore in the majority's interest to have protection of minority rights and minority interests and the best way to do that is through rigorous adherence to the rule of law.

In raising this point I am not trying to be obstructionist in any way. I am trying to wave a red flag. I think the last thing that any of us would want, whether we talk about the people in Quebec or people from outside Quebec, is for an amendment like this to pass through the Quebec assembly and to pass through this Parliament and then to have it be overturned in the courts as unconstitutional. That would be bad for us. It would be bad for Quebec. It would be bad for the process of educational reform in that province.

• (1620)

Let me make a preliminary application of the test of the Canadian national interest to this amendment. As previously noted, the actions of one province affecting minority or majority rights in education may set important precedents regarding educational rights of majorities in other provinces. That is why we take so seriously the amendment coming from Newfoundland. Yes it pertains only to Newfoundland but does it have precedent application for other provinces?

For example parents in Alberta, Saskatchewan and Manitoba with a keen interest in ensuring a religious based education for their children are watching both with interest and apprehension the precedents being set in educational reform and changes to minority rights in both Newfoundland and Quebec.

As I said, Parliament will want to assure itself that the passage of the proposed Quebec amendment or the Newfoundland amendment in no way establishes a precedent prejudicially affecting minority rights in other provinces. Even if the supreme court were to determine that it is acceptable to use the section 43 amending formula to give Quebec powers that are not available to other provinces, the use of an amending formula that excludes most Canadians in order to grant special status to one province violates the principle of equality of provinces.

If this were to be permitted, a dangerous precedent could be set under which restrictions that had been placed on the powers of all provincial governments could be stripped back unilaterally from one province or another. Under such conditions Canada could become a patchwork quilt of provinces with different powers. No other federation in the world permits such a situation although all federations allow provinces, states and cantons to establish their own constitutions so that citizens of each of these units can impose further restrictions on their own governments if they choose.

While no one questions that an improved educational system for Quebec is in the Canadian national interest provided Quebec remains in Canada, it appears that the form of the proposed amendment and the precedents which it may establish do not yet fully satisfy the test of the Canadian national interest.

We want to be constructive. We therefore want to conclude with some suggestions for repairing the possible defects in the Quebec constitutional amendment which may make it impossible for this House to approve it in its current form.

The children of Quebec and provisions for their education are of great importance to all Canadians. They are of great importance to the official opposition in this Parliament. Reform believes most strongly that education is a matter of provincial responsibility and that provincial jurisdiction over education should be respected and enhanced.

The principal interest of the federal Parliament in educational reform is mainly that such reforms do not prejudicially affect the rights of minorities which Parliament has an obligation to protect. Parliament should discharge these responsibilities by applying to constitutional amendments allowing for educational reform the three great tests of democratic consent, the rule of law, and the Canadian national interest.

Government Orders

The chances of the Quebec government's constitutional amendment satisfying these three tests would be greatly enhanced and its prospects for gaining the support in this Parliament of the official opposition would be enhanced if this constitutional amendment were to be accompanied by three things:

One, clear evidence of majority support for the Quebec constitutional amendment through the results of a province wide referendum. Two, compelling legal evidence, preferably a supreme court ruling, establishing that both the proposed approach to amending the Constitution and the constitutional amendment itself conform to the rule of law. Three, clear evidence demonstrating to this Parliament that Quebec's educational reforms do not prejudicially affect rights previously granted and thus in no way establish precedents which may be damaging to minority rights in Quebec or in any other province.

To give effect to these arguments I therefore move:

That the motion be amended: by adding immediately after the words "concerning the Quebec school system;" the following:

"more specifically the matter of applying the following three tests for such a proposed constitutional amendment: the test of democratic consent, the test of Canadian national interest, and the test of the rule of law";

and by replacing the words "November 7" with the words "the last sitting day in December".

• (1625)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, allow me to congratulate you on your new duties.

We are on the verge of a truly historic experience. I want to thank all the parties in this House that will join with the Quebec National Assembly to permit, and this is the core of the issue, the implementation of a resolution passed by the only francophone parliament, the only one controlled by a majority of Quebecers, the National Assembly, of course.

I would first like to give three warnings. The resolution that will create the joint committee does not concern Quebec's language rights. The debate concerns obviously Quebec's ability to withdraw from the effect of section 93, especially subsections 1 to 4.

We would be hard pressed to find reference to Quebec's language rights. If we want to consider language rights, we would have to consult section 173 of the Charte de la langue française and of course the Charte québécoise des droits de la personne.

In our minds the matter involves—and I see that the Privy Council agreed—a bilateral amendment. I hope the Reform Party will understand that the five options offered by the Constitution Act, 1982 are clearly worded so that we can make no mistake as

Government Orders

parliamentarians that we are right to put Quebec's resolution into effect according to the bilateral amending formula.

Perhaps the leader of the Reform Party does not fully grasp what one may call the consensus in Quebec. As for linguistic school boards, because that is what this is all about, the resolution says that religious beliefs have no bearing on the way Quebec will be organized or the selection of an administrative or management method. There is therefore no connection between people's religious beliefs and the method of management we will adopt for school boards. This is what dividing school boards by language is all about.

Why has a referendum on this issue not been held in Quebec in the past 15 years? Because of a lack of democracy? Of course not. The reason we have not had a referendum is, first, that the main stakeholders in education, regardless of their sympathies, have expressed exceptionally clear support for dividing school boards by language.

Let me remind the hon. members—as the Minister of Intergovernmental Affairs indicated, I think—that, in Quebec, we have had a consensus on this issue since 1982: the Conseil supérieur de l'éducation and the Assemblée des évêques are in favour of the proposed change. When the Assemblée des évêques makes a pronouncement on an issue, it usually does so solemnly. Bishops being at the service of the Lord, they generally give a great deal of thought to any decision they make. They take every necessary precaution.

I can assure the Leader of the Opposition—and I am prepared to table a list of organizations, if he wishes, to help him better understand the reality in Quebec—that every player in the area of education, organizations such as the Alliance des professeurs, the Fédération des cégeps and the Council of Universities, were in favour and still are in favour of dividing school boards by language.

The leader of the official opposition should also know that, since the Parent report was tabled, both sovereignist and federalist governments have attempted on six separate occasions—yes, six occasions—to reform the education system in Quebec. Each of these attempts was blocked by the requirements, the obligations under section 93.

• (1630)

So, what will we do as parliamentarians when, before the holiday season—indeed Christmas is coming, but I am confident and also grateful to the government for its diligence—we pass a motion allowing the National Assembly, therefore the people of Quebec, to modernize, thanks to the existing consensus, its school system, so as to have linguistic school boards? This is the fundamental issue that must be understood.

Does this mean, assuming we proceed, that religious or pastoral teaching will no longer have its place in schools? Of course not, because the Education Act requires us to provide such teaching, and because section 41 of the Quebec charter of rights expressly recognizes such rights.

Therefore, I ask the Leader of the Opposition to make a careful reading of Quebec's reality. For goodness sake, there is no betrayal of democratic principles here. The Leader of the Opposition rose to say that education is sacred. We Quebecers have known that since the Tremblay report. Every Quebec premier has always said that education is sacred, primarily because it has to do with one's identity, culture and training.

The Quebec National Assembly adopted the resolution unanimously. As parliamentarians, we all know how difficult this is to achieve, that unanimity in Parliament seldom occurs. So, let us rejoice at the Quebec National Assembly's unanimous stance on the establishment of linguistic school boards.

The Leader of the Opposition should never forget that six attempts were made to reform Quebec's school system. Again, who, in this House, can claim that, in Quebec or elsewhere—but we speak for Quebec—there is a link between the religious convictions of individuals—which we respect, given their noble character—and school boards? There can be no links between the religious beliefs and convictions of individuals and the way we will, or want to, set up school boards.

We all know that the worst thing that could happen to this Parliament would be for there to be a slippage, a sideways skid, and for there to be an attempt to link this constitutional amendment with the language rights of anglophone minorities, something which, as you know, all hon. members hold dear.

Why this attachment to the anglophone minority? First of all, because the anglophone minority is part of our history. There were Thompsons, there were Jeffersons, in our history, and we know very well they had a hand in building the province of Quebec, the country of Quebec, and we acknowledge their special role. None among us can claim—I see that the hon. member for Notre-Dame-de-Grâce—Lachine is nodding her agreement—that the English Quebec community, the anglophone community, and the 90 some-odd other groups co-existing in Quebec, can be put on the same footing.

We therefore recognize—and I am pleased that the Leader of the Opposition has read the National Assembly motion—that the anglophone community, or the English speaking community as they chose to put it, is entitled to its educational structures, to schooling from kindergarten to the university level, according to a criterion found in article 73 of the Charter of the French Language. No one is challenging this. Moreover, generally speaking, I do not believe I am mistaken in thinking that the anglophone community,

via a number of spokespersons, has been rather favourable to the point that, when it comes down to it, what it will get from the linguistic school boards is an enhanced control over its institutions. That is what it will mean to the anglophone community.

There are some, of course, who link this amendment with section 23(1)(a). Let us be accurate about it. To repeat, what we are dealing with today is an amendment which invites us to follow up on a unanimous resolution by the National Assembly concerning denominational schools and not—and I repeat—a debate addressing language rights.

• (1635)

We are not creating a precedent here, and I hope the Leader of the Opposition is going to share our enthusiasm and agree that we are doing the right thing, as parliamentarians, in relying on section 43 of the Constitution Act, 1982. We know full well that in the recent history of the Constitution, no precedent has been created.

The Parliament was asked on four occasions to use this amending formula, and you will recall that two of these cases concerned Newfoundland. In the first instance, it was to grant the Pentecostal Church the same rights the five other churches had in Newfoundland, and to that end section 42 was used. The Leader of the Opposition spoke at length about the most recent case involving Newfoundland.

The same section was applied to New Brunswick to enshrine the equality between the francophone community and the anglophone community. Closer to us—and at the time I was a member of this House—we used section 42 with regard to the construction of the bridge linking Prince Edward Island to the mainland.

Members should know that, as we speak, there is a bill before the national assembly, Bill 109. It is the result of the consensus I have been talking about for the past several minutes. I say to all my colleagues from every party that should we not be able to pass and proclaim this motion and the resulting bill due to a twist of fate—passing them is not enough, they have to be proclaimed—the national assembly would have a major problem. Bill 109 will create linguistic school boards across Quebec, thus bringing the number of school boards from 158 to 70, and making the Quebec education system more coherent.

If it were not passed by December—and this is why it is important that all political parties, the government, the Reform Party, the Conservatives and the NDP co-operate—it would create a problem for the National Assembly, because its legislation provides that everything should be in effect at the start of the next school year, including the administrative provisions dealing with the boundaries of the school boards' territory, student registration, and the sharing of existing facilities between the new school boards

Government Orders

that will be created. In any case, the act still provides that school boards will be created.

However, if it were not passed, it would complicate things and the provincial government would have to reopen collective agreements with the unions. Such a situation would not benefit anyone, and certainly not Quebec students.

I want to make it very clear—and I am grateful to the minister for pointing it out—that in no way will the right to religious teaching be marginalized or diminished when linguistic school boards are created. As I said earlier, that right is clearly stated in the Education Act and in section 41 of the Quebec charter of rights, which is a quasi-constitutional provision.

Again, it is the National Assembly's prerogative to act upon this consensus. There is a consensus among all those who have expressed their views on the issue. We are talking about a large coalition.

If I took the time to mention all those who have been interested in this issue since the early eighties and who hope we can modernize Quebec's school system, you would see that everyone in our province supports this change.

The National Assembly approved the resolution unanimously, which means that all parties agree. This is no mean feat, considering it is the parliamentarians' role to debate, to challenge ideas, sometimes to reach a consensus. We are talking about a group which includes some very knowledgeable people, such as the MNA for Marquette who was at one time, albeit for a very brief period, chairman of the Montreal Catholic School Commission. Again, there is a consensus in Quebec's National Assembly, in fact, there is unanimity.

• (1640)

I would be lying if I said we are happy with the fact that seven senators will sit on this committee. The Government of Quebec believes, and we agree, that a strong enough consensus has developed and that the amendment only concerns Quebec and the federal government. Therefore, we would rather have done without the joint committee.

However, we respect the government's prerogative to conduct such consultations. We hope they will be carried out with all due diligence, but we will take the process seriously. We will listen to those who wish to make presentations but, again, we must bear in mind that we are dealing with education and what this amendment is about is enabling the National Assembly to rearrange the way school boards are managed. We think there is a strong enough consensus to allow this to proceed.

Similarities with the situation in Newfoundland make it necessary to exercise some caution. First, when we read about what happened in Newfoundland, we see that a referendum was held, the results of which were unequivocal—let us hope this will happen

Government Orders

again—but still, the case of Newfoundland is somewhat unique, as I am told that it is the only Canadian province where the six religious denominations each controlled their own institutions and that the amendment passed by referendum in Newfoundland is designed to establish a public education system across the board so to speak, which is obviously not what Quebec is asking for. The amendment it is seeking is more administrative in nature.

We should therefore be careful not to make hasty comparisons with Newfoundland. I think it is important to reiterate our deep attachment to the anglophone community. We believe it has historically played a role in Quebec and we look to a future that includes the anglophone community. We are strongly committed, and I want to make it very clear, to rights. I find this a good test of democracy. I think it was the philosopher Valéry who said a civilization must be judged on the way it treats its minorities. Minority rights are, of course, an important element in the balance of a community.

Madam Speaker, you would not find the same thing anywhere else, if you and I were to agree, in a burst of generosity, to take a trip across Canada in order to try to find somewhat comparable examples elsewhere of how francophone minorities outside Quebec are treated. I think no Quebecker need feel ashamed of how the anglophone community is being treated, and we must continue along that path, as we have in the health system. An anglophone living in Quebec has access to institutions, to a public education system from kindergarten to university. That is something.

Contrary to section 223 of the 1982 legislation, there is not even a numerical criterion. The Minister of Intergovernmental Affairs knows very well that we have never subjected anglophone rights to a clause such as “where numbers justify”.

I think that these are the facts the Reform Party ought to read, and I hope that our debates will run smoothly. I greatly fear we will get sidetracked and I am calling upon the maturity of all parties, of course. As you know, I shall keep my distance from any such sidetracking because what the debate must be about is denominational schools. The debate must be about the right of the province of Quebec, and the country of Quebec, to organize its own school boards, as the National Assembly wishes, and must not be about language rights. I think a great effort must be made to keep that in mind.

In closing, I would like to state that what strikes us as very important for the future is that the National Assembly must be respected and that we must be able to modernize the Quebec school system.

• (1645)

There is, moreover, certainly a connection to be made with all of the work currently being done in Quebec to ensure that programs

to be implemented in the schools are such that they will prepare Quebecers for the society of the year 2000.

Madam Speaker, since you are indicating that my time is up, let me conclude by hoping that the debates will be calm ones and that the wishes of the National Assembly will be respected.

I would also like to remind the leader of the Reform Party that he need not look for a flawed democracy where it does not exist. If ever he would like to improve his French by coming with me to meet those who are actively involved in the Quebec educational system, I would be only too pleased to do so.

[*English*]

Mr. Preston Manning (Leader of the Opposition, Ref.): I would like to thank the member for his speech and his invitation to serenity. I did not realize that serenity was part of the Bloc's platform but I am glad to hear that it is.

I have just one question that I would like him to perhaps enlighten us on. He appealed in his talk to section 43 of the Constitution Act 1982 as this would be an appropriate formula for amending the Constitution in the way that Quebec desires. But the very resolution that Quebec has brought to this Parliament says that this in no way constitutes recognition by the National Assembly of the Constitution Act 1982. In other words we are being asked to amend the Canadian Constitution in compliance with a section of the Constitution that the Quebec assembly does not recognize.

Would the hon. member explain how he reconciles those two positions?

[*Translation*]

Mr. Réal Ménard: Madam Speaker, may I say to the leader of the official opposition that calm is to my party what openmindedness is to his. This is what leads me to think that the debate will be calm.

That having been said, the Leader of the Opposition knows very well that the motion tabled in the National Assembly states very clearly that we do not recognize the Constitution Act, 1982, for a number of reasons, and with the support of a number of analysts in English Canada, who studied its impact. What did it mean to Quebeckers to have a charter of rights and freedoms? It meant that whole chunks of the only law of national redress ever to be passed by the National Assembly, Bill 101, were invalidated, as concerns display in administrative terms, and of course the Canada clause versus the Quebec clause.

That having been said, we are governed by a constitutional order and contrary to our will we must, in order to modernize our school system in Quebec, face this obligation before us to use the amending formula.

Government Orders

I think the Leader of the Opposition is above making simplistic links. We are democrats and here we are in a national parliament where each member was elected by the people in his or her riding.

There is a constitution, which we did not sign for all sorts of reason, but the first—and I would propose to the Leader of the Opposition that I give him for Christmas a book written by an intellectual by the name of Mandel of the University of Toronto, who proves the point clearly. He is an anglophone who is not a sovereignist. I am sure this book is in the Privy Council library. The author demonstrates in his book that the basic reason why in 1982 we adopted a charter with language rights incompatible with those of the National Assembly was to invalidate Bill 101. And he made no mistake, because, as you know, entire chunks of Bill 101 were invalidated.

That having been said, the Leader of the Opposition should never forget that we are democratic. There is a Canadian constitutional order that will apply until international law takes over. As part of the process, we are obliged to use the amending formula, a bilateral formula. To achieve our goal, we must respect this state of affairs.

• (1650)

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Madam Speaker, I enjoyed the hon. member's speech but his reply did not please me nearly as much. He launched into a debate that was completely off topic.

The Supreme Court of Canada has ruled that the Constitution Act of 1982 applies. It does. The reasons put forward by the PQ government in Quebec and other political parties for not recognizing the Act of 1982 are very shaky. This is a debate I have taken part in on several occasions already, but we could also have it in this House, I guess.

[*English*]

Since we speak about the rule of law, 1982 is the rule of law in this country and I am very happy about that. Some parties might be unhappy about that, but it applies.

[*Translation*]

Mr. Réal Ménard: Madam Speaker, if I pleased the minister with my speech at least, that makes me happy. He must realize however that my reply was directed to the Leader of the Opposition.

Incidentally, I would like the Université de Montréal to organize a debate opposing the minister and myself. I was a student of his. I hope he has a fond memory of those days.

Does the Minister of Intergovernmental Affairs agree with me that legislation was properly and duly passed in the Quebec

National Assembly, which is said to be the only national redress act ever to have been passed in Quebec, and I am referring to Bill 101?

Does the minister recognize that there are those who claim that the Charter of Rights and Freedoms could potentially weaken the authority of the National Assembly, by invalidating entire chunks of the act; does he agree that I am right when I rise in my place to make that argument, and does he agree that it is not desirable that francophones who have a unique responsibility on this continent could see their language rights weakened by a Constitution that was never recognized by the National Assembly?

That is what I am saying and I am prepared to argue my position in any forum and debate it with the minister in the forum of his choice.

Hon. Stéphane Dion: Madam Speaker, I am ready when he is, but this is not the right time.

The hon. member is contradicting himself. While in his first speech his heart went out to the anglophone community, he is now bothered that, under a charter of rights and with the support of a large majority of Quebecers, a support which they have expressed in one poll after the other, the use of English on commercial signs has been allowed.

This is obviously a serious contradiction, one that is furthermore irrelevant to the debate on the issue before us, which is the fact that Quebec wants linguistic school boards and, as far as the government is concerned, that is no problem.

Mr. Réal Ménard: Madam Speaker, it is true that we must distinguish the two. I agree with the minister. However, the minister will realize that I was responding to a question from the Leader of the Opposition. He knows full well that, as a man of principle, I simply must reply to the opposition leader.

In short, the debate must be conducted in a dispassionate manner. I thank the government for its intention to act diligently regarding linguistic school boards, because such is the wish of the National Assembly.

I hope we make the necessary distinctions between denominational and linguistic rights. I want to reiterate, on behalf of all Bloc members, our attachment to that founding minority, the English community, whose rights will be maintained in the future. I am confident that, in the future, the dialogue will always be conducted in a spirit of generosity, as it has been in the past.

The Acting Speaker (Mrs. Thibeault): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Cumberland—Colchester—Infrastructure.

*Government Orders**[English]*

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Madam Speaker, I will try to be brief and serene and just say a word or two as to why the NDP caucus will be supporting the motion to send this matter to committee.

• (1655)

Regardless of what unanimity may exist in the National Assembly in Quebec, obviously a variety of concerns if not viewpoints have been expressed here this afternoon that point out the reason why we have due constitutional process in this place.

Constitutional resolutions which are to be considered by the House of Commons are as a rule considered by a special joint committee. It is only appropriate despite the obvious anxiousness on the part of the Government of Quebec and perhaps the National Assembly of Quebec that this be expedited as quickly as possible, that we observe this due process and have the opportunity to consult broadly with all Canadians who may be concerned about this particular constitutional resolution.

I share the perspective of the Reform Party with respect to the continuing inappropriateness of the role of Senate, not individual senators but of the Senate, in so far as its undemocratic nature is always a procedural contaminant in our proceedings here, especially when we are required to do things in the context of a special joint committee.

I would also remind the Leader of the Opposition that long before the Reform Party darkened these halls or lit these halls, depending on one's perspective, the NDP and before that the CCF were calling for the abolition of the Senate, precisely because it offended our democratic values and our feeling that whatever institution we have, whether it be no Senate or a new Senate, that it be democratic in nature.

There are a variety of reasons why this is a very important matter. Many of them have been touched on already. It does have the possibility of setting a precedent, if not a legal precedent at least a political precedent with respect to how similar issues will be dealt with in other provinces.

I think there is legitimate concern among the religious constituencies not just in Quebec but outside Quebec as to how we deal with these issues. We are mindful of the fact that we will be dealing with another not identical but nevertheless related issue, that of the future of denominational schools in Newfoundland. Therefore how we deal with this both in terms of process and in terms of substance is very important.

It has to do with the whole role and relationship between minority rights and the role of the majority. This is a very difficult question. It always has been and always will be. It needs to be sorted out as well as can be in respect of this issue. It has to do with national unity. We need to deal with this sensitively in respect of

Quebec but we also need to respect due process. We want to do that in a way that can be respected by the National Assembly in Quebec and the Government of Quebec in so far as that is possible.

We also need to use this and other opportunities that will be presented to us to have if not a full debate, at least a preliminary debate about the future of the education system in so far as religious values are concerned.

There is an underlying concern, and the minister himself has referred to this as the secularization of the school system in Quebec. It seems to me that for a lot of Canadians, whether they are looking at the situation in Newfoundland where the government is considering getting rid of denominational schools altogether, or in Quebec where the denominational school system is being transformed into a linguistically based school system, there is an underlying question. That question is on the future of education as it pertains to values and how we continue at the same time to recognize that we no longer live in what might be technically called Christendom while on the other hand we want to live in a society where the appropriate role of religious values, religious instruction and religious world view are taken into consideration and not relegated to the realm of something purely private, something that exists only after hours or in some special segregated way.

• (1700)

It would seem to me that we all want to be pluralistic. On the one hand we want to recognize that we no longer live in what can be called Christendom but on the other hand we do not want to accept that we will live with our schools under the illusion that there is no such thing as fundamental values, that there is no such thing as something in which everything we do has to be grounded.

I will stop the theological dissertation at this moment, but this is something we need to pay more attention to when we are talking about education than we have.

We support the motion. I will reserve judgment on the Reform amendment but on the face of it I do not see why the amendment is necessary. I sometimes think the Reform Party has a talent for moving the obvious in this House when it comes to certain things. I would hope that the committee would not have to be instructed to take into account the matter of democratic consent or the rule of law or the matter of whether or not it is in the Canadian national interest. It seems this would be something that I would hope parliamentarians would do without instruction.

The only thing that remains to be considered is whether the postponement of the reporting date is appropriate. The member from the Bloc raised some of the concerns that the Government of Quebec has with respect to any postponement beyond the date. I feel that has to be taken seriously although the concern does prejudice the outcome of what the hearings will be and what the fate of the resolution will be. However, we know what the fate of the resolution will be because the government has said that it intends to

pass this resolution. We presume that its majority will be effective in that respect.

There are a couple of things I cannot resist commenting on. Much was made of the patriation debate or the Constitution of 1982. I think I am the only member of Parliament in the room at the moment who was here during that debate. I say to my Bloc colleagues that this was not passed without the consent of Quebecers, at least in so far as those of us from outside Quebec perceived it at the time.

There were 75 members of Parliament from Quebec in this House at that time. At least 74 of them voted for that package. It would be wrong in the mythology of the sovereigntist movement in Quebec to imagine that somehow members of Parliament from outside Quebec at that time did something in the face of opposition from Quebec as they understood it. They did it in the face of the opposition of a particular government in Quebec at that time, but they had no reason to believe that there was anything in the way of unanimity in Quebec in opposition to that package because they could see every day members of Parliament from Quebec getting up and urging other members of Parliament from outside Quebec to pass that patriation package.

Keep that in mind when telling the story because the story ought to be told in full and not just selectively.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, I am going to make a comment and, if he wishes, the member is welcome to pick up on it.

He says that, at the time the Constitution was patriated, there were members who voted in favour. In fact, 74 of the 75 members from Quebec were Liberals.

• (1705)

However, I have news for the member. This is why the Bloc Quebecois is here, to prevent this dual legitimacy in Quebec. The Bloc Quebecois, and increasingly all of Quebec, is very clearly unanimous on this as well.

Even the Liberals in the National Assembly, those close to the federal Liberal Party at the time, were unanimous in disagreeing with how the federal government wanted to proceed.

I think he should take another look at his history, including that of Quebec, because just because there were Liberal members from Quebec who were in agreement or who voted in favour of patriating the Constitution does not mean Quebecers were in agreement. They were not in agreement. There was a Liberal party line and they toed it.

Government Orders

But in the National Assembly, and this is what counts, they were unanimously opposed to patriating this Constitution.

[English]

Mr. Bill Blaikie: Madam Speaker, I thank the member for the question. It does not seem to me that it contradicts what I said. The point I was trying to make is that it would be wrong to set up what happened in 1982 as something that Canadians, members of Parliament or Canadians from outside of Quebec did to Quebec. But rather that there were 74 members of Parliament in this House who voted for it. There were Quebecers who were against it, who were part of the PQ government at the time and others. I agree.

The fact is, and this is a continuing dimension of the debate which is frustrating for those of us outside of Quebec, it was a family fight. It was a fight between Quebecers about the appropriateness of the patriation package.

If the Bloc and others are looking for the culprits, if there were culprits because I think there were legitimate positions on both sides and it is wrong to sort of demonize either side, it was other Quebecers who were holding this position and who were telling people outside Quebec this was okay and had the support of the people of Quebec.

To pretend there is not that in-house dimension to the debate which goes on and which I have watched in the House for 18 years between various sets of Quebecers, federalists and sovereigntists and nationalists, it gets very frustrating after a while when positions are attributed to the rest of Canada which are positions which arise out of the debate between Quebecers themselves.

Mr. Preston Manning (Leader of the Opposition, Ref.): Madam Speaker, I appreciate the member's remarks. He suggested that maybe the committee does not need any instruction, although I would suggest that a committee with some senators on it might at least require instruction on the subject of democratic consent. Maybe he would concede that.

He supports the amendment which has come to us from the Quebec legislature which includes asking Parliament to strike down section 93(1) as it applies to Quebec. The section says nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

The hon. member's province has a very similar quotation in the Manitoba act. It is virtually identical. I am wondering what his position is.

Does he support striking down that section of the Manitoba act as it applies to Manitoba? Does the member have any fears that if

Government Orders

this section is struck from 93(1) it might create a precedent for striking that section from the Manitoba act?

Mr. Bill Blaikie: Madam Speaker, all I indicated on behalf of the NDP was that we supported sending this to the committee so that all the various concerns could be examined. I did raise the matter of what precedence this may set for other provinces. It is something the committee has to discuss and arrive at a position.

• (1710)

There is no such request from Manitoba and one finds it hard to imagine a unanimous request from Manitoba on such a matter. Clearly this is a concern that people in other provinces have both in respect of the Newfoundland situation and the Quebec situation.

To the Leader of the Opposition, in terms of the three tests it seems this represents some development in Reform thinking when it comes to democracy. It has always seemed to me that until today there has been a more simplistic attachment to the result of referenda than we see today.

It is not just democratic consent, it is also the rule of law, which I would have assumed. Then comes the matter of Canadian national interests, obviously a very political matter in the best sense of the word, what is good for the body politic.

That may mean from time to time that parties and their leaders may have to say on occasion there may be a conflict between what the will of the people appears to be and what is in the national interest. That is when political leadership is really tried, when one has to go beyond appealing to the crowd and saying will it be Barabas or will it be Christ, saying it is up to the people and making a choice of your own as to what is right.

[*Translation*]

Mr. Pierre de Savoye (Portneuf, BQ): Madam Speaker, members have been speaking about the 1982 patriation of the Constitution for the last few minutes.

I have been listening to what has been said. The Leader of the Opposition, among others, mentioned that, because an amending process is involved, thought should perhaps be given to a referendum to validate the democratic basis.

I would like to point out that in 1982 there was not all this nitpicking about a referendum. For Quebec, it meant the loss of a number of powers conferred on it by the original Constitution.

Imagine for a moment, and I ask the Leader of the Opposition to picture this, that the American Congress decided, without consulting one quarter of the American states—California, Florida, New York—to change the American Constitution. Imagine for a moment that that were to happen. There would be a second American revolution.

Faced with an identical situation, since Quebec represents one quarter of the Canadian population, Quebec looked for an accommodation. Even now, with the demand from the National Assembly, Quebec is looking for an accommodation, without recognizing the Constitution, which was the result of a process from which it was excluded.

The NDP member mentioned that it was in good faith that he supported patriation of the Constitution in 1982 because, he says, 74 Liberals representing Quebec said it was all right. First of all, since Liberal members were involved, he should have been on his guard. Am I not right, Madam Speaker?

When all parties in the Quebec National Assembly say that they are taking a particular stand, it seems to me that this House should take notice. I await my hon. colleague's comments.

[*English*]

Mr. Bill Blaikie: Madam Speaker, I am not sure. It seemed the hon. member was asking questions of the Leader of the Opposition. I have given my account of what I think happened in 1982. It ought to be taken seriously.

The points the member makes are legitimate, but I was simply trying to point something out for the purposes of historical accuracy and, for that matter, for a kind of emotional accuracy.

• (1715)

What was done in 1982 by members of Parliament from outside Quebec was not done in the face of the absence of a strong Quebec opinion that what we were doing was the right thing.

There was a division within Quebec about it and we had to choose which among the different Quebec opinions we would adhere to. We would have been equally open to the charge that we were—

[*Translation*]

The Acting Speaker (Ms. Thibeault): I am sorry to interrupt the hon. member. Resuming debate.

[*English*]

Mr. David Price (Compton—Stanstead, PC): Madam Speaker, I rise to speak to the motion put forward by the Minister of Intergovernmental Affairs on the establishment of a joint committee of the House of Commons and the Senate to study matters related to the proposed resolution respecting the amendment to section 93 of the Constitution Act, 1867, concerning the Quebec school system. That is just to be clear on what we are addressing today. We seem to be wandering a little bit.

I commend and congratulate Madam Speaker on her appointment as speaker. The Right Hon. John G. Diefenbaker once said to parliament "Parliament is more than a procedure. It is the custodian of the nation's freedom". Madam Speaker, you are charged with a very important duty in the House as members seek to serve

their constituents. I, on behalf of my constituents, look for your assistance in the pursuit of serving Canadians.

[*Translation*]

First of all, I want to thank the constituents of Compton—Stansstead who entrusted me with the important task of representing them in the House of Commons. It is an honour for me to be their MP.

Compton—Stanstead is a half urban, half rural riding. It is a dairy farm region. It is also an area full of lakes and hills where one can do some sailing, boating and trekking during the summer and ski or go on snowmobile tours during the winter. Finally, it is a region where everybody loves the great outdoors.

I would like to invite all the members to visit this wonderful region where people have never stopped working towards a stronger Canada, a part of Quebec where anglophones and francophones have rubbed shoulders for many generations and have learned to live and work together.

As a representative of this Eastern Townships region, I have some experience in the issue before us today.

The Eastern Townships have been used as a test area for linguistic schools in Quebec for the last 10 to 15 years and I must say we are very pleased with the results so far.

Linguistic schools were tested in the Eastern Townships in preparation for their implementation all over Quebec. At first there were some real concerns, because people did not know how this system would work and they wondered if it would be fair.

[*English*]

In fact it worked. It worked quite well. We were the test case. We went through it. At present I have lived through the experience personally. It has been a good working system.

This committee, however, will examine something a lot larger than the test case of linguistic schools in the eastern townships. At present the rights of minorities are guaranteed in the Canadian Constitution. They are guaranteed under the Constitutional Act, 1867 and 1982.

It remains my opinion that amending the Constitution is a very serious matter that should not be taken lightly, which presents the House with a dilemma.

The National Assembly in Quebec City has voted overwhelmingly in favour of instituting linguistic school boards as soon as possible. It is desirable for that purpose to amend the Constitution Act, 1867, so that Quebec has full capacity to act in matters of education.

As I said earlier, in my experience this probably makes good sense. Yet it concerns me. Is it the role of the House to stand in the

Government Orders

way of what seems to be the overwhelming will of the people of Quebec? Or, is the role of the House to ensure that the rights of all Canadians are protected under the law? Can it do both?

I am new to this debate. I have much to learn about the Constitutional nuances of my country. What I do know is that the Reform Party's proposal to have a referendum on this question is without merit.

• (1720)

At some point we have to trust elected officials. On this particular matter there seems to be consensus in the national assembly. The Reform Party is proposing to have a constituent assembly comprised of the entire province of Quebec.

[*Translation*]

As a constitutional amendment must not, it seems to me, be made with a nod of the head, I intend to ensure that the committee examines all the repercussions of the proposed amendment on Quebec and on the Constitution of Canada.

I would like now to speak of my immediate concerns and the questions this committee must answer.

The matter is a complicated one, but it concerns a very basic right. I believe that, in the context of the debate on these issues, we must first and foremost answer the following question: will these decisions best serve the interests of young Canadians?

Still on the subject of education, let us look at a few other concerns. First, minority rights and specifically the rights of the anglophone minority in Quebec.

The legislative report of the Government of Quebec indicates that, in order to protect the rights of linguistic minorities within denominational school boards, the bill would have language councils in each. I quote:

The parents of students of the linguistic minority in question will sit on these councils. As appropriate, the language councils will have sufficient authority to ensure constitutional guarantees to anglophones are honoured.

The language councils are to be consulted prior to the establishment of the schools needed for the students of the linguistic minority. They will ensure the school boards provide the minority with an equitable distribution of human, material and financial resources. In the event the school boards conclude service agreements, these agreements shall also be approved by the language councils.

All that seems reasonable. The minorities will have their language councils. That seems perfectly reasonable. However, the document continues, and I quote:

The foregoing provisions are contained in a specific section of the bill, which indicates clearly that denominational school boards and the right to dissent shall remain in force until such time as the Government of Quebec regains its full legislative powers in the field of education.

*Government Orders**[English]*

In other words once the Constitution is amended that is it for language councils.

Second, it is important to note that not all francophones are in favour of linguistic school boards. I have a stack of letters in my office from very pious, observant francophone Protestants who are concerned they will lose their own schools and no religion will be taught.

I will read one letter as an example.

[Translation]

Dear Mr. Price,

We have three children, two of whom have attended and one of whom still attends a French Protestant school called Le Sentier. I am writing to express my disagreement with the request of the Quebec government to amend section 93 of the Constitution Act, 1867 to make school boards non-denominational in the province of Quebec. I am very satisfied with this school for which we fought for well over 15 years before it finally opened six years ago. I am totally opposed to the fact that we can be denied our right to an education that is tailored to the needs and aspirations of our community.

Therefore, I urge you not to allow our Constitution to be amended, particularly section 93.

I want to keep the right to dissent, which to me is synonymous with freedom, and I am counting on you.

And this letter is signed by Mr. and Mrs. Béliveau of Rock Forest.

[English]

In my experience in the eastern townships there has been a chaplain in all the schools. These chaplains are trained to teach and handle issues arising from different religions. This will satisfy the needs of very religious people, but will there still be chaplains?

• (1725)

Another concern raised by some is that without religion in the schools there is nobody to teach and instil values in Canada's young people. This has to be addressed by the committee.

The last concern to which I will speak today is crucial. The Government of Quebec is devoted to independence for Quebec. It is imperative that any decisions regarding this issue be made for the right reason, not to appease that government or because we feel threatened by the separatist government in Quebec.

Similarly we should not make a decision that only serves to frustrate the Government of Quebec. The interest of Canada's young people must be the guide.

I would like to point out something that I found very interesting. When the Quebec minister responsible for education, Pauline Marois, issued the notes for the press conference to introduce the bill she made reference to several objectives in it.

The number one objective in notes of the Quebec minister was to promote the integration of immigrants into the francophone community. While it is important and necessary to ensure immigrants are welcomed and integrated into the Quebec community, it seems that bettering the education of Canada's young people might be a more important first objective for a government serious about education, not just talking about taking Quebec out of Canada.

I would like to address the differences between the situation in Quebec and Newfoundland, and I say differences because there are very few similarities. The people in Newfoundland have spoken clearly on the issue. There has not been full public consultation in Quebec. The public needs to be consulted and this committee will ensure that the public will be consulted.

In Newfoundland two school systems are being combined to create one public school system. In Quebec it is proposed that two school systems change dramatically to create two new school systems. While the principle might be similar, the realities vary. For this reason it is important to look at the issues of Quebec and Newfoundland separately.

I am pleased that the House is getting around to considering this matter in a serious fashion. It was completely unacceptable for the government to forgo any real consideration of the last constitutional amendment that came its way. Thankfully the Senate did an admirable job last year in travelling to Newfoundland to hear all the views and concerns of interested parties. The House should not have dispensed with its constitutional duty so cavalierly, without debate and without concern.

A last concern is that it has come to my attention that this committee will not be permitted to travel. This seems strange. I hope I have succeeded in outlining the importance of this committee. It should be given the resources to conduct its job properly and efficiently. This will almost certainly mean hearing from witnesses who would not come before committees if it meant being unreasonably inconvenienced.

The eastern townships was a test case and it worked out quite well.

[Translation]

Let us look now at what we can accomplish together for our country and especially for our youth.

[English]

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I would like to question the member about one thing in his speech. His wording was something like there was a time when people had to trust their representatives or their officials.

How does the member distinguish the times when he would trust his constituents as opposed to trusting himself? Does it have to do with self-interest or an academic qualification? How does he

Government Orders

define his representation of constituents? Does he represent them? Does he represent himself or does he represent his party?

Mr. David Price: Mr. Speaker, it is quite straightforward that I represent my constituents. They elected me to do a job. I do not think they expected to come here every time there was a separate vote, that they would have to vote individually. I am here representing them and that is the job we should be doing.

• (1730)

[*Translation*]

Ms. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is with great pride that I take part in this dispassionate debate on the creation of linguistic school boards. I say with “great pride”, because the constitutional amendment proposal introduced today by the Minister of Intergovernmental Affairs, whom I will not name, is an important step in a debate which, in Quebec, lasted 30 years before a consensus could be reached. Therefore it is not with indifference that we should welcome this day but rather with a deep satisfaction.

On April 15, the National Assembly voted unanimously in favour of a constitutional amendment to section 93 of the Canadian Constitution. The aim of this amendment was essentially to restructure the school system along linguistic rather than denominational lines. Our government supported this initiative and, on April 22, the Minister of Intergovernmental Affairs introduced a motion to that effect here in this House.

However, because an election was called, which brought us back to power on June 2, it became impossible to pursue this initiative. This government is therefore addressing the situation today.

[*English*]

We should not only be pleased that the debate is entering a new stage today but also that a majority of Quebecers, francophones and anglophones, support the establishment of linguistic school boards.

A consensus has been forged, and as the intergovernmental affairs minister has noted that consensus is sufficiently broad for us to go ahead with the proposed change.

[*Translation*]

Today, in tabling the resolution for a constitutional amendment to section 93 of the Constitution Act, 1867, the Minister announced that it would be referred to a special joint committee that would report back to Parliament in the next few weeks. This is a logical initiative that should have the support of all hon. members of this House. We should certainly be glad that all stakeholders were able to achieve a consensus but, in accordance with parliamentary custom, we have to provide an opportunity for these stakeholders

and others to be heard on such an important constitutional amendment.

This is so obvious that no one can object in good faith to the approach taken by our government without flouting the democratic values of Canadian society from coast to coast. I would certainly not accuse any of my colleagues of having such intentions.

[*English*]

Dissenting voices have the right to make themselves heard. We as members of Parliament have the right to inform them and to try to convince them of the merits of this constitutional amendment.

For those who already support it, striking the joint committee will give them the opportunity to reiterate their support. This is a democratic exercise that is not only healthy and necessary but also respectful of the opinions generated by all sides in this debate.

[*Translation*]

A minute ago I was talking about our democratic values. Quebecers have always shared and espoused these values. In fact, if our country is so widely respected throughout the world, it is partly because of its respect for this heritage that generations of Canadians have preserved over the years. The motion before us today seems like a golden opportunity to emphasize our respect for democracy and our institutions.

There is another reason for creating this joint committee, as the minister has pointed out in the past few weeks. Some time ago, the official opposition in the National Assembly asked the Quebec government to set up a parliamentary committee on this issue. That request was rejected. All the more reason to create a committee that will allow the various groups, experts and concerned citizens to express their views.

• (1735)

This approach would allow us not only to comply with parliamentary procedure but also to promote a better understanding of the changes that would be effected through this constitutional amendment.

[*English*]

Despite the consensus forged on this issue, obviously some groups and citizens are worried about the disappearance of denominational school boards. Our government is sensitive to that aspect of the issue. Moreover, we are fully aware of the uncertainty felt by some groups and citizens in Quebec's anglophone minorities.

For example, in light of a disturbing demographic situation we are well aware of provisions that limit access to English schools. As the minister has pointed out so well, we cannot ignore the secessionist ambitions of the Government of Quebec.

Government Orders

In these circumstances is it too much to offer those groups and citizens a forum so they can make themselves heard? Not at all. That is why our government will go ahead with its proposal to strike a joint committee.

I now come to the main point of my comments. Certain Quebecers are worried about this constitutional amendment. However, as the minister has said, the proposed changes do not run counter to the interests of the anglophone community.

Section 23 of the Canadian Charter of Rights and Freedoms, which guarantees linguistic minorities the right to instruction in their own language, will continue to provide solid guarantees to Quebec's anglophones as it has in the past.

Moreover—and the minister has highlighted this reality—the Government of Quebec is not seeking to root out religion from education but rather to secularize the administrative structures.

This debate has not arisen for no reason. In recent years the repositioning of Quebec's society has been modified by the contribution of newcomers at the same time as secularization has increased. At that point the need has been felt to reorganize school structures along linguistic rather than denominational lines.

The constitutional amendment tabled by the minister takes account of that evolution.

[Translation]

Such debates are nothing new; it is not the first time Quebec society has felt the need to review its school system. But the evolution of Quebec society with all its characteristics has seen a consensus emerge in both the francophone and the anglophone communities. We should seize this opportunity to set up school boards along linguistic lines.

One last question, if I may, before I conclude. It concerns co-operation between both levels of government. Being used to recriminations from the Quebec government, we see in this debate a meaningful example of what we could all achieve if the secessionist rhetoric gave way to true co-operation.

Another important point deserves to be mentioned. This constitutional amendment on linguistic school boards is considered a bilateral amendment in constitutional legalese.

There is some irony here. While the 1982 Constitution is still being condemned by secessionist leaders, this same Constitution allows them to request this amendment today.

Clearly, we can achieve a consensus, change our federation and even our Constitution without tearing this country apart. I urge all my colleagues in this House to support the motion before us.

I forgot to tell you I was sharing my 20 minutes with my colleague for Broadview—Greenwood.

• (1740)

[English]

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, my friends in the Bloc always get a little concerned when I speak on these issues. It is no secret to members of this Chamber that I came here almost 10 years ago from downtown Toronto because my constituents wanted somebody to make sure they had a voice that would always speak up for a strong national government.

They wanted someone who would be outspoken at the appropriate time on minority rights. When disadvantaged regions of our country needed financial support or extra support as they were going through difficult times and did not have the necessary infrastructure, they wanted advantaged regions to be there to help them.

I have always tried to be consistent on the primary reason I was elected. That was why I originally opposed the Meech Lake accord. The Meech Lake accord essentially dismantled the national government. It was essentially a process that promoted offloading on to the province's national government responsibilities. It has been like a litany of transferring of powers over the last many years.

I would like to say to the minister I applaud the fact that he is putting this motion into committee where over the next few months we can have broad based support from both sides. Members will have an opportunity to speak on the amendment. Even though the amendment is different from term 17, make no mistake. It is inextricably intertwined with what is happening in terms of the constitutional amendment process in Newfoundland.

Again I say to the minister that it is a good thing it is going to committee. I appreciate that the prime minister has also said the vote on the amendment would be a free one.

I do not have all the answers in terms of the process today. That is why we will be going into a joint committee over the next few months. In the last little while we have moved so quickly on so many offloadings and dismantling of national government responsibility that I would appeal to members of the House, as we head into a new term, to remember the Chamber is not a rubber stamp for the provinces.

The Chamber has always been the custodian of minority rights. It has been here from time to time to stand up to the provinces and say it will not agree with them on a particular program or policy thrust.

A few of us in Ontario have concerns about what the amendment will mean, could mean or might mean in terms of setting a

Government Orders

precedent in the province of Ontario and the separate school system that exists there, which is recognized as an efficient system.

In spite of that efficiency we have a government in the province of Ontario right now that in the name of a dollar would save putting up the Ontario flag on a day. It is a very tight, cost cutting government.

Some of us are concerned this could set a precedent that could affect our educational system, especially those of us who do not believe in a total secularization of the school system.

Mr. Leon E. Benoit: Are you willing to cut the transfers?

• (1745)

Mr. Dennis J. Mills: The member talks about transfers and economics. One of the reasons given by the province of Newfoundland for changing its entire separate school system was that it wanted to save \$9 million to \$11 million. I for one think that is a pitiful sum of money to shut down an entire system and a tradition that has always been a part of this country.

I want to repeat that it is important that Canadian who want to speak out on this issue, those who want to make representation, have an opportunity to appear before the joint committee between now and the end of November.

I have always accepted the outcome of any vote in this House but between now and then it is very important that we reflect on what is the responsibility of this Chamber. I urge members to make sure that this Chamber does not become a rubber stamp for the provinces.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, today as we debate Motion No. 3 we are embarking on a debate that has a number of interesting aspects to it.

On the surface the motion is relatively straightforward. The motion calls for the creation of a special joint committee of the House of Commons and the Senate to study matters relating to the proposed resolution respecting a proposed amendment to section 93 of the Constitution Act of 1867 concerning the Quebec school system.

At this time I will not go into any great detail about the proposed amendment as the government will be introducing the amendment as Motion No. 4 which will be debated after the special joint committee reports.

Toward the conclusion of my speech I will briefly touch on a couple of areas of concern. I would first like to concentrate on the special joint committee itself. Reformers involve themselves with the Senate with some trepidation. One of the basic tenets of Reform Party's principles is to reform the Senate. We believe in a triple-E Senate where the Senate is equal, elected and effective. We believe

that such a reformed Senate would go a long way in legitimizing the upper Chamber.

It is the fact that all the members of the Senate have been appointed by the prime minister of the day that causes Reformers such grief in dealing with the upper Chamber. The appointment of any political representative is an archaic practice that should have been forever consigned to the history of the 19th century. Yet here we are, almost on the eve of the 21st century, and the prime minister is still indulging in this patronage riddled practice.

It is not that there are not good people in the Senate. There are. I have met with a number of talented individuals from the upper Chamber, many of whom perform admirable service to the people of Canada. But since they are unelected and therefore unaccountable to no one but the prime minister who appointed them, they have no legitimacy.

Reformers are reluctant to convey any legitimacy to that unelected upper Chamber by working with them on a special joint committee. But Reformers are also pragmatists. While we will constantly strive to reform the Senate, we recognize that the reality of today is that Canadians have a Senate that is unelected, unequally distributed by any measure and whose effectiveness and legitimacy are questionable.

But the Senate does have some constitutional powers. One of those powers is that it must ratify any constitutional amendment. Since the ratification of the Senate is required under section 43 of the Constitution Act of 1982, it must play a role in this exercise. The question is: Should it play a joint role with the House of Commons?

If there was not a special joint committee with members from both the House of Commons and the Senate, then the alternative would likely be that both chambers would hold committee meetings on their own. This redundancy would undoubtedly lengthen the time that it would take for the two chambers to deal with the amendment.

The other concern the Reform Party has with this motion is the amount of time that the government is providing to the committee to complete its work.

• (1750)

The motion states:

That the Committee be directed to consult broadly and review such information as it deems appropriate with respect to this issue;

The motion goes on to state that the committee is to make its final report no later than November 7, 1997. That is only 38 days from now.

Is it possible for the committee to consult broadly, as the motion calls for, and meet the November 7 deadline? That of course will depend on the number of people who want to address the committee.

Government Orders

If there is near unanimous support for the amendment in Quebec and few individuals or organizations are interested in appearing before the committee, then the deadline will not be a problem. If, on the other hand, the committee is deluged by people who wish to appear before it and the committee can only hear a small portion of them, then the short timeframe becomes a major problem, as many Quebecers would be denied their right to express their views on a constitutional amendment.

Under different circumstances I would be horrified that the government would even suggest putting such a short timeframe on the committee. However, in this instance I acknowledge the government's desire to have a short timeframe. If the committee were to undertake a prolonged and detailed review of the amendment, then the separatist government in Quebec and the separatists here in the House would probably use this as an example of the federation being dysfunctional.

However, I would caution the members of the proposed committee to ensure that what they are doing is in the best interests of all Canadians and not just worry how their actions will be perceived in Quebec.

It is for that reason that we put forward the amendment to lengthen the timeframe for the committee until December 31, 1997, to ensure that all Quebecers who have a desire to make a representation before the committee have the opportunity to do so.

If it becomes apparent to the committee that it can hear all the interested parties in a shorter period of time, there is nothing preventing that committee from reporting earlier.

Another reason for the extended time period is to ensure that the committee has sufficient time to consider the three tests for such a proposed constitutional amendment, as delineated earlier by the leader of the opposition.

Before I conclude my remarks I would like to repeat those tests which the committee must address.

The first obligation of the special joint committee must be to ensure that the amendments meet the test of democratic consent. Does the amendment have the consensus of the Quebec people?

When Newfoundland amended term 17, which affected its educational obligations under the Terms of Union, it held a province-wide referendum on two separate occasions. There has been no such universal consultation with the people of Quebec on this occasion. Thus, the committee must feel satisfied that there is substantive evidence to ensure that the people of Quebec are behind this amendment.

A second concern for the committee is to ensure that the amendment meets the test of the rule of law. While there are various legal aspects of this process that must be considered, I

would like the committee to consider this one. Section 93(1) of the Constitution Act, 1867, states:

Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.

While I am not a constitutional expert, I take that to mean that although the provinces were given exclusive jurisdiction over education, they could not make laws after Confederation which would prejudicially affect any right with respect to denominational schools that a person had by law in the province at the time of union.

We must remember that at the time of union there were not four provinces, but rather only three: New Brunswick, Nova Scotia and the united province of Canada.

Therefore, the committee must be satisfied that Quebec can use section 43 of the Constitution Act, 1982, without the consent of Ontario. This could set a significant precedent because if this amendment is passed without Ontario's consent now, will Quebec separatists use this to further their argument that they can unilaterally alter the Canadian Constitution without the consent of their partners in Confederation? This is just one of the questions of law that the committee must address.

• (1755)

The third and final issue that the committee must address is: Does this amendment meet the test of Canadian national interest? Does this amendment give Quebec unique powers in amending the Constitution? Would it lead to Quebec gaining the power to opt out of the Canadian Constitution one clause at a time? Is there sufficient protection for minority groups not only in Quebec but across Canada if this amendment should pass? Again, these questions must be addressed by the committee.

The official opposition is endeavouring to ensure that this process is done correctly. I call on the government and all members of the House to heed our concerns.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonnette, BQ): Mr. Speaker, I wish to congratulate you on your new responsibilities. I had absolutely no intention of participating in this debate but I think that I must set the record straight, with the benevolent and informed support of the hon. member for Berthier—Montcalm.

You know that, according to the amending formula of the Constitution Act, 1982, there are five ways to amend the Constitution. In some instances, the federal government may act alone. There is the well known 7-50 formula, that is to say that an amendment needs the support of seven provinces representing at least 50 percent of the population. Furthermore, provinces can act alone in their own areas of jurisdiction. There is also the bilateral formula and the unanimity rule, which applies to the position of

lieutenant governor, the Queen's representative, and to the redrawing of some boundaries, among other things.

I think that the hon. member, who is well versed in and loves constitutional issues, cannot make a parallel and argue that a bilateral approach would create a dangerous precedent by supporting the legitimate sovereigntist option to act unilaterally.

Let us be clear: there is absolutely no doubt that, in this case, the bilateral formula applies. When Quebec decides in a democratic way to declare its independence, it will be on the basis not of Canada's legislation but of international law as the Constitution makes no provision for such a scenario.

So I would ask the hon. member to make the necessary distinctions, for these are two distinct debates with nothing in common at this time and I wish the hon. member did not really want the committee to proceed as she is suggesting.

[English]

Ms. Val Meredith: Mr. Speaker, many of us are concerned that any constitutional amendment passed under section 43 or any of the other provisions might set a precedent. We want to make sure that the Constitution is amended under the rule of law. It has yet to be determined whether this is the right amending formula to be used in this case.

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, I have a brief question for the member of the Reform Party.

I listened with interest to her comments on the reform of the Senate. I wonder whether she could confirm for the House that the senator from Alberta who died a few years ago, the former Premier Ernest Charles Manning, was the father of the current leader of the Reform Party in this House?

Ms. Val Meredith: Mr. Speaker, I am proud to say that yes he was the father of the present leader of the official opposition.

[Translation]

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, it is a pleasure to support the motion to amend the motion to refer to a joint committee the proposed amendments to section 93 of the Constitution Act, 1867. It is also a pleasure to know that I am done with this long and complicated sentence.

• (1800)

The amendment put forward by the hon. member for Calgary Southwest draws attention to three important principles on which constitutional amendments should always be based: democratic consent, the rule of law and the national interest.

Government Orders

Through you, Mr. Speaker, I would like to add my comments to those of my colleagues from Calgary Southwest and South Surrey—White Rock—Langley concerning the joint committee to which the proposed amendment to section 93 of the Constitution Act, 1867 will be referred.

First of all, I would like to commend the Bloc for its comments on the illegitimacy of an unelected Senate. This shows that its democratic instinct is similar to that of the Reform Party. This shows once again that the Reform Party and the Bloc both want our federal system to be changed in order to give more autonomy to the provinces in areas that directly affect their cultural and economic characteristics.

Of course, I do not have to remind the House how much the objectives of our parties differ. It is obviously possible to obtain provincial autonomy by becoming sovereign, at a very high cost to all parties concerned. We would, however, better serve the national interest by changing the way our federal system works.

I would like to point out to the House that the national interest is precisely the third criterion on which we should judge constitutional amendments. I hope that by pointing out this fact to the House we will be able to instil these principles into the collective political conscience of the House.

It is our attachment to the objective of national unity that worries us so much when a constitutional amendment is contemplated in a more or less judicious manner.

As the hon. leader of the official opposition said, using the amending formula of section 43 may not be not totally legal. It is clear that this amending formula applies to subsection 93(2) of the Constitution, but not to subsections 1, 3 and 4. The legality of this approach should be determined by the Superior Court of Quebec. If not, the federal government should ask the Supreme Court's opinion on this issue.

This having been said, our caucus continues to believe that, before amending the Constitution, the three tests referred to must be done. The test of democratic consent is the first principle we feel should be applied, under the circumstances. Do the majority of Quebecers support the constitutional amendments proposed? The best way to answer that question is to hold a referendum, which is why my hon. colleague has recommended that the Government of Quebec hold one. If Quebecers support the amendment, the provincial government has nothing to lose. If they reject it, this government has everything to lose. One need not be a populist to realize that it is never wise to go against the voters' wishes.

The second test is the rule of law. As my colleague from Calgary Southwest has clearly stated, section 43 may not apply here. I will go no further with this, but I would like to address the question of minority rights.

Government Orders

Since the political discussions on unity have essentially focussed on the decentralization of powers and the subsequently greater provincial autonomy, the question of minority rights becomes all the more important.

• (1805)

By giving increased powers to the province of Quebec in areas such as language, culture and education, are we not abandoning the anglophone minority of Quebec?

This is not an easy issue, but I believe it draws our attention to the very important role of the Constitution in regard to the protection of minority rights. If Quebec is not bound by section 93(1), the Superior Court of Quebec should rule that this proposal will have no adverse effect on minorities in Quebec. I cannot overemphasize the importance of this.

The third test relates to the national interest. Does the proposed amendment meet the national interest? From a certain point of view, the answer is no. The use of section 43 in this instance will allow all provincial governments to question the limits of their jurisdiction.

The Reform Party strongly believes that provinces need more autonomy. They need powers which will allow them to create institutions that are truly representative of the economic and cultural realities of the regions. However, all provinces must have the same powers. The way they will exercise those powers will depend on the will of their respective population. It is not appropriate, however, to create a precedent which would allow Quebec to be exempt from the law of the land.

Constitutional change is a necessity in this country. We must create a new balance of powers if we want the Confederation to be adapted to the needs of its provincial partners. These are the goals that our caucus hopes to reach. However, democracy is more a matter of process than result and I believe it is important to review carefully the process to amend section 93.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, as some people spoke to me very highly of this new member, I cannot resist the temptation and ask him two short questions.

The notion that a referendum might be held cannot apply here for the two following reasons: first, as the hon. member will understand, what this is all about, from A to Z, on the X as well as on the Y axis, in any way one tries to look at it, involves only the education sector. We are not dealing with an amendment that is going to change the balance between communities, between francophones and anglophones.

We are dealing with an amendment that will enable the province of Quebec, the country of Quebec—I should never use the words “Quebec” and “province” in the same sentence—to modernize its

school system. That is the basic and sole purpose of this amendment.

The member says there has to be equality among the provinces. I should probably take on the challenge of convincing him of the contrary before the end of the year.

If the member thinks that all the provinces are equal, therefore that Quebec is equal to Prince Edward Island, in spite of all the beauty that Prince Edward Island has to offer with its beaches and the ingenuity of its people, it essentially means that the member thinks that we are not a nation, that there is only one nation, the Canadian nation, and that he does not want things to change to recognize the fact that we speak French, that our political system is different, that our justice system is different, that we have a vernacular language, that we have a collective desire to survive and, most of all, that Quebec is the only state in the world that is controlled by 82 per cent of the population. That is what the specificity of Quebec is all about.

• (1810)

So, I hope that, by dint of rubbing shoulders with him in very parliamentary settings, I will convince the hon. member that we cannot in all honesty say that all provinces must be equal, for that would be denying the fact that Quebec is a nation.

[English]

Mr. Rahim Jaffer: Mr. Speaker, the hon. member mentioned a point that I would like to clarify. Despite the fact that there are differences in Canada—I mentioned that—we are all equal. That is fundamentally what we in the Reform Party are fighting for. The size of the province does not matter, whether it is Prince Edward Island, Quebec or Alberta. We are all equal, and that is what we are trying to accomplish.

With this amendment we are saying that it is still important to respect the views of the people who have elected us, even in the province of Quebec. That is why we propose holding a referendum. I think the hon. member would agree that there is no harm in doing so. There is no harm going to the people in his province and asking them what they think about this amendment. I firmly believe that we stand for that view of equality.

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I am pleased to speak in support of the motion to strike a parliamentary committee to review the proposed constitutional amendment to reorganizing Quebec's school boards along linguistic lines.

We know that the proposed amendment enjoys a reasonable degree of support from those who will be affected by it. Indeed, the reports and consultations that have taken place in Quebec show that a consensus has emerged. Quebeckers clearly feel that, while denominational school boards adequately reflected the reality of

Government Orders

Quebec before the quiet revolution, today linguistic school boards would correspond more closely with the values and sociological realities of the province.

[*Translation*]

It is clear that Catholic and Protestant Quebecers, anglophones and francophones alike, share this point of view. When a society reaches a clear consensus regarding the administrative structures required to educate its children, it is then up to the government to react.

Accordingly, in April of this year, the National Assembly of Quebec voted unanimously in favour of a constitutional amendment that would replace the Catholic and Protestant school boards with francophone and anglophone boards.

The Minister of Intergovernmental Affairs wasted no time presenting an identical resolution in this House on April 22. We were then prevented by the federal election from setting up a committee to examine the constitutional amendment, but we are in a position to do so now.

Some may wonder whether it is necessary to set up such a committee, given the unanimous vote in the Quebec National Assembly and the consensus that exists in Quebec in favour of this amendment. To these people I would point out the importance, in a democracy, of hearing from everyone. It is clear that, although the great majority of Quebecers support the proposal, some people who favour linguistic school boards are less certain that a constitutional amendment is the route to go.

Democracy requires that all citizens be able to express their views on the important issues of the day. Parliamentary committees have been part of the Canadian democratic tradition precisely so that experts, groups and citizens may express their points of view and so that citizens and their elected representatives can reach a better understanding of important issues.

The official opposition in the National Assembly asked that similar hearings be held in Quebec, but its request was turned down. The decision by the Government of Quebec not to set up a parliamentary committee to discuss the switch to a non-denominational school system makes it doubly important today to vote in favour of creating such a committee.

• (1815)

[*English*]

A parliamentary committee will allow those with qualms about the proposed changes to voice them and it will give those who advocate the new system an opportunity to allay these concerns.

If a stronger consensus in favour of a constitutional amendment thus emerges it will be surely helpful to the Quebec government as it charts a new course for the educational structures in the province.

I have mentioned the concerns of those within Quebec about the proposed amendment but I should like to take a moment to address briefly the concerns of other Canadians, Canadians who wonder what implications this constitutional amendment might have for them. In particular, I think that for those Canadians in other provinces who enjoy rights to denominational schools there has been some concern expressed, for example, by certain Catholic groups in my home province of Ontario. This is another reason to support the striking of a parliamentary committee.

I am sure that in its discussions the fact that the changes proposed by the Government of Quebec have no bearing on minority educational rights in other provinces will be raised and reinforced.

It is important that we stress today very clearly that this amendment would be a bilateral one involving the governments of Canada and Quebec City. As the Minister for Intergovernmental Affairs mentioned, it is a proposal that has been endorsed by the Catholic committee for the superior council of education, the federation of school boards, the federation of parents committees and teachers associations representing all the teachers of the province.

It is clear that should another province bring forward a request to replace its denominational school system or to otherwise change the constitutional guarantees of its minorities the Government of Canada would once again insist that a reasonable degree of support be demonstrated by the affected minorities.

The proposed amendment responds to the particular reality of Quebec. It is one of the strengths of our federation that it is flexible enough to accommodate the different and diverse needs of each of our provinces. What is appropriate for Quebec may not necessarily be appropriate for Alberta or Ontario or vice versa.

[*Translation*]

Our federal system allows us to rally our forces for the common good, but it is flexible enough to facilitate the full expression of regional identities.

[*English*]

Similarly, our Constitution is not a strait-jacket that prevents change. Rather, it is a framework that allows change to take place in an orderly and timely manner. It is an evolving reflection of who we are as Canadians.

[*Translation*]

Quebec, no less than the other provinces, flourishes within our federation and it will continue to do so in the future.

This brings me to a point mentioned earlier, but which certainly deserves to be re-examined. I am afraid that these secessionist leaders who contend that our Constitution of 1982 hinders Quebec's development will have to find other arguments. After all, this

Government Orders

constitutional amendment, which would allow the government of Quebec to change the very foundations of its education system, was made possible by the patriation of the Constitution.

If the Constitution had not been patriated 15 years ago, this debate would be taking place in the shadow of Big Ben and not of the Peace Tower.

[*English*]

It all goes to show that our federation has evolved a great deal. It is still evolving. As our government stressed in the recent Speech from the Throne, we are committed to working collaboratively with our provincial partners to strengthen and modernize country. The proposed amendment clearly demonstrates that we can work side by side with the Quebec government to modernize the federation, a federation which belongs to us all.

• (1820)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

• (1905)

(The House divided on the amendment, which was negated on the following division:)

(Division No. 5)

YEAS

Members

Abbott	Ablonczy
Anders	Bailey
Benoit	Breitkreuz (Yorkton—Melville)
Cadman	Casson
Duncan	Elley
Forseth	Gilmour
Goldring	Gouk
Grewal	Grey (Edmonton North)
Hart	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Hoepfner	Jaffer
Johnston	Kenney (Calgary-Sud-Est)
Kerpan	Konrad
Lowther	Lunn
Manning	Mark
Mayfield	McNally
Meredith	Mills (Red Deer)

Morrison
Pankiw
Ramsay
Ritz
Scott (Skeena)
Strahl
Vellacott
White (North Vancouver)—49

Obhrai
Penson
Reynolds
Schmidt
Solberg
Thompson (Wild Rose)
White (Langley—Abbotsford)

NAYS

Members

Adams	Alarie
Alcock	Anderson
Assad	Asselin
Augustine	Bachand (Richmond—Arthabaska)
Baker	Bakopanos
Bélair	Bélanger
Bellehumeur	Bennett
Bergeron	Bernier (Tobique—Mactaquac)
Bertrand	Bigras
Blaikie	Blondin-Andrew
Bonwick	Boudria
Bradshaw	Brien
Brown	Bryden
Bulte	Byrne
Caccia	Calder
Cannis	Canuel
Carroll	Casey
Catterall	Cauchon
Chamberlain	Charbonneau
Chrétien (Frontenac—Mégantic)	Clouthier
Coderre	Cohen
Collenette	Comuzzi
Copps	Crête
Cullen	Dalphond-Guiral
Davies	de Savoye
Debien	Desjarlais
Desrochers	DeVillers
Dhaliwal	Dion
Doyle	Dromisky
Drouin	Dubé (Lévis)
Duceppe	Duhamel
Dumas	Earle
Easter	Folco
Fontana	Fournier
Fry	Gagliano
Gagnon	Galloway
Gauthier	Girard-Bujold
Godin (Acadie—Bathurst)	Godin (Châteauguay)
Goodale	Graham
Grose	Guay
Guimond	Harb
Harvard	Harvey
Herron	Hubbard
Ianno	Iftody
Jackson	Jennings
Jordan	Karetak-Lindell
Keddy (South Shore)	Keys
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Laliberte	Lalonde
Lastewka	Laurin
Lee	Lefebvre
Lill	Longfield
Loubier	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Mahoney
Malhi	Maloney
Mancini	Manley
Marceau	Marchand
Marchi	Marleau
Martin (LaSalle—Émard)	Martin (Winnipeg Centre)
Massé	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McTeague
Ménard	Mercier
Mifflin	Mills (Broadview—Greenwood)
Minna	Mitchell
Muise	Myers
Nault	Normand
Nystrom	O'Brien (London—Fanshawe)
O'Reilly	Pagtkhan
Paradis	Parrish

Adjournment Debate

INFRASTRUCTURE

Patry
Perron
Pettigrew
Picard (Drummond)
Plamondon
Pratt
Proctor
Provenzano
Reed
Riis
Rocheleau
Sauvageau
Shepherd
Speller
Steckle
St-Hilaire
St-Julien
Szabo
Thibeault
Tremblay (Lac-Saint-Jean)
Ur
Vanclief
Volpe
Wasylcia-Leis
Whelan
Wood—193

Peric
Peterson
Phinney
Pillitteri
Power
Price
Proud
Redman
Richardson
Robillard
Rock
Scott (Fredericton)
Solomon
St. Denis
Stewart (Brant)
St-Jacques
Stoffer
Telegdi
Thompson (Charlotte)
Tremblay (Rimouski—Mitis)
Valeri
Vautour
Wappel
Wayne
Wilfert

PAIRED MEMBERS

Axworthy (Winnipeg South Centre)
Îles-de-la-Madeleine—Pabok
Lebel
Turp

Bernier (Bonaventure—Gaspé—
Finestone
Torsney

The Deputy Speaker: I declare the amendment defeated.

Mr. Bob Kilger: Mr. Speaker, earlier there were discussions among all parties. I believe you would find that there is agreement among all parties to deal with the main motion now and to dispose of it on division.

The Deputy Speaker: The House has heard the proposal of the chief government whip. Is there unanimous consent for the proposal?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

An hon. member: On division.

The Deputy Speaker: I declare the motion carried.

(Motion agreed to)

ADJOURNMENT PROCEEDINGS

• (1910)

[*English*]

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

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, on Friday I asked a question of the Minister of Transport about untendered contracts on a highway 104 project in Nova Scotia which is being done under a federal-provincial agreement. The minister's reply was basically that it is a provincial issue. I take exception to that. It is not a provincial issue.

Under normal conditions perhaps a highway is a provincial issue, but this deal is anything but normal. It is not normal because the federal and provincial governments have contributed money to set up a business to operate a highway at a profit of \$151 million.

It is not normal because the province of Nova Scotia gave up control of the speed limits and fine amounts. It gave up control of who can drive on the highway. It even gave up the right for the financiers, Newcourt Credit, to establish their own police force on this highway. So it is not normal.

It is not normal because this is the only highway in and out of the province of Nova Scotia and it will affect every person in Nova Scotia and also Newfoundland because it is the only highway that serves Newfoundland.

This is a screwball agreement. The reason we have it is because there is no national highway program, which we will get into later. If we continue with projects like this one, we will have a hodge-podge of agreements all across the country if we do not have a national highway funding program.

Today the issue is the untendered contracts. The minister said that it was a provincial issue. I will read from the agreement where the federal government and provincial government put \$55 million into it.

Clause 5.1 states that the \$55 million agreement will be managed by two members of a management committee, one member appointed by the federal minister and the other appointed by the provincial minister. It goes on to say that all decisions of this management committee will be in writing and shall be acted on only if they are unanimous. So every decision had to be approved by the federal government, it had to be unanimous and it had to be in writing.

Also leading on into the agreement another clause states that all contracts shall be awarded to the qualified and responsible tenderer submitting the lowest evaluated bid.

Considering it is very clear that all the contracts had to be tendered and also it is clear that all decisions had to be agreed to by the federal government, did the federal government agree to issue \$113 million of contracts untendered, or did the province circumvent the terms of the agreement and do it by itself? It is either one way or the other.

Adjournment Debate

If the feds did agree, we would like to have a copy of that decision because in the agreement it says that all decisions will be in writing.

There are a few other little things we would like to have from the hon. minister concerning this agreement.

Section 5.3 says that the management committee will be responsible for issuing annual reports to the minister on the progress achieved by this agreement. We would really like to have copies of those progress reports.

Section 5.5 says that decisions of the management committee will be in writing and will be acted on only if they are unanimous. We would like to have copies of all the decisions.

Section 11.2 says that progress reports will be made public frequently. We would like to have all those progress reports. We would like to have copies of the untendered contracts. We would like to know exactly how the \$27.5 million of federal money was put into the Atlantic highways improvement program.

• (1915)

Basically we want to know if the federal government agreed to allow \$113 million of untendered contracts to go through and, if so, why.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, as the Minister of Transport stated to the hon. member in question period on September 26, under the Constitution of Canada responsibility for highways, including highway 104 in Nova Scotia, falls under provincial jurisdiction.

For the clarification of the member opposite, I would like to explain it a little further.

Transport Canada's only involvement in highway 104 is to match dollar for dollar \$55 million with the province. That amounts to \$27.5 million each.

The highway 104 western alignment project is one of a few projects funded through the Transport Canada/Nova Scotia strategic highway improvement program agreement signed in 1993. This agreement makes provisions for both the federal government and the province to each set aside about \$70 million, for a total of \$140 million, for highway improvements in Nova Scotia.

It is important for the hon. member to note that Transport Canada's involvement in the highway 104 project ends right there. The province of Nova Scotia is the responsible authority for the project. It is the province that decides on the alignment, design, construction standards, tendering process and how to finance the construction costs of the provincial highway system.

The province of Nova Scotia chose to use a public-private partnership concept as a means to construct and finance highway 104. Nova Scotia decided the developer would be allowed to charge tolls as a means of recuperating costs directly from the users of the new highway.

The federal government is neither party to nor responsible for Nova Scotia's public-private agreement with the developer. As the minister has stated to the member, the government's only involvement is to match the funding provided by the province.

The hon. member for Cumberland—Colchester also expressed an interest in the tendering process for the highway. According to the officials in Transport Canada, the province of Nova Scotia went through an extensive selection and tendering process for highway 104.

The Deputy Speaker: I am sorry but the hon. member's time has expired.

A motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.17 p.m.)

CONTENTS

Wednesday, October 1, 1997

STATEMENTS BY MEMBERS

Ralph Campbell			
Mr. DeVillers	323	Mr. Bellehumeur	328
Pacific Salmon Fishery		Ms. McLellan	328
Mr. Lunn	323	Mr. Bellehumeur	328
Tom Edwards		Mr. Chrétien (Saint-Maurice)	328
Ms. Longfield	323	Pay Equity	
Quebec Premier		Ms. Desjarlais	328
Mr. Sauvageau	323	Mr. Massé	328
Breast Cancer		Ms. Desjarlais	328
Mrs. Augustine	324	Mr. Massé	328
International Seniors Day		RCMP Investigations	
Mrs. Bakopanos	324	Mr. Bachand (Richmond—Arthabaska)	329
Municipal Governments		Mr. Scott (Fredericton)	329
Mr. Mark	324	Mr. Bachand (Richmond—Arthabaska)	329
Taryn Laing		Mr. Chrétien (Saint-Maurice)	329
Mr. Szabo	324	Supreme Court of Canada	
Francophones		Mr. Ramsay	329
Mrs. Tremblay	325	Ms. McLellan	329
Quebec Premier		Mr. Ramsay	329
Mr. Coderre	325	Mr. Chrétien (Saint-Maurice)	329
Breast Cancer		Information Highway	
Ms. Meredith	325	Mrs. Lalonde	329
Quebec Premier		Mr. Manley	329
Mr. Patry	325	Mrs. Lalonde	330
Persons with Disabilities		Mr. Manley	330
Ms. Lill	325	Customs	
Quebec Premier		Mr. Kenney	330
Ms. Jennings	326	Mr. Dhaliwal	330
AIDS		Mr. Kenney	330
Mr. Thompson (Charlotte)	326	Mr. Dhaliwal	330
ORAL QUESTION PERIOD		Goods and Services Tax	
Foreign Affairs		Mr. Loubier	330
Mr. Manning	326	Mr. Martin (LaSalle—Émard)	330
Mr. Chrétien (Saint-Maurice)	326	Mr. Loubier	330
Mr. Manning	326	Mr. Martin (LaSalle—Émard)	331
Mr. Chrétien (Saint-Maurice)	327	Canadian Security Intelligence Service	
Mr. Chrétien (Saint-Maurice)	327	Mr. Hilstrom	331
Revenue Canada		Mr. Scott (Fredericton)	331
Miss Grey	327	Mr. Hilstrom	331
Mr. Dhaliwal	327	Mr. Scott (Fredericton)	331
Miss Grey	327	Algeria	
Mr. Dhaliwal	327	Mr. Ménard	331
Supreme Court of Canada		Mrs. Robillard	331
Mr. Duceppe	327	Asbestos Industry	
Ms. McLellan	327	Mr. Charbonneau	331
Mr. Duceppe	327	Mr. Marchi	331
Ms. McLellan	328	Health	
		Mr. Hill (MacLeod)	331
		Mr. Rock	332
		Mr. Hill (MacLeod)	332
		Mr. Rock	332
		Fisheries	
		Mr. Robinson	332
		Mr. Anderson	332
		Mr. Robinson	332

Mr. Blaikie	352
Mr. Bellehumeur	353
Mr. Blaikie	353
Mr. Manning	353
Mr. Blaikie	354
Mr. de Savoye	354
Mr. Blaikie	354
Mr. Price	354
Mr. White (North Vancouver)	356
Mr. Price	357
Ms. Jennings	357
Mr. Mills (Broadview—Greenwood)	358
Mr. Benoit	359
Mr. Mills (Broadview—Greenwood)	359
Ms. Meredith	359
Mr. Ménard	360

Ms. Meredith	361
Mr. Proctor	361
Ms. Meredith	361
Mr. Jaffer	361
Mr. Ménard	362
Mr. Jaffer	362
Mr. DeVillers	362
Amendment negatived	365
Mr. Kilger	365
(Motion agreed to)	365

ADJOURNMENT PROCEEDINGS

Infrastructure	
Mr. Casey	365
Mr. Keyes	366

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