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OFFICIAL REPORT
(HANSARD)

Thursday, November 26, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, November 26, 1998

The House met at 10 a.m.

Prayers

● (1005)

PRIVILEGE

FOREIGN AFFAIRS AND INTERNATIONAL TRADE—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on Thursday, November 19, 1998 by the hon. member for Toronto Centre—Rosedale concerning the publication of a draft report of the Standing Committee on Foreign Affairs and International Trade on Canada's foreign policy regarding nuclear weapons.

[*Translation*]

First, I would like to thank the hon. member for his succinct and emphatic presentation as well as the hon. members for Fraser Valley, Beauharnois—Salaberry, Richmond—Arthabaska, Scarborough—Rouge River and Crowfoot for their valuable contributions on this question.

[*English*]

The hon. member for Toronto Centre—Rosedale and several other members explained that this is, by no means, the first time a case of this nature has been raised on the floor of the House.

In fact, a case virtually identical to this one was before us this time last year, to be precise, on December 9, 1997. I noted at page 2945 of *Debates* that:

> No potential breach of in camera proceedings can be taken up without a specific allegation of misconduct directed against particular individuals. . . a complaint concerning premature publication of a committee report is incomplete without reference to a specific source responsible for the disclosure of the report.

[*Translation*]

The present case resembles both last year's case as well as a number of other recent cases where committee reports or draft reports have been leaked before the committees had presented their findings to the House.

[*English*]

Speakers' rulings are consistent in these cases. For example, Speaker Jerome on June 23, 1977 dealt with the premature publication of a subcommittee document where the question of privilege cited a press source for a leak but did not attempt to identify the source of the leak itself.

The Speaker declined to find the matter of privilege prima facie because the complaint did not deal with the responsibility of the House and its members with respect to premature disclosure. At page 1209 of *Journals* Speaker Jerome stated: ''Since it misses that point, it misses something I think most important with respect to the privileges of the House''.

In the case before us today, I must therefore rule, as I have consistently done in the past, that the matter raised by the hon. member for Toronto Centre—Rosedale does not constitute a prima facie matter of privilege. However, that does not mean that the matter is not a serious one or that no action should be taken.

I would like to remind the House once again of a caution I issued in dealing with another case of this type on October 9, 1997, at page 689 of *Debates*:

> Members of committees and ministers working with committees have an obligation to ensure that they themselves and those whose expertise they seek, be they personal assistants or departmental officials, respect the confidentiality of their documents and the integrity of their deliberations.
>
> Committees must address their work processes and be very clear about how they expect draft reports and other material relating to in camera meetings to be treated. Everyone present at such meetings, including officials from departments and agencies, must realize their obligation to respect the confidentiality of the proceedings they witness and the material they may therefore be privy to.

● (1010)

[*Translation*]

With respect to the present case, it certainly remains open to the Standing Committee on Foreign Affairs and International Trade to pursue the question of how their draft report has been dealt with. Concerning the broader issue raised by the hon. member for Toronto Centre—Rosedale, it may be that the House or those whom the House has mandaterd to oversee the practices and procedures of this place will decide that it is time to examine this question in its entirety.

[*English*]

I thank the hon. member for Toronto Centre—Rosedale and all of the other interveners for raising the matter which I know both the Chair and the House itself view as one of great seriousness.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I rise on a point of order. I wish to thank you for that ruling, which I respect. I wonder if it would be more efficient and practical if we took it upon ourselves in the House this morning to refer this issue to the procedure and House affairs committee so that it may review it and take action on the issue since it really is not going to go away.

The Speaker: The House can do whatever it wants to do, but it is not the purview of the Speaker at this point to send this matter to the procedure and House affairs committee. I am always in the hands of the House in any case.

Mr. Randy White: Mr. Speaker, I would like to move that we refer the issue of the privacy and confidentiality of committee reports to the procedure and House affairs committee.

The Speaker: Does the hon. member have permission to put the motion to the House?

Some hon. members: Agreed.

Some hon. members: No.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 15 petitions.

* * *

[*English*]

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, I have the honour to present the sixth report of the Standing Committee on Fisheries and Oceans regarding its order of reference of Thursday, October 29, 1998 in relation to the supplementary estimates (B) for the fiscal year ending March 31, 1999 in regard to votes 1(b), 5(b) and 10(b) under fisheries and oceans.

INDUSTRY

Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.): Mr. Speaker, on behalf of the Standing Committee on Industry, I have the pleasure and honour to present its 11th report in accordance with its order of reference from the House of Commons of Thursday, October 29, 1998. The committee has considered votes 1(b), 5(b), 20(b), 25(b), 30(b), 35(b), 50(b), 55(b), 70(b), 75(b), 85(b), 90(b), 95(b), 100(b), 110, 115 and 120(b) under Industry in the supplementary estimates for the fiscal year ending March 31, 1999 and reports the same.

• (1015)

A copy of each of the relevant minutes of proceedings, meeting 74, is tabled and respectfully submitted by the chair, the hon. member for Essex.

* * *

PETITIONS

CRUELTY TO ANIMALS

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, it is a privilege for me to present a huge stack of petitions, probably in the tens of thousands, from people from Kamloops and other parts of British Columbia concerned about the unfair treatment of people who carry out acts of cruelty against animals.

They have a long list of court cases where it has become clear that individuals have been very cruel to animals and have not received virtually any sentence at all, a little tap on the wrist. They feel this is unfair. They point out that the government consider directing judges to take this issue more seriously and to consider increasing the penalties for those who carry out acts of cruelty against animals.

INTERNATIONAL TRADE

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, I have an additional petition that deals with international trade. All the petitioners are from Kamloops, British Columbia. They point out that any future trade agreement into which Canada may enter ought to include provisions to ensure actions against child labour and to include environmental standards and labour standards generally.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Gérard Asselin (Charlevoix, BQ): Mr. Speaker, pursuant to Standing Order 36, I am laying before this House today two petitions signed by several hundred residents of the riding of Charlevoix.

In the first one, the petitioners call upon the government to put the surplus accumulated in the employment insurance account back into the pockets of the unemployed by revoking the current eligibility rules for new entrants and using surpluses for training for the unemployed, thereby promoting direct employment.

In a nutshell, current employment insurance eligibility rules should be revoked so that more unemployed people can have access to the plan.

BILL C-68

Mr. Gérard Asselin (Charlevoix, BQ): Mr. Speaker, in the second petition, gun owners request that the government repeal Bill C-68 and redirect the money being wasted on the licensing and registering of responsible law-abiding gun owners and their firearms toward more effective methods of reducing the number of victims of violent crime.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

TOBACCO ACT

The House resumed from November 25 consideration of the motion that Bill C-42, an act to amend the Tobacco Act, be read the third time and passed.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

• (1020)

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

And more than five members having risen:

[*Translation*]

Mr. Bob Kilger: Mr. Speaker, there have been discussions with representatives of all parties. I believe that you would find unanimous consent to defer the recorded division requested on the motion for second reading of Bill C-42 until Tuesday, December 1, 1998, at the end of the period provided for the consideration of Government Orders.

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

The Deputy Speaker: Accordingly, the recorded division stands deferred.

* * *

MARINE CONSERVATION AREAS ACT

The House resumed from November 16 consideration of the motion that Bill C-48, an act respecting marine conservation areas, be read the second time and referred to a committee.

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, when the debate on Bill C-48, an act respecting marine conservation areas, started at second reading, the Reform Party tabled an amendment calling for the withdrawal of that bill in its present form. That amendment was rejected by the majority in this House.

But make no mistake about the meaning of that rejection. Indeed, during the debate on the amendment, a number of members of this House clearly condemned, among other things, the serious flaws of this bill and the phoney consultation process that took place.

The fact that we rejected the amendment does not mean that we are prepared to support the bill since, on the face of it, it is just as unacceptable.

Let us see what this bill is all about.

The purpose of Bill C-48 is to provide a legal framework for the establishment and eventual development of 28 marine conservation areas, including eight in Quebec, representing each of the ecosystems identified to date in Quebec and Canada. The Saguenay—St. Lawrence marine park is the 29th marine conservation area. However, this park is not included in this bill because it is covered by ad hoc legislation both in Canada and in Quebec.

In the preamble to the act, the Minister of Canadian Heritage states the reasons that led to the establishment of these marine conservation areas.

The government wants, first, to protect natural, self-regulating marine ecosystems for the maintenance of biological diversity; second, to establish a representative system of marine conservation areas; third, to ensure that Canada contributes to international efforts for the establishment of a world-wide network of representative marine areas; fourth, to provide opportunities for the people of Canada and of the world to appreciate Canada's natural and cultural marine heritage; and, fifth, to provide opportunities within marine conservation areas for the ecologically sustainable use of marine resources for the lasting benefit of coastal communities.

Clearly, in order to enforce this legislation when it has obtained royal assent, the federal government would have to acquire the lands belonging to Quebec or to the other provinces affected by this plan to establish marine conservation areas.

Paragraph (2) of clause 5 of the bill provides that the minister may create a marine conservation area ''only if the Governor in Council is satisfied that clear title to the lands to be included in the marine conservation area is vested in Her Majesty in right of Canada, excluding any such lands situated within the exclusive economic zone of Canada''. On the very face of it, this bill does not respect the integrity of Quebec's territory.

How can the Government of Canada think for one moment that the Government of Quebec will hand over ownership of the ocean floor of marine conservation areas that it is thinking of developing within the territory of Quebec?

How can the Government of Canada be unaware, or pretend to be unaware, of paragraph (5) of section 92 of the Constitution Act, 1867, which recognizes clearly that the management and sale of public lands is an area of exclusively provincial jurisdiction?

What makes the Government of Canada so ignorant, or so arrogant, that it fails to recognize that Quebec legislation on crown lands, passed by the Quebec National Assembly, applies to all crown lands in Quebec, including beds of waterways and lakes and the bed of the St. Lawrence River, estuary and gulf, which belong to Quebec by sovereign right?

● (1025)

How could the Government of Canada be so ignorant as to not know that under Quebec legislation the province cannot cede its land to the federal government? It knows full well that, within this legal framework, all the Government of Quebec can do is issue an order permitting the federal government to use Quebec crown lands, including the marine floor, only when the federal government restricts its action to its own areas of jurisdiction.

According to the notes provided us by the Minister of Canadian Heritage with regard to Bill C-48, marine conservation areas are planned for the St. Lawrence, the St. Lawrence estuary and the Gulf of St. Lawrence. These are three areas in which the marine floor is under Quebec's jurisdiction.

Why is the Government of Canada trying again with a bill to invade Quebec jurisdiction? Why is this government, which should be acting for the good of the population, refusing yet again to follow the legislative process that worked so well in the establishment and management of the Saguenay—St. Lawrence park?

Why is this government refusing to again use the bilateral agreement process that worked so well in the case of the St. Lawrence? Why not sign an agreement like the St. Lawrence action plan, phase III, which was signed by all federal and provincial departments concerned, and which provides for an investment of $250 million, over a period of five years, in various activities relating to the St. Lawrence River.

Why is the Department of Canadian Heritage acting with such arrogance this time, by claiming to own the marine floor where it wants to create marine conservation areas, instead of resorting to bilateral agreements with the Quebec government and thus avoiding having Canada once again trample Quebec's areas of jurisdiction?

By refusing to follow the example of the Saguenay—St. Lawrence Marine Park Act and by making ownership of the territory an essential condition for the creation of marine conservation areas, the federal government is behaving, as Robert Bourassa used to say, like a centralizing government that wants control over everything, regardless of recognized jurisdictions.

If ridicule killed, the government would be six feet under by now. Members will want to listen carefully to this. Not satisfied with invading the jurisdiction of a neighbouring government—Quebec—with Bill C-48, the federal government is invading its own jurisdiction and creating overlaps within its own administration. Let us look at how ridiculous that is.

Through the Department of Canadian Heritage, the government plans to create marine conservation areas.

Through the Department of Fisheries and Oceans, it has already created marine protected areas.

Through the Department of the Environment, it wants to create marine wildlife reserves.

It should be noted that a single site could find itself protected under more than one category.

In short, the federal government, which claims to have met all of Quebec's demands, and which states in its Speech from the Throne that it is putting an end to overlap and to interference in areas of provincial jurisdiction, has now found a way to divide itself into three components and to actually overlap itself, so as to be absolutely certain to meddle, in one way or another, in areas that come under the jurisdiction of Quebec and the other provinces.

After looking at how Heritage Canada went about consulting on its draft bill and at the results of that consultation, the Bloc Quebecois concluded that the exercise was a miserable failure and that it was really too bad that, with all the resources at the minister's disposal, she did not see fit to conduct real consultations, which would have made all the flaws in the bill apparent to her. Despite this disastrous failure, Heritage Canada boasts that it has public support for the bill. What a sorry farce.

If ecosystems are to be protected effectively, the Government of Canada must have the co-operation of coastal communities. The Bloc Quebecois urges the government to find workable solutions to the economic woes of coastal communities, if it hopes one day to reach an agreement with them on protecting the environment.

Its partnership initiative with the Government of Quebec should have served as a model to the federal government for the creation of other marine conservation areas. Rather than demonstrating open-mindedness and co-operation, the federal government is still taking an arrogant, aggressive, invasive approach that overlaps other jurisdictions and that is hardly calculated to encourage us to work with them another time.

Obviously, the Bloc Quebecois is against the bill, mainly for the following reasons.

Instead of relying on dialogue, as in the case of the Saguenay—St. Lawrence marine park, the federal government wants to create marine conservation areas irrespective of Quebec's jurisdiction with regard to the protection of its territory and environment.

• (1030)

Second, the Department of Canadian Heritage is proposing the establishment of a new structure, the marine conservation areas, which will duplicate Fisheries and Oceans' protected areas and Environment Canada's protected marine areas.

When things are running smoothly, the Government of Canada tries throwing a wrench in the works, sometimes in the form of baseball bats or pepper spray. This government prefers to stir up trouble, ill feelings and even discontent in the population. It does not understand that Quebeckers have had it with these arrogant policies that cost a fortune. I am confident that the people will let them know that unequivocally on November 30.

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I would like to respond to statements made by some of my distinguished colleagues to the effect that Bill C-48 infringes on provincial jurisdiction, in Quebec and the other provinces, over the seabed. Nothing could be further from the truth.

With respect to marine areas surrounding Quebec, there is one area where the seabed clearly falls under provincial jurisdiction and that is the St. Lawrence estuary. A special agreement and matching legislation have been developed for the Saguenay—St. Lawrence marine park, which encompasses this area. I dare say this was a fine example of co-operation, both within this House and between our respective governments.

In the other marine areas surrounding Quebec, jurisdiction over the seabed is either clearly federal or disputed by the two levels of government, that is the Canadian government and the Province of Quebec.

In Bill C-48, we are proposing the establishment of marine conservation areas where the federal government has jurisdiction over the seabed, based on current possession or a federal-provincial agreement.

Jurisdiction over the seabed in a specific area may be disputed. But that is a different mater entirely. The purpose of this bill is not to resolve such disputes.

We have no intention of acting unilaterally in an area under dispute. This must be clearly understood. Saying otherwise would be misleading the House.

Ideally, any dispute concerning jurisdiction over the seabed should be resolved before a marine conservation area is established. We would have consultations to find a mutually acceptable solution. In some cases, it is possible that the marine region may be represented by another area where jurisdiction over the marine floor is not at issue.

Again, contrary to what was repeatedly claimed in this House by Bloc Quebecois members, we have absolutely no intention of acting unilaterally in a region where the marine floor is at issue. Let us be clear on this.

We are already using the model proposed in the bill. Following the federal-provincial memorandum of understanding signed in March 1997 with the Government of Ontario, we are now jointly looking at the possibility of establishing a marine conservation area in the western part of Lake Superior.

We are also working with the province of Newfoundland and Labrador on a feasibility study for a marine conservation area in the Bonavista and Notre Dame Bay areas. That study was initiated following the signing of a federal-provincial memorandum of understanding, in February 1997. Moreover, the MOU on the Pacific marine heritage legacy signed with British Columbia in 1995 provides that the two levels of government must undertake a joint feasibility study for a marine conservation area in the southern part of the Strait of Georgia.

Following these studies, if the governments come to the conclusion that a marine conservation area can be established, the next step will be the negotiation of an agreement between the Canadian government and the province concerned. Such an agreement would include the terms and conditions under which the marine conservation area would be established, including provisions on the transfer

to the Canadian government of all submerged provincial lands, if necessary.

● (1035)

Such federal-provincial agreements are already in place for the creation of marine conservation areas in Fathom Five, Georgian Bay, Ontario and in Gwaii Haanas, Queen Charlotte Islands, British Columbia.

This shows that a good number of provinces are collaborating in a concept of marine conservation areas that is compatible with the provisions in this bill.

The model underlying Bill C-48, that is ownership of the land by the Government of Canada, is clearly necessary when the Government of Canada already owns the land. That is the intent of the bill.

Our experience with the agreements and feasibility studies on marine conservation areas already described shows that the model proposed in this bill is entirely reasonable and pertinent, whether those holding the contrary view like it or not.

On this note, I move:

That the question be now put.

[*English*]

Mr. Nelson Riis: Mr. Speaker, I rise on a point of clarification. Are we debating the contents of Bill C-48 or the motion that has been put forward?

The Deputy Speaker: We are debating the contents of Bill C-48. The motion is for the previous question, which means that when debate is concluded on this motion, the motion will be put that the question be now put. If it is carried then the question will be immediately put and no further amendments are permitted.

I hope that clarifies it for the hon. member for Kamloops, Thompson and Highland Valleys.

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, I am glad I sought that clarification. I was somewhat confused earlier but I am no longer, essentially.

I appreciate having an opportunity to speak to Bill C-48, an act respecting marine conservation areas. I want to say at the outset that the legislation establishes and manages a system of national marine conservation areas known as NMCAs which are representative of the 29 marine areas of Canada. The 29 national marine conservation areas represent a unique biological and a unique set of oceanographic features.

These areas include fresh and salt waters. The Parks Canada systems approach has identified the 29 NMCAs within Canada's Great Lakes, internal waters which are tidal and the territorial sea as an exclusive economic zone limit, which is the 200 mile limit.

● (1040)

The debate through second reading stage has revealed many deficiencies in the legislation as presently proposed. We in the New Democratic Party agree there are problems with the bill. As parliamentarians it is our duty to correct errors as we see them and to act on behalf of Canadians to improve legislation. It is in that spirit that I will make a number of comments. We want to enhance the bill. We are not opposing it. We certainly approve it in principle with a great deal of enthusiasm. It is in that context that I make my comments this morning.

This is a fitting year to begin the protection of Canada's 29 representative marine areas since 1998 is the year of the oceans. As Canadians we know there are problems with our oceans which include such things as the impact of pollution in a variety of forms, the reality of overfishing, disappearing fish stocks and general fishing mismanagement. We have witnessed the devastation of coastal communities on both the east and west coasts. There are problems on the north coast and problems in the inland water system.

I say with some regret that evidence suggests the Department of Fisheries and Oceans has largely mismanaged this resource, which is indeed unfortunate. I am not enough aware of the situation to comment on how this mismanagement occurred, but based on the report of the standing committee on fisheries it is well documented that mismanagement has led to some very serious problems on all our coasts including the waters within Canada.

We also know there are problems with our Great Lakes as well as with other inland waters in terms of pollution and mismanagement. This is reflected in the recent revelations of the Standing Committee on Fisheries and Oceans in its freshwater fisheries report in particular.

Bill C-48 is a step forward in securing coastal and inland waters for future generations and in ensuring they are in a relatively pristine state for future generations. We agree that while there are deficiencies in the legislation—and I will point out some of them in a moment—this step toward marine area conservation is too important to dismiss simply for partisan purposes or rhetoric, as I am afraid to say we have heard in the previous debate.

Bill C-48 should be considered as an important step toward the next century. Our country's present day grievous mistakes and mismanagement are recognized. We can learn from them and, more important as the legislation may reflect, we can act upon them. As parliamentarians we must act on behalf of all citizens of the country to ensure this enabling legislation provides the best options for future generations and for Canadian communities in general.

We will continue to support Bill C-48 in principle. However I will make the following points which we would like to see addressed in the ongoing debate, in particular in committee, in terms of securing our support for the process throughout.

The consultation efforts so far must be explored in depth during the committee hearings. These included 3,000 mail-outs and approximately 300 responses which were received by Parks Canada. Upon perusing these responses one recognizes there are serious concerns on the cost recovery aspects of the legislation. There is a compelling need for a better definition of proposed cost recovery measures.

We recognize that access to national marine conservation areas for local communities and fishers must be maintained. This is a crucial element. We must recognize that consideration of and effective measures for ecotourism opportunities must be included in the final legislation. It is fair to say that ecotourism is one of the leading edges of the tourism sector in Canada. We feel strongly about recognizing the attractiveness of the national marine conservation areas for people interested in ecotourism. We look forward to seeing that appropriate access included in the legislation.

Better descriptions and delineation of core areas of the NMCAs regarding preservation, protection and regulation are important as is the need for a two year reporting period rather than the five years proposed. We are moving into a new area and reviewing this on a two-year basis makes more sense.

• (1045)

We also feel strongly that first nations rights and a better explanation and delineation of ''reserves'' must include full participation of all first nations people. This could perhaps follow the consultation and management design procedures used with respect to the Saguenay—St. Lawrence Marine Park. We hold it as a good template for future consultations involving these kinds of initiatives.

The issue of a joint provincial-federal management and jurisdiction group will require co-operative measures between parties and governments to ensure provincial land and resource rights are not compromised.

The effect on proposed NMCAs in the Nunavut lands ought to be considered with seriousness. We need to address the question of the use of NMCAs to include a reference to conservation methods and ecological principles. Both are fundamental in terms of our support and I suspect they are reflected in the general thrust of the legislation.

Commercial fishers must be fully involved in the designation and parks management design to ensure there is a working relationship. On both our coasts this is obviously an issue of great sensitivity, but it is something we feel can be easily managed and incorporated into either the legislation or subsequent rights.

The impact of river systems on the NMCAs will require adequate resources for marine sciences and ecosystem modelling. There is also provincial co-operation and the degree that crown lands and subsurface rights may or not impact the success of the program. We want to be sensitive about that particular interface.

As mentioned by my colleagues, the no-take zones must be clearly defined and allow for adaptation in future years. This must be written into enabling legislation which would be acceptable for future needs. Mr. Speaker, I know you yourself feel strongly about the no-take zones issue.

Regional concerns were also mentioned in the various responses. In particular west coast concerns will require different considerations and much flexibility as compared to the east coast concerns. We understand and I know my friend the secretary of state appreciates the differences between the east coast concerns and west coast concerns and the obvious differences between the two coasts when it comes to the central fisheries issues as well the conservation areas issues.

The coastal co-ordination between the different departments involved must be defined. A clear, and I emphasize clear, definition between Environment Canada's responsibilities for wildlife and ecosystems adjacent to the NMCAs, Parks Canada's authority to question and if necessary to veto Department of Fisheries and Oceans decisions in management of these areas resources and a clear delineation of the Department of Fisheries and Oceans responsibilities are all requirements we ought to consider before the legislation returns to the House.

This may sound a little negative about the DFO. Based on its past record on sensitivity in its involvement, it has not necessarily always been in a productive and positive way. This explains some of the nuances and points that I am making.

I do not think this has to be prolonged. We support the legislation. We certainly support the principle enthusiastically. We hope that with the consideration of some of the points I raised in my presentation that we can see the rapid and expeditious movement of the legislation through the House as well as through the other place.

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, having been involved in recreation in Quebec for a number of years, I have always been interested in any project involving nature conservation.

I also spent seven years as an assistant to former Quebec fisheries minister Garon, and I have clear memories of his battles with his counterparts, including Mr. De Bané, who has since been appointed to the Senate. At that same time, someone who subsequently became Governor General was involved in epic struggles while discussing ownership and jurisdiction issues in relation to the ocean floor, river bed and waterways.

• (1050)

The member for Ottawa—Vanier did not seem to understand the opposition expressed by the member for Rimouski—Mitis with regard to Bill C-48. I will just say to him that we have good reason to get cold feet, and it is not even a play on words when we are talking about the St. Lawrence and the Atlantic because the water there has always been and will continue to be cold. The federal government has forced us to become more and more distrustful in these areas.

Just consider the fact that three different departments are involved in marine areas. In this bill, the Minister of Canadian Heritage talks about marine conservation areas. We also have marine protected areas that fall under the jurisdiction of the Department of Fisheries and Oceans, and marine reserves that fall under the jurisdiction of the Department of the Environment.

Marine areas, marine protected areas and marine reserves, which come under three different federal departments. They all have lofty goals, but it all depends on the attitude and the intent. The member for Ottawa—Vanier said a few moments ago that the Liberals brought forward this legislation to give the federal government some authority over marine areas, but they do not intend to intervene as they did in Mirabel and Forillon Park, for example. We know where that lead to in some cases in Quebec and elsewhere, particularly in the maritimes.

When the federal government interferes in a particular area, it does so forcefully as if it were the superior government in Canada, whereas in the initial spirit of Confederation, the federal government was supposed to harmonize its policies with those of the provinces. At that time, it was not seen as a superior government that gave orders to other governments, but rather as a government that wanted to work with them.

I spoke earlier with the member for Chicoutimi about how we recently witnessed a good example of partnership. Two levels of government worked together toward the same goal, namely the conservation and protection of marine wildlife and of the shores, since one has to go by land to get to a marine area. That partnership led to the creation of the Saguenay—St. Lawrence marine park in 1997.

The mistrust on this side is based on the federal government's past behaviour. Give them a foot, they will take a yard. That is part of the problem.

The hon. member for Ottawa—Vanier said earlier ''We will usually focus on land owned by the federal government or squarely under federal jurisdiction''. It would be hard to prevent it from doing so. However, jurisdiction over several areas is being disputed, mostly by the federal government, but also by provinces that wish to protect their territory from invasion. Section 92 of the Constitution clearly stipulates that the bottom of the river and other waterways are a provincial area of jurisdiction.

• (1055)

All the governments in Quebec, whether they were led by federalists or sovereignists, took the same position and said ''We will not let our jurisdiction be infringed upon unchallenged''. Although, in this case, the goal is laudable, and we do support conservation, too often the federal government has taken this kind of opportunity to infringe upon provincial areas of jurisdiction, especially those of Quebec.

What good is a statement of good intentions from a member who is not yet a minister, who represents a minister at some committee, and tells the House that they have no intention of doing that. Really. It is so easy for the government to make such statements and then try to pull a fast one on us. In Quebec we are very sceptical about this.

I believe the government should start its consultations all over again. I was not a member of the committee. The member for Rimouski—Mitis is more familiar with this issue since she is the Bloc critic in this area. She told us about the kind of consultations that took place. When only 5% of those invited to the consultation show up, when only 60 out of the 300 pages in the report are handed out, one has to wonder. From what we could see, there were very few witnesses from Quebec. There are very few submissions in French.

The bill is premature, improvised or badly put together. It leaves too much room for interpretation and legal challenge.

Nothing in this bill tells us the federal government is going to abide by the good intentions mentioned by the member for Ottawa—Vanier. This is simply not enough for us, in the House. Words are quick and vain, we will need to get that in writing. Laws remain and we know they are followed by regulations that clarify them. This is often how we can be had.

At second reading stage, I too would like to say that we oppose the bill. We believe it is one more federal threat against Quebec. It is aimed at encroaching on Quebec's territory. As Quebeckers, we cannot allow it.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, it is a great pleasure to speak to this bill, especially since, as the Bloc Quebecois transport critic, this subject is of particular concern to me.

We all know—members of Parliament and viewers alike—that shipping and environmental protection are closely linked if not intertwined. Immense container ships are now being built in Korea that can carry some 5,000 or 5,500 containers, I believe.

There are two major container ports in Canada. The port of Montreal and the port of Halifax. Halifax is number two. It is not too happy about this, but the strategic position of the port of

Montreal has made it, over the years, the hub of container transport.

Members will understand what I am getting at regarding this bill. From the time the Bloc Quebecois arrived here in 1993 with 54 members—there were nine founding members—we have supported mandatory pilotage in Canada.

● (1100)

I am, of course, talking about pilotage on the St. Lawrence and the Great Lakes, but also across Canada, because there are mandatory pilotage zones in the Pacific region and in other regions of the maritimes.

Why? Not because we wanted to be outrageous or for the pleasure of it, but we were wondering whether Canada could afford a second Exxon Valdez, given what had happened in Alaska.

With today's constraints in shipping, vessels are ever bigger and their cargo is ever more dangerous. If these foreign and Canadian vessels cannot be guided in by experienced pilots, the risks to the environment are considerable. The shipping lobby in Canada is very powerful, financially speaking, because the major shipping companies contribute to the campaign funds of the Liberal and Progressive Conservative parties.

An hon. member: So do the banks.

Mr. Michel Guimond: Yes. My colleague just said that the banks do so, too. Ten minutes is not enough for me to get into that.

An hon. member: The list is too long.

Mr. Michel Guimond: That is absolutely right.

Mr. Bob Kilger: You should move along; you only have 10 minutes.

Mr. Michel Guimond: The government whip just reminded me that I have only 10 minutes and that I should move along. Of course.

The members of the Bloc Quebecois want to reiterate that, although we are against the bill—we have our reasons, and our colleague, the member for Rimouski—Mitis, expressed our party's position clearly—we want no misunderstanding, no misleading statements—we know that our neighbours opposite make such claims regularly—to the effect that the Bloc Quebecois is against protection of the environment. Absolutely not.

The Bloc Quebecois reaffirms its position. It is a clear one. We are in favour of measures to protect the environment.

Why then are we against this bill? We feel that the bill is not based on dialogue, as was the case with the Saguenay—St. Lawrence marine park. My colleague, the member for Lévis-et-Chutes-de-la-Chaudière, pointed out quite rightly that there had been dialogue in that case.

Allow me to digress briefly to say a few words about this dialogue. I am pleased to see that, in spite of the Canadian heritage minister's intransigent attitude and proverbial arrogance, it is the government led by Lucien Bouchard and the Parti Québécois that signed the documents establishing the Saguenay—St. Lawrence marine park.

Some hon. members: Hear, hear.

Mr. Michel Guimond: Thank you.

An hon. member: And it will be re-elected.

Mr. Michel Guimond: Yes, it will be re-elected on November 30.

This shows how, with a Quebec government that can hold its own against and is taken seriously by the rest of Canada, mutually satisfactory agreements can be reached. That is not confrontation.

Let me remind you of what Jean Charest was saying in the early days of his campaign, when he was making very harsh remarks about the Prime Minister of Canada, the hon. member for Saint-Maurice; those were the words of a man who does not want to come to an agreement.

The PQ government is willing to sit down and negotiate those agreements that benefit the people of Quebec.

Instead of relying on dialogue, as it did with the marine park, the federal government is trying to establish marine conservation areas in spite of Quebec's jurisdiction over its territory and the environment.

Again, let me come back to this. As much as it pains me, this is the style of the Minister of Canadian Heritage and member for Hamilton East; it is her pattern, her approach.

● (1105)

This is a person who should be acting like a lady, but uses abusive language instead and hurls insults left and right in this place. That is unfortunate. How can we have a dialogue and reach any agreement with a person who does not want to? It takes two to tango, as we say. It is hard to tango when your partner will not even step onto the dance floor.

The minister is promoting confrontation instead of dialogue, as evidenced by Bill C-48. This is the pattern; nothing has changed, this is how it always is with this heritage minister. Therefore, we have no choice but to oppose this bill.

The second reason the Bloc Quebecois is opposed to this bill is because Heritage Canada is proposing to establish a new structure, marine conservation areas, which will duplicate Fisheries and

Oceans Canada's marine protected areas and Environment Canada's marine protection zones. Simply put, the federal government is using three departments to infringe upon areas under Quebec's jurisdiction.

I would like to hear from members of other parties who represent Quebec. The Bloc Quebecois has 45 members here, but there are another 30 or so from other parties who also represent Quebec. I would like to hear what the four remaining Conservative members from Quebec think of this bill, which infringes upon Quebec's jurisdictions.

In conclusion, Heritage Canada is clearly acting arrogantly by claiming ownership of the sea floor where it would like to establish marine conservation areas. We suggested that Quebec and Ottawa reach bilateral agreements to allow, among other things, Quebec to keep its jurisdictions. Why will the federal government not sit at the table and talk? It is possible to reach an agreement. The Saguenay—St. Lawrence marine park is a model.

The federal government prefers to trample on Quebec's jurisdictions. The Bloc Quebecois will never support a bill that does not respect Quebec's jurisdictions. This is the reason why Quebeckers elected 54 Bloc Quebecois members in 1993.

A few days before the June 2, 1997 election, the current Quebec Liberal Party leader and former leader of the Progressive Conservative Party had promised, with a hand on his heart, to get 40 Conservative members elected in Quebec. He will have a hard time getting 40 Liberal MNAs elected on November 30. It is for these reasons that I am convinced Quebeckers will re-elect a PQ government on November 30.

[*English*]

Hon. Andy Mitchell (Secretary of State (Parks), Lib.): Mr. Speaker, I am glad to have an opportunity to participate in the debate and deal with some of the issues the Bloc has raised, particularly the critic who made the original intervention, the member for Rimouski—Mitis, who has worked hard with our department on a number of issues to try to enhance our protection of special places in this country.

I am very disappointed to hear the Bloc's opposition to this bill. The previous speaker from the Bloc tried to suggest to Canadians and Canadians in Quebec that it is not opposing an environmental bill, legislation that will help protect our marine ecosystems.

● (1110)

People should be absolutely clear that they are opposing just that type of legislation, they are opposing the protection of the marine environments in that part of the country. Why are they opposing it? They are opposing it because they put up a situation that does not reflect the reality of what this bill would do or reflect the reality of the conditions as they exist today.

As the member for Rimouski—Mitis said, there are eight potential marine conservation areas around the province of Quebec. I believe six of those areas are exclusively federal jurisdiction and the province of Quebec accepts that. There is no issue about infringing on provincial rights or provincial prerogatives. Those are accepted by all parties, by the province and federal government, as being exclusively federal.

When parks are established in that area, even though they are federal, as has been our practice in the past, we will consult with our host communities and the host province, but they are clearly federal jurisdiction.

There are situations where the jurisdiction could be provincial and I think we should look at the record when that situation existed. When we went to Ontario to establish Fathom Five, a marine conservation area, the first one in Canada, we worked with the provincial government and came to agreement with the provincial government. We are working today in British Columbia in Gwaii Haanas. Again we work with the province and have come to an agreement with it.

We are working in terms of some feasibility studies, one in my hon. colleague's riding of Gander—Grand Falls. It is the same thing when we are working in the straits in British Columbia.

When we worked in an area of the province of Quebec where there was clearly provincial jurisdiction, as we have with the other provinces, we developed a model to work in that area. That model was reflected with the Sagenauy-St. Lawrence bill.

The suggestions by the Bloc that this legislation is somehow a massive intrusion on provincial authority is just not consistent with the facts. Not only is it not consistent with the facts, if one looks at the practices that have been carried out by Parks Canada one will find that is not consistent with what is actually taking place. They are creating a controversy, a reason to oppose, and that reason is not based on the reality of the situation today.

It is very disappointing to see in the House that they are taking a piece of legislation which will help protect the environment, the special places of the marine ecosystems around that province, as they are around the rest of the country, and for parochial reasons that have absolutely no basis in fact they are going to throw away or oppose this very important piece of environmental legislation.

It is really disconcerting to see them do that. It is disconcerting to see them fighting a provincial election on the floor of this House and to find excuses for opposing an important piece of legislation. They know full well this legislation does not infringe on provincial jurisdiction.

They know full well it has been our practice in the past to work with the provincial governments in establishing marine conservation areas. The hon. member from Vanier made it very clear that

was going to continue to be the policy of Parks Canada and of heritage Canada. They are simply creating opposition based on something that is not a fact, that is not true.

● (1115)

It is important that all Canadians understand that. It is particularly important for those Canadians who live in the province of Quebec to understand clearly that Bloc members in the House are opposing a piece of legislation which will help protect the environment of that area of the country. They are opposed to it for reasons that are simply not as they state. This is not an infringement on provincial jurisdiction. I thought that point needed to be made.

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I generally say that I am pleased to speak on a bill, but today I must say the emotion I am experiencing in taking part in this debate is anger. I hope that the hon. members across the way will open their ears.

The hon. member who has just spoken claims we enjoy land squabbles, any old squabble. He was unable to prove legally that what the hon. member for Rimouski—Mitis says is untrue.

I will give him two more good reasons for understanding common sense. I will try to avoid references to the provincial election, since I know that gives members opposite hives. The hon. member will, however, have a clear understanding, from the reasons I am going to give him, of why Quebeckers are going to choose a Parti Quebecois government.

The first reason, and this is indecent, is that they come here boasting of wanting to establish marine conservation areas via Heritage Canada. We have been living through a fisheries crisis, one that is still going on. Do members think the Liberal Party of Canada could be re-elected if it were to traipse around Newfoundland or Nova Scotia telling people ''Well, gentlemen, we are going to protect your marine areas''. But who is taking care of the fishers who have lost their livelihood? Who is taking care of the plant workers who have lost everything? Who?

It is an absolute shame. If I were a Liberal, I would be ashamed to show my face again in the maritimes on the weekends. I would be concerned for my safety. I can understand wanting to protect everything from the marine floor up. But in between there are no fishers, no plant workers. All this to protect one species or take tourists on a boat ride. This is all very well, but what tourists will see on their arrival on the coast will be hungry people with nothing to eat, people who will have lost the dignity work brings. This is unconscionable. What members opposite are saying is downright asinine.

Second, when the government comes up with something intelligent I try to co-operate. We did it in the past. One of the most recent legislation we passed regarding fisheries and oceans was the Canada Oceans Act. One of the main thrusts of the bill was to put an end to the confusion in the management of fisheries; the fisheries minister was ordered to assume the lead role in managing all ecosystems. This bill, which has been enacted, ordered the ministers to talk to each other. However Fisheries and Oceans was still to be the lead department for everything concerning our waters.

I do not understand how the Liberal Party, the current government, can contradict itself by allowing the heritage minister to create more marine conservation areas. I remind the House of the existence of three different names. With have the Department of Canadian Heritage's marine conservation areas; the Department of Fisheries and Oceans' marine protected areas, and Environment Canada's protected offshore areas. All of them talk about conservation.

You will easily understand why fishers and plant workers are so desperate since every single time the government attempts to protect or manage something, the results are disastrous. A case in point is the collapse of the groundfish fisheries.

I urge the government. If it is really serious about preserving marine resources, the heritage minister should keep her hands off it.

● (1120)

DFO's biologists failed in their attempt to protect our cod. Imagine what the heritage minister's bureaucrats will do. I am scared.

I would be ashamed if I were in the Liberals' shoes this morning. What will the Liberals from the maritimes do? I have a lot of respect for my colleagues who are not afraid to speak in the House, but I have not seen one member from the maritimes rise to defend this bill. I am telling them they should get out through the back door. It is ridiculous. There is no excuse.

What will they do when they go back home? Christmas is fast approaching. There are just two weeks left before we adjourn. Those people will go back home and say ''Well, gentlemen, we protected your ecosystem and, thanks to us, everything will be fine''. But what will they answer when someone stops them on the street and says ''Could I have a Christmas present like everybody else? Will I have something to eat this Christmas''? It is a shame.

There were 40,000 people who benefited from TAGS. The government abandoned 20,000 of them, and it gave a cash payment to the other 20,000 and told them to go home and shut up.

With this bill, the Liberals are saying that they want to protect marine resources, but nobody is protecting these workers, nobody is protecting our fishers. It is really a shame.

[*English*]

I would like to say some words in English because I have some friends in Newfoundland and Nova Scotia. I would like to address some comments to those people.

I would like to be sure that fishermen will call their members in their areas today and the next day to be sure that those members remember that nobody protects fishermen and plant workers now. They have to make those calls. It is incredible. We cannot let the minister do this in the fisheries areas.

[*Translation*]

Things never change. This is an unprecedented attack against provincial areas of jurisdiction. Despite what the parliamentary secretary may say, there is a conflict. When we want to solve problems, we need dialogue.

I liked what my colleague, the hon. member from Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, said earlier, namely that you have to be two to tango and that he had the feeling that he was dancing alone. I have the feeling that the heritage minister wants to tango, but she is stepping on our toes. This is much worse than someone who does not want to dance with a partner. She might do better sitting this one out.

What should the government have done? We saw the squabbling that went on last summer. If the minister really wanted to protect the resource, why did she not insist in cabinet that the government, through the fisheries minister, decide once and for all how the resource will be shared among the provinces? Because there were squabbles all summer long.

I remind the House that Canada is part of an international management system called NAFO. Under that system, once scientific data are received, since the method for calculating total allowable catches is already known, every country transmits its biological data and, in the end, quotas are established, because they are pre-established as a percentage, taking into account the history of each member country and proximity to the resource.

Such discussions would get things going between Canadians and Quebeckers and we would stop squabbling. Instead of doing that, the government introduces a bill that will turn everything upside down. No one here in this House is defending workers at this time, and this is unacceptable. I may have an opportunity to repeat again, because I do not recall what stage the bill is at right now.

An hon. member: Second reading.

Mr. Yvan Bernier: Oh good, it will be coming back.

Someone has to put a stop to this farce. This will never bring peace.

● (1125)

Members should try to imagine, just for one moment, that the Minister of Canadian Heritage, tomorrow morning, goes to Shelburne, in Nova Scotia, or to Cap-aux-Meules on the Magdalen Islands and says ''We will probably establish a conservation area in this region''. I truly hope that everyone on the islands is asleep on that day, otherwise I could not guarantee the minister's personal safety. After the whole industry has collapsed, it is unacceptable for the government to tell people that it intends to protect fish and that they have no say on the issue. This is utter nonsense.

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I am pleased to rise to speak at second reading of Bill C-48, an act respecting marine conservation areas, and the amendment proposed by the Reform Party. We will not support the bill, and I will explain why.

First, instead of relying on dialogue, as in the case of the Saguenay—St. Lawrence marine park, the federal government wants to create marine conservation areas, regardless of the fact that Quebec has jurisdiction over the protection of its territory and over environmental matters.

Second, the Department of Canadian Heritage is proposing the establishment of a new structure, the marine conservation areas, that will duplicate the marine protected areas of the Department of Fisheries and Oceans, and Environment Canada's protected marine areas.

In short, the federal government, which claims to have met all of Quebec's demands, and which states in its Speech from the Throne that it is putting an end to overlap and to interference in areas of provincial jurisdiction, has now found a way to divide itself into three components and to actually overlap itself, so as to be absolutely certain to meddle, in one way or another, in areas that come under the jurisdiction of Quebec and the other provinces.

One of the conditions essential to the establishment of a marine conservation area is federal ownership of the land where the conservation area will be established. Bill C-48 fails to respect the integrity of the territory of Quebec and the other provinces.

This is another example of interference and duplication. As my colleague from Berthier—Montcalm was saying, the situation is especially complex in Canada, and even more so when bodies of water are involved.

I will tell you a story. A fisherman wants to go fishing on the St. Lawrence River. So far, so good. This fisherman has to ask the provincial government for a fishing licence. He will go fishing in a rowboat he bought in Quebec, on which of course he paid federal

and provincial taxes. In order to launch his rowboat, he needs a federal registration.

Before launching his rowboat, he gets ready on the shore of the river. He is on a territory under Quebec jurisdiction since the shores come under provincial jurisdiction. However, the moment he launches his rowboat, he changes jurisdiction since his rowboat is now on water, which comes under federal jurisdiction.

However, for clarity, I must say that the bottom of the river is still under provincial jurisdiction. The fish that swims in the water and that the fisherman will try to catch is under federal jurisdiction. But its friend, the crab, which is crawling on the bottom of the river, is under shared jurisdiction, even though the bottom of the river is still under provincial jurisdiction.

The fish swimming in the water comes under federal jurisdiction. But, once it is caught and lying at the bottom of the rowboat, it comes under provincial jurisdiction. Due attention will then have to be paid to regulations, because there are federal quotas for that kind of fish.

Moreover, if this is commercial fishing, there are federal and provincial laws and regulations with regard to food, the environment, public health, equipment and so on.

As if things were not complicated enough, Bill C-48 creates overlap within the federal administration itself. This makes no sense.

• (1130)

Three federal departments will drag their standards into an area of provincial jurisdiction, creating overlap in an already thoroughly complicated situation. It borders on the absurd.

Through Heritage Canada, the federal government intends to create marine conservation areas. Through the Department of Fisheries and Oceans, the federal government has already created marine protection zones. Through Environment Canada, the federal government wants to create marine wildlife preserves. How can anyone make sense of this?

For its part—there is more—Fisheries and Oceans is proposing to set up marine protected areas. Following DFO's consultation meetings on marine protection zones in Quebec in June 1998, federal officials wrote the following in their minutes of these meetings:

> There is still a great deal of confusion among stakeholders regarding the various federal programs on protected marine areas (marine protection zones, national marine conservation areas, wildlife marine preserves, etc.). The departments concerned should harmonize their actions and co-operate to create protected marine areas.

This is not the Bloc Quebecois talking; these were the comments of federal officials.

Now, Environment Canada is proposing to establish marine conservation zones, that could also be called natural marine reserves, expanding the notion of the national wildlife sanctuary beyond the territorial sea to the 200-mile limit.

Such overlap and duplication is ridiculous. Who will know what belongs to whom? But we know what this government wants. It wants to get its hands on the St. Lawrence River. This is how it hopes to invade our jurisdiction. This is how it thinks it will bend us to its will, but we are not having any of it.

Yet an agreement could have been reached, as it was in the case of the Saguenay—St. Lawrence marine park. This initiative could have served as a model. In 1997, the governments of Quebec and Canada agreed to pass mirror legislation to create the Saguenay—St. Lawrence marine park. This resulted in the creation of Canada's first marine conservation area.

This first partnership initiative should have served as a model to the federal government for the creation of other marine conservation areas. Rather than demonstrating open-mindedness and co-operation, the federal government is still taking an arrogant, aggressive, invasive approach that creates overlap and will only feed our desire to leave as soon as possible.

Phase III of the St. Lawrence action plan could have served as another model. But the Government of Canada is not happy when everything is running smoothly. They prefer to stir up trouble and sow discord. They do not understand that Quebeckers have had it with their arrogant policies that cost a fortune, and the people will let them know unequivocally in a very short time.

The bill is an intrusion into the jurisdictions of Quebec and those of the other provinces, when they are concerned. Quebec cannot and will not work in this kind of system. We were very open with the federal government in dealing with the Saguenay—St. Lawrence marine park. It is unfortunate that the government has not learned its lesson.

• (1135)

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, we have to take part in this debate. We have to, because enough is enough.

I will add that, fortunately, the Bloc Quebecois is here to see what is going on and to point out loud and clear that federalism as it is practiced here has nothing to do with what we learn, in political science books, about this type of government.

Federalism as we see it here is becoming a continuous struggle between two levels of government, two departmental levels, while the federal government is using the surpluses that were taken so cruelly from the unemployed and from those who have suffered as a result of cuts in health care, in education and in welfare.

It takes a great deal of arrogance, ignorance or insensitivity, or maybe all of these, to introduce such a bill at a time like this. My

colleague, the member for Drummond, pointed out the federal government's inconsistency—it could almost be funny if the situation were not so sad—in wanting at all costs to have the final say on the environment. As if the government of Quebec and the other provincial governments could not take care of this adequately or were not reasonable enough to agree on a joint program.

This goes completely against the spirit of federalism, but the federal government is convinced that it is the only one that can adequately defend or protect, with the taxpayers' money, health care or any other right of Canadians, Quebeckers and people in the other provinces.

In fact, these repeated attacks make so little sense that, when we talk about them, it looks like we are exaggerating. It looks like what we are saying does not make sense. It is, however, the plain and simple truth. That is the problem.

Again, we have to fight. Many times, I condemned the fact that Bill C-54, now before us, constitutes such an intrusion in areas under provincial jurisdiction that all the provincial and territorial ministers of justice of all provinces have asked that it be withdrawn. But the federal government seems to be carrying on as if this were unimportant. They could not care less about the law of the land. They thumb their noses at constitutional interpretation. They just make laws or use their spending powers.

In the case of concern to us here, the Bloc Quebecois has once again tried to get the bill withdrawn. We find ourselves faced with a bill that looks innocuous, with its title of ''an act respecting marine conservation areas''.

Its objective seems most praiseworthy: to ensure—and this was a promise, an international commitment, by the Prime Minister—the protection of natural, self-regulating marine ecosystems for the maintenance of biological diversity. The problem is that the Prime Minister did not turn to the provinces to ask them how they could help to achieve this international commitment. No, that is not what was done.

● (1140)

They proposed a bill in which they say ''We will look after this. We will pass a law. We will establish marine conservation areas, and in order to ensure that they fit in with what we want to do, Her Majesty in right of Canada must have clear title to the lands in question''. This is what appears in clause 5(2).

Clear title to the lands in question means three specific areas, three large and significant areas, as far as the St. Lawrence is concerned. The present Government of Quebec, which it seems will also be the next one as well—and this will come as no surprise to anyone who has read this morning's papers—had already initiated consultations on this matter.

It is outrageous, after having made an international commitment, to turn around and say ''Now I am choosing the locations where I am going to create areas, and if I am going to invest in this, I have to have ownership''.

Something stands in the way, however. The National Assembly passed legislation on crown lands which applies, and I quote, ''to all crown lands in Quebec, including beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf, which belong to Quebec by sovereign right''.

It is fortunate that the Quebec National Assembly has passed this legislation. It provides that Quebec cannot transfer its lands to the federal government. The only thing it can do under this legislation is to authorize, by order, the federal government to use them only in connection with matters under federal jurisdiction.

However, the protection of habitats and fauna is a matter of joint federal and provincial jurisdiction. The Government of Quebec plans to establish a framework for the protection of marine areas in the near future, as the member for Rimouski—Mitis reminded us.

The identified areas are under Quebec's jurisdiction and Quebec has no intention of giving them away because, as the Bloc Quebecois critic for fisheries pointed out, the fishing industry is in dire straits. The only prospect villagers who are starving, young people who see no future and seniors who have difficulty making ends meet have is that bureaucrats will come swarming into this area to handle fish conservation, without co-operation and without preparation.

Heritage Canada and its minister may want to follow up on the Prime Minister's commitment, but they cannot do so without taking Quebec and Quebeckers into consideration. The only way to meet this international commitment, whose objectives the Bloc supports, is to do what was done when the Saguenay—St. Lawrence marine park was established, in other words, to have similar legislation passed simultaneously at the federal and provincial level and dealing with a joint management.

● (1145)

I repeat, it is fortunate that the Bloc Quebecois is here, it is fortunate that Quebec has passed an act respecting crown lands to protect territorial sovereignty, which is guaranteed under the Constitution. Quebeckers will not sit idly by.

[*English*]

Mr. George S. Baker (Gander—Grand Falls, Lib.): Mr. Speaker, after listening to several speakers from the Bloc, I have to say a few words about the inaccurate assessment of the second reading of this bill given by some of the opposition members.

Second reading is about the principle of the bill. What is the principle of this bill? The principle is a particular type of conservation, marine conservation.

If I went to the Iles-de-la-Madeleine and asked fishermen what was the most important thing affecting their livelihood, they would say marine conservation. In what area were the greatest errors made by the federal government over the years? It was in the area of marine conservation.

If I went down to the Gaspé and talked to the people there they would say the same thing. If I went up to Blanc-Sablon and talked to the people there they would say the same thing.

Why am I able to say that? I was part of a committee that travelled in the past year and held public hearings. We had group after group telling us that the greatest disaster in their lives was created by policies of the federal government in the past that destroyed their livelihood. They were very specific.

The hon. member for Drummond stood in her place a moment ago and made a sarcastic reference to the fact that the Prime Minister was concerned about the marine resources from the land right out to 200 miles. Let me correct her. The Prime Minister is concerned about the resources that go right out to the end of the continental shelf, not just 200 miles but 350 miles.

I will tell this House why. Go to the Quebec north shore and ask the fishermen there what happened to their mackerel. It is the greatest spawning ground in the world for mackerel, as the Parliamentary Secretary for the Minister of Fisheries and Oceans and the hon. member who represents Iles-de-la-Madeleine know, because they are very knowledgeable in the fishery. The greatest spawning ground for mackerel is the coast of Quebec.

What happened to that resource? In the 1980s licences were given. To whom? To Norway, Sweden and some other European countries. It was to block the spawning run where the mackerel were headed to the coast of Quebec to spawn in late May. That was poor fisheries management on the part of the Tory government of the day. It was the most outrageous thing that destroyed the spawning ground of the mackerel. In one year there were seven Norwegian vessels right between Sydney Bight and Port-aux-Basques. The next year there were nine and the year after there were eleven. Why? It was because of poor fisheries management of non-conservation of our marine resource.

If we asked the fishermen what perhaps was the second worst policy of the government of Canada then, they would refer, as the parliamentary secretary knows, to the policies of former governments on squid where unfortunately squid cannot get to the Quebec coast if blocked by foreign nations off the coast of Nova Scotia. Why? Because of poor management of our marine resource. If we ask fishermen on the coast of Quebec what is the third worst marine conservation measure ever taken by the government of Canada in the past, they would say the policy on capelin. Why? Because that is perhaps the most important food of salmon that go up the rivers in Quebec and other provinces. It is the food of northern cod and turbot that the people in Quebec need as fishermen.

• (1150)

[*Translation*]

Mr. Yvan Bernier: Mr. Speaker, I rise on a point of order.

I know the member for Gander—Grand Falls, and because I know him, I would like to give him the opportunity to come back to the issue, which is marine protected areas.

He is talking to us about migrating species—

The Deputy Speaker: The hon. member for Gander—Grand Falls is well aware that this bill deals with the management of conservation areas. I am sure that, during his discussion on fish, we will soon get to marine area management.

[*English*]

Mr. George S. Baker: Mr. Speaker, thank you for your wise judgment that marine actually means something that is in the water. Of course marine management means management of something in the water.

Apart from the other things I mentioned that were missing prior to the advent of this government, if we ask the fishermen of Quebec what the next worst thing in marine management and conservation that affected their lives has been in the past, the biggest error ever made by a former federal government, they would say the non-protection of the sea bed. They would say that for a very good reason. We have over the years allowed the massive destruction of our ecosystem and allowed intensive dragging of the ocean floor in our commercial fisheries.

I will give an example of the importance of marine conservation. Last year there were 123 draggers that took part in the shrimp fishery on the continental shelf. There were 6 Canadian vessels and 117 foreign vessels. These were 350 foot vessels with huge plates on either end of a drag, 10 feet long, 8 feet high, 4 feet thick, iron and steel that drag the bottom of the ocean and create a virtual vortex of sediment in the middle like a sand storm on the bottom of the ocean, destroying everything in its path. That is why the Government of Canada, in referring to what the member for Drummond said, is not only interested in what takes place inside the 200 mile zone, but is interested in extending our jurisdiction. Before the next federal election the government is also intent on extending jurisdiction in order to stop this massive destruction of the bottom of the sea floor.

The parliamentary secretary was there when we had our public meetings in the province of Quebec, all along the shore from Blanc-Sablon down to the Gaspé coast. These fishermen and fish plant workers want to make sure the Government of Canada stops the destruction of the food supply of our cod, salmon and turbot.

• (1155)

The Government of Canada is firmly there to say no to these totally destructive methods of fishing that have taken place in the past which former governments have been guilty of, especially the former Progressive Conservative government which ruled the fishery in those days.

It is very unfortunate that the Bloc is not in favour of the principle of marine conservation. The Government of Canada will make sure we advance in the future to protect our marine environment.

[*Translation*]

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, we are now at second reading of Bill C-48, an act respecting marine conservation areas.

This bill seeks to define the legal framework for the establishment of 28 marine conservation areas, so as to protect and preserve natural marine areas that are representative of the oceans and of the Great Lakes, to promote public knowledge, appreciation and enjoyment of this marine heritage, and to preserve it for future generations. The Saguenay—St. Lawrence marine park, which is the 29th marine conservation area and which was officially established on June 12, is not included. It is not covered by the bill, because Quebec has its own legislation.

The Bloc Quebecois finds it perfectly normal and legitimate that Quebec would apply its own legislation to the marine world. After all, our province has been assuming for 15 years already its legislative responsibilities regarding the land along the Saguenay fjord and a large part of the St. Lawrence estuary.

The Bloc Quebecois has always cared a great deal about environmental protection measures. I know what I am talking about, since I was my party's critic on the environment from 1995 to 1997. The Bloc Quebecois supported the government regarding the establishment of the Saguenay—St. Lawrence marine park.

That being said, my party will oppose this bill. We cannot support Bill C-48 which, instead of relying on dialogue, as was the case with the Saguenay—St. Lawrence marine park, does just the opposite.

With this bill, the federal government is trying to unilaterally create marine conservation areas, regardless of Quebec's jurisdictions, particularly over the environment. This is the main reason the Bloc Quebecois will not support the bill.

We feel that this legislation is an unacceptable infringement by the federal government on jurisdictions that are already under Quebec's strong and effective control.

The Government of Quebec has a proven track record and it has taken measures to protect the environment, particularly the marine floor. So why does the federal government feel the urge again to interfere in an area under provincial jurisdiction? It is always the same old story.

I would like the Minister of Canadian Heritage to explain to me why she does not want to use the Saguenay—St. Lawrence Marine Park Act as a model.

By making ownership of the territory an essential condition for the creation of marine conservation areas, the federal government is behaving like a centralizing government that wants control over everything, regardless of Quebec's jurisdictions. This is no surprise coming from this government.

This kind of interference is nothing new. Paradoxically, the federal government has often used the environment as the perfect example of progressive, open and decentralized federalism.

• (1200)

On other occasions, this same government invoked the notion of national interest as well as international commitments stemming from the globalization of environmental issues, as if Quebec were incapable of facing this new reality on its own. Let us be serious.

Here are a few flagrant examples that show this government's bad faith and its insatiable appetite for interfering in Quebec's affairs, particularly with regard to the environment.

The first example is the implementation of the ecogovernment policy in which Ottawa totally ignored provincial powers by favouring a partnership with representatives from industry, municipalities and agriculture. It deliberately ignored Quebec's involvement.

The second example is the implementation of the Canadian Environmental Assessment Act, which infringes in an unprecedented way on provincial responsibilities and creates considerable duplication with Quebec's legislation in this area. Now we have Bill C-48, an Act respecting marine conservation areas, and there are many other examples.

Speaking of duplication, this bill tops it all. It is an unthinkable administrative mess.

Bill C-48, proposed by the Department of Canadian Heritage, will establish a new structure, the marine conservation areas, that will duplicate the marine protected areas of the Department of

Fisheries and Oceans, and Environment Canada's protected offshore areas. That does not take into account the overlap with the Quebec department of the environment and wildlife. What a fine example of federal bureaucratic inefficiency. Amazing.

In addition, the bill disregards Quebec's territorial integrity. We need only look at the wording of the bill. Clause 5(2) specifically provides that the minister may not establish a marine conservation area, unless he, and I quote:

> —is satisfied that clear title to the lands to be included in the marine conservation area is vested in Her Majesty in right of Canada, excluding any such lands situated within the exclusive economic area of Canada.

Quebec is not for sale. Subsection 92(5) of the Constitution Act, 1867, recognizes that the management and sale of crown land are matters of exclusive provincial jurisdiction.

Quebec legislation on crown lands applies to all crown lands in Quebec, including beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf, which belong to Quebec by sovereign right.

In addition, this same legislation provides that Quebec cannot transfer its lands to the federal government. It can, within this legislation, only authorize, by order, the federal government to use them under its federal jurisdiction. However, the protection of habitats and fauna is a matter of joint federal and provincial jurisdiction, and the Government of Quebec plans to establish a framework for the protection of marine areas in the near future.

To top it off, Heritage Canada intends to unilaterally launch three projects to establish marine conservation areas in the St. Lawrence River, its estuary and gulf, all three being areas under Quebec's jurisdiction.

What justifies such arrogance on the part of this government, which claims it owns the marine floor where it wants, to establish marine conservation areas? Why does the federal government not promote bilateral agreements between the Ottawa and the Quebec government instead, so that Quebec may maintain its areas of jurisdiction?

This government loves to go it alone and show the rest of Canada that it is the one laying down the rules of the game, ignoring its own laws and those of the provinces in the process. This is another example of how unfairly Quebec is treated in this federal system.

How stupid and ironic at the same time. Not only is the federal government duplicating what the provinces do, it is also opening the door to overlap in its own court.

● (1205)

How can people believe and trust it, when it shows so little determination and strength in their legislation? Quebeckers will figure it out and be all the more convinced that pulling out of the federation is the right thing to do.

Bill C-48 on marine conservation areas is an unacceptable attack on a predominantly provincial jurisdiction. It will result in duplication, challenge and the subordination of provincial processes, as well as large and unnecessary expenditures and many court challenges. These are becoming more frequent in the federal system and are becoming unbearable.

Once again, the taxpayers will have to foot the bill after the federal government has made the wrong decision.

As I said at the beginning, the Bloc Quebecois will vote against this bill. On November 30, Quebeckers will make the right decision for Quebec, they will be vote for the Parti Quebecois.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, probably one of the problems in the country is that politics get involved in what would be considered a very good idea.

Our party supports the marine protection act, although we have some reservations about it. Allow me to digress for a moment, as my critic area is fisheries and oceans and I would like to relate that to this argument. There is a bank off Nova Scotia's shelf called the George's Bank, which by the way and for the public record is not named after the member for Gander—Grand Falls. I mention that because I know he is watching and listening intently to every word. The Americans have put an oil and gas moratorium on their side of the George's Bank to the year 2012.

This is a prime fishing area for all the east coast. Although it has not been accepted and there will be hearings and reviews of it, Canada is considering the possibility of allowing a discussion of oil and gas drilling within the George's Bank, one of the prime fishing areas of the world if not off the coast of Canada.

For us to even consider having a review, talking to companies like Shell, Mobil, PetroCan or whatever is unbelievable. We should not try in any way, shape or form to destroy a resource to exploit another resources. By the way, the resource we are talking about in the fishing industry is renewable. If it is done sustainably with an environmental message behind it, it can be renewable and bring economic wealth not only for future generations but for generations to follow.

If we destroy that and allow oil and gas drilling on the George's Bank, we will have economic wealth for our generation and nothing for the future, absolutely nothing for the future.

The problem with part of the Bloc, Liberal, Reform, Tory and even our debate by allowing politics to get involved is that we can

only see in four year terms. I am a new politician. I know that politicians are a reactive bunch. They are not very proactive.

The hon. member for Churchill River in northern Saskatchewan is Metis. His culture and his people look a lot further than the current generation. The input they have on the land and the impact they have on resources is for future generations, not just their children or grandchildren but children hundreds of years down the road, so that they will be able to access and live with the species and resources we currently have.

We have some particular reservations about the bill. We would like to see some refinements, but it is not a bad bill in terms of what we have done with land. The current Prime Minister is very proud to say that he has produced more parks in Canada than any other minister before him. Unfortunately, as in the case of Banff National Park, we trumpet that success and then allow coal mining or strip mining on the border of that park for economic gains right now, but nothing for the long term future of the country.

I remind all parliamentarians and those people who are watching today that we are not the masters of the globe. We share the planet with many other species. For us to exploit a particular species to its extinction is a detriment to all mankind. It is a disgrace that we have a list a mile long of species that used to walk on this planet which are now extinct because of our short term thinking.

• (1210)

Marine parks just add to the parks in Canada. When the provinces get involved, they start introducing legislation which may allow discussions about entering into mining or development inside the parks. Call me old fashion, but my interpretation of a park is a park that we can share in, walk around, canoe in and camp in. It is not necessarily to play golf in, to have saunas, or to exploit mineral resources, fishing resources or to cut down all the trees. I would like to think I could move myself in space 500 years and come back and find the parks just like they were before.

That will not happen because we are looking at these parks and areas of our country and our world as avenues in which to exploit. There is a piece of pie out there and we will take every last bit of it and not share it with anyone else. Unfortunately we do not have enough parks and wilderness areas that are protected. The marine parks act will just move what we have in Canada to our ocean coasts.

I would like to move the discussion to an area called the Gully off Sable Island. Actually there is more than one gully, but this gully, for those who do not know, is a marine wilderness. It is an absolute explosion of marine aquatic life. We are allowing, I do not think with much hindsight, oil and gas drilling in the vicinity of that gully. They say environmental assessments and everything else have been done, but the fact is I do not believe they have done enough environmental assessments on the long term possible damage which may happen not only to that area of the ocean shelf, the Gully area, but other areas there as well.

Another area is the renowned area called the Flemish Cap. As everyone knows, especially the hon. member for Gander—Grand Falls and the hon. member for Malpeque, the Flemish Cap is a prime, pristine area of fishing resources. Currently, with acquiescence from our government and foreign nations, we are raping and pillaging that resource. We are using long term draggers.

It is funny that a senior official of DFO actually said in committee on the public record that dragging could be good in some cases because it turns up the soil at the bottom. I have never heard before that dragging a resource, where we exploit completely, rape and pillage the entire bottom, is actually good. It is good for very quick economic gains. It is very fast and efficient but there is no long term thinking in that regard.

If we are to protect the livelihood of fishermen in coastal communities, we require marine parks on all three coasts and within the Great Lakes waters so that fish and other species have a place to go to nurture and to grow. If we do not, there will be nothing left for future generations.

I find it a disgrace that we as parliamentarians can allow politics to get involved in something of this nature. We have to get it out of here. We have to forget the party politics aspect and start concentrating on our children and our children's children so that they can enjoy seeing what we see today.

I am sure, Mr. Speaker, being a very young man in age, you must know right now that things you saw as a child your children, your nieces and nephews and their children will not be able to see because we have exploited them. We have altered it. We have changed it for our specific short term benefit but have not thought about the long term.

My party and I are in support of the bill with some reservations. Some changes need to be made and we are hoping they will be made. We are hoping that the provinces, especially Quebec, would be very interested in doing this.

Let us face it. If we take away the provinces and the people, what do we have left? We have the natural resources that were here long before we were ever here. I do not know who gave us the right to exploit them and actually exterminate them. If we do not look at this in the long term, future generations, if we have any, will look at this generation and say we were a bunch of spoiled brats who just took everything for ourselves and left nothing for them.

I will conclude my comments. I extend our support for the bill with some reservations and hope that all parliamentarians will look to the future and not just to themselves.

• (1215)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, Bill C-48, an Act respecting marine conservation areas, provides for the establishment of 28 marine conservation areas in Canada.

This raises many serious questions on several issues including the division of powers regarding the environment—harmonization with the provinces—territorial integrity, the overlap among federal departments and the so-called consultations carried out by the government. I will go over each of these issues and explain why the Bloc Quebecois will vote against this bill.

As the Bloc Quebecois environment critic, I can say that my party is in favour of any environmental protection measure that is efficient. However, the Bloc Quebecois is opposed to Bill C-48. Instead of relying on dialogue, as in the case of the Saguenay—St. Lawrence marine park, the federal government wants to create marine conservation areas, regardless of the fact that Quebec has jurisdiction over the protection of its territory and of the environment.

Moreover, the Department of Canadian Heritage is proposing the establishment of a new structure, the marine conservation areas, that will duplicate the marine protected areas of the Department of Fisheries and Oceans, and Environment Canada's protected offshore areas. In short, the federal government is splitting responsibilities among three of its departments so it can meddle in an area that comes under the jurisdiction of Quebec.

On a different note, Bill C-48 fails to respect the integrity of the territory of Quebec. One of the conditions essential to the establishment of a marine conservation area is federal ownership of the land where the conservation area will be established.

Subclause 5(2) of the bill provides that the minister can establish a marine conservation area only if he:

> —is satisfied that clear title to the lands to be included in the marine conservation area is vested in Her Majesty in Right of Canada, excluding any such lands situated within the exclusive economic zone of Canada.

I remind the House that subsection 92(5) of the Constitution Act, 1867, recognizes that the management and sale of crown land are matters of exclusive provincial jurisdiction.

Quebec legislation on crown lands, passed by the Quebec National Assembly, applies to all crown lands in Quebec, including beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf, which belong to Quebec by sovereign right.

In addition, this legislation provides that Quebec cannot transfer its lands to the federal government. The only thing it can do within this legislation is to authorize, by order, the federal government to use them only in connection with matters under federal jurisdiction. However, the protection of habitats and fauna is a matter of joint federal and provincial jurisdiction, and the Government of Quebec plans to establish a framework for the protection of marine areas in the near future.

According to the notes provided us by the Minister of Canadian Heritage with regard to the bill, marine conservation areas are planned for the St. Lawrence, the St. Lawrence estuary and the Gulf of St. Lawrence. These are three areas in which the ocean floor is under Quebec's jurisdiction.

Also, co-operative mechanisms already exist to protect ecosystems in the Saguenay—St. Lawrence marine park, and in the St. Lawrence River under the agreement entitled ''St. Lawrence action plan, phase III'' which was signed by all federal and provincial departments concerned, and which provides for an investment of $250 million, over a period of five years, in various activities relating to the St. Lawrence River.

The St. Lawrence Marine Park is a good model. In 1997, the governments of Quebec and Canada passed legislation to establish the Saguenay—St. Lawrence Marine Park.

This legislation led to the establishment of Canada's first marine conservation area, and one of the main features of this legislation is the fact that the Saguenay—St. Lawrence marine park is the first marine park to be created jointly by the federal and Quebec governments, without any land changing hands. Both governments will continue to fulfil their respective responsibilities.

The park is made up entirely of marine areas. It covers 1,138 square kilometres. Its boundaries may be changed through an agreement between the two governments, provided there is joint public consultation in that regard.

In order to promote local involvement, the acts passed by Quebec and by Canada confirm the creation of a co-ordinating committee, whose membership is to be determined by the federal and provincial ministers.

• (1220)

This committee's mandate is to recommend to the ministers responsible measures to achieve the master plan's objectives. The plan is to be reviewed jointly by the two governments, at least once every seven years.

Any exploration, use or development of resources for mining or energy related purposes, including the building of oil lines, gas lines or power lines, is prohibited within park boundaries.

By means of regulations, the governments of Quebec and of Canada will be able to determine measures for protecting the park's

ecosystems and resources and for protecting the public. More specifically, they will be able to define how each category of area will be used and for how long such use shall apply.

This first partnership initiative should have served as a model to the federal government for the creation of other marine conservation areas.

By refusing to take the Saguenay—St. Lawrence Marine Park Act as an example, the federal government is acting as a centralizing government that wants to control everything, regardless of acknowledged areas of jurisdiction.

The Bloc Quebecois reminds the government that it supported the legislation establishing the Saguenay—St. Lawrence marine park. Moreover, the Bloc Quebecois knows the Quebec government is embarking on initiatives aimed at protecting the environment, particularly the marine floor. The Quebec government is also open to working with the federal government, as evidenced by the third phase of the St. Lawrence action plan.

The involvement of several federal departments in environmental issues is a new trend that leads us to believe the government is trying to weaken the Department of the Environment.

With this bill, the federal government intends to establish marine conservation areas through Heritage Canada, marine protected areas through Fisheries and Oceans Canada, and marine wildlife reserves through Environment Canada. This means that a single site could find itself protected under more than one category.

The Bloc Quebecois thinks these different designations create a jurisdictional duplication problem that would be solved if the federal government designated one entity to oversee the objectives pursued by the various departments.

By taking three separate initiatives with very similar objectives, the federal government is creating jurisdictional duplication which will result in confusion among the coastal populations concerned and frictions not only between the federal government and the Quebec government, but also within the federal government.

To show the severity of the problem, the Government of Quebec has refused to take part in the implementation of marine protected areas under the Oceans Act because it believes the federal government is not respecting Quebec's jurisdictions.

Coastal populations, environmental organizations, all stakeholders must be invited to take part in the consultation process to express their views. However, that is not the way it is done in reality. We know the bogus consultation process conducted by Heritage Canada on the establishment of marine conservation areas was a failure, as was the one conducted by Fisheries and Oceans on the establishment of marine protected areas.

A background document was sent by Heritage Canada to 3,000 groups across Canada. Less than ten of them responded by sending a letter, and about fifty simply returned the reply coupon included in the document. Of those responses, only one was in French.

In view of this, it is impossible to talk about meaningful consultation. How can the government introduce a bill that supposedly has the support of all stakeholders if it is not aware of their concerns? This leads us to think that this was empty and unfounded consultation.

We suspect, moreover, that the organizations consulted were preselected. By way of example, had the ZIPs, zones d'intervention prioritaire, and the CREs, the conseils régionaux de l'environnement, been consulted, we could have benefited from all their expertise. In fact, some 30% of these organizations were consulted, and that is totally unacceptable.

In conclusion, the Bloc Quebecois opposes the bill for the following reasons.

Instead of focusing on co-operation, as in the Saguenay—St. Lawrence marine park, the federal government fails to recognize Quebec's jurisdiction over it own territory and in environmental matters. Therefore, there is encroachment on Quebec's jurisdiction.

The Department of Canadian Heritage is proposing the establishment of a new structure, the marine conservation areas, that will duplicate the marine protected areas of the Department of Fisheries and Oceans, and Environment Canada's protected marine areas.

• (1225)

For all these reasons, and for a number of others, the Bloc Quebecois opposes this bill.

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I am pleased to speak to Bill C-48, which, I must admit, did not make much of an effect on me when I first perused it. I figured everyone wants to do the right thing, and Quebeckers may be more sensitive than others to this kind of infringement.

I took a closer look at what the hysterical heritage minister who introduced this legislation had come up with. No matter how well-intentioned she is, it is obvious that the minister's attitude toward Quebec has not changed a bit and that she is as hysterical now as she was recently, when she asked the Canadian Olympic committee to postpone the announcement of the city selected to host the 2010 Olympic Games.

True to herself, the current Minister of Canadian Heritage has never been keen on consultation, quite the contrary. As far back as I can remember, she has always acted imperiously to impose her vision, her ideas. Consultation is definitely not her cup of tea.

This bill will establish up to eight marine areas in the St. Lawrence estuary, but there is no indication of whether they will be located upstream or downstream and how far they will extend. We simply do not know. For the sake of argument, let us say they extend to the dividing line between fresh and salt water, somewhere between Rivière-du-Loup and Montmagny. That is where the marine conservation areas would be established. But have those involved been consulted?

I heard the member for Gander—Grand Falls saying earlier that the spawning grounds for mackerel and other fish common to these regions are located off the North Shore in the St. Lawrence River. Can the inhabitants of the North Shore, particularly in the ridings of my colleagues, the members for Charlevoix and Manicouagan, be expected to foot the bill, without any compensation, for marine conservation areas in this sector?

Were these people consulted? Will these areas be open for certain periods? Will there be more control over fishing? Will they be given the chance not just to survive, but to make a living, when the bill is passed?

The minister should realize that this policy of refusing to give an inch will lead nowhere.

I would like to digress briefly. This morning, I had breakfast with someone I consider a friend, a minister from across the way.

He was at a loss and had the following question for me: ''What have the Liberals done wrong in Quebec for it to have come to this? On November 30, we will take a beating in the francophone ridings in Quebec. We will keep our strongholds, of course, but where did we go wrong? What more could we do? We sent you the saviour himself to rescue the nation.'' I am referring, of course, to Jean Charest. ''What went wrong? What more could he have done?''

• (1230)

Faced with the sort of arrogance we are seeing from the Minister of Canadian Heritage, Quebeckers have learned over the years. This kind of attitude, sanctioned by the present Prime Minister, who was the leading force behind the unilateral patriation of the Constitution in 1982, leaves its mark on a people. Quebeckers have become fearful. Quebeckers are not prepared to trust a government that relies on remote control, as the Minister of Canadian Heritage is doing by imposing Bill C-48 on us, having consulted no one except perhaps a few of her friends on the receiving end of hard-to-trace grants. Anyway, she has friends in this community, of course. So she consulted her buddies, who are probably the ones who inspired the negative outcome we expect from application of Bill C-48.

If the minister had been concerned about the federal government's image in Quebec, she would have first of all undertaken consultations with the Government of Quebec. She is up to her neck now—never has the expression been more apt—in total interference in legislative jurisdictions.

Yet the Fathers of Confederation were no fools. They were people who set priorities, people who had believed, in good faith, that legislative jurisdictions needed to be divided, that some things were best attributed to one level and some to the other, according to which one had shown, historically, the greatest capacity to deal with those issues.

The government possesses huge taxation powers, far beyond its real needs. It also acts based on its spending power as well as its ability to appropriate funds, for example in the recent case of the employment insurance fund.

The government is now faced with a crushing debt, but, on the one hand, the additional economic input will enable it to do away with the deficit, while on the other, it dips into the employment insurance fund and has accumulated $10.4 billion in surplus over the first six months of the current year. This is a misappropriation of funds, nothing more and nothing less.

For all these reasons, Quebeckers are apprehensive, and the backing federal governments had 50, 60 or 70 years ago no longer exist. Everything the federal government does is closely scrutinized by the people, and by members representing Quebec and the other provinces in the House. My colleagues in the Reform Party look after the interests of western Canadians. They are more aggressive when we deal with the Canadian Wheat Board and other subjects more specifically related to the development of their own region.

Opposition members have a responsibility to speak up and tell this hysterical minister who says all sorts of silly things when she is off the air that it is about time she opened her eyes and saw what is going on. It is about time she realized what is wrong in Quebec where the mere mention of the prime minister's name gives a rash to 35% of the population. There is something wrong, and it is high time the government, and more particularly this minister, realized it.

I ask her to put on hold this bill which has the appearance of a commendable bill, because its goal is to protect endangered marine species. And who could be against motherhood and apple pie? Nobody, and certainly not in my party. But the bill also has the unwanted effect of using the federal spending power to intrude into jurisdictions that are none of the federal government's business.

The federal government is forcing things over which it has no jurisdiction. If it wants to spend so badly, why does it not use the $10 billion surplus in the EI fund, and spend a little extra money to help the unemployed, who now get only 43% of the benefits they deserve?

• (1235)

If the minister's remarks are well intentioned, she should revise them and admit that she made a mistake when she introduced this bill. She is getting deeper and deeper into trouble.

[*English*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the yeas have it.

And more than five members having risen:

Mr. Bob Kilger: Mr. Speaker, I rise on a point of order. There have been discussions among representatives of all parties. I believe you would find consent to defer the recorded division requested on the motion of the Parliamentary Secretary to the Minister of Canadian Heritage concerning second reading of Bill C-48 to the expiry of Government Orders on Tuesday, December 1, 1998.

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

Some hon. members: Agreed.

* * *

FIRST NATIONS LAND MANAGEMENT ACT

The House resumed from November 16 consideration of the motion that Bill C-49, an act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management, be read the second time and referred to a committee.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am pleased to rise in my place today to speak to Bill C-49, the first nations land management act. This bill ratifies a framework agreement that will enable 14 first nations to opt out of land management provisions of the Indian Act.

Hon. members whose constituencies include one or more of these first nations will attest that they have been leaders in land administration for many years. This historic land management initiative is brought forward at their request. It is the result of government to government negotiations that will enable these first nations to implement their own land management regimes.

Those who have been following the negotiations of the framework agreement on first nations land management will be aware as well that the process has brought the 14 signatories together in a spirit of co-operation. They will continue to co-ordinate activities through a land advisory board which they will have to establish to help them with the development of land codes, negotiation of individual agreements, model laws and monitoring of the process.

The first nations through the board will also establish a resource centre, develop training programs and maintain records in relation to the first nations land codes and amendments.

The land advisory board is a tool that first nations have developed to build partnerships among themselves and to build capacity in their communities. This is a road to self-government. It is a road to self-reliance.

When decisions can be made at the local level without departmental approvals, the first nations will be able to respond more quickly to economic opportunities. The first nations will have the legal capacity to deal directly with banks to borrow, contract, expend and invest money.

Revenues, profits and fees from reserve lands administered by these first nations will be available as security for loans from financial institutions. These specific first nations will have the authority to enter into co-management arrangements with other jurisdictions to develop integrated land and resource use co-management systems that can serve as security.

• (1240)

From the date a land code takes effect, moneys other than those derived from oil and gas activities will be collected and managed by the first nations. Specific accountability mechanisms are being built into these land codes to ensure financial accountability to members. Capital moneys derived from oil and gas activities would continue to be held in accordance with the Indian Oil and Gas Act.

Another benefit of this legislation for first nations is the limitations it places on alienation and expropriation. These are important provisions. They speak to the sacred bond that first nations hold for their land.

The Indian Act permits surrender and sale of reserve lands but has no provision requiring the replacement of sold lands. The bill

before us removes these provisions from first nations operating under the land code. They would be able to alienate reserve lands but only if they were exchanged for other lands that would become reserve lands.

This bill does not remove the federal government's expropriation powers. The Indian Act gives the governor in council power to permit expropriation of reserve land by provincial or local authorities for public purposes.

This bill continues to permit the governor in council to expropriate land for the Government of Canada, provided such expropriation is justifiable and necessary for a federal public purpose that serves the national interest. Certain minimum steps would have to be satisfied. Compensation would have to be paid. This would include land of equal or greater size and of comparable value to the land expropriated.

In conclusion, I want to emphasize that the 14 first nations that are taking part in the framework agreement are eager that this legislation be passed so that they can start managing their lands in accordance with this new regime. The people of those communities have a great deal at stake in how we proceed. It means jobs, economic growth and a secure livelihood for many people in those communities.

This legislation is about much more than land management. It is about self-reliance. It is about economic opportunity. It speaks to the new relationship that we are building with aboriginal people, one based on the principles of mutual respect and recognition, responsibility and sharing.

In January this government launched a new action plan for aboriginal people called ''Gathering Strength''. This plan set the direction for a new course that would bring real and practical improvements to the lives of aboriginal people. The spirit and vision of this plan is captured in the proposed legislation before us today.

I and the signatories to this agreement urge all members to support it. I therefore move:

That the question be now put.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I listened with great interest to the parliamentary secretary. He chose very nice words and I am sure some people might be persuaded by them.

I would like to say up front that some aspects of this bill are certainly going in the right direction and we would like to support them, especially in terms of devolving land management away from Ottawa and to the reserves. However, the fact is that the power to manage these lands is now going to be in the hands of band chiefs and councils rather than with the department of Indian affairs.

● (1245)

The question is: Is this necessarily a bad thing? I would answer that it could be a very good thing if there were rigid requirements for accountability on reserves today. We are becoming increasingly aware—and this is something the minister of Indian affairs has continued to try to downplay, conceal and deny for the last couple of years—that there are serious problems with accountability on many reserves. We are not sure how many of the reserves have these serious problems, but they are certainly evident in a big percentage of the reserves in Canada today.

I want to make it clear that this lack of accountability is not necessarily a failure of the band chiefs and councils. It is a failure of the Department of Indian Affairs and Northern Development. As much as the minister protests to the contrary, there are indeed very serious problems with fiscal and democratic accountability on reserves.

If the parliamentary secretary or anybody else on that side of the House, or on this side for that matter, doubts this, I would draw their attention to an article that was printed in today's edition of the Ottawa *Citizen* which deals specifically with this issue. It states:

After a season of badly handling some itsy-bitsy, teenie-weenie plaything scandals, the Chrétien government could soon have a real one on its hands.

On Indian reserves there is alleged corruption involving countless millions of dollars. There are police investigations in Alberta, there are media reports beginning to expose the story and there is acknowledgement in the highest power circles in Ottawa that the surface is only being scratch.

Taxpayers spend more than $4.4 billion in annual subsidies to native peoples. It is the only government budget that never gets cut. The allegations are that much of the money does not reach destitute Indians on the reserve. Instead it is pocketed by native intermediaries in Armani suits. The oversight department, Indian and Northern Affairs, doesn't seem to know where much of the money has landed.

The minister, Jane Stewart, said recently over lunch that while it is terribly unfair to tar all native peoples with the same brush on this issue, funding mismanagement is a serious issue.

This is important because it is the first time we have heard the minister actually acknowledge that it is a serious issue. Up until now she has been trying to tell us that it has not been an issue at all.

The article continues:

Is ''serious issue'' bureaucratese for major corruption scandal? Top policy makers in the government give that impression. They cite examples of unbelievable graft.

If this is the case, why isn't the government moving on it? Getting out front on the controversy instead of waiting to be cornered by revelations in the media and by opposition parties?

''Can't'', said one of the big men on Prime Minister Jean Chrétien's campus. ''Racism. We'd be accused of racism''. The mere fact, he said, of suggesting the native peoples are incompetent at administering their finances would cause a terrible backlash. For evidence, he could cite the Reform Party, which has raised the issue and which has been painted in prejudiced terms as a result.

Thus political correctness takes it toll again. Great wads of public money go up in smoke, but owing to sensitivities involving minorities, a waiting game is played.

The article continues:

> A Senate committee on aboriginal peoples has begun hearings, some of which will delve into this issue. Senator Janis Johnson, the deputy chairman, who is from Manitoba and who is well versed on the subject, said that while there is some terrific progress being made among native peoples through government programs, there is no underestimating the extent of the problem. ''If the general public knew what chaos this department was in and all the money that was flying around, they wouldn't believe it. It is out of control''.

That is exactly what we have been saying for two years on this side of the House.

The article continues:

> Despite Ottawa's always-escalating infusion of monies, up to 25 per cent of the country's 600 Indian bands are in debt to the tune of hundreds of millions.

This is consistent with the kind of feedback we are getting from grassroots people on reserves and it is the issue that we have raised in the House of Commons since the summer of 1997, only to be ridiculed and castigated by the minister of Indian affairs and others on that side of the House.

We have been told by the minister that only 3% of bands in Canada are in non-compliance, and yet we have departmental admission that 25% of the bands in this country are running deficits in excess of 8% which has required the department to step in and co-manage.

I would like to give the House some examples of how this affects people on reserves; where the rubber meets the road, if I can use that expression.

● (1250)

In my riding several years ago Gitksan band members came to me and said that the Minister of Health, who is responsible for aboriginal health in Canada, was considering signing a health authority or transfer agreement so that the Gitksan band would have primary responsibility in delivering health care to its members.

These people came to me because they were very concerned. They did not want this to happen. They said that their band, as it was then constituted, was not capable of administering health care and they did not want it.

I wrote several letters to the minister of health of the day and explained the views of these people and asked that the minister reconsider and not proceed with the transfer of health authority. She reassured me in glowing terms—and I have all of the correspondence in my file—that there was nothing to be concerned about, that it was widely and publicly supported by the Gitksan people and that they would do a good job.

Two and a half years later the roosters are coming home to roost. We found out, for example, in the spring of this year— and I raised it with the Minister of Health—that the Gitksan health authority had invested over $300,000 in the stock market in high risk stocks and had taken a $40,000 loss. That is a matter of public record.

Last week we found out through front page headlines in the Smithers *Interior News*, a local publication in northwest British Columbia, that $695,000 was paid out in honorariums over a period of two and a half years to board members. These are not people who work for the health authority, but just the health board.

How is that advancing the cause of health care in the Gitksan communities? What is that doing for people in the Gitksan communities who tell me they have to sleep in their pick-up trucks because when they go to Vancouver to see a specialist they do not have money for a room?

There was a fellow who went to Prince George for a gallbladder operation and there was no money for transportation fare. He hitchiked to the hospital and had the operation. Nowadays when we have an operation they try to get us out of the hospital as quickly as they can, so he started to hitchike back to his home town. He had to stop in Burns Lake because he was so sick. He had to hitchike from his hospital bed to get back home. There was no money for him, but there was $695,000 paid out in honorariums to board members and $300,000 was invested in the stock market. That is the problem.

Do I blame the Gitksan band? I blame the Department of Indian Affairs and the Department of Health for not ensuring that the people who were going to be responsible for these activities were well versed in ethical procedures, that there was a sound procedure in place for management and that there were sound reporting requirements in place. Apparently those things are non-existent. That is why we have the terrible situation we are faced with today. That is why the Gitksan people have had their health care badly compromised.

I can give another example. The Nisga'a people have recently signed a land claim agreement, in principle anyway because it has not been ratified by this House. It was reported that in one of their communities over $1 million in welfare payments was misused and misdirected. These are small communities and over $1 million represents a tremendous amount of income for these bands.

We have testimonials from grassroots aboriginals from right across Canada. My colleague from Wild Rose has the files in his office, but I believe that well over 125 bands have expressed concerns to us and asked us to look into these matters.

There are examples in Ontario. One band came to us and said that the band council had received money for a sewer and water project. They hired a contractor. The contractor was aware that the money was in place. The contractor went to work. The band

received the money. The contractor requested payment and found that there was no money because the band had spent the money on something else.

There are allegations of a chief in Saskatchewan using band funds to buy used cars. He brings those used cars back into the community, sells them to the individuals in that community and pockets the cash. The list goes on and on. I could provide example after example.

● (1255)

This is really not about aboriginal people. It is about a failed system. It is about the failure of the Department of Indian Affairs and Northern Development to ensure that this did not happen in the first place. It has created an environment in which accountability is almost non-existent. It has become a breeding ground for practices that can best be described as unethical and at worst corruptive.

For example, all elected public officials in Canada, beginning with the Prime Minister and going right down to municipal officials, publicly report their salaries and expenses on a regular basis. Everybody in Canada is entitled to know what I make as a parliamentarian, what my expenses are and how much my travel costs are. That is all a matter of public record. If we go onto a reserve, no way. What we get is a financial report which is a glorified pie chart that gives us a percentage of the total revenue that the band has spent on administration, the global amount that is spent on health care and so on. But we do not get a breakdown and we do know what the public officials are making. That is the reality that these people are living with.

This bill proposes to transfer much greater powers for land management to chiefs and councils without first correcting the very serious deficiencies with accountability, both democratic and fiscal accountability, on the reserves.

I know the parliamentary secretary is aware of this, although I am sure he will not want to talk about it. I would argue that it is no accident that the aboriginal women's association of Canada and the aboriginal women's association of British Columbia are opposed to this bill. It is they who are most often the ones who pay the biggest price for lack of accountability. They know full well that there is no accountability with this bill. They know full well that they will be worse off as individuals with this bill in place.

They are not suggesting that the system, as it is, is great. They are saying that they do not want the responsibility for land management to be transferred until and unless there is a proper system of accountability in place so that their views will be respected in their communities.

People have told us not to worry because provincial laws with respect to family issues—and this will come down to family issues—including the disposition of family assets in the event of marital breakdown, will still apply. In other words, what they are saying is that there are provincial laws that govern marital breakdown and there are provincial laws that govern the disposal of family assets. Even though the chief and council will have land management rights, the provincial laws will supersede or override in cases where there is a conflict.

In response to that I give the House this example. I may have used it before, but it is worth hearing again.

During the last election campaign I met a young native lady in Prince Rupert. I thought she was interested in the campaign, but she was there to see me as a member of parliament. She was quite distraught. She was tearful. She said ''Mr. Scott, I need your help''. I asked her to explain the problem.

She said that she was 35 years old and a young mother with three young children. Two of the children were not much more than babies. The oldest was only seven years old. Her children demanded a great deal of her time. Her husband had left her and she had no means of looking after herself. She was being forced to live on welfare.

She had some skills, but she could not work because she had to look after her children. With what she was getting on welfare she could not buy the food and clothing which she thought her children were entitled to. I understood her situation.

I asked where the father was. She said that he had taken off with a new girlfriend and did not want anything to do with her. I told her that she had rights. She could go to court and force the father to pay child support. In essence, her problem was getting enough funds to support her children properly.

She said that she had tried that, but as soon as she got a judgment that required her husband to pay child support he moved back onto the reserve. Guess what? That court order requiring her husband to make child support payments was not enforceable on reserve. Where are her rights?

● (1300)

How can the government, the minister and the parliamentary secretary suggest that we put people in even more peril with this lack of accountability, putting more people like her at risk?

Right now, in the event of a marital breakdown on a reserve, who most often winds up with the family home? In non-aboriginal society most often it is the woman because most often the woman ends up being the primary caregiver to the children after the marriage breaks down. On reserves it is the other way around because the decision as to who ends up with the marital home is not in the hands of the courts, it is in the hands of the chief and council. They effectively run the community.

These serious problems have to be addressed and in a manner which is acceptable to people living on reserve before we can support this kind of legislation.

While the principle of the bill can be supported, and we would like to be able to support it, it is putting the cart before the horse. There has to be accountability first before going to the next step and devolving more and greater powers to band councils.

The serious and persistent problems on aboriginal reserves must be addressed first in a manner which is satisfactory and acceptable to grassroots band members before the government proceeds with this bill and this kind of legislation. To not do so is to once again fail some of the most vulnerable people in this country.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am extremely delighted that the Reform Party has come such a long, long, long way in the last five years and is now coming around to support aboriginal women and native rights in Canada. That is a great thing. I want to commend the hon. member for his good, decent and necessary work in that area.

I want to make a couple of points. I will get to the questions of accountability with respect to the legislation before us and address the hon. member's concerns. He is concerned, and I think rightly so, about the division of matrimonial property on divorce or separation. I believe that he has missed the point entirely in this piece of legislation. Hon. members who read it carefully will find that some of the member's concerns and objections very clearly will be dealt with.

Only two days ago the Standing Committee on Aboriginal Affairs and Northern Development was discussing issues such as poverty on reserves in many first nations communities. In that particular instance it was Inuit communities. Members from the Reform Party requested that the minister come before the committee. We had arrived at this place because the Reform Party members had concluded through their own logic, and I followed it closely, that in this particular instance it was not the problem of the Inuit leadership that had caused these difficulties. We brought in the department officials and they agreed at the end of the debate and two or three or four hours of discussion on it that it was not the department officials, that maybe it was the minister's responsibility.

Perhaps, just perhaps, one of the reasons there are difficulties in these communities that we are all concerned about or we ought to be concerned about is because there is not sufficient funds going to these communities to do the job. The leaders who came before the committee made a compelling argument that they are doing their best with scarce resources.

If the salaries of all the chiefs and councils across the country were cut in half and their flight privileges to go to meetings or whatever were taken away, do we honestly think that would clear up the problem in Canada? Is our analysis so superficial that we would honestly believe and debate this kind of thing in the House and that we would think that would be an answer to these difficult problems? I really do not think so and I do not think that any member can stand and say that with a straight face in the House of Commons.

Talking about representation, one of the signatories to Bill C-49 is a band from the area of the member from Prince George. The chief and council met with the member and said that surely if the Reform Party believes in the grassroots notions that its members always talk about, then a vote in the community involving the women of the community as well would hold some weight. If it were true and if they held true to their own values and principles, then it would hold some weight in terms of swaying that particular member of parliament to support this legislation.

● (1305)

The vote was 381 to 51 for the community in Prince Albert to support Bill C-49. The member from Prince Albert ignored the grassroots and stood in this House to say it was unconstitutional and all sorts of silly things which are not true. Where is the grassroots there?

Another member from the Reform Party only two weeks ago found three aboriginal people. Out of a community of some 30,000 aboriginal people he found three in his entire constituency. He equipped himself with a tape recorder and a camera and went about diligently looking under stones, trees, carpets and beds to find somebody in the community who would criticize the leadership so that he could come back to the House and say that he had discovered a great evil in Canada and he was going to lay it bare in front of the Canadian people.

I ask the hon. member if in fact his colleague from Prince George and that band had voted for this particular bill 380 to 50, is that not grassroots representation?

Mr. Mike Scott: Mr. Speaker, the parliamentary secretary jumped around from Prince George to Prince Albert, but I think he meant Prince Albert.

I would say that having one vote on one reserve is not sufficient. We are aware that there are some reserves that are not suffering through the problems of accountability because they have progressive leadership which has ensured that they have proper accountability. They largely have their membership on side. That is not the case in many bands.

If we want to talk about a plebiscite, then let us have a plebiscite of all the aboriginal reserves across Canada. If the government can show us at that point that there is resounding support for this, I

would agree to support it tomorrow. I do not think that that support is there.

If the member is thinking that we are picking and choosing and trying to create something out of nothing in terms of the accountability issue, which is what he seems to be suggesting, we have not suggested that anyone's salary should be cut in half. We have not suggested that people should not travel. We have suggested that the members of the band should know what the salaries are and they should know what the expenses are. That is all we have said. We did not say to cut anyone's salary. We do know that some of those chiefs are earning upward of $150,000 a year tax free. I think their members would have a bit of a problem with that.

The final answer to the member's question is there will be another meeting hosted by my friend from Wild Rose in Edmonton this Saturday. I would really urge the member if he is concerned about the issue to please come and listen to these people. My friend from Wild Rose will not be saying very much. He will be listening and I urge the member from across the way to do the same thing.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I used to live in the Yukon Territory and I worked quite extensively with the Kaska-Dena council in that area. Now I am working with northern fishing groups who are mostly aboriginal, first nations and Metis people in northern Saskatchewan and northern Manitoba for them to gain more control or access to their own resource in terms of the fishing industry.

I know it is a long question and deserves a long answer, but would the member and his party not agree that the government and we as parliamentarians should be helping aboriginal and Metis people to gain greater access and control of their own resources?

Mr. Mike Scott: Mr. Speaker, we should certainly be doing everything we can as parliamentarians and as representatives to work toward improving the economic circumstances of aboriginal people. We know that they face some of the most desperate circumstances in this country. We know that is not acceptable when our Prime Minister lauds this country as one of the best in the world in which to live and we have people essentially living in third world conditions. That frankly is wrong. I agree with the member. We have a responsibility and we should take it seriously.

● (1310)

We have to address the issue of accountability at the outset. Before we can get on to anything else, that needs to be resolved.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the parliamentary secretary seemed to allude to the fact that there really is not much problem in the way of accountability in these reserves. In the department's own report as reported in the Ottawa *Citizen* a couple of days ago, upward of 25% and probably more are in dire need in terms of fiscal responsibility and indebtedness.

I have been to the reserves and I have seen the conditions. I have seen the people living in squalor. A report came down through the department of Indian affairs that Canada is considered the number one country in which to live, which is great, but if we factored in the reserves, we would be about number 65.

Is the member aware of the reports coming through the department of Indian affairs and would he care to comment on them?

Mr. Mike Scott: Mr. Speaker, I thank my friend from Wild Rose for his question. I am very aware of it. As a matter of fact, we have been raising this issue as vociferously as we can for well over a year and a half.

We are now finally starting to get the government's attention because there has been a lot of press on this lately. There have been front page articles in the *Globe and Mail* and stories appearing on CTV and CBC. The government can no longer hide from it. It has to admit that the policy of concealment is a failed policy and that the government will have to deal with the issue.

I believe we will find that over the next year or year and a half this issue will occupy much more time on the part of government and certainly on the part of the Indian affairs minister and the parliamentary secretary than it has in the last 10 or 12 years.

The Acting Speaker (Mr. McClelland): Before we resume debate, the time for 20-minute speeches and 10 minutes of questions and comments has expired. We will now go to 10-minute presentations with no questions and comments.

Mr. Charlie Power (St. John's West, PC): Mr. Speaker, I rise today to speak on Bill C-49, the first nations land management act, on behalf of our caucus and our critic from the south shore of Nova Scotia.

We know this act is not all encompassing. We know it does not solve all the problems of our first nations, however our caucus will be supporting it because it is a step in the right direction.

This piece of legislation has been almost 10 years in the making, beginning in 1989 as the lands revenue and trust review. That agreement encompassed a number of areas, of which land management was only one. While that agreement fell through, a number of first nations persevered with negotiations for land management.

A framework agreement on land management was signed by 13 first nations on February 12, 1996. The 13 first nations were joined on May 12, 1998 by Saint Mary's in New Brunswick to bring the total number of first nations to 14. I would like to commend these 14 first nations for taking the initiative to develop the framework agreement and to persevere with it.

As we can see, it is progressing through the legislative process. It is being watched carefully not only by the 14 signatories to the agreement who are eager to begin implementation, but by many other first nations as well.

The framework agreement may become a model for other such agreements on land management once this legislation passes and the first nations are given the opportunity to implement it. Thirty or forty first nations have already expressed an interest in this framework agreement. I expect many more will do so as they are able to see the benefits of such legislation.

We are all aware of the faults of the Indian Act. This legislation will allow first nations to move out from under some of the restrictions of the Indian Act and provide opportunities for first nations to manage their own land and resources through land codes that they will develop specific to their own requirements.

Not only does this transfer authority from the federal government to the first nations, but through the land codes it also encourages stronger community participation. Land codes must be ratified by the communities and voted on by those first nations people living both on and off the reserve. This is an onerous job but one that the first nations felt was important enough to warrant the extra work.

By providing votes to those people living on and off reserve, it broadens the process by including the experience and observations that all these individuals might bring to this process.

● (1315)

The legislation is necessary to implement the framework agreement that deals specifically with land management. This is not a treaty and has not changed the constitutional rights of first nation peoples or the powers of section 91 and section 24 which state that reserve land is a federal jurisdiction. The first nation land, which will remain reserve land as defined in the Indian Act, will provide the first nations with greater control and autonomy over these lands. It is a step toward self-government, something this Progressive Conservative caucus supports. We will continue to support the first nations in this land management agreement.

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, on behalf of the New Democratic Party I am pleased to participate in the debate of Bill C-49, an act to provide for the ratification and the bringing into effect of the framework agreement on first nations land management and to offer my party's support for this important bill.

I am proud to be part of a party that has done so much to ensure the issue of aboriginal self-government has received its rightful attention in Canada. I am proud to be part of a party whose provincial governments have done so much to ensure the implementation of our obligations enshrined in treaties long agreed to in the context of 1998. These treaties have provided the rest of Canada with huge benefits. It is a privilege to be supporting Bill C-49. I am glad the government has seen fit to agree with 14 first nations in this context. I am pleased to see that two Saskatchewan first nations, the Muskoday and Cowessess are involved in this historical agreement.

In the spirit of the royal commission this bill honours a federal government commitment to aboriginal people and the implementation of new ideas oriented toward creating a new relationship between the Government of Canada and first nations peoples. Bill C-49 is an act to implement an agreement between the federal government and 14 first nations. It relates to the establishment of a new regime under which these first nations will finally be have the power and the right recognized by the Government of Canada to manage their own reserve lands and their own resources.

These 14 first nations are opting out of the Indian Act land management provisions but the act ensures that first nations lands are protected for future generations by prohibiting any surrender or sale or any expropriation by provincial or municipal governments. It is a new partnership that increases the self-reliance of aboriginal peoples in the management of their own resources and their own futures. For that we must all be very pleased.

This legislation must be viewed as a commitment by Canada to aboriginal peoples, to the political evolution of first nations and to the concept of self-government and self-determination to which surely we are all fully committed. The process needs to be linked to an orderly transition to a new relationship between Canada and the first nations peoples.

First nations are plainly looking forward to obtaining the responsibilities for managing their own lands and resources contained in Bill C-49. This is a good agreement that will help create employment and economic opportunities for aboriginal people. It will also help to increase their own stewardship of their own environment. In renewing the partnership with first nations the federal government must implement policies and government to government relations at a pace that works for first nations and for all Canadians.

We support the idea that the framework agreement will be open to other first nations. They may join if they feel ready and that it is in their best interest to do so. We hope many more will do so. We call on the government to ensure the right to self-determination for first nations peoples and to maintain the territorial integrity of each first nation.

The legislation supports the capacity building initiatives for the implementation of self-government. We must be sure the resources will be provided to facilitate the participation of first nation women in the governance process.

• (1320)

It has been unfortunate that members of the official opposition have chosen to drive a wedge between Canadians and aboriginal peoples in their discussion of not only this piece of legislation but almost every other piece of legislation, policy or other issue dealing with aboriginal peoples.

It is unfortunate that in the process members of the Reform Party, including the members for Prince Albert and Athabasca, have really attempted to accentuate any divisions that exist within Canada regarding Canadians of non-aboriginal and aboriginal descent.

It is not helpful, as we build relationships and move forward, to accentuate the difficulties and to drive a wedge between decent minded Canadians who want to find a solution to this problem and aboriginal peoples. It is doing a disservice to all of us as we see the incitement to disagreement, the incitement to disregard and the incitement to lessening respect perpetrated by members of the Reform Party.

It is good to see first nations within the constituencies of Reform MPs pointing this out to their MPs in the hope that their MPs will be more accurate, truthful and better represent their constituents who are first nations. In particular the Muskoday First Nation has being explicit, clear and firm with regard to misleading comments by the member for Prince Albert, calling on him to clear the air and to make sure he rectifies the statements which he has made that give the impression that this is not an agreement accepted by first nations people.

The Muskoday First Nation in its referendum voted 309 to 40, an 89% approval rating, for this agreement, almost as good as the last NDP byelection in Athabasca where the NDP candidate received 94% of the vote. Those approval ratings are not only significant but we do not see them very often.

Here we have both men and women in a first nations supporting overwhelmingly the opportunity to finally take control over their own resources.

It is time the Reform Party stopped baiting and antagonizing Canadians. It must stop focusing on the negatives and start building partnerships with aboriginal peoples. Bill C-49 is a good example of this partnership between the federal government and the 14 first nations that will strengthen the first nations governance and support the development of strong communities and strong local economies.

The NDP is fully in support of Bill C-49. We look forward to its implementation and expansion to other first nations. We also look forward to it ensuring that first nation peoples will finally be able to express themselves in an appropriate way in Canada with the full support of the federal government and the Canadian people.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I rise on behalf of the people of Okanagan—Coquihalla to speak on Bill C-49, the first nations land management act.

The bill has special significance for the people of Okanagan—Coquihalla, as my riding is home to the West Bank Indian Band, one of the 14 first nations that will be affected if the legislation passes.

The legislation will have a major impact on both native and non-native residents living on West Bank lands. Currently the federal, provincial and West Bank First Nations have come to an agreement in principle that is even beyond the scope of this bill.

Having reviewed both the first nations land management act and the West Bank First Nations agreement in principle, I have two very serious concerns that I would like to share with my colleagues today and with the government.

First, the West Bank First Nation treaty process in principle was negotiated by federal, provincial and aboriginal parties without consulting the public.

• (1325)

In fact there was a veil of secrecy that surrounded the negotiations.

Second, preferential rights for certain Canadians to lands and resources are entrenched throughout the draft of this agreement based solely on race.

These two concerns are disturbing in a country such as Canada. Secrecy and preferential treatment based on ethnicity do not mesh with the spirit of democracy and equality before the law.

I would like to look at these two issues more closely. I believe the majority of the Canadian public and backbench Liberal MPs will agree these concerns warrant a rethinking of the way the government deals with land management issues.

The first paragraph in the agreement in principle states:

> Until otherwise agreed to by the parties, this agreement and supporting documentation shall be treated as confidential by the Government of Canada and the Westbank First Nation, subject only to release to Westbank First Nation citizens for their consideration.

Now there is Liberal democracy in action. While consent by the Westbank First Nation through a referendum is required, the remaining population of Westbank will not be consulted.

According to Indian affairs statistics the Westbank First Nation is comprised of 517 members. Yet there are 7,000 non-natives on Westbank land. They are voiceless on this bill and this issue.

To make matters worse, the final Westbank agreement will be declared valid once approved by cabinet and the enactment of the legislation. Once the needed legislation is passed by parliament,

the federal cabinet can simply move an amendment to the agreement leaving no room for democratic review.

By not consulting non-aboriginal residents, the resource industry and other interested parties, the Liberal government is demonstrating its Meech Lakian tendency to reject bringing democracy into the process of dealing with far reaching aboriginal land claim issues.

My second concern is that this agreement compounded by Bill C-49 creates inequality by granting special rights and privileges based solely on race. The Westbank First Nation made up of 517 individuals will be authorized to formulate its own constitution with sweeping powers. The 7,000 non-aboriginal residents will be largely excluded.

Will the law making power granted under this agreement, Bill C-49, undermine the Constitution? Is the rule of law so little regarded by our political leaders? From my reading of the agreement and Bill C-49, I would have to answer yes to both of those questions.

Take clause 37 in this bill:

> In the event of any inconsistency or conflict between this act and any other federal laws, this act prevails to the extent of the inconsistency or conflict.

To me it sounds as though the rule of law and the supremacy of the Constitution are being disregarded. Bill C-49 will undermine the rule of law and the Constitution by granting to aboriginal people the right to create laws that will supersede those of the federal government.

Caught in the middle will be the 7,000 residents of Westbank who are non-native. They will lose their rights to be governed by the laws of Canada, subject instead to the laws set by the minority based on race. This is absolutely unacceptable.

Debating legislation that grants special rights and privileges to a select group is not something I imagined I would be debating when I became a member of parliament in 1993.

The land management powers given to the Westbank government will be extensive. It will have jurisdiction to manage, administer, govern, control, regulate, use, protect and benefit from Westbank lands. It will also be able to grant licences and control zoning in addition to controlling access to and trespass on Westbank lands. These are extraordinary powers given to a minority of people on Westbank land.

The law making process under Bill C-49 and the Westbank First Nation agreement also exclude the non-Indian majority living in Westbank.

• (1330)

Only Westbank citizens will be eligible to vote in elections for the Westbank Band Council. Westbank citizens will be those 18 years or older on the Westbank band list. The majority in most cases are non-ethnic first nations people and will have no vote on the laws of the Westbank band though they will be bound by those same laws. It appears to be taxation without representation.

The most these non-aboriginal people are entitled to is to making representations. I quote from the agreement in principle:

> —representations to the Westbank government with respect to proposed to Westbank laws and proposed amendments to Westbank laws that directly and significantly affect such non-Westbank citizens wishing to make representation.

This flies in the face of the principles of democracy. How can the government espouse democracy and equality abroad while cultivating undemocratic institutions within our own borders?

Bill C-49 and the whole self-government process need to be brought back to the drawing table. Canada has thrived as a nation that has garnered international acclaim due to our quest for the principles of democracy, equality and rule of law. As a member of parliament with a number of Indian bands in my constituency I have worked hard to support economic development and educational development projects within natives communities. However, trampling the rights of the majority is not the right path to take and that is the path the Government of Canada has chosen.

The secretive and piecemeal fashion in which we are approaching land issues is a recipe for future discontent among all parties involved. The Department of Indian Affairs and Northern Development is part of the problem, not part of the solution. We need to build a new and brighter future and a better relationship between aboriginals and non-aboriginals. Aboriginal people need to be full and equal citizens empowered to manage their own lives without being marginalized. Bill C-49 is not the answer to this problem.

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, I am pleased to participate in the discussion of Bill C-49, an act providing for the ratification and bringing into effect of the framework agreement on first nation land management.

I listened with interest to my friend who represents an adjacent constituency to mine. As in all matters I certainly respect his views and appreciate all the work he has done. I have been very supportive of a number of initiatives he has taken. I suspect my comments may be somewhat in opposition to his. On the other hand I acknowledge that many of the points he makes are the concerns of people certainly in the areas that he and I represent.

As my friend indicated, I believe the issues surrounding the relationship of aboriginal and non-aboriginal peoples will probably be the most crucial issue in the early part of the 21st century. We

are beginning the long process of enabling first nations peoples to take their rightful place in Canadian society. The sooner we see the demise and ending of the Indian Act, the sooner I will be happy.

I always thought it was very ironic that a copy of the Indian Act has a longer title in brackets which reads ''an act respecting Indian people''. If ever there were a piece of legislation that did not respect Indian people, it is the Indian Act of Canada. We all agree that the patronizing nature of the Indian Act should be replaced as soon as possible. Replaced in what way is what this discussion and debate is all about.

● (1335)

From my perspective and that of my party and of the hon. member for Yukon, our critic, Bill C-49 is a step forward in bringing self-government to a number of first nations.

There is a great deal of misunderstanding surrounding the issue of self-government. There is a great deal of misinformation being circulated about self-government. I do not suggest for a moment that people are doing this or being motivated for anything but the right reason. Sometimes I am suspicious of that. Nevertheless, it is a difficult issue to discuss because of the varying interpretations of self-government.

When first nations' people are asked what self-government means there are many variations and definitions. I do not expect we will ever find ourselves in a position where we will agree on a single definition of self-government.

In terms of moving to the principle of self-government and how it might be defined differently from place to place in Canada, this is a major first step. It would replace the Indian Act and the minister's discretion under that act for these 14 first nations.

There is something rather insidious about a country where a minister of Indian affairs and northern development is asked to make decisions on probably an hourly basis about the lives of first nations people. I just got off the telephone moments ago from talking to an individual who is doing business on an Indian reserve in the constituency of Kamloops, Thompson and Highland Valleys. He asked me to intervene with the minister of Indian affairs to have her approve a certain element of economic development.

I thought it an odd situation that a minister or a bureaucrat sitting in Ottawa would be required to sign off on a small piece of economic development in a distant Indian reservation in British Columbia. What kind of goofy system is that?

The bill is an attempt to get away from that goofiness and to suggest that as smart as the minister Indian affairs is she probably does not know much about running a little economic development project on the edge of the Shuswap Lakes in British Columbia. The fact that it requires her signature to begin this project reflects the sort of lunacy of the way the system presently operates.

This is a step in the right direction. Others perhaps may not think so. It gives first nations law making powers with respect to their land and resources, including the development, conservation, protection, management, use and possession of land. The first nations, however, will not be able to sell their land but may develop or lease it to others. The first nations may acquire land for community purposes. That is an obvious thing to do in a free country. The bill sets out conditions for accountability between first nations and their various members.

The government retains fiduciary responsibility. I appreciate fiduciary responsibility is something that the federal government has under the Constitution of Canada, but therein lies one of the problems. I do not suppose this will change very much. It is a redraft of Bill C-75 from 1996 which died in the last parliament.

The first nations involved are from a number of provinces: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick. If I were to identify two or three key points, the first would be that this is an important step in the building of self-government for aboriginal peoples across the country.

A significant issue has been the status of women in the matrimonial home on reserve land upon the dissolution of marriage. The B.C. Native Women's Society and other individuals are pursuing opposition to the framework agreement through the courts at this time. Hopefully when the bill gets to committee we can find ways and means of addressing their concerns. If not perhaps we have to relook the whole issue.

Another issue is non-native people who lease homes on reserve land are unable to vote for those who will be able to make laws which affect them. That is a reflection of the concern expressed by some of the previous speakers earlier today about the rights of non-aboriginal individuals who presently live on Indian reservations and therefore will not have an opportunity to participate in decision making of the band. This is a problem. There is no question about that. It is something that needs serious examination once the issue gets into committee.

● (1340)

My hon. colleague from Saskatoon presented in a very articulate and clear way the reasons we support the bill and some of our very serious concerns at this point. However I want to add one or two short points. Contrary to some comments being made by some of my colleagues, section 15 of the charter which guarantees equality applies to reserve lands and first nation laws. First nations are not above the Constitution of Canada.

Bill C-49 protects the rights of women during marital breakdown. Clause 5(4) of the framework agreement and clause 17 of the bill require the 14 first nations in cases of marital breakdown to

establish rules and procedures dealing with two basic rights: the right to possession of the matrimonial home and the right to division of property.

This has been a bone of contention for many years, particularly when it comes to women, and the legislation attempts to address the issue. Whether or not it is adequate remains to be seen. We will see what happens in committee when we hear from some of the witnesses.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I am pleased to talk about the particular issue for a few moments and would like to point out a couple of matters with regard to what some of my colleagues have said. What Bill C-49 is trying to accomplish is honourable. There is a purpose behind the bill which I am sure a lot of people would like to see happen.

I would like to point out some things that have been said by grassroots natives across the land from whom I have heard in the last little while. One comment that sunk deep into my thoughts was from an ex-chief of the Siksika nation in Alberta. He said that before we could move to any of these kinds of agreements, before we could begin to establish any kind of self-government rule on native issues, we must make sure there are rules in place that will hold all parties accountable for what happens in that regard.

He is basing that comment on his experience in his own reserve and a nearby reserve where his family members and grandchildren live, the Stoney reserve. Members have heard many things about the Stoney reserve, which is presently under review by auditors and will continue to be until some answers are achieved. We expect a report some day soon.

Comments like those of Roy Littlechief are being said across the country. Many grassroots people I have talked with everywhere are saying that accountability must be in place before we can turn over any kind of self-government to those in charge on our reserves. That makes sense to me now, having visited many reserves and having seen the squalor many of these individuals are living in.

People are living on reserves where there is no running water and no electricity. They have a path instead of a bath. They do not have the conveniences we are accustomed to in a great country like Canada. The reason is that the dollars do not seem to be there. When we try to find out about where the dollars may have gone and what has happened there are no answers. When we try to ask for an investigation because of the accusations of a number of grassroots people from many of these reserves it is denied.

On one reserve I visited I carefully looked over some documents the grassroots people managed to get their hands on. They concerned payments from the social department on the reserve. I looked down the list of these payments to the persons who were in receipt. There would be the band member's name for $320, another band member's name and perhaps $450. Suddenly we came to a name and it was $9,500. In the next month that same name reappeared only it was $8,000, several thousand dollars more than anyone else was receiving on welfare. I asked the persons who were in possession of these documents why this individual was getting so much money on the welfare program and the others so little. They reached into their files and brought out a death certificate. The individual who was receiving $9,500 and $8,000 per month has been deceased for 13 years.

● (1345)

You do not have to be a rocket scientist to think that is a little strange and that it is something that ought to be checked into. Yet when we question it through the department of Indian affairs, then we question it above that, and we go to the RCMP who agree that this probably should be investigated, it is all stopped with the common answer that I get continually from the Indian affairs department ''it's an internal problem''. In other words, let them solve it themselves.

It is more than an internal problem when these kinds of things happen. There is accountability that we in this House owe to the taxpayers of Canada whether we like to admit it or not. When we pour billions of dollars into the top of the department of Indian affairs, we should be accountable to the taxpayer where every dollar of that goes, how is it being used and is it effective.

I have not found one taxpayer yet who is not pleased to put money into a program such as Indian affairs providing it does the job of looking after the people in need. Then there are reserves with 90% unemployment, which is not unusual, 40% drug addictions, not illegal drugs but medical, where alcoholism is running rampant, where they have schools which can educate the people on the reserves and only 16% of those eligible on the reserve are attending the school. There is something wrong with that.

To jump into a bill like Bill C-49 and say we are going to do that, the biggest fear that Roy Littlechief and other grassroots people have is it will simply empower those who are in charge now to a greater degree and things are going to get a whole lot worse on an individual basis. He simply says deliver a message to parliament. Make sure the things are in place that will make the chiefs, councils and all the leaders right up the ladder accountable for every dollar that goes into that department.

That is a pretty wise thing to say. A report from the department of Indian affairs says: ''As many as 25% of Canada's 500 Indian bands are broke enough that the federal government will either have to intervene or take over financial management this year''. This is what the Indian affairs managers said: ''The bands have made little headway in recent years to dig out from debtloads that are causing federal officials grave concerns even as aboriginals strive toward self-government. The trend blamed on mismanage-

ment, both by federal officials and Indian leaders, has continued for the past five years. The problem is like a revolving door. A dozen indebted bands get straightened out and another 12 sink deep into debt''.

Those kinds of things are happening. My wife and I took tours into reserves. We sat in tar paper shacks. We were hosted by elders sitting on apple crates, doing the best they could to host us with what they had and happy as could be that a member of parliament for the first time in their history even dared step on to the reserve to that length. They have never had an opportunity to talk to a member of parliament. They are crying out ''What can you do to help us? We live like this''.

• (1350)

I say to the minister of Indian affairs why not address the issue at hand, the squalor they are living in, the unaccounted dollars. Make sure all the mechanisms are in place, then bring Bill C-49 forward and she will probably find all kinds of support once all those things are there to make sure the right things happen on behalf of the people.

Some Conservatives, New Democrats and Liberals think it is a shame that we are exploiting these people and that it is opportunism. I will tell them what it is.

There are people out there who are suffering, starving, living in squalor. That is what it is. It is a humanity issue. Every member in this House ought to come aboard and help me to address these grassroots problems. I invite members to do so instead of being so critical about opportunism and all that other hogwash. Get out there and start solving some problems. It is serious.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, that is a pretty hard act to follow, but I will do my best.

I agree with the hon. member for Wild Rose. It seems with this bill we are putting the proverbial cart before the horse. Some may ask why I have spoken so many times on bills that relate to natives? I speak on anything related to my constituency. Because I have a lot of natives who live in the constituency on reserves, I am profoundly interested in them. I am profoundly interested in what they say to me.

I also have received phone calls from people telling me something very loud and clear and no one can escape it. Get your head out of the sand in the House of Commons. Wake up and see what is out there in the real world.

As the chief said to me the other day, how can we have an extension of a business arrangement with land management when we do not have a government to proceed with those affairs? There are fancy terms like new partnership, but we will not have a new partnership until we have accountability. The government has no business whatsoever in bringing forth bills like this until it establishes the basic ground rules for self-government.

Why is it not doing that? Why do we have no self-government? What is it afraid of? It simply does not want to face reality. Anyone can say we can have partnership, land expansion and all kinds of new businesses, but no one would be happier than Reform to see a business success survive on the reserve survive on new land. We would all love that. But if they do not have the tools to establish that business and govern that business, what do we think will happen? The member for Wild Rose stated it very clearly and saw where the money was going. There is no accountability.

I know Indians are worried about accountability and for the most part it is quite transparent. How can members opposite put out well over $6 billion with no accountability for that money?

• (1355)

If we are to establish a land venture and a business venture, if we are to bring in the people who want to come into line with the new millennium, we cannot expect them to do so until from the grassroots up they know about government and business and until they can walk with their heads high and know they can go to the office any time to get an accurate account of how the money was spent. Until the government wakes up to the fact that it will continue to blow billions of dollars without having accountability, it should not expect a partnership.

I will give an example from the House. Here we have the Bloc that wants to separate from Canada. When it does so, it will negotiate the terms. It is completely backwards. We should be negotiating the terms so intelligent people in Quebec and in the rest of Canada can know what the separation is about. The same thing exists with Bill C-49. We are creating land management. We hope we will create business associated with the land management but we have not provided the people who need it the most with a model for self-government. Shame on this government.

Shame on this government for ever using the term partnership. This is the most important social issue facing Canada today. This issue is so profound that it is growing every day. And what is the government doing about it? Nothing. The minister of Indian affairs says it is because we want a new partnership. I know the Liberal Party wants to condemn me for being anti-native. Do not come to my constituency or talk to my natives and say that. They want self-government and they want the leadership of this government to provide them with that.

The Speaker: The member will have the floor when we come back. He still has four and a half minutes to make his point. It is almost 2 o'clock and so we will proceed to Statements by Members.

S. O. 31

STATEMENTS BY MEMBERS

[*English*]

FOREIGN AFFAIRS

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, the decision by the British House of Lords judicial committee that General Pinochet must face the request by Spain for his extradition on charges of crimes against humanity during his period as head of the Chilean regime is not merely a decision updating the customary international law and treaty rules on the doctrine of immunity of heads of government. It also sends a signal to the world community on the acceptance of the principle of legal hue and cry and universality of jurisdiction to pursue and judge crimes against humanity and similar heinous offences.

* * *

HEPATITIS C

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, one year ago the Krever report on tainted blood was presented to Canadians. The expert on a Canadian health tragedy made some major recommendations, first a new system of blood governance. On this we have made progress. His second recommendation was clear lines of authority to bring about scientific advances in transfusion. Here there has also been some progress. Third, there should be compensation for all the victims of hepatitis C from dirty blood. On this subject there is absolute failure.

The decision to financially help only the few victims infected between 1986 and 1990 is based on legal and technical argument. Forgotten is the issue of compassion. During this anniversary year, 1,200 hepatitis C victims have died, their hope after reading the Krever report dashed, their families' dreams and wishes lost. I wear black today in memory of those victims and to remind this House that not one nickel of help has gone to the victims—

The Speaker: The hon. member for Perth—Middlesex.

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PARTNERS IN PEACE

Mr. John Richardson (Perth—Middlesex, Lib.): Mr. Speaker, it is my pleasure to draw the attention of the House to the presence in the gallery of six Bosnian students who are here on a 10 day visit to Canada. The Department of National Defence is proud to have provided support for the Partners in Peace initiative of the Rotary Club of Edmonton Riverview. These young people were flown to Canada on a Canadian forces aircraft and members of the Canadian forces accompanied them during their many activities.

• (1400)

During their stay they visited the city of Edmonton and got a taste of our national pastime by attending an Edmonton Oilers hockey game.

These young students participated in leadership, multiculturalism, unity and peace activities with Canadians of their own age. They also shared their experiences of war with their Canadian peers. At the same time, Canadian students benefited from being able to hear firsthand about the difficulties confronting Bosnian youth.

On behalf of all of us, I would like to welcome these ambassadors of peace to the House of Commons and wish them well.

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HURRICANE MITCH

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to thank all Canadians who are helping the people of Honduras and other Central American countries in the aftermath of hurricane Mitch.

The outpouring of aid is extraordinary.

While I hesitate to mention particular groups, I am most familiar with the work of two from Peterborough, the Friends of Honduran Children and Candles for Cuba.

Friends has helped Honduran children for many years. It has become a conduit for aid from our YM-YWCA, churches, schools and workplaces such as G.E. Canada. The Candles for Cuba group has diverted its energy and aid from Cuba to Honduras during this crisis.

I commend the work of all groups like these and I am glad that the federal government and our armed forces are so actively involved in this relief effort.

Our thoughts and our prayers are with the hurricane victims.

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THE HOMELESS

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, as winter approaches the chronic problem of homelessness and the plight of the homeless escalate to an acute level.

The mayor of Toronto's homelessness action task force has issued interim findings which include the disturbing fact that 19% or 5,300 of the homeless people are children.

The task force is setting out guidelines for planning a strategy to break the cycle of homelessness. While programs such as Out of the Cold and shelters such as the Moss Park Armouries can offer band-aid solutions to this increasing problem, many indicators

focus on the need for a co-ordinated effort involving all levels of government to attack the underlying causes of this problem.

The responsibilities of the federal, provincial and municipal governments for income, housing supply and health issues need to be clarified.

Although the problem is most acute in Toronto and other large cities, there are homeless people and caring community activists in my riding in Barrie and Bradford—

The Speaker: The hon. member for Souris—Moose Mountain.

* * *

CANADIAN FARMERS

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, the Minister of Agriculture and Agri-Food was informed when we returned to the House after the summer break that farmers were going broke.

Since that time—and it has taken weeks of pressure—he finally believes what we already knew. The minister now agrees that farmers need assistance, but he still does not understand.

He wants the aid he gives the farmers to be matched by the provinces. That does not make sense in Saskatchewan.

Does he not realize that Saskatchewan has the highest proportion of farmers to its population? Does he not realize that Saskatchewan is more dependent on the agri-food industry than any other province?

If farmers are not making money in Saskatchewan, Saskatchewan is not making money.

This government did not ask Newfoundland to cough up money when its cod stocks were depleted and it should not be asking Saskatchewan to cough up the money now.

* * *

CANADIAN FARMERS

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, Canada has one of the best safety net systems in the world. It includes the net income stabilization account, or NISA, crop insurance and companion programs.

In normal circumstances these safety net measures create income stability for farmers. However, today the hog and grain producers are not facing normal circumstances. This crisis is far greater than NISA was designed to handle.

The current farm income crisis demands an extraordinary response.

I know some producers who are facing the loss of the family farm. I understand the stress and trauma that this inflects on individuals and families.

In the short term we must respond to these farmers whose livelihoods are threatened. I know that the Minister of Agriculture and Agri-Food has been working hard to resolve this issue. He has my support and I hope he has the support of this House.

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[*Translation*]

JACQUES PARIZEAU

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, former PQ leader Jacques Parizeau on his way through the Outaouais region yesterday wanted to pull a fast one on the media.

The old rascal wanted to talk about independence, but behind closed doors. His approach raised the ire of the media, and the doors were opened immediately.

• (1405)

Mr. Parizeau finally spoke the truth about the separatists' strategy. Both he and the PQ say they are interested only in federal government money. Jacques Parizeau has finally cut through the smoke screen over separatist strategies.

We must give him credit: he finally revealed the truth of the PQ strategy.

A vote for the PQ is a vote for the referendum. It is a vote for separation.

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[*English*]

YEAR 2000

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, the clock is ticking. There are just 400 days until the year 2000. Do we know if our government will be ready?

The federal government insists that it is doing all it can to prepare itself for the year 2000, but is it doing too little too late in trying to cure the millennium bug?

Only now are Canadians starting to realize the serious implications of the Y2K problem, but a recent Industry Canada survey shows that many people still feel the government will be ready in time. We know that will not happen.

Senior bureaucrats testifying before the industry committee say that parliamentarians can play an important role in raising public awareness of this issue. But how can we when the government is not providing an accurate picture of its own readiness?

We have seen little leadership from government ministers. They are all too willing to pass the buck. They offer no clear leadership

or direction. How can government leaders say that they are doing all they can to be ready for the year 2000?

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[*Translation*]

MERCHANT MARINE VETERANS

Mr. René Laurin (Joliette, BQ): Mr. Speaker, in 1992, the veterans of the merchant marine were given the same status as the veterans of the armed forces. They were thus entitled to the same pensions and compensation. However, this substantial progress was not made retroactive. Accordingly, the veterans of the merchant marine are being discriminated against.

Furthermore, the status of veteran was given to sailors in the merchant marine but denied civilians who served during the second world war, but only in sectors not considered combat zones. As enemy submarines struck in waters around the world, these sailors feel they faced the same risks as all Canadian sailors.

The Bloc Quebecois considers unjust the treatment afforded the former members of the merchant marine who filled a vital role, all the more meritorious because it was dangerous.

We therefore ask that they be accorded the same status and the same benefits as their comrades who fought in the armed forces, and retroactively.

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ELECTION CAMPAIGN IN QUEBEC

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, we are in the home stretch of the Quebec election campaign.

The PQ has resorted to tricks, intellectual dishonesty, ploys and manipulation. Can you believe that, yesterday, during the television program *Le Point*, Lucien Bouchard thought of himself as Robert Bourassa?

The PQ is trying to hoodwink Quebeckers. It talks about winning conditions, plotting and scheming to make us believe that Lucien Bouchard will fight for social union and renewed federalism. Next time, he will even invite us on an organized trip to the Rocky Mountains.

I am not interested in Lucien Bouchard's renewed federalism. I will vote for true federalism. I do not want to hear about separation. I want nothing to do with tricks. I am not interested in a referendum, period. I will vote for a stronger Quebec within Canada.

On November 30, let us put an end to Bouchard's tricks. Let us vote for a better future for all. Let us vote for truth. Let us vote Liberal.

[*English*]

CANADA'S BLOOD SUPPLY

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, today marks the first anniversary of the Krever report. Judge Krever recommended no-fault compensation for all victims of tainted blood.

He recommended that blood products used in Canada should be made from unpaid donors, not high risk American donors. He recommended active regulation by the health protection branch.

There has been little or no action on these recommendations. We will continue to raise issues of blood safety, fair compensation for victims of hepatitis C and urge action on the Krever report.

However, we cannot forget those who rely on our donations of blood for their lives and health. We want to see a safe and efficient blood system that will be there for all Canadians.

This Monday the NDP caucus is sponsoring a blood donor clinic in Room 200 of the West Block. The telephone number to make an appointment is 236-0199. My leader and I will be donating blood together at 11 a.m. and we encourage members of all parties and staff of the House of Commons and the Senate to give this gift of life.

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[*Translation*]

ELECTION CAMPAIGN IN QUEBEC

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, on Monday, November 30, Quebeckers will make a crucial decision concerning the future of Canada.

A vote for the PQ is nothing less than a vote to trigger the process of Quebec's separation from the rest of Canada.

• (1410)

A vote for the ADQ is simply a lost vote. A vote for the Liberal Party is a vote for health, education and economic growth.

On November 30, let us not take any chances, because we prefer by far a Liberal government that will ensure Quebec's economic growth by, among other things, restoring confidence among foreign investors who contribute to that growth.

On November 30, I will vote Liberal because I believe in my country. I believe in a strong Quebec for our children and our grandchildren. Let us pass on to them a country with the world's best quality of life, Canada. Let us vote Liberal.

JOB CREATION IN MONTREAL

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, once again, all those prophets of doom across the country should hang their heads in shame. Employment in Quebec is rising.

On November 6, Statistics Canada confirmed that the unemployment rate in Quebec was below 10% for the first time since the early 1990s.

This morning, the media informed us that Montreal ranked among the 10 major North America cities where job creation is the best. In fact, job creation has not been this good in Montreal since 1987.

We have had it with the arrogance of the Liberals. Quebec is recovering from the ravages of nine years of Liberal rule and we have the expertise of Lucien Bouchard's team to thank for that.

I for one am confident and, come Monday, I will be voting for good government.

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KREVER COMMISSION REPORT

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, one year ago today, the government released the Krever report.

One of the recommendations was that the government compensate all victims of hepatitis C.

However, instead of taking an approach based on compassion and respect for all the victims, who have had an incalculable price to pay emotionally and financially, the Liberal government continues to insist on excluding those infected before 1986.

Meanwhile, victims like Stan Marshall, the young man who was featured in the *Toronto Star* this morning, are dying one after the other. Stan Marshall died last month after years of fighting, seething rage and frustration fueled by the irresponsible attitude of this government, which neglects to put its moral duty before anything else.

What is the government waiting for to act? For all the victims to have died one by one?

* * *

[*English*]

NATIONAL AIDS AWARENESS WEEK

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, this week is national AIDS awareness week and I would like to take this opportunity to address the House on this very important issue.

As most Canadians know, AIDS is a deadly disease. By the end of 1997 Health Canada had reported a total 15,528 AIDS cases since the beginning of the epidemic. Many of these cases have ended in death.

I think it is important, especially during this week, to emphasize the risks and dangers of this horrible disease. Only through public awareness and education can we attempt to solve this problem. In recent years the level of reported cases has dropped, but there is still much ground to cover.

I urge all Canadians to find out more about AIDS and to help in the fight against it. We must and we will defeat this terrible disease.

* * *

APEC INQUIRY

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, as the APEC affair begins to unravel for the Prime Minister and his disgraced former solicitor general, we hear today of an increase in the suspension of Terry Milewski, the maligned CBC journalist who first brought this APEC fiasco to light.

It is bad enough to have the Prime Minister's office unleash its attack dogs on Terry Milewski in an attempt to discredit and muzzle his investigative research, but it is quite another to have the CBC president become the lap dog of the Prime Minister's office.

The Prime Minister's staff undoubtedly put pressure on CBC board members and CBC president Perrin Beatty to have Milewski back off. In a fashion befitting a person pandering to have his contract renewed, Perrin Beatty handed Milewski an additional 15 day suspension, and this in the face of the solicitor general's resignation. I think it is time that Perrin Beatty resigned as president of the CBC.

* * *

• (1415)

ST. ANDREW'S SOCIETY

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, today I pay tribute to the contribution that the Scottish people have made to the development and life of Canada.

In 1542 a Scot by the name of David Ross was the first to map the mouth of the St. Lawrence River. Following Mr. Ross, the Scots continued to map out the new world.

In my riding of Saint John, New Brunswick, the St. Andrew's Society founded in 1798 is celebrating 200 years of unbroken history in service to the city of Saint John, the province of New Brunswick and the whole of Canada.

Never numbering much over 150 members, these past 200 years the society has provided sixteen mayors, four lieutenant governors of New Brunswick, one lieutenant governor of British Columbia, one premier of New Brunswick, one chief justice of Canada, three senators, as well as national and international leaders in business, law, finance and education.

This is a very proud record. I wish to publicly congratulate the oldest Scottish society of Canada on 200 proud years of heritage and contribution to Canada.

ORAL QUESTION PERIOD

[*English*]

AGRICULTURE

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, for a year now the Prime Minister has known that a farm crisis has been looming in our country. Prices have been falling and foreign farmers continue to receive billions of dollars in unfair subsidies.

The only new farm laws that the government has brought in are to initiate taxes on farm fuels and fertilizers and to make it a crime for farmers to sell their wheat.

Why does the Prime Minister not stand up for farmers instead of finding new ways to punish them regularly?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I challenge the hon. member to be a bit more specific as far as taxes on fertilizers and fuels are concerned. They have always been there. We know that. As we know we would all like to pay lower taxes.

We have recognized and we are recognizing the severity of the situation they are facing at present. We are working with our officials, within the cabinet, with the provincial governments and with the industry to do all we can as quickly as we can.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, we can just see how much support there is for that. He has to do more than just continue talking.

The United States has just pumped $6 billion more of new unfair subsidies into its farms. That is on top of the already billions of dollars that they have. Subsidies make up 30% of a farmer's income. The Europeans are subsidizing unfairly $60 billion a year to their farmers. It is impossible for our farmers to compete.

Why does the Prime Minister not start tackling and taking on the Americans and the European bullies for their huge subsidies to farmers?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I find these comments very strange from the party that does not want to support agriculture.

In the debate we had in the Chamber a couple of weeks ago they were continually questioned not only by members from this side but the other opposition members on what they suggested. They did not have any suggestions.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, it was our motion on agriculture that we debated in the House not long ago. Perhaps he has had a little memory loss.

It is easier to arrest a farmer in Manitoba than to challenge the big U.S. department of agriculture. It is easier for the government to increase user fees and fertilizer taxes in Saskatchewan than it is to talk to Americans and Europeans about lowering their subsidies.

Here is the problem. Foreign subsidies are too high and Canadian taxes are too high. Why does the government not admit that its heavy handed tax collectors and the light weight ministers abroad that will not tackle this issue are the real problem?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, again I find this absolutely amazing. In their taxpayers budget they were to cut funding to departments like agriculture, industry, fisheries and natural resources by $640 million. They would take away from these departments another $690 million on a regional basis.

• (1420)

There is a little contradiction in the point that the hon. member is trying to make.

* * *

APEC INQUIRY

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, my question is for the acting prime minister.

The Prime Minister in the House over the last few weeks has said with regard to the public complaints commission ''I want the Canadian public to have the whole answer as soon as possible''.

Today a federal court judge ruled that the panel chair cannot continue in his job until another judge makes a decision as to whether or not he is biased. That could take six months. It could take a year. That is not getting anything going. The APEC inquiry is off until that is heard.

Will the acting prime minister now commit to Canada to have a judicial inquiry so we can get on to this issue very quickly and get it over with?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, it is my understanding that the federal court said that the panel should not continue its hearings until the allegations of bias are dealt with by the federal court. I think that is an approach which is understandable. It does not mean that the panel will not continue. We do not know what the results will be. Let us wait to hear what the court says.

Also, the government has no authority under the law to stop the public complaints commission from carrying out the work given it by parliament. I do not know why the hon. member insists on interfering on the floor of the House with the work of the commission.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, the government has all the power in the world to start a judicial inquiry tomorrow to get to the bottom of this issue.

In the House the Prime Minister and the acting prime minister say let the commission work. They cannot have it both ways. Ivan Whitehall, the Prime Minister's lawyer, made no representations at all to the judge about the delay and the problems that will cause.

We know delays do not help the situation. Even the Prime Minister said let us get this behind us. Let us get on to the issue of health care. Let us get on to the issue of taxes. Let us have a judicial inquiry right now and get this issue solved once and for all.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we do not know as yet just how long the delay will be before the federal court rules. Before we get worked up like the hon. member is, let us see what the federal court says. Then it will be easier to see about the continued work of the public complaints commission which was established by parliament.

I repeat, the federal government does not have the authority under the law to tell the public complaints commission not to continue its work.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in the APEC commission notice to appear, the chair of the RCMP public complaints commission limits commissioners to examining the conduct of RCMP members on the university campus between November 23 and 27, 1997.

Given this limited mandate, and particularly given the fact that we heard today that the proceedings are being suspended indefinitely, how can the Prime Minister say that the commissioners will be free to investigate his own conduct?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I think we must wait for the federal court to make its ruling.

I think that the hon. member has asked a question that is not relevant right now.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, what is not relevant is that we were told today that the solicitor general would be here, but he is being kept under wraps. They do not want him to say anything, so he is still absent from the House. That is what is not relevant, to use his word.

The Speaker: As we all know, it is not permitted to comment on the absence or presence of a member in the House. I would ask that this not happen again during oral question period.

Mr. Gilles Duceppe: Mr. Speaker, everyone knows that the RCMP commissioner is appointed by the government and reports to the solicitor general, who is himself appointed by the government.

What makes the Deputy Prime Minister think that one or the other of them could blame the Prime Minister? It is ridiculous and no one believes it.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member has made an inaccurate statement.

RCMP commissioners do not report to the solicitor general. He plays no role, except that of receiving the report. The commission is independent, as set out in the legislation passed by this parliament.

• (1425)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in order to fend off the accusations that he suspended the civil liberties of the Vancouver APEC summit protestors, the Prime Minister is counting on the RCMP public complaints commission, the mandate of which, according to him, should allow everything to be brought out into the light of day.

How can we trust in the commission's ability to investigate, when François Lavigne, one of the investigators, confirms that it is not independent and that he was frequently asked to change reports prejudicial to the RCMP?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the commission has been in operation for ten years. From all reports, it has a very good record, and I believe we must let it do its work, though obviously under the aegis of the federal court.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the former solicitor general ought to be exactly the right person to know that, in its ten years, the commission has never had to investigate the behaviour of a prime minister, as it is going to have to this time.

How could this commission of inquiry into police conduct feel comfortable investigating the behaviour of the Prime Minister, when he goes so far as to publicly prevent his solicitor general from speaking to journalists, by taking his arm and leading him away? What kind of message on ethics is the Prime Minister sending to the members of this commission of inquiry?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, when calling public hearings into APEC last February, the commission stipulated that members must ''examine all aspects of these complaints, hear all related testimony, ensure a fair and impartial

hearing in relation to these complaints, and report the recommendations as authorized''.

It is obvious that the commission intends to do what is necessary.

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, like a wind-up toy the Prime Minister keeps saying let the commission do its work. He pretends that he wants Canadians to know the truth as quickly as possible.

Now the commission has shut down for six months. If the Prime Minister really wants Canadians to learn the truth, why does he not put an end to this Keystone Cops farce and appoint a full independent public inquiry now?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, it has not been established that the commission will not be able to begin its hearings again for six months. That is speculation in the media. The federal court has not said when it will finish its deliberations on the allegations of bias.

My hon. friend has the premise of her question all wrong, as is usually the case with her questions.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it is just not working. The Prime Minister closed the commission because he knows it will not work. He knows it is fatally wounded. He knows the commission will never get to the truth.

Why does the Prime Minister not just admit that he will not appoint a full independent public inquiry because he does not want Canadians to learn the truth?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member's assertion is totally wrong. The Prime Minister has said over and over again in the House that he wants all the facts to come out and he looks forward to the commission helping that to happen.

The commission is independent according to the law set out by parliament. I have said before and I say again that I appreciate her vote of confidence in the Prime Minister because she wants the person that she is attacking to set up the commission. I thank her again for the vote of confidence. For a change she has said something right. Of all the things she has said so far about which she knows something it is that the Prime Minister is a person of integrity and he—

The Speaker: The hon. member for Burin—St. George's.

* * *

AGRICULTURE

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, the Minister of Agriculture has known for almost a year that farmers were suffering through one of the most severe financial crises in history.

Time is of the essence, but the minister chooses to take the let us wait and see approach. The minister now can see that farmers have to resort to destroying their livestock.

How many more farmers have to go bankrupt before the minister and the government find compassion and announce a comprehensive compensation package?

• (1430)

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I certainly do not enjoy any more than anyone else the unfortunate situation too many producers are in now, and the unfortunate situation where some producers have had to choose to destroy their livestock or make them suffer.

For that very reason I am talking to my cabinet colleagues and talking to the provinces. We are going to do all we possibly can as quickly as we can. We will do it thoroughly and we will do it with the due diligence it needs to be given as we go through that process.

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, I say to the minister the time for due diligence is running out.

It is unfortunate that this government's lack of farming experience at the cabinet table is taking a toll on farmers across Canada. Farmers are going under while the Minister of Agriculture and Agri-Food and the Minister of Finance quarrel over fiscal priorities.

Will the government prove that it has the will to support Canada's agricultural industry in this crisis? I ask the Minister of Agriculture and Agri-Food, did he have enough clout at the cabinet table to announce an emergency aid program for Canadian farmers?

The Speaker: Colleagues, once again we are having a tough time hearing the questions and the answers.

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, if the hon. member wants to get personal, I will challenge him with the number of years that I have spent in agriculture.

I also challenge him in the renewed and refreshing interest that the Tory party has in agriculture. Prior to the last election the Tories said that they would continue and expand the practice of cost recovery in the areas of the food inspection and regulatory agency and then speed up the elimination of subsidies to take more than $6 million out of—

The Speaker: The hon. member for Medicine Hat.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, when this minister left the farm, I would say he also left farmers behind.

Farm incomes in Canada have dropped 46% in the last year. We have seen user fees go up 28% in the last three years because of the finance minister and the agriculture minister. We see foreign subsidies going up. We see taxes going up.

When is the ag minister going to get tough with the Europeans and with the finance minister and make sure that those European subsidies start to go down and that Canadian taxes go down for farmers?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I know full well the difficulty that producers are in. That is why we are taking this seriously. We are working to put a plan in place that will assist those who are the hardest hit as quickly as we can.

When I go back to my riding on the weekends, which happens to be a farming community, I talk to farmers. I do not think the hon. member talks to too many on the weekends.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the minister has known for a year that this problem was coming. What is he doing today by going to cabinet to say all of a sudden we have problems? What took him so long to figure things out?

Why was he talking to farmers last weekend instead of over the last year? Why does he not come up with some long term solutions for farmers? What he is proposing simply is not good enough. We need long term solutions.

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, it is refreshing. The Reform Party has said for years that farmers should not have subsidies, that farmers should not have support and all of a sudden it now cares about farmers.

* * *

● (1435)

[*Translation*]

APEC SUMMIT INQUIRY

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the remarks made by Mr. Lavigne, the investigator who stated that the RCMP public complaints commission had neither the independence nor the means to do its job properly, have been confirmed by Pierre-Yves Delage, who, until March, was the commission's senior counsel.

In light of this development, is the commission, which is only an administrative tribunal, powerful enough to blame the Prime Minister and his office staff?

Some hon. members: Oh, oh.

Hon. Herb Gray: Mr. Speaker, with your permission, I would ask the hon. member to put his question again.

Some hon. members: Oh, oh.

The Speaker: If the hon. could simply put his question.

Mr. Michel Bellehumeur: In light of the facts in the whole APEC affair, is the commission, which is only an administrative tribunal, powerful enough to blame the Prime Minister and his office staff?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the commission noted on October 5 that it was absolutely necessary not only to hear evidence on the events but also an explanation on why they occurred and that is why it intends to go wherever the evidence given by our witnesses leads it.

It is obvious that the commission can and wishes to do its job. We ask that the hon. member let the commission do its job.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, does the Deputy Prime Minister not understand that the only way all our concerns about the Prime Minister's involvement in the APEC affair can be put to rest is by appointing an independent commission that would report directly to parliament and whose specific task would be to investigate the actions of the Prime Minister and those of his entire staff at the PMO, and to shed light once and for all on this whole matter?

I hope he understood the question and will answer it.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, under the Inquiries Act, the authority to appoint a commission is vested in the Prime Minister, not parliament.

If the hon. member is asking that the Prime Minister appoint a commission, I wish to thank him for the vote of confidence for the Prime Minister.

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[*English*]

AGRICULTURE

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, my question is for the Minister for International Trade.

Many Canadians are asking how we got into this farm crisis. High taxes here in Canada and massive foreign subsidies.

This year the European governments will pay their farmers over $60 billion. The U.S., not to be outdone, will match European subsidies. This has all the makings of an all-out trade war.

Will the Minister for International Trade phone his U.S. counterpart to work together to reduce these foreign subsidies in Europe to protect our Canadian farmers?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, we already did that a long time ago.

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, our Canadian farmers can compete with any farmers around the world

on the basis of production but they cannot compete on the basis of foreign government subsidies and massive treasuries.

If the minister has phoned his U.S. trade counterpart, can he tell us today one positive result of that phone conversation?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, we have the same faith in our farming community across the country. We have raised it repeatedly not only with my counterpart, Charlene Barshefsky, but also with Leon Brittan.

In addition to that, our Prime Minister has repeatedly raised this with the President of the United States and the European—

Some hon. members: Oh, oh.

● (1440)

The Speaker: The Minister for International Trade, if he wishes to continue.

Hon. Sergio Marchi: As I was saying, Mr. Speaker, the Prime Minister also raised it at the last Canada-European summit. It will be on the agenda again when the Europeans visit this capital in two weeks time.

We have appealed to both sides that the commodity base has been whacked enough without engaging in this war between subsidies from North America and the European Union. We are hopeful that they will take heed.

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[*Translation*]

SOCIAL UNION

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, yesterday, the premiers of Saskatchewan, Ontario, New Brunswick and Quebec once again asked that the social union issue be settled before the next federal budget.

However, the Minister of Intergovernmental Affairs says there is no urgency and that it would be easier to negotiate with a federalist government in Quebec.

Does the minister realize that, in making this comment, he is sending us the message that with a more docile government in Quebec, a Jean Charest government, provincial demands would be lesser and thus easier to meet for the federal government?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, this is a false allegation. I never said there was no urgency. I said we were negotiating and good progress was being made.

Quebeckers do not want to separate. It would be better if they did not elect a separatist government. Quebeckers are confident. It would be better if they did not elect a party that relies on mistrust.

The Canadian social union is about all Canadians helping one another, something which the member does not seem to be able to grasp.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, how can the minister explain that, while the ten premiers agree on social union, he is the one dragging his feet, the one in no hurry, the one who seems to want to sabotage the talks?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, yesterday, the former PQ leader, Jacques Parizeau, said that, for Quebec, social union consists in getting its loot.

During the ice storm, the other Canadians did not give their loot to Quebeckers. They gave their heart and generosity. In Manitoba, we did not give our loot; we gave our heart and generosity.

The Canadian social union is about the heart and generosity of all Canadians. It is about a country that Quebeckers have built with the other Canadians, and they will not give control to people who want to destroy it.

* * *

[*English*]

AGRICULTURE

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Mr. Speaker, when foreign governments overfished Canadian waters, Brian Tobin stood up to them, but when foreign governments attack our Canadian farmers with tens of billions of dollars in subsidies, this Liberal government does nothing to stop these attacks.

Why do prairie farmers not deserve the same type of respect that fishermen got when their livelihood was at stake?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, the minister of agriculture outlined quite well and eloquently this afternoon that the farming community is a building block of this country.

He said that the farming community will get the support of this government and that we have appealed not only to the United States and the European Union but we are also trying to find common ground with other countries, like Australia and New Zealand, and Latin America. Then the international community will be able to deal with this in an even-handed way.

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Mr. Speaker, things are now so bad on the family farm that hog producers cannot even afford to feed their animals. Canadians watched the news in disbelief last night. Farmers are forced to kill their pigs because there is not enough money to feed them.

How could this Liberal government let things get that bad?

● (1445)

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the member knows full well that unfortunately

this decline in price has happened very quickly. As soon as it started to happen I met with my provincial counterparts. We are working with the industry and the safety nets advisory committee and I am talking to my cabinet colleagues so we can work together as we have in the past with the provinces and the industry to put in place an additional support system that will help farmers in this type of disaster.

[*Translation*]

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, the situation at the moment in agriculture is very difficult.

Grain and meat prices, especially hog prices, are dropping. The minister of agriculture is getting ready to announce an aid program for farmers.

Could we have the minister's assurance that he will adapt his program to programs already existing in Quebec so that farmers and producers there may also receive aid and enjoy their fair share?

[*English*]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, this government will do as it has done in the past and will continue to do in the future. When and if a program is put in place it will be equitable to all farmers in Canada. It will be available to them if they need to call on it no matter what province they live in.

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, I am delighted to see all parties in the House recognize the farm crisis, the droughts we had in Atlantic Canada and Quebec, the low prices of grains, the tremendous problem in the hog industry, the need for our provinces and the federal government to co-operate. Can the minister of agriculture relate to the House how he plans to co-operate with our provincial governments to alleviate this farm crisis?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the support of the member for Miramichi and my colleagues on this side of the House and their bringing the views of this unfortunate situation before my cabinet colleagues have been very helpful. We will work to do what we can as quickly as possible in order to alleviate the disaster situation on too many farms.

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HEALTH

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, this is the anniversary of the Krever report on tainted blood. Judge Krever suggested we compensate every single victim. A year later not one single victim has been compensated by this government. Twelve hundred victims died during the course of this year. Is there anybody across the way who will stand up and say they do not have a twinge of conscience over the abandonment of those individuals? Somebody stand up.

Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, one year ago the Government of Canada received from Judge Krever 17 recommendations aimed directly at the federal government. I want all members of the House to know that all 17 have been acted on. We immediately established the national Blood Safety Council. We have two new blood agencies, Héma-Québec and the Canadian Blood Services. We have injected $125 million to enhance Health Canada's blood regulations—

The Speaker: The hon. member for Macleod.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, I guess the parliamentary secretary on her first question in the House could be excused for that nonsense—

The Speaker: I ask the hon. member to be very judicious in his choice of words and I ask him to please go directly to his question.

Mr. Grant Hill: Mr. Speaker, the first recommendation was to compensate all the victims. If the parliamentary secretary can stand up and say she is proud of the record, I am not.

● (1450)

Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, this issue is much too serious for crass partisan politics. He knows full well this government has put more than $1.3 billion in this issue and $800 million to settle class action lawsuits. We believe that people need care. We put $300 million and offered to do our share with the provinces to make sure that over the course of their lives, people who have been infected with hepatitis C will get the care they need.

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AGRICULTURE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, media reports indicate that the government caucus and the minister of agriculture finally accept the severity of the situation affecting many Canadian farmers facing the worst crisis since the dirty thirties. But the same report suggests all cabinet ministers may not yet be on side.

My question therefore is for the Minister of Finance. Does the minister accept the tragic reality facing tens of thousands of Canadian farm families and, if so, will he commit today to both a short term disaster relief program and longer term protection for our beleaguered farm families?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I met with my cabinet colleagues as recently as over breakfast this morning and lunch today. I can give the assurance to the hon. member that my cabinet colleagues fully understand the severity of the situation that too many Canadian farmers are in at the present time.

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, our farmers all agree that they are victims of international trade wars that are driving our prices down. This government abandoned our producers by prematurely cutting federal support. The finance minister in 1995 announced the elimination of the Crow benefit. Our farmers lost $320 million per year just in Saskatchewan.

Will the Minister of Finance support an immediate and long term national disaster relief program to save our family farms and keep them competitive worldwide?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, yes there were adjustments made but the hon. member forgets to tell everybody that Saskatchewan received nearly $900 million in a one time capital payment.

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APEC INQUIRY

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, today the noose got a little tighter around efforts to uncover the truth about APEC. The federal court has placed the RCMP public complaints commission in a freeze mode and the process has taken so many blows that the only person in Canada that has confidence in the process is the Prime Minister and perhaps his deputy. They prefer to hide behind any cover they can find. First it was the solicitor general, now it is the mortally wounded APEC panel.

Canadians want the truth. When will they get straight answers and an independent judicial inquiry?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Canadian people have always been getting straight answers from the Prime Minister and his colleagues. What is missing is straight questions from the hon. member and his colleagues.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the Deputy Prime Minister and the Prime Minister have mastered the art of saying much but saying little, the test of integrity is performance, not Liberal talking points. The pathetic broken record responses from the Deputy Prime Minister do nothing to improve the faith.

If the government wants to get to the bottom of APEC, why is it sponsoring Bill C-44 which would allow the cabinet to fire the public complaints commission chair without any correspondence? Perhaps the President of the Treasury Board can listen to this question and answer.

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, Bill C-44 has cleaned up a mess left by the Conservatives because of such patronage over their various years.

• (1455)

Out of 3,000 people named by order in council we have cut over 800 and we have saved millions of dollars by doing it.

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FOREIGN AFFAIRS

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs. The visit to Canada of United Nations High Commissioner for Human Rights Mary Robinson marks the 50th anniversary of the universal declaration of human rights.

What discussions did the minister have with Ms. Robinson about the decision of the British House of Lords on the extradition of General Pinochet?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I think the hon. member properly points out the importance of the visit of the UN high commissioner. We had an opportunity to discuss many subjects.

The decision on the Pinochet case highlights, as the high commissioner said, the importance of establishing an international criminal court and she encouraged Canada to continue its leadership in establishing this important new institution.

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GOLDEN WEST DOCUMENT SHREDDING

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, the minister of public works was responsible for shredding 22,000 boxes of confidential private information on Canadian families. Instead of shredding that information, it was sold at a profit.

Yesterday the minister told us that everything is okay, after all he knew about it since July. The privacy commissioner does not think so. He is launching his own investigation.

Why did the minister keep this scandal of a major breach of privacy a secret? Just how bad is the news?

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, when my department realized there was a breach of contract we reacted right away. We cancelled the contract and all the security checks the firm had.

We did not hide anything. It was all in the paper. The member just realized it now, five months later. If the privacy commissioner wants to have an investigation we are ready, my department and I, to co-operate with the privacy commissioner.

[*Translation*]

ICE BREAKING POLICY

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, yesterday the minister accused the Bloc Quebecois of spreading misinformation about ice breaking.

Yet, he knows that the Bloc Quebecois has been dealing closely with the shipping industry on this issue.

My question is for the Minister of Fisheries and Oceans. With the legitimate protests and unanimous outcry from the industry and the implementation of the new fee schedule due in less than a month, will the minister declare a moratorium until his policy can be amended as required?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I met yesterday with a group from the industry to discuss their counterproposals. I am currently examining their remarks from yesterday and the counterproposal they gave me last week.

At the moment, there is no good reason to act on the member's request. We will see. I have to discuss the matter with my cabinet colleagues as well.

* * *

[*English*]

LABOUR MARKET TRAINING

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, a recent report from the Canadian Labour Force Development Board states that Canada's labour market training system is in chaos and confusion.

After dumping training on to the provinces and slashing the spending by $700 million, now there is no planning, no co-ordination, no national standards and access is getting to be a joke.

Will the minister of human resources accept that labour market training is in crisis and will he use the EI windfall surplus to restore the $700 million gutted from our training programs?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we have not dumped the responsibility on to the provinces, but for a very long time the provinces wanted a better partnership with the Government of Canada. We have negotiated this agreement with the provincial governments, including two NDP governments in British Columbia and Saskatchewan.

We have invested $800 million more in active measures to help unemployed Canadians get back to work and that will bring the total amount to $2.7 billion per year to do precisely that job in partnership with the provinces.

ONTARIO

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, the PC government in Ontario has led the nation in economic growth and job creation. Ontario's economy will grow by 4% this year because Ontario knows and Premier Harris knows that if taxes are cut the jobs will grow.

• (1500)

When will this government and when will this finance minister give the same type of economic growth to the rest of Canada by cutting taxes, as Ontario has done, to ensure that all Canadians have the economic opportunities that the Government of Ontario has provided to the people of Ontario?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, first of all, in the last budget, as the hon. member knows, we cut taxes by $7 billion over three years.

But if what he would like to do is talk about job creation, in the five years since we have been in office private sector jobs have grown by 1.4 million.

In the five years under the previous Tory administration jobs were up by only 180,000. In fact full time jobs under the Tories were down by 97,000 and in our case they are up by 1.4 million. In the last five years of the Tory regime the unemployment rate went up by 3%.

* * *

BUSINESS OF THE HOUSE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I would like to ask the government House leader what the agenda is for the remainder of this week. In fact, I would like to know the remaining agenda, right up to the last day and whether, in fact, the last day is December 11.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to respond to the question put by the hon. opposition House leader.

This afternoon we will continue with Bill C-49, respecting first nations land management. This will be followed by Bill C-56, respecting Manitoba settlement rights. Time permitting, we would then turn to Bill C-35, respecting imports; Bill C-41, the mint bill; and Bill C-40, respecting extradition.

Tomorrow we will consider Senate amendments to Bill C-52, the nuclear test ban bill, which will be followed by third reading of Bill S-16, respecting certain tax treaties.

I do not expect to call business other than those two items tomorrow.

On Monday we will resume the list that I have just described.

• (1505)

Tuesday shall be an allotted day, with votes on supply at the end of the afternoon. I understand that there are a number of other votes as well that have been deferred, or possibly will be deferred later today and on other days.

On Wednesday of next week we would like to turn to Bill C-43, the revenue agency bill. If there is time left on Wednesday we will then turn to Bill C-57, the Nunavut court bill.

Beyond that we will also be entertaining the pre-budget debate before we adjourn for Christmas. Obviously, to be very precise for the last remaining days will require a bit of time yet. But I am grateful to all House leaders, indeed all parties, for their co-operation in terms of allocating the business of the House for the remaining days until we adjourn for the Christmas break.

GOVERNMENT ORDERS

[*English*]

FIRST NATIONS LAND MANAGEMENT ACT

The House resumed consideration of the motion that Bill C-49, an act providing for the ratification and the bringing into effect of the framework agreement on first nation land management, be read the second time and referred to a committee; and of the motion that the question be now put.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, in my remaining few minutes I would like to clear up any difficulties that some members opposite may have.

Let us set the record straight. Let us make absolutely sure that we are not disputing the right of Indians to honour their land treaties. That is not the issue. The issue that is before us today is how we are going to bring about accountability with this bill. How are we going to change the conditions which the hon. member for Wild Rose mentioned?

There are some questions that hang very heavily on the shoulders of elected officials on the government side of the House. Why are we denying thousands of people the right which we enjoy of self-determination in government? Why do we continue to do that? Why are we prepared to go ahead with massive land claims when the people at the grassroots want accountability? The government is not helping them to attain that.

Those areas which have accountability, to a large degree, are areas in which we do not see what the member for Wild Rose saw. The more transparency, the more accountability, the better it is for everybody. We have no right in this House to deny the term and the meaning in totality of self-government. As we go into a new century we should not be considering legislation that puts the cart before the horse.

To deny shows that this government is not really looking at reality. Government members can talk all they like about accountability and partnership, but until we put into place the machinery that brings about accountability, the machinery that brings about local grassroots governments, then we are going to continue with the mess that we have in many areas across Canada.

What I ask of this government is to not keep putting forth bills with no end to them, but to look at the reality of what is happening in Canada. Let us look at what we have to do to cure the biggest social issue facing Canada today.

The government can hide from it. Obviously it does not want to take responsibility. Sooner or later the responsibility of what goes on from coast to coast without self-government and without transparency will rest on the shoulders of government.

• (1510)

Why should we be promoting more avenues and more room for land claims which we agree with, but which we do not agree with if they do not contain accountability? This government is quite prepared to do that, but we are not.

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I am pleased to speak to Bill C-49, the first nation land management act.

The impetus to create this legislation came from the first nations which developed a workable land management system to enable them to manage and control their lands and resources. The new land management regime outlined in this legislation is a government-to-government agreement that ends the authority and discretion of the Minister of Indian Affairs and Northern Development to manage these lands under the Indian Act.

This new regime goes to the very heart of our efforts to try to make life better for aboriginal people across Canada. It places control over the daily management of lands back into the hands of several first nations. With this control they will have the tools to guide their own destiny and to support strong, healthy communities fueled by economic development and supported by a solid infrastructure of institutions and services.

This new regime is a striking example of the kind of productive arrangement envisioned in the paper ''Gathering Strength—Canada's Aboriginal Action Plan''.

When this government launched that paper in January, we committed ourselves to renewing our partnerships with aboriginal

people and to finding new approaches to bring about real, practical improvements in the lives of aboriginal people. This legislation leads the way in our efforts to give first nations greater autonomy and to strengthen their capacity and expertise.

Hon. members may recognize much of this legislation. It came before us in December of 1996 as Bill C-75. It received second reading and then died when the House was dissolved.

Those familiar with the legislation will know that it has a history that goes back even further. The bill before us, as with the legislation of the last parliament, seeks to ratify a framework agreement signed by these first nations in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick. This legislation would apply to 14 first nations.

The framework agreement provides authority for these 14 signatories to govern their lands and resources under their own laws. The first nations must first develop a land code that will set out their basic rules and procedures to govern lands and interest in land and resources after the land provisions of the Indian Act cease to apply to these communities.

The land codes must be consistent with the framework agreement, which can only be amended by the parties to it. The lands affected will be known as first nation lands and will continue to be reserve lands for the purposes of other applicable federal legislation. For example, the Indian Oil and Gas Act will not be affected by this agreement.

Each first nation will also enter into an individual agreement with Canada to determine a level of operational funding for land management and to set out the specifics of transition from the current to the new regime.

● (1515)

My colleagues across the way must understand that this framework agreement requires each first nation's land code to set out a whole series of requirements: the requirements for accountability on management of lands and money to first nation members; the procedures for making and publishing first nation laws; the conflict of interest rules for land management; a forum for the resolution of disputes; general rules and procedures for granting or expropriating interests in first nations lands; the general authorities and procedures for delegating administrative authorities; and the procedure for amending its land code or approving an exchange in lands.

It seems from the discussion across the way that these requirements are not well understood.

I would also point out that these provisions must be voted on by the community as part of their opting in procedure. These measures ensure the participation of the community at the outset and seek its approval for the process. In this way the first nations can be assured that their memberships are fully aware and fully apprised of all aspects of the opting in process and subsequent administration of the lands and moneys. In other words, this is an accountability process built to very high standards.

Both the land code and the individual agreements require community approval. All members of the first nations who are 18 years or older, whether resident or off reserve, would be eligible to vote in the community approval process. At least 25% of eligible voters would have to approve those land codes and individual agreements for them to be valid.

This process of ratification is further evidence that the framework agreement will help build and strengthen aboriginal governance. It will support strong communities, strong people and strong economies. I would remind the House that these are the major objectives in the paper ''Gathering Strength—Canada's Aboriginal Action Plan''. There is just so much that one can say in speaking to this agreement.

It is important to note that the bill provides for each first nation and the minister to appoint a verifier to confirm whether the proposed land code and community approval process were consistent with the terms of the bill and the agreement. The verifier would also determine whether the land code and individual agreement had been approved by the confirmed process.

The legislation before us enacts a framework agreement that will benefit everyone. The signatories will benefit from greater control over their lands and resources. Neighbouring municipalities and affected provinces will benefit from economic development spin-offs. The federal government will benefit from no longer having to administer certain specific sections of the Indian Act. It can reduce its involvement in the day to day management decisions and activities of those first nations.

Other first nations will benefit from being able to study the effects on these 14 signatories and from using the framework agreement as a model for future self-government agreements.

Bill C-49 is a good piece of legislation. I urge all my colleagues to support this legislation.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I appreciate the member's comments that Bill C-49 is a good piece of legislation. I would agree with her that it is a good piece of legislation.

I would like to address a couple of the fallacies in this legislation and a couple of what I believe are mistakes in some of the statements made by members of this House.

Certainly there are some difficult issues in this legislation but it is a very positive piece of legislation and one that will give control of land management to first nations, something that they do not have now.

I would like to correct the member for Souris—Moose Mountain who stated that there was no accountability in this bill. This bill is all about accountability. Perhaps there are parts of the bill the member did not read. I will explain the accountability sections in this bill for members of the House.

• (1520)

Historically the Indian Act has given DIAND virtually all decision making authority regarding the use and disposition of reserve lands and resources. The minister has limited accountability to the members of the first nations for management of reserves and has limited accountability to the members of first nations for the management of land transactions, resources, environment and revenue.

As the law exists now, there is no accountability at all. The 14 first nations that have signed this agreement have made accountability to their members one of the main principles of the framework agreement.

Bill C-49 does not deal with elections or other subjects such as governance which remain under the Indian Act. There are a couple of important points that should be made about accountability in this bill.

The framework agreement ensures that a first nations council will account to both on reserve and off reserve members. First nations members both on reserve and off reserve must approve the decision to opt out of ministerial administration of reserves, the content of the land code and any amendments to the land code and the individual transfer agreement with Canada. A first nations council must manage its lands for the use and benefit of the first nation. That sounds like accountability to me.

A land code must contain provisions to ensure accountability and transparency of decisions for lands and related revenues. A land code must contain provisions for first nations law-making procedures and the publication of first nations laws. All land codes are public documents available to the members of first nations and the general public. The land code must identify a local dispute resolution mechanism for land management decisions.

This bill is about accountability and it is strictly about accountability. I think it is time that some of those who are in opposition to this bill sat down and read the bill. Let me give a few more examples of accountability.

Eligible voting members can introduce first nation land laws for consideration. Proposed land laws must be publicly posted and distributed to members before being voted on by council. First nation land laws must be published. The public has access to those laws at the first nation office during business hours. Conflict of interest rules require that persons in conflict may not participate in making decisions on the matter.

Eligible voting members must approve certain types of leases and licences of first nation land. Council must adopt a budget, explain it to its meeting of members and make the budget available for inspection by any members who request it.

Expenditure and contract controls, books of accounts and records must be kept in accordance with generally accepted accounting principles. Any adult member can receive a copy of these financial statements. The auditor has complete access to the financial records. It is an offence to restrict access to the financial records.

Community approval for a ratification vote is required before certain laws or land transactions can be made. At the annual meeting, first nation members are required to discuss land matters and to receive the auditor's report.

That is about accountability. That is what the bill brings to the nation. That is what the bill brings to the 14 first nations that have signed the framework agreement.

It is important to understand that those 14 First Nations stretch from coast to coast in Canada. There are five from British Columbia: Westbank; Lheit Lit'en; Musqueam; N'Quatqua; and Squamish. There is one from Alberta, Siksika. There are two from Saskatchewan, Muskoday and Cowessess. The one from Manitoba is the Opaskwayak Cree. From Ontario there are four: the Chippewas of Georgina Island; the Mississaugas of Scugog Island; the Chippewas of Mnjikaning; and Nipissing. There is also Saint Mary's in New Brunswick.

Are other first nations interested in joining this initiative? Yes, 40 or 50 first nations are interested in joining this framework accord for land management. A number in my own province of Nova Scotia are interested in joining.

• (1525)

There is absolutely nothing in this agreement that changes the Constitution. There is nothing that changes the charter of rights. This does not deal with the difficult issues before us in the House of Commons. This deals with a very simple idea that all of us should be very familiar with and that is control of lands that one owns.

For first nations to try to take their place in Canadian society, to share in the economic opportunities of this country, it is criminal that the Indian Act discriminates in the way it does. The minister of the crown is responsible to tell a first nations individual living on reserve whether or not they can cut firewood on that reserve, whether or not they can cut timber on that reserve, whether or not they can have a gravel pit on that reserve, whether or not they have an opportunity for mining interests on that reserve.

Nor does this bill exclude any other bills that have already gone through parliament. The Indian Oil and Gas Act still pertains. This does not change legislation. This simply gives an opportunity for

us in the Parliament of Canada to allow first nations to have economic opportunities of their own upon reserve in Canada.

It bothers me very much when I listen to the opposition's discussion of this bill. I have looked at this bill. I have read it backward and forward and frontward and sideways and I really cannot see the problem with it.

There was some discussion of first nations women and how they would be accepted under the aegis of this bill. The fact remains that the bill deals with the breakdown of marriage. It deals with the separation of husband and wife. It deals with children after the breakdown of marriage.

The bill deals with all the pertinent issues that are before the first nations with the ownership of land upon reserve. It is incumbent upon us as parliamentarians to support positive legislation. Certainly this is a piece of positive legislation.

There are many things that are difficult for us as members of parliament to do. I addressed them before but I think it is important to point them out again, and that is what this piece of legislation does not do. It does not change the Constitution of Canada. It does not change the laws that govern the equality of rights under the charter of rights. This bill allows first nations economic opportunity and control of their own land. It is a good bill. I support it and I would ask other members of the House to support it.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I listened with real intent and interest to my colleague who just spoke. He referred to clauses of Bill C-49 with regard to accountability which is very reassuring.

However, we all know that the requirements for accountability in every facet of expenditures of money in the interests of Indian people have always been there. Those requirements for accountability have always been there yet we hear from the grassroots people, Indian people, some of whom I have spoken to this afternoon.

When I ask them about Indian self-government and what they think about it, they tell me they are concerned about it. I ask why they would be concerned about. They tell me very clearly that they are concerned about granting their leaders greater powers and authorities over them. When I ask what the problem is now, they go on and on at length to explain the problems. My colleague from Wild Rose and my colleague from Skeena have given examples of the problems the grassroots people have.

I do not think there is anyone in Canada who would not be willing to continue the direction of resources into the aboriginal community for the benefit of their standard of living, education and so on. But if it is not reaching them, as the word is coming to us over and over again from all points on the compass, then we have to look at the whole area of accountability.

• (1530)

Bill C-49 will pass, but it is the duty and the responsibility of members in opposition to warn about the defects of the bill as we see them. The whole area of accountability is of very serious concern to us and to all members who have talked to Indian people at the grassroots level.

The unfortunate problem is that there are aboriginal people at the grassroots who cannot take their concerns to their chief and council for whatever reason. They cannot take their concerns to the minister because the minister will be criticized and attacked by the chief and council if she begins to meet with the grassroots. She will be accused of going around the local elected representatives. The minister is caught in a bind in this regard.

I do not know what the answer is other than to insist on accountability for 25% of those bands that are not acting responsibly even though there are guidelines for accountability in terms of the expenditure of money for the welfare of Indian children and in terms of schooling, education, health care and their standard of living. There is a lack of accountability for the expenditure of funds at the band level. There is a concern.

We are putting our warning voice on record in this regard. No one in the House does not want to see aboriginal self-government. However it has not been defined yet. Why has the government not defined it? Why do we not have a model upon which to base it and allow the aboriginal people to take greater charge over their own lives and their own affairs? It must be done on the basis of accountability to their own grassroots people.

I do not know what the answers are to many of the problems I have heard about. They are not unlike those of the larger Canadian society. We as the Reform Party are asking for populist principles which allow for the people to hold their elected representatives more accountable for the manner in which they run the affairs of the country, including plunging us into debt and having many of the children living in poverty after taxing us at the highest rate of the G-7 countries, after borrowing and spending $585 billion over the last 25 or 30 years. Still one child in every five is reported to be living in poverty.

There must be greater accountability in this place. We want more free votes in the House. We want the right of the people to recall us if we do not honestly and faithfully represent their views and concerns. That is the kind of mechanism within any level of government which the people must have. Perhaps it is the answer for aboriginal people and those answers must come from them.

The degree of accountability in the bill looks good. There are policies and regulations demanding and calling for accountability in the way moneys are expended, yet we still hear the cry from the grassroots. Until that cry is listened to and the problems are addressed, the bill may be simply adding to the problems of the grassroots, not to the problems of the Reform, Bloc, NDP, PC or the

Liberal members of the House. It may be adding to the problems we hear coming from the grassroots in that it will grant greater power and authority over local government. That is where there seems to be a lack of the accountability these people are requesting.

Our duty is to place our concerns on record. We hope everything works out well, as everyone does, but it has not so far. We are saying that the bill is placing a greater degree of power and authority in the hands of the very same people the grassroots are concerned and complaining about.

I will give an example. Laura Deedza lives in my community but she is from one of the northern Alberta reserves. She has been trying to get financial statements from her band. For months she has had nothing but a fight on her hands as she has been trying to get even parts of those financial statements for the present year and for years past. She has nowhere to go except to the minister. She is continually complaining to my office that she meets a brick wall at that level. The procedures for access to these kinds of documents are clearly outlined in the bill. They are outlined as well for financial statements to which every band member is supposed to have access. Laura is just one of many. She is continually asking us for help.

● (1535)

The meeting which will allow for grassroots people to express their concerns further to members of parliament on Saturday in Edmonton ought to be attended by every concerned member of parliament to hear what they have to say and to bring that message back to the House. I wish members of the government would attend that meeting as well so that they can hear directly from the grassroots people and take their concerns back to the minister and back to cabinet.

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The question is on the motion that the question be now put. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): Call in the members.

And the bells having rung:

Mr. Bob Kilger: Mr. Speaker, there have been discussions with representatives of all parties and I believe you would find consent to defer the recorded division requested on the motion of the Parliamentary Secretary to Minister of Indian Affairs and Northern Development concerning second reading of Bill C-49 to the expiry of Government Orders on Tuesday, December 1, 1998.

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

Some hon. members: Agreed.

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MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION ACT

The House resumed from November 16 consideration of the motion that Bill C-56, an act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba, be read the second time and referred to a committee.

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the debate on the bill up to this point has been very interesting. Since the Norway House Cree Nation is part of my riding, I would like to add my own comments.

● (1540)

The bill represents the end result of many years of negotiations among the Norway House Cree Nation, the province of Manitoba and the Government of Canada. Any legislation introduced in the House of Commons to implement agreements negotiated with other parties, particularly when these negotiations take place for a number of years, is legislation that includes a great deal of delegated trust.

In this specific case since the duly elected government of the Norway House Cree Nation signed the agreement and the people of Norway House ratified it in a referendum, we must trust that this agreement is satisfactory to the people of Norway House. This does not mean we believe there to be unanimous support for the agreement. Since the people of Norway House voted in favour of this agreement, it must be assumed that it reflects the opinion of the majority.

During this debate some members of the House have questioned whether this agreement reflects the will of the people of Norway House. Let us be clear about what these members are implying. By

questioning the legitimacy of the referendum results, they must be alleging that some sort of electoral fraud took place. This is not the type of allegation that should be made lightly.

At a time when first nations are finally able to regain control of their affairs, the department of Indian affairs and ultimately the Government of Canada must ensure that the democratic rights of every first nation member are not ignored. Failure to do so is setting their governments up for failure.

Any member of parliament who believes as I do that first nations have a legitimate right to self-determination knows that it is not parliament's place to tell first nations people what to do. Throughout the history of Canada's relationship with the first nations this kind of patronizing attitude has lead only to tragedy.

To avoid repeating the errors of the past first nations must be free to make their own decisions and determine their own path. Thus, in the absence of unassailable proof that the referendum was fraudulent, I cannot in good conscience oppose what I must conclude is the desire of the majority of the people of Norway House and their democratically elected band government.

To help put this matter in context let us compare the Norway House Cree Nation with the nearby Cross Lake First Nation. Both these first nations were among the five affected by the flooding in the 1970s and both signed the northern flood agreement. Each has a democratically elected government and as is its prerogative the government of Cross Lake is following a different path in its fight for compensation.

Unlike Norway House, Cross Lake has not reached an agreement with the province of Manitoba and the Government of Canada. The government of Cross Lake has not been satisfied with the compensation offered by the federal and provincial governments for the flooding of their land. Thus they have decided to hold out for the compensation they were promised under the original northern flood agreement.

What we have is two first nation governments faced with similar circumstances choosing different paths to confront their circumstances. Norway House has chosen to make a deal while Cross Lake has chosen not to do so. Some have said that Norway House has made the wrong decision, but we as members of parliament have no right to tell these first nations what to do. I support their right to self-determination so the people who must make this decision are the people of those communities.

The referendum result and the fact that they re-elected their chief and council indicate that the majority of the people of Norway House support this agreement, and I respect their decision. Likewise I support the democratically elected government of Cross Lake's decision to follow a different path.

It is important to note that the position I am taking to support the self-determination of each first nation reflects the position of the first nations themselves. At the last annual general meeting of the Manitoba Keewatinowi Okimakanak, the chief of Norway House pledged his support for Cross Lake in their struggle for compensation. Clearly even when they choose different paths for themselves first nations stand in solidarity and support each other's self-determination.

I am pleased that the Norway House master implementation agreement is bringing some resolution to the community. Most if not all members who have taken part in this debate have never been to this fine community in my riding.

I am pleased to report to the House that economic development is moving forward in Norway House. A new mall was opened this week creating dozens of new jobs in the community. The community has embarked on many substantial projects including a new day care centre and a paving project last summer. Virtually every road in Norway House is now paved. In addition, there are also new tourism initiatives under way highlighting the community's long history and spectacular natural beauty.

However, I am upset and deeply disturbed by recent developments in Cross Lake which indicate that the Government of Canada and the department of Indian affairs are trying to leverage that first nation into signing the master implementation agreement against its will.

• (1545)

The chief of Cross Lake has asked me to tell the House about the pressure his government and his people are under from the department of Indian affairs and the Government of Manitoba.

Cross Lake is the only first nation that has yet to sign the agreement. Like any government in this day and age, the government of Cross Lake First Nation also carries a debt. Unlike most other governments Cross Lake needs the department of Indian affairs to underwrite its debt. Now the department of Indian affairs is threatening to stop the underwriting of the band government's loans, meaning the band will go bankrupt unless it can immediately pay off its debt.

Imagine if Canada's creditors demanded immediate repayment of our national debt. It would not be reasonable to expect this and neither is it reasonable to expect this from the Cross Lake First Nation.

The department of Indian affairs has effectively put a knife to the throat of the Cross Lake First Nation. If it signs a master implementation agreement the immediate cash payments will allow it to pay off its debt and avoid bankruptcy. But the Cross Lake First Nation has made it clear that it does not want to sign a new master implementation agreement.

The Progressive Conservative Government of Manitoba has so far been unwilling to offer fair compensation so Cross Lake has chosen to continue with the more time consuming process of

pressing for the compensation it was promised under the northern flood agreement. It must be free to make this choice.

This blackmail by the department of Indian affairs is despicable and betrays the Liberal government's utter contempt for the principle of first nations self-determination. I call on the Liberal government to end its blackmail of the Cross Lake First Nation immediately.

We can see that the Liberal government has the capacity to be unethical in its treatment of first nations. However, there is no unassailable proof it has used these underhanded tactics with other bands such as Norway House. In the absence of such proof we must assume the democratic process is legitimate.

I know the members who are opposing the bill have good intentions and they feel they are supporting what is right for Norway House. There are members within the Norway House First Nation.

Support for this agreement is not unanimous in Norway House and that is the democratic right of those who oppose it but I call on all members of the House to support the wishes of the majority of the people of Norway House by supporting the bill.

I also call on members to join me in fighting the terrible injustice that the government is currently perpetrating against the Cross Lake First Nation.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, I am pleased to speak today on Bill C-56, the Manitoba claim settlements implementation act. When we look at the bill we see that it has two parts. The first part relates to the settlement of matters that arise from flooding of land and the second part is a means to facilitate the implementation of land claim settlements in Manitoba through the creation of new reserves or the addition of land to existing reserves.

I will highlight some difficulties with the second part that have arisen because of the treaty land entitlement process in Saskatchewan and that have been brought to my attention by rural municipalities and by people who are C-31 Indian people. There is some difficulty with that.

The flooding of course occurred when the Churchill River was developed for hydro projects and Indians living along the river lost the land they had lived on. They lived a hunting and fishing sustenance lifestyle. I have been there because I was involved in the development of those hydro projects as a land surveyor and parked out on the Hudson Bay at the mouth of the Churchill River and met some of the people who probably have been affected by this legislation.

We are talking about almost 12,000 acres of reserve land and over half a million acres of bordering non-reserve land in this project. That needs to be replaced so that the people can continue to make a life in the north. There has been some question about the method of arriving at agreement on the referendum raised by people from Norway House. They have charged there have been profound irregularities and vote buying. I call on the government to look into their charges if they have made them to the minister as well, because we do not want any question left when this is over that the right thing had not been done for the people at the time it was done.

• (1550)

We believe that the chief electoral officer should have authority over Indian governments in elections to ensure that they are fair and lawful so that there could be no question as to whether an election or a referendum had been held legally in all respects.

We do not have any proof of the allegations but they are serious allegations that need to be looked into.

The treaty land entitlement history is that in the western provinces when the treaties were signed, the treaty commissioners had searched the countryside for Indians at that time to determine their status, to set aside land for them and get their names. However, when the surveys were first done it was found that there was a shortfall in the number of acres that had been promised to each individual Indian. So at a specific point in time funds were set aside in Saskatchewan for bands to purchase land for descendants of those people for whom lands were not set aside at the time of the purchase. The amount they should have got at the first survey was 128 acres per person, which works out to 640 acres or one square mile for a family of five, more than sufficient for a family to earn a living.

Some of the current problems with the treaty land entitlement process that have come to my attention by way of Indians themselves who have brought this up are that the Indian register was used to obtain funds to purchase land at this point because there is not enough crown land left in Saskatchewan to transfer to Indian bands.

The band list, on the other hand, has been used to deny access to benefits. The band has control over membership of the list and has a safe list which is used to guard it from unwanted members gaining access to the band and to the benefits that flow to it.

That creates real difficulties for people who have a right to the benefits the band has obtained in their name. We need to ensure those band lists are not closed when benefits have been given to the band using their names.

The Reform Party has always felt that private ownership often should be made available for people who have a lifestyle different from the bands themselves. Imagine someone growing up in a major city having to move to a band in northern Saskatchewan, to a reserve, to enjoy the benefits that should be theirs as a result of the

treaty land entitlement process. These people do not want to leave behind the schools, friends, relations, hospital services and all the services that are available in an urban community. They have not grown up on a reserve and they do not see themselves as a part of that process. They need a way to take advantage of the benefits set aside for them.

I would like to point out another difficulty that arises from the treaty land entitlement process. In Saskatchewan bands are free to buy from any willing seller at a price agreeable to both of them. The band then applies to have the land designated reserve status. Immediately the rural municipality has a reduced capability to collect taxes. I know there is an amount set aside which is supposed to generate enough interest to provide the services. However, when we come to the business of building roads across reserves, we find out that when we build a road up to a reserve or if we have driven these roads that have been built up to reserves, they are a completely different lower quality from across the reserve because it is not in the band's interest to spend its money on a road which is possibly marginal to its operation. This is happening throughout Saskatchewan.

• (1555)

Haul roads are being built across the province. They are designated as haul roads and known as super grids. They are necessary because railroads are being pulled up and rural elevators are being shut down. Consequently haul roads are assuming greater importance to rural municipalities.

When a budget is set up for a reserve an amount is set aside for road construction but there is no requirement for the band to spend the money as shown on the budget which is simply a document that states how the money has been given to the band on the basis of so many dollars. For example, when a rural municipality builds a road it identifies haul roads in agreement with other rural municipalities and the provincial government and funds are set aside for their construction. It receives 73% from the province. The rural municipality taxes its ratepayers to come up with the other 27%.

A rural municipality in Saskatchewan recently constructed a new haul road which crossed three miles of reserve land. The band did not participate in funding for construction which made the costs as follows. The federal government contributed 67%, the rural municipality contributed 33% and because the road was on the reserve, the province contributed nothing. The band also contributed nothing. This meant the rural municipality's portion rose from 27% of the total cost to 33% which represents an actual increase in taxes needed to build the road of 22%. That is a very large tax increase.

With the proliferation of reserves due to the treaty land entitlement process, bands are buying land all over rural municipalities as they have the perfect right to do but the reserves begin to have a checkerboard effect throughout the rural municipalities. Therefore when we are building roads we are continually coming across these sections with no tax base to support the construction of roads, never mind the maintenance of roads which includes gravelling, grading, snow clearing, weed control and that type of thing which falls under the road allowance.

Rural municipalities have asked me to tell the government about the situation they are facing. They are looking for the government to ensure that the money given to bands for road construction be used for road construction and not for other purposes as important and as laudable as they may be.

The band in question has agreed to supply gravel over the next few years until the value is arrived at, and that is a fairly enlightened viewpoint, but no band is required to do that. Bands have the ability to make the rules for road construction when the rural municipalities are bound more by the province and more by their own needs of their ratepayers, the farmers who farm the land, and must get to a delivery point or a market on the other side of a reserve. It is a very large problem that needs to be addressed and arises from the treaty land entitlement process. I trust the Manitoba government will take up the farmers' position on this so rural municipalities will not have to bear increasingly high costs of road construction as the checkerboard effect of small Indian reserves throughout the rural municipalities takes effect.

We agree with the intent of the legislation that land taken for road construction purposes should be replaced. The treaty land entitlement process is an historic process that is accepted policy in Canada. As such there is no point in fighting it. There definitely needs to be some review of the method by which the tax income for a rural municipality is replaced. Otherwise they will be taxed out of existence.

• (1600)

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I want to ask my hon. colleague, who made a very good analysis of the problem, if he could expand just a bit on this checkerboard of land that is purchased by the Indian bands in various parts of the municipality.

It is not automatic that these lands become part of a reserve because it seems to me that the Indian band may purchase these lands and those lands are then held in fee simple. If they are held in fee simple, then the tax base that exists for other land in that area is precisely the same on the land owned by the Indian band as would be the case if another person owned that land.

Is it the contention that what the municipality should be looking for is some sort of a shift in legislation or some predictable way in which the decision would be made by the federal government as to how these fee simple lands that have been purchased by the Indian bands from individuals will become part of a reserve?

Mr. Derrek Konrad: Mr. Speaker, bands that purchase lands under the treaty land entitlement act apply to the provincial government for reserve status, which takes it out of the tax system. As I mentioned, there is a set-aside, an amount paid into a fund which is held in trust, the interest of which is supposed to pay for services.

However, there is another problem. If the province grants reserve status to farmland, what happens is that the amount that is paid is based on the current assessment, which is quite low for farmland. If they convert it to country residential, let us say, and it is subdivided into 20 acre parcels, on 160 acres that would be eight separate parcels. That means that eight families may end up living there. There would be more bussing costs, education costs and health related costs. The costs would escalate and the rural municipality would still be left building roads for the extra people and making sure that services were delivered.

The re-zoning is not subject to the rural municipality's objections. That of course goes to the federal government because it is now federal crown land. There is a definite loading of expenses onto this level of government in the rural areas of Canada without commensurate tax revenues.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I was listening to the answer of the hon. member for Prince Albert to the question of whether or not these fee simple lands were taxable and I am not sure what his answer was.

However, the legislation states very clearly that it ensures that fee simple lands provided to Norway House as part of the compensation plan do not fall under the Indian Act as special reserve lands. So they are fee simple lands, plain and simple. Members can draw whatever other conclusions they may want to from that, but they are fee simple properties.

Mr. Derrek Konrad: Mr. Speaker, I thank the hon. member for South Shore. He is right, they do purchase them in fee simple and they can be held in fee simple, but the fact is that because it belongs to a band it can apply for reserve status. Once that happens, then it loses its tax exempt status, as reserve land obviously does. Fee simple lands held by a corporation or anything like that are obviously taxable at the going rate.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, it is not my intention to take a long time to debate this bill today. Part of my problem with the bill is not so much what the bill contains, but how it contains it.

● (1605)

There is a real danger in approaching legislation in an omnibus fashion like this. We have two quite different pieces of legislation in one bill. Perhaps we should not be trying to hurry this legislation through the House. We have a number of pieces of good legislation that we are trying to deal with. We should take the time to examine this bill carefully and understand all of the pertinent issues.

Bill C-56, the Manitoba claims settlement implementation act, has two parts, the first part being the Norway House Cree Nation master implementation agreement to establish reserves.

The Norway House signed the master implementation agreement in December of 1997. The legislation before us allows the government to affirm certain provisions of that agreement, although it is being implemented. What this implementation does is to ensure that fee simple lands provided to Norway House as part of the compensation plan do not fall under the Indian Act as special reserve lands.

It also ensures that money provided as part of the compensation agreement is administered by a trust for the first nation. This prevents the money from becoming band money as defined in the Indian Act, thus it is at the disposal of the first nation to be used as it decides. I guess the wording of that would be Indian money as declared under the Indian Act. Otherwise they would have to continue with the time consuming and onerous administrative requirements of the Indian Act. Instead, this improves their opportunity for self-reliance and is a step toward self-government.

The Northern Flood Agreement sets out a means of providing compensation to the first nations affected by the flooding of their traditional lands. The agreement was so poorly constructed, however, that the implementation never occurred. This legislation attempts to bring some form of closure to many of the elements of that agreement.

The second part of the legislation improves the process of establishing reserves. The process could be faster and more efficient with the minister rather than the governor in council approving reserves.

First nations also have the opportunity to improve their economic developments with this legislation, since it allows them to have third parties continue or begin developments while the process is ongoing to establish a reserve. This has been a hindrance to both economic opportunities for first nations and the parties trying to develop interest on reserve lands.

With a certain willingness to see this piece of legislation pursue the course of parliament and get to committee before Christmas, I have no problem allowing this legislation to continue. I am not going to continue the debate at great length today. However, I will say again that there is a danger in this type of legislation which deals with more than one issue. Actually, we are dealing with three issues. There are certainly two big issues. There is a certain danger in that. I caution parliament that if we are going to continue to do this, in the long run we will end up slowing the process because we do not have time to study each separate issue in its entirety.

For example, the Northern Flood Agreement consists of 155 pages. That is just one part of this bill. I realize that all legislation is complicated and can be fairly onerous, but this legislation would be much better suited in two bills.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I would like to say that I have had many conversations with members of the Norway House band over the last year and a half. It is important for members to understand and agree that before parliament ratifies and passes this kind of legislation we understand where the members of the band are coming from and whether there is consensus. There should be at least general consensus on the part of the people who are most affected by this bill that it is something they can support.

I want to talk a bit about the referendum results. I believe this is critical to this issue.

● (1610)

The Norway House Indian band held a referendum to determine whether or not they wanted to proceed with the agreement that this bill represents. I began getting calls to my office a little more than a year ago from band members who were making serious allegations over irregularities and improprieties surrounding the vote.

The first allegation made was that the initial referendum failed. The Norway House band actually held a vote and the band council, I think in partnership with the department of Indian affairs, decided to hold a second vote on exactly the same agreement. Nothing had changed.

The second allegation that was made was that the second vote was conducted, but not before a liberal amount of money was used to buy votes. I do not know if that is true, but that was what I was told.

Mr. David Iftody: Mr. Speaker, I rise on a point of order. I would caution the member in the debate on this bill in his use of language about buying votes. These are serious allegations and I would caution the member.

The Acting Speaker (Mr. McClelland): I think in this particular instance the hon. member for Skeena was very aware of the nature of what he was saying and, as a matter of fact, made the statement that in fact these were assertions made to him and in his case he has the responsibility to follow up.

Therefore, I do not believe this to be a point of order.

Mr. Mike Scott: Mr. Speaker, I am very aware of the seriousness of the allegations. Let me point out to the House and to the hon. member opposite who raised these concerns that I certainly did not start phoning Norway House asking for opinions. These people contacted me. They were making these allegations and they asked me to look into them on their behalf. They have asked me and other members of the Reform Party to go to bat for them, as it were, to try to get to the bottom of this because they are making some very serious allegations. They made allegations that people were actually paid money to change their position with respect to supporting this agreement. Since I was not there I really do not know.

I would like to ask the government if this referendum was overseen by Elections Canada. Was there a disengaged third party, as we have in all elections in this country? Every federal election in which I have run has Elections Canada, a disengaged third party that oversees the election so that it can fairly determine at the end of the night the veracity of the results. Without that, how can anyone ever say that they had a referendum and it passed or it failed? No one can do that. Canadians, I submit, would never accept that.

I think the people on these reserves are absolutely beside themselves. They are asking why there is one set of rules and regulations for Canadians that ensures fairness and on their reserves people can do whatever the hell they want and nobody cares.

I find it passing strange that the Liberal Party is trying to represent itself as the voice of aboriginal people when there are very serious allegations that it does not want to deal with. We did not have this fairness. We did not have an unbiased third party, Elections Canada or elections Manitoba or some responsible party, to oversee this referendum. That did not happen.

Was there a complete and proper enumeration done of all of the voters? Do we know that? Where is the evidence to support that? I have asked for that, but I do not have it.

● (1615)

We have to have assurance and the people in that community have to have assurance that this was a fair representation of community support. I submit right now that we do not have it.

I want to use another example. It is more recent and it is in my riding. The same principle is involved. I do not mean to digress. It is very important that we understand the issue. The principle here is whether or not these are fair and honest referendums that actually represent the consensus or the majority view of the people to be affected by these agreements.

I want to talk about the Nisga'a agreement for just a minute. We were told approximately 14 days ago that the Nisga'a people in northern B.C. had a referendum and that they ratified their treaty. This is the first stage. It has to be ratified by the B.C. government now and then it is going to be ratified by the legislature here. Apparently without any free votes, the Prime Minister is going to ram it down parliament's throat like he does everything else, but I digress again.

The Nisga'a people voted for two days. The referendum started on Friday and finished on Saturday night. I live in Terrace which is just south of the Nass valley where the Nisga'a treaty is going to come into effect. I waited on Saturday night with bated breath for the referendum results. I did not get them Saturday night. I waited all day Sunday and I did not get them Sunday. I started waiting into Monday. Monday morning there was an announcement on the radio saying that there should be some results that afternoon.

On election night Elections Canada counts approximately four million or five million votes, or maybe it is six million votes, anyway it is several million votes and we get the results within an hour and a half. In two hours we know who the next government will be. We know on an individual basis whether we were elected or re-elected as parliamentarians.

In a referendum where just slightly more than 2,000 cast a vote, it took two days to get the preliminary results. They were not final results, preliminary results.

This is what happened. On Monday afternoon we were told that the Nisga'a agreement had been ratified by 70% of the Nisga'a people. It hit the headlines and was carried right across Canada on CBC, CTV, et cetera. The next day we were told no, that was not an accurate figure, it was really 51%. I submit there is quite a difference between 70% and 51%. Again three or four days after that we were told that no, the final tally was actually 61%. That is supposed to be the final number.

We have had three different results on one referendum involving 2,000 people. It is a little difficult to accept the veracity of those results.

I was concerned about this matter. I started getting calls from some Nisga'a people who were not in support of the treaty and who felt that this referendum had some irregularities to it.

I phoned the department of Indian affairs in Vancouver and asked who oversaw the election. They told me that the Nisga'a tribal council, the very people who had negotiated the agreement, were actually in charge of the referendum. If anybody across the way wants to submit to me that that is a fair process, I would like them to argue that out in public because I do not think the Canadian people would buy that for a minute.

I found out that the department actually had only one observer to cover seven polling stations: four in the Nass valley, one in Prince Rupert, one in Vancouver and one in Terrace. There was one observer for all seven polls over a period of two days. No one can possibly persuade me or the Nisga'a people who are not in support of this treaty that that was a responsible way to oversee this referendum and to give assurances that the results are fair and accurate.

These people further made allegations that financial inducements were offered. Again these are allegations and I have not seen the hard proof, but I am told by Nisga'a people who live in the Nass valley that they have seen it for themselves.

● (1620)

I have also heard allegations that underage people were casting votes. In one case somebody made an allegation that a deceased person actually cast a vote. I do not know if that is true. I am not accusing anybody of anything.

What I will say is that there was not something like Elections Canada, some disengaged third party that is responsible for overseeing the vote and doing a proper enumeration, making sure that people who have not been enumerated and who claim to have the right to vote are given a fair opportunity to state their case and cast a ballot with a provision that they would have to have their credentials checked. I do not have a problem with the way Elections Canada does it and I do not think Canadians do either. It could be done the same way in the Nass valley for the Nisga'a people or with the Norway House band.

I find it difficult to understand how the Nisga'a government can say that 61% of its people supported this treaty in a referendum when slightly more than 2,000 people voted and it is a band with over 5,000 members. I did not get top marks in math at school but my math is a little better than that. I do not understand how the Nisga'a tribal council, or the Liberals for that matter because they are totally in support of this, could have us believe that this represents 61% of the Nisga'a people.

Before we can get on with debating the merits of the bill, and I am not saying there are not some, we have to have a very clear and complete picture of what the level of support is. I am concerned most that the people in the department of Indian affairs are aware of these allegations and may possibly be turning a blind eye because they have a vested interest in seeing these agreements supported and that they go through. I would never suggest that they would be actively involved but they may be turning a blind eye to irregularities and downplaying irregularities and just doing what they think is the bare minimum to get these things passed rather than seeing that the right thing is done.

The government should show us the irrefutable evidence that this was a fair, open and honest referendum, free of influence or collusion and free of inducements so that it can come to the House and tell us that it was the will of the majority when it comes to Norway House. I submit there is no way the government can do that. There is no way the government can come to parliament, come before the Canadian people, and say that this was a fair, open and honest referendum and that nothing disreputable or in any way reprehensible was done or engaged in. Until the government can do that, we do not have anything to debate in this House.

I certainly continue to hear from people from Norway House who are beside themselves. They consider this is being rammed

down their throats, that it was undemocratic, was not a proper process to follow and that they will have to live it. They will be stuck with it and their children will be stuck with it. They do not accept that the referendum was in any way fair.

I challenge the government to lay before us the irrefutable proof, if it has it and I know it does not, that this was a fair process, that it was overseen by Elections Canada or some independent third party, that there were observers, scrutineers, and that there was no undue influence being exerted at the polls by anybody and that what we have is a fair reflection of the will of the people of Norway House. I am told that is not the case.

I cannot say with authority that the allegations are true. What I can say is that in the absence of a process that guarantees a fair result, the Liberals across the way are just blowing hot air if they try to tell parliament and the Canadian people that this agreement was supported by the band members of Norway House. I do not think they have any solid evidence to support that at all.

• (1625)

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the hon. member is looking for ''irrefutable evidence'' that fraud of some sort did not take place. We have heard this talk all day. We have heard it on many bills, on C-49. The member again raises Nisga'a. I am confused at this because each one of the members has said that they support C-56 but spend 10 or 20 minutes of their precious time in the House pouring vinegar and ashes all over the deal. I want to know whether they support it or not.

I would like to read something into the record for the member. I wish that he would do his homework before he speaks to these kinds of matters suggesting, and I say this respectfully, that there was some improper tampering.

On November 25, the federal court, trial division dismissed a motion that was brought forward by some band members. They had a right to bring these motions forward with respect to the second vote that took place on the Norway House agreement. On this basis the court found ''that nothing improper or illegal had occurred in holding the second referendum for the ratification of the master''. The federal court has ruled on this matter. It was open to the people to challenge it, as they did.

If the hon. member had read the facts on this and investigated that side of the case, he probably would not have risen in the House and made those kinds of allegations and suggestions. This has been through a proper court of jurisdiction which found that nothing occurred that was wrong, improper or illegal.

Mr. Mike Scott: Mr. Speaker, I think if my friend were to look at what the court actually considered and decided, it was whether or not it was improper to conduct a second referendum. That was the issue. The court did not go into any of the allegations regarding process or perversion of process that were made by some band members simply because the court did not have the jurisdiction to do so.

In turning to whether it was legal or proper for a second referendum to be conducted, I suppose we have seen cases where governments that disagree with a popular vote in a referendum, not only in Canada but in other jurisdictions, continue to bring the same question back to the people until such time as they get the answer they want. Whether that is illegal is one question. Whether it is moral is quite another question.

I think if the parliamentary secretary checks his facts, he will find out that that was the only issue the court was ruling on. It was not going into the allegations of vote buying or any of the other concerns that were raised with regard to irregularities in the referendum process.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I do apologize in advance if this has already been discussed.

My colleague from the Reform Party indicates there were many allegations of concern with the vote process that was going on. I am wondering if he has received any written confirmation of those allegations. If he has, has he forwarded those allegations on to the Department of Indian Affairs and Northern Development?

Mr. Mike Scott: Mr. Speaker, the answer is yes to both. I have received a substantial amount of written documentation and allegations from band members. They have been forwarded to the Department of Indian Affairs and Northern Development.

One of the concerns people have in these communities is that once they stick their heads up, they are liable to get shot at. They are concerned about that. They have to live in these communities. These are small communities and oftentimes the people with whom they are in disagreement in their own communities could be friends or relatives.

I am sure my colleague would understand that unless band members give me specific instructions or specific agreement to distribute the information that I receive, I do not do it in a public nature. I feel that I have to respect that confidentiality.

• (1630)

We have a file that is about an inch and a half thick on Norway House. The department of Indian affairs is aware of those concerns and nothing has been done about them.

Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I rise to make a comment in support of

the bill that is before us at this time. It is my hope that the bill will not only pass but will pass unanimously. We have a long history of trying to resolve our issues and claims with the aboriginal people. It is one of the blemishes which I believe the bill will help to eradicate or erase.

We must act in good faith, sit down, negotiate and end up with an agreement that is supported, although we know negotiated agreements never have 100% support and approval. I understand the view of the member opposite that he should be the voice for those who are the malcontents. I doubt they would ever be satisfied with anything brought forward in the House.

There is a time for us to set aside partisan attitudes. It is time for Canada to move forward and treat aboriginal people with the kind of respect this claim settlement will achieve. We can then move on proudly to a new era of Canadian history. I hope he will join the government in this initiative.

Mr. Mike Scott: Mr. Speaker, the wonders of Liberal spin never cease. Because we stand to voice the concerns of grassroots people who come to us asking for our help, the member across the way tries to turn that around and say that somehow we are against aboriginal people or that we are trying to set ourselves up in some kind of partisan way.

That is completely irrelevant to the debate we are having. How can we have informed debate in the House when members opposite make those kinds of comments? It is beyond me altogether.

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, I listened intently to my colleague from Skeena in this debate. He raised the very important issue of making sure elections are conducted in a proper and fair manner.

Canadian people have a proud tradition of fair elections in our democratic process to elect members of parliament, members of legislatures and members of councils across Canada. We also travel to other countries throughout the world, countries such as the newly emerging democracies of eastern Europe and third world countries, to help them in the democratic process and to try to guarantee some kind of fair process. At the same time we see that the Canada elections process is not applied to things like the Canadian Wheat Board ballots or in areas like the land claims my colleague has spoken about.

Does it not seem contradictory to be going around the world telling people how to conduct elections when we are not doing it fairly at home?

Mr. Mike Scott: Mr. Speaker, that is an excellent question. We send observers all over the world, most recently to observe an election in Chiapas, Mexico. In some cases we do not follow these rules within our own borders. That is reprehensible.

I have been a member of a municipality. I have voted in municipal elections. I have voted in provincial elections. I have voted and participated in federal elections. Otherwise I would not be here. I have never had anybody in any municipal, provincial or federal election I have been involved in as a voter, observer or participant ever question the results at the end of the night.

In the 1993 election an Edmonton riding was decided on as little as four or five votes. At the end of a judicial recount everybody went away satisfied that it was an expression of democracy. Why can most Canadians have that sense of confidence but as far as members across the way are concerned people living on reserves do not have to abide by the same standards? I do not understand. The people who live on those reserves want to have the same sense of fairness, justice and confidence in their systems as we have in ours.

• (1635)

Until that happens, when we talk about self-government we are getting way ahead of the pack. We have to make sure that there is democratic and fiscal accountability in place first.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. McClelland): Accordingly the bill stands referred to the Standing Committee on Aboriginal Affairs and Northern Development.

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

* * *

SPECIAL IMPORT MEASURES ACT

The House proceeded to the consideration of Bill C-35, an act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act, as reported (without amendment) from the committee.

SPEAKER'S RULING

The Acting Speaker (Mr. McClelland): Before getting into debate I will give the Speaker's ruling with regard to Bill C-35 and the grouping of the motions.

[*Translation*]

There are seven motions in amendment standing on the notice paper for the report stage of Bill C-35, An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act.

[*English*]

Motion No. 1 will be debated and voted on separately.

[*Translation*]

Motion No. 2 will be debated and voted on separately.

[*English*]

Motions Nos. 3 to 6 will be grouped for debate and voted on as follows: (a) Motion No. 3 will be voted on separately; (b) an affirmative vote on Motion No. 4 obviates the necessity of the question being put on Motion Nos. 5 and 6; (c) on the other hand, a negative vote on Motion No. 4 necessitates the question being put on Motion Nos. 5 and 6; and (d) a vote on Motion No. 5 applies to Motion No. 6.

[*Translation*]

Motion No. 7 will be debated and voted on separately.

[*English*]

I will now propose Motion No. 1 to the House.

[*Translation*]

Mr. Stéphane Bergeron: Mr. Speaker, I ask for unanimous consent to propose Motions Nos. 1, 2, 4 to 6, and 7 on behalf of my colleague from Repentigny.

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

Some hon. members: Agreed.

● (1640)

MOTIONS IN AMENDMENT

Mr. Stéphane Bergeron (for Mr. Benoit Sauvageau) moved:

Motion No. 1

That Bill C-35, in Clause 15, be amended by adding after line 21 on page 10 the following:

''(3.1) In determining whether the complaint is properly documented, the Deputy Minister shall not take into account representations received from parties other than the complainant.''

He said: Mr. Speaker, I am pleased to rise today to speak to Bill C-35, An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act.

As Bloc Quebecois members have already indicated, we support this bill. However, since we have some reservations about certain aspects of this bill, we are proposing today in this House a number of motions in amendment to try to improve it.

These motions result from a study of the Special Import Measures Act done by the Joint Committee on Foreign Affairs and International Trade and by the finance committee.

The interventions of Bloc Quebecois members during this study have already led to a few important changes and substantial improvements. We suggested, for example, concrete measures allowing small and medium size producers in Quebec and Canada to have fair and equitable access to the redress procedures provided by the current legislation.

We also proposed improvements to the way the Canadian International Trade Tribunal operates.

The Bloc Quebecois also proposed that the cumulative effect be taken into consideration by the tribunal when assessing damages. Furthermore, the amendment of section 76 of the Special Import Measures Act, requiring the Canadian International Trade Tribunal to assess the cumulative injurious effects of dumping or subsidizing in the context of interim reviews was consolidated as the result of our interventions.

I therefore present to you the motions that we disagree with.

First of all, Motion No. 1, which reads as follows:

That Bill C-35, in clause 15, be amended by adding after line 21 on page 10 the following:

''(3.1) In determining whether the complaint is properly documented, the Deputy Minister shall not take into account representations received from parties other than the complainant''.

A number of witnesses expressed concerns during committee deliberations. The Bloc Quebecois shares the concerns of these witnesses, which include the Canadian Steel Producers Association. It is asking Revenue Canada to ignore the spontaneous presentations of parties other than the complainant before the start of an investigation.

Under this measure, Revenue Canada would take into consideration only the information of the complainant and would not therefore be obliged to take unsolicited observations into account. This measure seems reasonable, since it would apply only in the period preceding the initiation of an investigation.

Unfortunately, the government does not seem concerned about our requests or those of an industry of such importance to the Quebec and Canadian economies as the steel industry. It therefore rejected this proposal, which does not appear in the wording of the current bill. This is why we propose Motion No. 1.

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

[*English*]

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, I am happy to participate in the debate on Bill C-35 at report stage. This has to do with Canada's Special Import Measures Act and the legislation that would represent. Essentially it is countervail and dumping duties.

In a perfect world I do not think we would require either of these, but as we know it is never quite perfect. I think we simply have to keep this kind of legislation at our disposal if we need it.

With the advent of the Canada-U.S. Free Trade Agreement and then the expansion into NAFTA many integrated industries have developed. The auto pact was one that developed prior to the free trade agreement but there are others now. The steel industry has become quite an integrated industry in North America. I am thinking of the cattle industry where there are two way flows of product.

● (1645)

In many of our industries there really is no dumping in the true sense. There is movement across the Canada-U.S. border every day with trucks bringing in products. But there are other countries that dump into Canada. In some cases it is shiploads of steel and other types of products.

I think we want to keep this legislation at our disposal. There has been an important development in recognition of a public interest component in Bill C-35 to be discussed today as well. I welcome that.

I think we have to look at public interest especially where Canadian industry sometimes is in a shortage situation for a period of time when Canadian suppliers cannot supply products and Canadian importers need to purchase on a short term basis in order to fill their needs.

In the public interest section as well I think we have to look at where Canadian producers are inefficient and do not supply much of the market. Perhaps dumping is not such a big problem because the Canadian public consumer can benefit a great deal.

In particular I want to deal with Motion No. 1 which we are discussing today. If a Canadian industry or company decides it is being harmed by a dumping action, the process starts by filing a complaint. If it can document and prove its case there is a process that kicks into gear to determine whether there is injury as a result of that and whether there need to be duties applied to stop that dumping process. At the end of that process the public interest hearings could kick in if there is a requirement for that.

But the case being made today is that only the complainant should provide the documentation material and the appropriate government department would consider whether it is adequate documentation. No third party should be able to interfere in that process. The Reform Party agrees with the motion being proposed by the Bloc to correct this.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I am speaking on behalf of our critic for international trade, the member for Winnipeg—Transcona, on Bill C-35, an act to amend the Special Import Measures Act, SIMA, and the Canadian Trade Tribunal Act, CTTA. Unfortunately my colleague is ill but he has asked me to speak on his behalf and I am quite honoured and proud to do that.

With reference to Motion No. 1, I wish to advise the House that we are in support of the Bloc's motion and to provide the position of the New Democratic Party on this bill.

We opposed the bill at second reading on September 25 due to the fact that in our opinion it may well weaken our anti-dumping system, in particular as it compares to our major trading partner, the U.S., the lesser duty provisions being the chief example.

Canada has repeatedly stuck its neck out and been hurt in its headlong embrace of trade liberalization measures i.e., support for our farmers, FDA, NAFTA, and the World Trade Organization. It is our belief this is not the time to do so again.

Recently we have been hearing in the media concerns about agriculture and why we find it so difficult to support our farmers in terms of any kind of subsidy because of what it may do to countervailing duties from the United States or other nations we currently trade with. I find that appalling and I am sure farmers in Canada would find that appalling as well, to know their government would be hesitant to help them because of the reaction from other countries.

I am sure that is the last thing on farmers' minds as they see animals being shot because they cannot be looked after or the fact that we have grain and seed rotting away because there are no storage facilities. Farmers are leaving their farms in droves as our fishing people have done in our coastal communities as well.

We are a party that opposed the MAI which is an extended version, we believe, of the NAFTA arrangement. Some European nations recently have denied the MAI's going further. Unfortunately the MAI is stalled at the present time. We would like to drive a stake through its heart because of the fact that it was modelled on the NAFTA. European nations are saying quite publicly who in God's green acres would sign the NAFTA deal. Canada puts up its hand and says we did. They found a lot of problems with it. We in the New Democratic Party and our partners throughout the country have found a lot of problems with it as well.

● (1650)

We oppose this bill but we accept and support Motion No. 1 by the Bloc.

[*Translation*]

Mr. André Bachand (Richmond—Arthabaska, PC): I am smiling, Mr. Speaker, because a twist in parliamentary procedure has my colleague from the NPD supporting a motion put forward by the Bloc Quebecois while opposing the bill. Or else this is an aspect of the NDP philosophy that escapes me.

Our position is clear: we are in favour of Bill C-35. I do not want to get into a long speech on this bill. As you know, we support any legislation that will provide better safeguards for Canadian industries.

We are currently debating Motion No. 1, dealing with the possibility of initiating an investigation. When a complaint is received, it must be determined whether the information may be shared or not, for the purpose of establishing the validity of the complaint.

There is a risk in checking, as the Bloc Quebecois pointed out in committee; it can alert competitors across the country and abroad. The Bloc Quebecois tried on several occasions to convince the committee to approve this recommendation.

We still have concerns. In the various laws and regulations governing the antidumping tribunal, there are two provisions outlining a number of safeguards designed to ensure that complaints will not be discussed too openly.

We have strong reservations about this. From the reports, I gather that the hon. member for Repentigny approved clause 15, albeit with dissent on this recommendation. I am not sure that this change will improve Bill C-35. We may be taking something away from the tribunal or the government to allow an investigation to go further. Still, the complainant would be protected under two provisions contained in the legislation.

I will get in touch with my colleague from Repentigny. We tried to reach him today, but unfortunately he too is very busy. For the time being, we will be voting against Motion No. 1.

[*English*]

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I would like to also speak on Motion No. 1.

The WTO requires that countries avoid publicizing the receipt of complaints until an investigation is actually launched. As well when we look at what Canadian industry actually does, it also does not publicize its complaint. From that perspective one can generally avoid third party submissions. In effect it is the industry that in some sense controls whether third party submissions actually appear.

Revenue Canada considers relevant third party submissions that it may receive consistent with its WTO obligations. That is quite explicit in the anti-dumping and subsidy agreements. It is required to examine the accuracy and adequacy of information that may be contained in a complaint prior to initiating an investigation. By following this process it can be advantageous in some respects to the complainants who can actually rectify any possible deficiency that one may have in the actual complaint they are putting forward.

The department does not solicit such third party submissions before the initiation of the investigation.

● (1655)

For the reasons I have indicated, the government does not support Motion No. 1. I have heard from the other parties. They have indicated that they do support it. It is for the reasons that I have previously indicated that it is not something that occurs generally because of the process being followed.

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): The recorded division on the motion stands deferred.

We will now go to Motion No. 2.

[*Translation*]

Mr. Stéphane Bergeron (for Mr. Benoît Sauvageau) moved:

Motion No. 2

That Bill C-35 be amended by deleting Clause 27.

He said: Mr. Speaker, the Bloc Quebecois considers that Bill C-35 should not contain provision for the minimum duty.

We think it is premature to include the concept of a minimum duty in the Special Import Measures Act.

We think the government should stop approving policies that reduce the protection afforded Quebec and Canadian businesses when our main trading partners are not doing the same thing.

The Standing Committee on Foreign Affairs and International Trade recommends including the concept of a minimum duty in

section 45 of the legislation on public interest. However, clause 27 of the bill incorporates the concept of a minimum duty by amending section 45 of the existing legislation.

Thus, the Canadian International Trade Tribunal may, on its own initiative, or on request, initiate a public interest inquiry if it is of the opinion that the imposition of an anti-dumping or countervailing duty, or the imposition of such a duty in the full amount provided for by any of those sections, in respect of the goods would not or might not be in the public interest.

As a result of a public interest inquiry, if the tribunal is of the opinion that the imposition of a duty might not be in the public interest, the tribunal shall without delay do two things. First, it shall report to the Minister of Finance that it is of that opinion and provide that minister with a statement of the facts and, second, it shall cause notice of the report to be published in the *Canada Gazette*.

In addition, in that same report, the tribunal shall specify either a level of reduction in the anti-dumping or countervailing duty provided for, or a price or prices that are adequate to eliminate injury, retardation or the threat of injury to the domestic industry. It is through this last measure that the concept of minimum duty is introduced.

That is why we are moving Motion No. 2 to have clause 27, which introduces this concept of minimum duty, deleted.

● (1700)

[*English*]

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, I want to say from the outset that Reform is opposed to this clause largely because it contains the public interest portion in the SIMA legislation that is so important.

There are cases before the panel right now that have to do with public interest perhaps not being served by duties that were applied to baby food supposedly being dumped into Canada. The result of those duties essentially has made one company into a monopoly supplier of baby food. We think it is important to have competition. Therefore, we need the public interest section and the lesser duty aspect of it in order to maintain competition.

Speaking of the lesser duty itself, the question is, why would we want a duty above and beyond what is required to actually stop the flow of goods when they are being dumped?

My understanding in some cases is that duties as high as 40% are being applied when it would only take 5% to stop the product from coming in. Therefore, we think the lesser duty idea is a good improvement and we would like to see the public interest portion of this bill actually reviewed after a few years to see if it is serving Canadian consumers to the extent that it should.

A joint committee of finance and foreign affairs and international trade reviewed the SIMA legislation. They received a number of representations from companies that asked for a lesser duty. This change is a result of those representations.

While overall we are supportive of Bill C-35 and the need for some kind of rules regarding countervail and dumping, in this case the public interest component is a very important component and we would not want to lose it. Therefore, we will not support Motion No. 2.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, the consideration of the public interest was a key issue, as my hon. colleague mentioned, in the parliamentary review of the act.

Clause 27 essentially gives effect to the parliamentary subcommittee's recommendations which the hon. member mentioned. It gives effect, in a sense, to clarify and improve the public interest provisions that are presently in the act.

In this regard, clause 27 is really a key component of the bill. It is really integral to the overall balance sought by the subcommittee. The balance is struck by the proposed legislation.

More important, among those Canadian industries that seek protection under this act and certainly other Canadian stakeholders that may be adversely affected by the application of duties are organizations like the steel producers and, if someone looks downstream, the auto parts manufacturers as well.

This government is really interested in ensuring that the interests of those who may be seriously affected by the application of SIMA duties are properly taken into account in our trade remedy system.

Hon. Jim Peterson: That is a really good idea.

Mr. Tony Valeri: I tend to agree. I thank the hon. member for that intervention.

I am sure this is one of the few instances in which we agree with my colleague's previous statements, that in fact the public interest is a key component. We certainly would not want to in any way diminish that.

I think that by going with the clause which exists in the bill we strike that balance. It is very important to reiterate that the balance is struck between the industries and the stakeholders. That is a great improvement to this act and something which we will look forward to supporting when it comes to a vote in the House.

● (1705)

[*Translation*]

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): The recorded division on Motion No. 2 stands deferred.

Hon. Jim Peterson: I rise on a point of order, Mr. Speaker.

I simply want to congratulate you on your efforts and the progress you have made in French. You are a very good role model, not only for the members of this Parliament, but for all Canadians.

Some hon. members: Hear, hear.

The Acting Speaker (Mr. McClelland): That is very nice. Thanks to all the members.

[*English*]

Motion No. 3.

Hon. Lloyd Axworthy (for the Minister of Finance, Lib.) moved:

Motion No. 3

That Bill C-35, in Clause 44, be amended by replacing, in the French version, line 38 on page 33 with the following:

''important à l'entreprise ou aux activités de la''

[*Translation*]

Mr. Stéphane Bergeron (for Mr. Benoît Sauvageau) moved:

Motion No. 4

That Bill C-35, in Clause 44, be amended by adding after line 46 on page 33 the following:

''(3.2) For the purposes of subsection (3.1), ''material harm'' means harm that is more than negligible and that is not immaterial or trifling.''

Motion No. 5

That Bill C-35, in Clause 44, be amended by adding after line 46 on page 33 the following:

''(3.2) For the purposes of subsection (3.1), ''material harm'' has the meaning given to that expression by the regulations.''

Motion No. 6

That Bill C-35, in Clause 51, be amended by adding after line 18 on page 36 the following:

''(*f.3*) defining the expression ''material harm'' for the purpose of section 44;''

Mr. Speaker, I would like to add my congratulations to those of the secretary of state. I believe it was highly appropriate to have you continue, because languages are learned through practice and besides, hearing you speak French here in the House was music to my ears.

Motions Nos. 4, 5 and 6 concern the notion of ''material harm''. In our opinion, the definition of material harm is also problematical.

• (1710)

The Bloc Quebecois calls for insertion of a definition for the expression ''material harm'' into the Special Import Measures Act. This, coupled with the criteria suggested in the present regulations, would clarify this important concept for everyone.

For the benefit of all our colleagues in this House, I would like to read the various motions.

Motion No. 4

That Bill C-35, in Clause 44, be amended by adding after line 46 on page 33 the following:

''(3.2) For the purposes of subsection (3.1), ''material harm'' means harm that is more than negligible and that is not immaterial or trifling.''

Motion No. 5

That Bill C-35, in Clause 44, be amended by adding after line 46 on page 33 the following:

''(3.2) For the purposes of subsection (3.1), ''material harm'' has the meaning given to that expression by the regulations.''

Motion No. 6

That Bill C-35, in Clause 51, be amended by adding after line 18 on page 36 the following:

''(f.3) defining the expression ''material harm'' for the purpose of section 44;''

The bill would thus leave no uncertainty for Quebec and Canadian businesses. These motions are very important, because the bill is supposed to improve the Canadian system of special trade measures so that it can better reflect the new economic context and the changes in the rules of international trade, and leave no room for confusion.

This motion is, moreover, far more constructive than that of our hon. colleague from LaSalle—Émard which, by substituting the term ''dommage important'' for the term ''dommage sensible'' in the French, only makes the scope of the concept even more nebulous.

This is why we have introduced these three motions, and we hope to obtain the enthusiastic support of the members of this House.

[*English*]

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, we support Motion No. 3. I understand this brings the French text into line with the English text.

However, we have a more difficult problem with Motion No. 4. Although I certainly sympathize with my colleague from the Bloc that the French part on material harm does not translate and therefore needs some clarification, material harm in English has a very precise meaning in law. It is a stand-alone section. It does not need to be defined any further. Instead of material harm, it would now mean that material harm means more than harm that is negligible, immaterial or trifling. It becomes almost silly in English.

If there is some way to resolve that I would not have a problem. But as it stands, if it is not resolved, then we will not support Motions Nos. 4, 5 and 6.

[*Translation*]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, we have no problem with Motion No. 3. We see however a discrepancy with the term ''material harm'' that could cause more harm than what we used to have.

What I have tried to do is go over the notes of the committee to find more arguments to use in the House. Unfortunately, I did not find any. Is it only a language issue? I hope not, but it seems like it.

We will vote against Motion No. 4, therefore against Motion No. 7 also.

[*English*]

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I refer to Motion No. 3 which is essentially a technical amendment that has to do with the translation. In this regard it was the Bloc who suggested that the reference to ''dommage sensible'' in the French version of clause 44, as a translation for material harm, should be replaced with a different concept.

● (1715)

Essentially that is what Motion No. 3 does, and I am happy to see that there is support for that from across the way.

With respect to Motion No. 4, essentially I would agree with colleagues opposite with the exception of the mover of this that the definition of material harm as it pertains to the disclosure of confidential information really involves the qualitative assessment that is dependent on each separate case. The motion as it is presently drafted in a lot of ways creates greater uncertainty and really does not clarify the term. With this motion one adjective is being replaced with three adjectives and it does not help to clarify anything.

I would suggest that the government would support Motion No. 3 and not support Motions Nos. 4, 5 and 6.

[*Translation*]

Mr. Stéphane Bergeron: Mr. Speaker, I rise on a point of order. I finished my speech by referring to the motion by our colleague from LaSalle—Émard, but I did not have time to elaborate on it.

With the consent of my hon. colleagues in the House, I would like to say a few words about the motion by our hon. colleague, the Minister of Finance.

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

Some hon. members: Agreed.

Mr. Stéphane Bergeron: Mr. Speaker, first of all I want to thank all my colleagues for allowing me to say a few more words on Motion No. 3 brought forward by the member for LaSalle—Émard.

The amendment proposed by the member for LaSalle—Émard seems somewhat vague. Replacing the term ''dommage sensible'' by ''dommage important'' in the French version does not add anything constructive to the notion of harm itself. The new adjective used to describe the kind of harm is not defined, and we would like the member for LaSalle—Émard to give us some clarification on that.

I would also propose, in case our motion is defeated, that the government define this notion of ''dommage important'' in the regulations, so there is absolutely no confusion as to what it means.

A case involving material harm resulted in a conviction in the United States whereas a similar case was judged differently in Canada. In fact, there was no conviction. That is why we want some clarification on this definition so we do not end up with a double standard.

I thank all my colleagues in the House for allowing me to make these few remarks on Motion No. 3.

[*English*]

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): The recorded division on Motion No. 3 stands deferred.

[*Translation*]

The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): The recorded division on Motion No. 4 stands deferred.

Mr. Stéphane Bergeron (for Mr. Benoît Sauvageau) moved:

Motion No. 7

That Bill C-35 be amended by adding after line 42 on page 36 the following new clause:

''51.1 The Act is amended by adding the following after section 97:

98. (1) Within three months after the coming into force of this section, the Governor in Council shall make regulations amending the sections of this Act so that, in addition to the prospective method for the imposition of duty, a retroactive method is used for this purpose, but the retroactive method shall not be used for the imposition of duty except where

(*a*) the price or cost of the goods is likely to fluctuate substantially; and

(*b*) the regulations so permit.

(2) Subject to subsection (2), a regulation made under subsection (1) shall come into force six months after the coming into force of this section.

(3) The coming into force of any regulations repealing a regulation made by the Governor in Council under subsection (1) is subject to the approval of the House of Commons by resolution, and where such approval is given, the regulations shall come into force on the day following the day on which the approval is given.''

● (1720)

He said: Mr. Speaker, another of the Bloc Quebecois' suggestions that was ignored in the bill concerns the prospective or retroactive method for the imposition of duty.

We hope that Revenue Canada will continue to use the prospective method. However, where the price or the cost of the goods is likely to fluctuate substantially, we would like Revenue Canada to be authorized to use the retroactive method.

This method would be used in exceptional cases and only when Revenue Canada deemed it necessary. Accordingly, we are moving Motion No. 7 in the House today. It reads as follows:

That Bill C-35 be amended by adding after line 42 on page 36 the following new clause:

''51.1 The Act is amended by adding the following after section 97:

98. (1) Within three months after the coming into force of this section, the Governor in Council shall make regulations amending the sections of this Act so that, in addition to the prospective method for the imposition of duty, a retroactive method is used for this purpose, but the retroactive method shall not be used for the imposition of duty except where

(a) the price or cost of the goods is likely to fluctuate substantially; and

(b) the regulations so permit.

(2) Subject to subsection (2), a regulation made under subsection (1) shall come into force six months after the coming into force of this section.

(3) The coming into force of any regulations repealing a regulation made by the Governor in Council under subsection (1) is subject to the approval of the House of Commons by resolution, and where such approval is given, the regulations shall come into force on the day following the day on which the approval is given.''

This may sound a bit technical. This bill is very important, however, as it governs the imposition of antidumping and countervailing duties on dumped or subsidized goods where this dumping or subsidizing has or may have an injurious effect on producers in Quebec and Canada, while at the same time making changes to the CITT, the Canadian International Trade Tribunal.

We agree with the intent of this bill, which marks the government's first effort to clarify things. Quebeckers and Canadians, through the Bloc Quebecois, have long been calling for less bureaucracy and more efficiency.

The government must give producers in Quebec and Canada the tools they need to compete in the global economy. Dumping and subsidies are tools criticized but often used by industrialized countries.

This legislation and the Canadian International Trade Tribunal Act are necessary, in fact essential tools to counter dumping and subsidies.

It is important that these laws be designed in such a way as to appropriately meet the needs they were intended to address. This review has identified a number of changes that need to be made, but more needs to be done, including the changes put forward by the Bloc Quebecois today.

We agree that rapid developments in international trade emphasize the need to review these laws on a regular basis in the future.

[*English*]

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, Motion No. 7 would introduce an entirely new concept into the SIMA legislation. It really has to do with the retroactivity that we have a serious objection. I do not understand how this would work. It would cause a lot of confusion for businesses which need to know what kind of ground rules they are operating under. Therefore we would not support this motion.

• (1725)

[*Translation*]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, we will support this amendment.

This is something that occurs from time to time, exceptionally, at Revenue Canada. It could be applied, we feel. Despite the difficulty of application, it would send a signal that the Government of Canada can apply a measure retroactively through its laws and regulations.

We are pleased, even though the committee, at recommendation 10, said not to change anything about keeping measures retroactive. We think it is a step in the right direction. It also sends a message.

Once again, we are not inventing sliced bread. It happens rarely, but it has happened at Revenue Canada. We therefore support Motion No. 7.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, the New Democratic Party will be supporting Motion No. 7. It would empower Revenue Canada to use the retrospective duty assessment in cases where there will likely be sufficient fluctuation in prices or costs. In such cases Revenue Canada could require cash deposits on incoming goods with the final liability to be determined on review. The reason is that the U.S. employs this system for all cases, giving it a tougher overall regime on anti-dumping. It is not unreasonable to allow Revenue Canada similar powers which could be used in the appropriate circumstances.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I want to clearly state that the issue was carefully considered and rejected by the parliamentary subcommittees.

The adoption of this hybrid system would among other things disrupt the basic balance that was struck by the bill among stakeholders' interests. It would unnecessarily complicate the administration of Canada's trade remedy system. The government would not be supportive of this motion.

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): The recorded division on Motion No. 7 stands deferred.

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill. Call in the members.

[*Translation*]

Mr. Bob Kilger: Mr. Speaker, I think you would find unanimous consent to defer the recorded divisions at report stage of Bill C-35 to the end of the period set aside for Government Orders on Tuesday, December 1, 1998.

[*English*]

The Acting Speaker (Mr. McClelland): Is there unanimous consent?

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): Accordingly, the recorded divisions on the report stage motions of Bill C-35 stand deferred until Tuesday, December 1, 1998.

It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

SENATOR SELECTION ACT

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.) moved that Bill C-382, an act to allow the electors of a province to express an

opinion on who should be summoned to the Senate to represent the province, be read the second time and referred to a committee.

He said: Mr. Speaker, I had hoped to have this bill come forward before the Alberta election of senators last month. In my role as opposition Senate critic at the time I put it into the mill. Unfortunately it did not get up before that time. The issue remains very much the same as it did before the Alberta election.

• (1730)

I am pleased to present Bill C-382 to the House today as it attempts to bring democratic reform to the upper house of parliament or our Senate.

The purpose of my bill is to ensure that if a province has a law providing for the expression of the opinion of the electors on who should be summoned to the Senate to fill a vacancy, no person shall be summoned to fill the vacancy unless the electors opinion has been sought and the results transmitted to the Privy Council, or unless a year has passed since the vacancy was published in *The Canada Gazette*. To break down the legalise, basically my bill allows for elected senators over appointed senators. Our current system is to appoint them.

This can be done without constitutional change. Time and again the government has said it cannot be done, that it requires constitutional amendment. My bill on the election of senators does not require any change to our current Constitution.

This was shown in Alberta in 1989 when Stan Waters was elected and appointed to the Senate by then Prime Minister Brian Mulroney. I make it very clear to the House and to people watching that this does not require any constitutional change. The confusion comes when we want to change the numbers of senators that represent provinces. That does require constitutional change, but to elect our senators does not.

The Prime Minister would simply be required to respect the wishes of the voters of any province with a senatorial selection act. Two provinces to date have senatorial selection acts, B.C. and Alberta. Alberta has chosen to use its act on two occasions.

Our first senator, Stan Waters, was appointed to the Senate without constitutional change. In 1989 hundreds of thousands of Albertans voted for the first democratically chosen senator in Canadian history. This was an historic first in Canada and clearly demonstrated how easily democratic change can be done without changing the Constitution.

My bill is significant. Electing senators has been an issue that has been around as long as the House. It has been debated over and over again and tossed back and forth. It needs to be resolved, the key point being that Canadians do not want a government by appointment. They want to have a say. A senate going back to the last century and the thinking of the last century no longer works. The world is moving ahead. Canada is dragging behind. It is time we caught up.

Originally our Senate was meant to represent the regions. A senator from B.C. would represent B.C. A senator from Ontario would represent Ontario. A senator from Quebec would represent Quebec. However, as it now stands, the Senate provides little more than political representation for the party in power. It is absolutely essential that we remove patronage appointments from the Prime Minister's hands and put them into the hands of the people. That is what my bill would do.

Last month Canadians witnessed a Senate election in Alberta. There are now two senators in waiting. The final results of that election on October 19 last were Bert Brown with approximately 332,000 votes, Ted Morton with approximately 261,000, Guy Desrosiers with approximately 147,000 votes; and Vance Gough with approximately 131,000 votes. Nearly a million votes is a significant number. There were a million Albertan votes for an elected Senate. Both Bert Brown and Ted Morton broke Stan Waters' record of 256,000 votes, which at that time was the largest number of votes ever received by any elected member in the history of Canada. These two senators beat that record.

• (1735)

Clearly it is time for the government to acknowledge the democratic rights of Canadians and agree to appoint these elected senators to the Senate when vacancies arise. As it now stands it is simply undemocratic.

Canadians are governed by both houses of parliament, the Commons that we are in today and the Senate which is the other house of parliament. In theory both houses have almost equal powers. Senators have powers similar to those of elected MPs. They can write laws, vote on important motions and bills, sit on parliamentary committees and perform other government functions.

Yet most significant is the fact that senators can approve or veto legislation that comes from the lower house. Any bill passed by the elected members of this House must also pass the Senate to become law. It is completely unacceptable that this powerful part of our government is run by political appointees, not by elected representatives.

Senators must be held accountable. Yet there is absolutely no accountability in the upper chamber and this must change. Canadians expect and deserve accountability in their public institutions, and the Senate is lagging far behind.

The Senate is exempt from any accountability to the people. This was painfully demonstrated last year with the actions of former Senator Andrew Thompson. Thompson demonstrated and showed that once appointed senators do not have to answer to anyone including the prime minister. Once senators are appointed and are in place, if they so choose they are there until age 75. If Canadians are to obtain an effective upper house we must give the Senate a

democratic mandate similar to what we have today in the House of Commons.

As I said earlier, Senate elections can be done easily. They do not require a constitutional amendment. Many changes to our country's government require complex constitutional changes but the Senate elections, as we have already seen clearly demonstrated in Alberta with Stan Waters, show that it can be easily done and without major change.

Another issue is that many people say that it will cost too much. Both the elections of Stan Waters and of the senators last month were done during municipal elections. The cost is not great. In fact it is quite minimal because people are already going to the polls in municipal elections. It simply means printing another ballot.

Canadians are impatient with this issue and with the government of the day that has failed to change this system. The national Angus Reid poll conducted last April shows that the public is now divided between reforming the upper house and abolishing it entirely. Very few Canadians want to leave the Senate as it is. There are three options: leave the Senate as it is, which very few Canadians want; reform the Senate; or abolish it.

A poll taken last May shows that Manitobans overwhelmingly want the province's next senator to be elected, not appointed. This survey found that 86% of Manitobans believe that the people, not the prime minister, should fill vacancies in the upper house. Only 7% were in favour of having the prime minister appoint senators and 7% were undecided. In a similar poll in B.C., 84% of the residents want to elect their senators.

Here are two separate and independent polls, one in Manitoba and one in British Columbia with 86% in Manitoba and 84% in British Columbia saying they want their senators elected. This is not a wishy-washy issue. As demonstrated by the polls and by Canadians they want this to happen. Senators such as Senator Gerry St. Germain have acknowledged an elected Senate would be more democratic. He said that it was realistic to hope this would be achieved one day. Clearly an elected Senate would be far more representative, responsible and democratic than what we have today.

● (1740)

Let me list the record because to date the current Prime Minister has made more patronage appointments to the Senate than his predecessor, Brian Mulroney. This is the same Prime Minister who severely criticized the past prime minister for his patronage appointments.

The current Prime Minister has riddled the Senate with political patronage appointments, including eight former Liberal members of parliament which include four former Liberal cabinet ministers; a former Manitoba Liberal leader and long time ally of the Prime Minister; a former Alberta Liberal leader; a former P.E.I Liberal leader; a former deputy premier of Quebec; a former candidate for Liberal leader in New Brunswick who managed the Prime Minister's leadership campaign in 1990; a failed provincial Liberal candidate and loyal Liberal worker; a former Liberal riding president and Liberal Party worker; a prominent B.C. Liberal organizer, golfing and business buddy of the Prime Minister; a Quebec Liberal organizer; the wife of the son of former Liberal Prime Minister Lester B. Pearson; and the list goes on.

How can we have a Senate that is unbiased when the Prime Minister loads it up with Liberals who rubber stamp legislation? This was done in reverse with the former government. They loaded it up with Conservatives. This simply does not serve the interest of Canadians.

To whom are senators accountable? Originally they were supposed to be accountable to the provinces, accountable to the regions. However, because of the political appointment system, they are accountable only to the political party that appoints them. That is absolutely wrong.

Recent changes to the House of Lords in Britain demonstrate democratic reform is long overdue. This week Queen Elizabeth removed the hereditary voting privileges of the House of Lords. This was historic, democratic reform. What remains to be seen in Britain is if the election of senators will now become a reality, or whether they would unfortunately go into our system of appointment. It is time to bring democracy to Canada's upper house.

We as members of parliament answer to our constituents. When we do well, as we all hope to do, we go back to the polls and hopefully get re-elected. If we do not do well, we are thrown out as we should be. This is the system that occurs not only in lower houses but in upper houses in many parts of the world.

Why can we not have our senators elected and answerable to the provinces and the constituents that sent them there so that they are accountable to the people who sent them there instead of accountable to the political party that appointed them? This is the real wrong in our Senate.

Many people are becoming jaded because they have a Senate they feel simply does not work. We get wrangling and haranguing, no change. In my view as a politician this is why many of us are held in low esteem. We simply do not have an upper house that is accountable to the people.

Before the 1993 election the Prime Minister proposed an elected Senate when he said:

> Reform of the Senate is extremely important. I believe in it. We must look for a division of powers that best serves the interests of the people, all the Canadian people.

The Prime Minister also said in the House:

To meet the hopes and dreams of those who live in the west and the Atlantic, a reformed Senate is essential. It must be a Senate that is elected, effective and equitable.

It is long overdue for the Prime Minister to give Canadians what he promised, an elected Senate. It is my hope that my bill will give the Prime Minister the prod that is required to allow him to live up to his promises.

● (1745)

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, I am pleased to rise tonight to speak on this issue. It is an issue that I have thought long and hard about during the 10 years that I have been elected.

To put the remarks I want to make tonight in context, I am reminded of a poster that a friend of mine has on the wall of his office. It says for every complex problem there is a simple answer and it is wrong.

That is the problem I have with this bill. Reform of the Senate is a very important issue. It is one that members on this side of the House have been wrestling with for decades. It is one that the Senate has wrestled with.

I really find it very difficult when I see Senators depicted in the way the Reform Party chooses to depict them. I am not certain what cause is advanced by slandering honest, hardworking Canadians who choose to serve their country. I do not understand how that furthers the cause of democracy.

There are a lot of very talented Canadians who work in the other place. They do good work on behalf of the country and they want reform. When hon. members read the joint Senate reports of 1984, 1987, 1992, Senators were calling for reform of the Senate, calling for election.

What is a little confusing in the Reform's approach to this is that the very election cited, the appointment of Stan Waters to the Senate by former Prime Minister Mulroney, was done out of respect for section 4 of the Meech Lake accord which called for a process of appointment upon the recommendation of the province.

This is the example the Reform Party would put forward of how this should work. It was an example that was part of Meech Lake and yet, as I recall, it was the Reform Party that campaigned against Meech Lake and fought for its demise.

An hon. member: And the Prime Minister.

Mr. Reg Alcock: I as well.

In 1992 with the Charlottetown Accord we moved to a point in this discussion that we have never been able to get to before. We actually had a proposal for a triple E Senate. We actually had the agreement of all the provinces that the Senate would be equal, 6-6-6; 62 members. We made provisions for aboriginal representation. It was something that I think many people who are seized with this issue would never believe we would get to, but we got there. What did the Reform Party do? The Reform Party had a proposal for an equal, effective and democratically elected Senate. It opposed it. It fought against it. In the end it was voted down.

The Meech Lake accord failed, so the process that was used under that failed along with it. It was rejected. I supported the Charlottetown accord for those very principles. I think a triple E Senate is a very good thing, particularly for western Canada.

Now we are into this debate that sort of capitalizes on people's desire to make fun of the Senate or to continue to denigrate a group of people who I think do marvellous work on behalf of Canada and put forward what they say is an important improvement. I am astounded, frankly, that the Reform Party would support this bill or even think of proposing it.

The two provinces the Reform Party is most populous in, Alberta and British Columbia, represent 23% of the population. They have 11.5% of the Senate seats. The Reform Party is proposing that we enshrine that, that we give that inequality legitimacy. I do not understand why it would want to make legitimate a process that contains a real inequality for the west. There seems to be no particular advantage to be gained from that. It is true that the Senate needs reform but if we want to have a democracy, a democratically elected Senate, the member himself said part of the functioning of a democracy is at the end of the term that we are elected for we go back and stand in front of the people again and ask for a renewed mandate. A one time election of a senator into a position until he or she is 75 does not allow for any ability to go back in front of the people. On the issue of how the rest of the Senate functions, we have a few who are elected democratically and a few who are living out their terms in the Senate. How does this lead to a competent, functioning, well organized approach to improving democracy?

● (1750)

I support the goal. The goal is laudable. But the approach taken by the Reform Party to produce a reform of the Senate is simply too glib and I think somewhat misses the point.

If we want a Senate that gives true balance to the disproportional rep by pop that we have in this House, one that becomes a true house for the regions or the provinces, which I would like to see it become, surely we need to reform the entire institution.

It is too complex an organization to play around with one little item, to change one or two facets of it. We need to sit down and reform the Senate. We need to do it in the way we have been trying to solve all the problems we face right now, piece by piece, looking at the problem, coming together with the provinces, with our partners, having the discussions, arriving at a consensus and acting on that consensus. That is the way we will get to true constitutional change.

That is the way, working through and carefully solving problems one at a time, we have managed to get from the very difficult financial circumstances we were in when we came to government in 1993 to today. That is a process I hope all members would support. But to jump into this debate to change one small facet of this I suspect makes the problem worse, not better.

I support the member in his desire to continue this debate on the reform of the Senate. I certainly will be among members of the House who will spend a lot of time and energy attempting to produce a more effective parliament for Canadians. But I cannot support this particular approach.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, it is my turn to speak on this bill introduced by a member of the Reform Party on the method of appointing senators.

I must confess that I have not spent hundreds of hours preparing for such a debate and my constituents will surely forgive me, because many in Quebec believe the Senate to be an obsolete institution they could quite happily do without.

In our opinion, any change to the way senators are appointed, or any other Senate reform, will meet with considerable skepticism among Quebec voters, who attach little importance to this institution, and most certainly have no emotional attachment to it. I understand that attitude, and fully share it.

Whether rightly or wrongly, people often express much cynicism, and skepticism about the role of elected representatives, and politics in general, and generally discredit it. Seeing an institution like the Senate, I believe people's considerable cynicism is justified. It is an eloquent example of how outdated and obsolete some institutions are.

Looking at it from the ordinary citizen's point of view, one may well wonder what use the Senate serves, period. What concrete or useful effect has it had on our lives? And you could go as far back as the day of your birth, Mr. Speaker.

• (1755)

There are serious reservations about the fact that we spend close to $50 million per year on such an institution. That is a lot of money. Fifty million dollars is a lot of taxpayers' money which, year in and year out, is wasted on an institution to which friends of the Prime Minister are appointed. Whether it is the Grits or the Tories, the party in office appoints its friends to the Senate, as a reward or to crown a career of one kind or another. It is not necessarily needy people who are appointed.

Still, I can understand why some, who want that institution to be effective and play a specific role, would like to change the appointment process. I can understand that. If indeed we must have a Senate, people should wonder about the appointment process.

When decisions are made in a democratic system, there must be a minimum of accountability. What is being proposed is to allow the provinces, and ultimately the public, to decide who will represent them in that institution.

This does not in any way change my firm belief regarding the role of that institution. The proposed system would at least have the merit of being much more respectful of the public. But of course, we should first ask the public if it wants a Senate or not.

Last summer I travelled outside Quebec and I realized that many people, particularly in British Columbia, share my opinion that the Senate should be abolished. In Alberta, there is a very strong movement in favour of a new appointment process. Elsewhere, people are less concerned.

In Quebec, the issue is basically settled. In my own riding, during the previous parliament, we had a petition circulated in convenience stores and other locations. In just a few weeks, close to 8,000 people signed that petition to abolish the Senate. Some even asked me where they could sign that petition. We had limited time to circulate the petition, but we still got 8,000 signatures. This is a lot in a riding like mine or, for that matter, in any riding.

When we talk about the Senate, we immediately realize that it is a sensitive issue with the public. People say we are wasting money for no good reason. They are absolutely right, particularly in the current context.

There is never any excuse for wasting money. But when people are asked to tighten their belts, when they see the federal government reducing provincial transfer payments, in the health sector, for example—payments to Quebec were cut by several billion dollars in recent years—and at the same time $50 million is squandered on the Senate, people do not think their tax dollars are being put to good use, and they are right.

It costs $50 million a year. Think about it. Over the last 20 years, that adds up to $1 billion. Since the government did not have that money, because it was spending more than it was taking in, it borrowed $1 billion over the last 20 years to pay for this institution.

Is there anyone in the House who will tell me this makes sense? How could we get rid of the Senate? Of course, those who want another Senate, or another institution, could hold a debate, but I think the first thing would be to get rid of it. Then, those who want such a body or who want another level of political intervention, a level of wise individuals overseeing the government, could hold a debate. In the meantime, we would at least not be throwing $50 million down the drain.

The thing to do would be to hold a vote in parliament, but also in each of the provincial legislatures. I am sure this would meet with widespread approval. Ultimately, and this is where the problem arises, the senators themselves would have to vote. One wonders how willing they would be to vote themselves out of a job when they have such a comfortable arrangement. They are hardly killing themselves working. There is not a lot to do. They have no duties in the various territories they represent.

• (1800)

The senators have an assigned designation, except the last eight appointed by the Conservative government, which ran into some deadline problems with senators blocking the GST. So eight new senators were added. The Prime Minister can add positions in the Senate as he likes. There is a problem there too.

The other senators have designations. Are there people among our audience who recall having seen their senator? Do they even know who their senator is? I assume not. Certainly, had they been elected, people would recognize them and know them better.

On the other hand, I am really not in favour of electing these people for, once elected, will claim that legitimately they should have more of a say in managing things. We will end up with—and here I return to my role as a voter in any one of the provinces—a municipal, a provincial, a federal and, on top of it all, a senatorial level.

At some point accountability gets a bit thin. We are familiar with the federal government's knack of meddling in jurisdictions not its own—a very strong tendency here in Ottawa. There is nothing to indicate that things will be any different in an elected Senate. We can therefore appreciate that nothing is going to simplify the efficiency of the political system from a Quebec or a Canadian point of view.

We on the other hand are working hard to eliminate one level of government. We would like the federal level to disappear, and Quebeckers will decide to do so, I hope. We are not for adding more levels, on the contrary. We are for streamlining the process and giving more power to the local levels, which are much closer to the people.

It is something of a waste of time to be dealing with strengthening their role, the selection process and so forth. The first thing to do is to abolish the Senate, sending the clear message that this kind of institution and the $50 million a year it costs are no longer government priorities.

This could get things moving. Interested provinces might pass similar legislation and, eventually, the senators would be alone to assume the blame for preventing the will of the people to abolish the Senate, as expressed by their elected representatives, from being acted on.

All the renovations under way on the Hill at this time are costing a fortune. Some work is being done to accommodate our friends in the other place, who were complaining last year about not having access to the parliament buildings through a tunnel, something they want. The public has a problem with this.

I urge members to focus, within reason, on a single resolution, which could be passed, stating that there will be no more Senate. This would be better than making cosmetic changes that will change very little to the fact that the Senate is a completely obsolete institution that no longer serves any purpose in our modern political system and in the real life of ordinary citizens, the people of Quebec and Canada.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am glad to enter into the debate. I have enjoyed the two previous speeches. I learned a little bit and much of what I heard was easy to agree with.

Reform of the Senate has been a goal and objective of most political parties that come to this place. I was doing some reading prior to coming here tonight. As early as 1919 the Liberal Party had Senate reform as part of its platform. Prime Minister Mackenzie King was in power. With our own party and its founding convention in 1933 the CCF was adamant that Senate reform would be a real priority. Again when the NDP was formed in 1960 that found its way into the priorities of our political platform.

The flaw I find in the bill we are debating is that we would not see any serious reform. Even if it may be achievable to put in place an elected Senate through this piece of legislation, it would not be the triple E Senate the member's party is usually promoting.

• (1805)

The equal side of the triple E is where the real barrier is. Even though we may institutionalize or help to formalize the institution through the democratic process of voting senators in, if we do not have the other aspects of Senate reform, we have not made things any better at all. To this day, after all the constitutional wrangling and all the best laid plans of political parties coming and going, no one has managed to implement true Senate reform, especially in terms of equalization of representation.

The member for Winnipeg South is quite right that we came very close in the Charlottetown accord. That is one of the reasons I was happy to work for the Charlottetown accord. I went to the five meetings across the country as an ordinary Canadian. I learned a great deal and I was very enthusiastic about the opportunities Canadians had within their reach with the Charlottetown accord, a real reformed triple E Senate. That I could have supported.

We have chucked that away. We chose not to avail ourselves of that opportunity. It is no longer there for us. I do not have any optimism that we will see it back in the national forum in my lifetime. Most Canadians would rather poke themselves in the eye with a stick than go through another process like the Charlottetown accord and all the constitutional wrangling and frankly, I am one of them.

The Reform Party member from Nanaimo cited a number of polls and surveys that they have done which indicate broad support for an elected Senate. I have no reason to doubt the accuracy of those polls. What we did not hear was that some of those polls gave a number of options: Do you want an elected Senate? Would you rather see an abolished Senate? Would you rather leave the Senate exactly the way it is?

There was an interesting trend in the most recent and the largest nationwide poll which was the Angus Reid poll in April. The real trend to watch on the graph in that survey is the growing support for abolition. From the polls in 1987, 1989 and now in 1998 the number of people who want an elected Senate is almost equal to those who want the Senate abolished. Forty-five per cent say they would like an elected Senate. I believe most of those voters are really thinking of a triple E Senate, not just elected. In a scientific poll across the country, 41% now say abolish, abolish, abolish. That is the camp I am in and I am happy to promote that position on behalf of our party.

We find that the current situation cannot be fixed. Some things are irretrievably broken. Tampering and fooling around with it in a minor way is not going to give us the satisfaction we need. We believe the abolition of the Senate could actually become the next unity issue, just as the Charlottetown accord was supposed to pull the country together finally and let us get passed the differences we have. I think the abolition of the Senate will become the single one issue we can all agree on and move forward together on in a very united front.

The Angus Reid survey shows much higher levels of support for abolition in the province of Quebec than in the rest of Canada. The figure is 57% or 59% for abolition. The member from the Bloc who just spoke points to a petition that was recently circulated in that province. He was talking about the last parliament.

Last summer a petition was circulated broadly across Canada. I know one member of the Bloc took a copy of this petition and got 11,000 signatures. I believe that is the figure. We have not seen the tally yet. Again, that was done in the course of a couple of weeks. I will read some of the preamble from the petition.

This is what Canadians are signing in droves across the country and presumably this is what they believe: ''We the undersigned''—etcetera—''that the Senate of Canada is an undemocratic institution composed of non-elected members who are unaccountable to the people; and that the Senate costs taxpayers some $50 million per year;''—another sore point certainly—''and that the Senate is redundant, given the roles played by the supreme court and the provinces in protecting minority rights and providing regional representation; and that the Senate undermines the role of MPs in the House of Commons; and that there is a need to modernize our parliamentary institutions; therefore, your petitioners call upon parliament to undertake measures aimed at the abolition of the Senate''.

• (1810)

The petition is getting a lot of support right across the country. There is multiparty support. An NDP MP and a Liberal MP put this petition together. We have quotes from a Reform MP saying he would like to abolish the Senate. We have members from the PCs saying that Reform would have to modify some of its policies on the united alternative, one being its position on the Senate. We have the Reform Party quoted in articles saying that would be something it would be willing to do. It would be willing to back off its position on the Senate in order to allow the united alternative to go forward. I would be happy to share the quotes with the member from the Reform Party.

We find that no single issue has galvanized Canadians quite as much as this one lately. It is a very tangible, visceral issue. Although I am not going to dwell on this, isolated cases of abuse have brought the issue to the forefront.

I am the first one to recognize that there are many fine people in the Senate of Canada doing valuable work right across the country. I have had the pleasure to meet a few since I have been here. I do not think those fine people would stop doing the fine work they do if they were no longer senators. I know they got to be senators because they were fully engaged and seized of these issues. They are not going to drop them because they are no longer housed in that building.

Frankly, with the $50 million we would save, who is to say that the Prime Minister or the government of the day would not make people special emissaries on certain issues.

There is one senator I had the pleasure of working with on the child labour issue. She is a champion of social justice in that regard. Who is to say that if she no longer sat as a senator that the Prime Minister would not put her in charge of a task force on child labour and be our representative overseas at the international forums.

That is all within the realm of possibility. Canadians would see that as money well spent because we would not have the same issue of the undemocratic and in fact a barrier to democracy that exists on the other side.

I would like to spend just one minute on the numbers. The province of Manitoba was cited in the Reform Party's speech. The actual figures in the province of Manitoba according to the Angus Reid poll as of April 1998 were that 45% said to reform the Senate and 41% said to get rid of it. We were exactly on the national average for getting rid of it and we were one or two points higher in

terms of reforming it. Those are the real numbers. It was not 87% want an elected Senate and it is intellectually dishonest to craft the figures in that way.

[*Translation*]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, unfortunately, previous speakers dealt more with whether the Senate should be abolished or maintained than with Bill C-382. I would like to get back to focusing on this bill.

I would like to begin with a few comments. There has been much talk of the polls on abolition of the Senate and on Senate reform, but I would like to cast some doubt if I may on them because, in any poll of Quebeckers and Canadians on politicians, the terms ''abolition'', ''lack of confidence'', ''not credible'' and ''dishonest'' keep recurring. If a poll offers Canadians the opportunity to show how little they trust the entire political machinery, they will take advantage of it and say so.

Yet, if time is taken to explain to Canadians why the Senate exists, then we can initiate a period of reflection and a far more positive debate.

The hon. member of the Reform Party has spoken of polls. The one I have looked at often these days is the poll that shows Reform dropping and the Progressive Conservatives rising. It may well be the only poll of interest to me at present.

• (1815)

I would like to address the bill, a bill that unfortunately lacks credibility. The Reform member told us that the bill could come into effect without any constitutional change. That is absolutely false.

As it is worded, Bill C-382 would require a constitutional amendment. The member should look further into this.

Changing section 42 of the Constitution Act requires a close look at sections 38 and 41 which stipulate that, if the method of appointing senators is changed, there must be a constitutional change using the 7-50 formula: 7 provinces and 50% of the population.

The hon. member may want to look into this, particularly in light of his clause 4, which provides that neither the Queen's Privy Council for Canada, the Prime Minister nor any other minister of the crown in right of Canada can appoint someone to the Senate, contrary to what is provided in the Constitution. Therefore, this bill is unconstitutional and out of order.

However, we have something interesting to propose. Bill C-382 does not solve anything. The Reform member told us about the context in which the bill was introduced. It was on the eve of an election to elect a senator in Alberta. It was merely to put more emphasis on the election of an Alberta senator.

But again, considering what the Reformers are proposing in this bill, a constitutional amendment would be required: seven provinces with 50% of the population would have to agree. So, the Reform Party has to go back to the drawing board.

However, while waiting for a constitutional amendment such as the abolition of the Senate, a change or whatever else Canadians may want, we could start working here in this House and make certain changes. First, we propose to limit a senator's term of office to 10 years.

This would not be a precedent. Yes, it is a constitutional amendment, but it is a change that was done through an act of parliament. For example, the first change regarding the number of years that a senator can sit was brought about under Lester B. Pearson, who added a clause (b) providing that a senator could only sit until age 75.

We could adopt a similar procedure and decide that a senator can sit for a period of ten years, through an act of parliament and a constitutional amendment. However, such a constitutional amendment would not be subject to the 7-50 rule, that is seven provinces accounting for at least 50% of the population.

This would be the first step. Of course, this measure would not be retroactive, but it would send a message that parliament is ready to make changes and to open the debate on the Senate and the whole parliamentary system.

If the Senate were abolished, the role of this House would change automatically. It would be a major change. Would the number of members be increased? Would it be written into the Constitution that a specific number of members must come from a particular region? That is how Quebec protected itself in 1867. The number of senators from Quebec is protected under the Constitution. Would the number of members from a particular region, western Canada, Atlantic Canada, Quebec or Ontario, be protected under the Constitution? Maybe.

Let us stop using senators as a political currency. Let us be serious. The first serious step would be to limit the term of office of senators to ten years. I am sure most of the senators will agree and will ask for greater changes in the Senate.

Once again, the Reform members have a problem with the Senate and they are trying to make use of it. However, they are going about it in a negative fashion. Even in their document on a new Canada, it is incomplete. Perhaps there should be a review of the way the Reform Party works on the Senate.

They often discredit the Senate, but when Reform Party or other members propose such things they are not helping the senators, the Senate or Senate reform. They add even more to the lack of credibility of the people in the Upper House.

They could take the time to explain why the Senate exists, then good ideas and the positive side of parliamentary reform could take effect.

• (1820)

It may be interesting, but I would like people, before sweeping changes are made to the country from one end to the other, to look at what we can do here, as in the matter of denominational schools for Newfoundland and Quebec, for instance. We did that here. We did not need the rule of 7 provinces and 50% of the population.

We could take a step forward in the case of the Senate. It could be 10 years, 7 years or 12 years. I think that if the current government is serious about sending a signal on Senate reform, if all opposition members are serious about the Senate as well, this initial step could be taken.

There may be abolitionists in the Senate. We abolished its equivalent in Quebec, the legislative council, at the end of the 1960s. We had reasons to do so. My colleague from the Bloc Quebecois has said that, for them, it was not just a question of eliminating the Senate, but rather of eliminating a level, the federal government. I would just like to remind the House that Premier Bouchard has said that, regardless of the outcome, there will be a type of European-style federal government to manage Quebec-Canada relations, if Quebec becomes sovereign.

An in-depth change is being made, but in the end an important level is still being maintained, a federal level.

The Senate is important. It must be changed, must be amended, must be improved. We also need to take a look at what is happening in the House as far as parliamentary representation is concerned. This must, however, be done with credibility, and this the Reform Party lacks.

Credibility is needed with respect to the role played by the Senate, and there must be credibility in particular with respect to analysing polls. As I said at the start of my speech, any time a reference made to a politician, it is always a negative one, and this is wrong. Let us stop fiddling with polls and let us tell it like it is. Let us inform people about the history of their country, because, unfortunately, they do not know it.

[*English*]

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I cannot help but hear what the Liberals are saying about this. During the election campaign in 1993 the Prime Minister said that he was going to revise the Senate. He was going to reform it. The Prime Minister said, and I know this almost by heart, ''Within two years of forming a government we will have an elected Senate''. Then he went on to say, and I have memorized this, ''As Prime Minister I can make that happen''. It is a broken promise.

I want to respond to the member from Winnipeg who said that Reformers were against the Charlottetown accord, which shows somehow that we have waffled on it. The answer is no. We have many reasons to be against the Charlottetown accord and the one little carrot it gave us regarding the Senate was not one of those reasons. If that was all there was in the Charlottetown accord, of course we would have supported it.

The Senate that was proposed was not equal and its election would have been by the provinces. It was not to be by the people of the province, it was to be by the legislatures of the province, if they so chose. So it was not a truly elected Senate, nor was it an equal Senate. Furthermore, there were a number of inequities in the accord.

I think the real reason this government wants to keep the Senate is for a haven for its buddies when it wants to give them a bit of a reward. That is the way it looks. That is the perception of many people. I strongly think that we have to revise it. We have to redesign the way the Senate is selected.

Why not? I have no problem with the fact that I am elected and accountable to the people of Elk Island. If my constituents do not like what I am saying or what I am doing, they can get rid of me. In fact, with a Reform government, they would not have to wait until an election because we are in favour of more democratic control by the people. We say that our constituents could recall us between elections if they were really offended by what we were doing.

But with senators Canadians can never do anything. Senators are appointed by someone else. Canadians do not have any say in who gets appointed and there is never any accountability. There is no reason in the world for a senator to pay attention.

We certainly have that example right now in a senator from Alberta who is totally misrepresenting what the people of Alberta believe and want. At the same time this senator is collecting his salary he is working full time as the election campaign manager for the Conservatives. He is their Alberta campaign manager and he gets a full Senate salary while he is doing that. Our people find that offensive. There is no way we can ever get rid of him because he is appointed for life.

• (1825)

Mr. Speaker, I think my time is up. I could speak a long time on this subject. I am certainly not finished, but I am going to stop.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, as is often the case, the Liberals missed much of the point of my bill. They were talking about a triple E Senate. I was talking about one

of the Es of a triple E Senate, the elected part. That is the part that can be done today without any constitutional change.

I was amazed at the Conservative member who said that it cannot be done without a constitutional change. It has been done. It was done with Stan Waters. It is doable. But for the Liberals, basically, it is all or nothing. We have seen the nothing part. We have seen the nothing part for basically 100 years from consecutive governments on that side of the House.

My bill addresses only the elected part. It means that senators would be elected and accountable to the people who sent them there, instead of the political party that sent them there.

It does not fix all of the problems. As the member from the NDP said, most Canadians would rather get a stick in the eye than have constitutional change. I understand that. Canadians are not ready for constitutional change. I agree with that. But this part, the elected part, could be done today.

Let us fix it in short bursts, rather than wait to do it all at once. We have seen that it was not done by the accord, and it will not be done by this government. Let us do it in bits and pieces and fix it, so we are crawling before we move. Fix it bit by bit, but at least we should have some political will in this House to attempt to fix it, rather than the rhetoric that we have been hearing from members across the floor. The bottom line is, they do nothing.

I believe my bill is doable. It has been proven to be doable by elections already held in Alberta. I would suggest that we move forward.

Finally, Mr. Speaker, I would ask for unanimous consent that my bill be deemed votable.

The Acting Speaker (Mr. McClelland): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

[*English*]

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

ABORIGINAL AFFAIRS

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I would like to take this opportunity to follow up on a question concerning the Shamattawa First Nation which I asked in the House on November 5.

Shamattawa is facing horrific social problems. There have been over 120 suicide attempts since 1992 and 80% of the first nation's youth are addicted to solvents. This level of solvent abuse and the personal and social consequences of it represents a health and humanitarian crisis that cannot be ignored.

Current efforts to deal with this problem have proven to be inadequate. The poverty that has led to these problems is a long term issue that desperately needs to be properly addressed. Addiction treatment is not available in most first nations, including Shamattawa, so addicts have to leave their homes to get treatment. They are then returned to their communities, back into the poverty and desperation that caused their problem in the first place, without support. There is a desperate need to improve social conditions in remote first nations and to provide ongoing support for recovering addicts when they return to their communities.

• (1830)

The Royal Commission on Aboriginal Peoples recognized this problem and the need for long term solutions. It called for healing centres in troubled communities like Shamattawa to provide the ongoing support that recovering addicts need to keep from relapsing.

Over two months ago the chief of Shamattawa personally delivered a proposal for a healing centre to the minister of Indian affairs. The lack of response from the minister prompted my November 5 question asking why the government was ignoring the appeals of the Shamattawa First Nation. The answer I received was the sort of empty, evasive reply we on this side of the House have become all too used to.

The parliamentary secretary said that the government is concerned about the level of poverty, in particular in the community of Shamattawa, and that it is very aware of the problems in the first nation. He said that the government was working diligently on these problems. This is all very easy to say, but the people of Shamattawa have yet to see the benefits of this concern and diligence. While the government ponders what it can do about this crisis, in Shamattawa children as young as four are becoming addicted to solvents and homeless people are being left outside to freeze.

Six days ago Indian affairs officials in Winnipeg met with the chief of Shamattawa and would not commit to any help whatsoever. While this meeting was going on there was another solvent related death in Shamattawa. A teenage boy, high on solvents, shot and killed another boy.

The proposal for a healing centre in Shamattawa would cost the government less than $1 million. Recently we heard that the government is giving $10 million to alleviate the poverty being suffered in northern Russia. I am not against foreign aid, but

Shamattawa has asked for less than one-tenth of what Russia got and received nothing.

There are many remote first nations with social problems as desperate as those of Shamattawa. It is criminal that in a country of Canada's wealth such conditions are allowed to persist. All that is needed is a relatively small amount of aid.

Will the government now commit itself to administering meaningful aid to to Shamattawa First Nation and to other northern communities at the earliest possible opportunity?

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am pleased to respond to the hon. member for Churchill on behalf of the Minister of Indian Affairs and Northern Development concerning the urgent social problems at the Shamattawa First Nation.

Again the government is very concerned and deeply disturbed about the conditions facing the Shamattawa First Nation and is taking action. We have been meeting with the Shamattawa First Nation over the past few months to formulate long term solutions to improve life for residents of this community.

At the most recent meeting of November 20, officials from the Department of Indian Affairs and Northern Development and Health Canada met with the chief of the Shamattawa First Nation and Grand Chief Francis Flett whom I know personally of the Manitoba Keewatinowi Okimakanak. They discussed ways to improve conditions for youth in the community to address the high rates of solvent abuse and suicide.

One proposed solution is for the first nation to build an arena and recreation facility that would address these social problems and combat boredom among youth. The Department of Indian Affairs and Northern Development is pleased to commit $400,000 toward the construction of this complex, and the first nation anticipates starting construction in the spring.

The department has also identified $33,000 to assist first nations in the development of their own long term human resource strategy. This strategy will target education and employment opportunities for youth, giving them more opportunities for a brighter future. We did not stop there or our efforts will not stop there.

In the 1996-97 budget for the Shamattawa First Nation, in addition to the regular capital outlays for such things as housing which affects the social conditions and the psychological conditions of the people on reserves, we have committed $2.86 million to housing, which will provide 33 additional houses for the Shamattawa community, and $4.73 million to a water treatment facility.

To conclude, we are working very diligently in this regard. I thank the hon. member for her questions. We are working on these very serious problems in a number of communities across Canada with the aboriginal leadership. We want to resolve them as much as the hon. member for Churchill does.

[*Translation*]

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.33 p.m.)

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