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Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

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The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*Translation*]

WAR MEASURES ACT

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ) moved:

That, in the opinion of this House, the government should immediately make an official public apology, accompanied by financial compensation, to the hundreds of citizens of Quebec who were victims of arbitrary arrest and unjustified detention during the enforcement of the War Measures Act in the early '70s.

He said: Mr. Speaker, it is with some emotion, not to say very strong emotion, that I rise in this House today to recall tragic events in the memories of Quebecers, involving individuals and the exercise of democracy in the 1970s. I will also be referring, in the course of this motion, to actions and events that continue today.

You have just read, Mr. Speaker, the motion that I tabled on October 5, 1994 in this House, which, in brief, has two objectives: to put the record straight with regard to the October events, in particular the imposition of war measures, and to recognize the victims of the imposition of the War Measures Act, on the one hand, and on the other, to disassociate the sovereignist movement from the unfortunate events of the time initiated by members of the FLQ. I refer, naturally to the death of Pierre Laporte in 1970.

Why are we making this motion in the House today? First, I repeat that it was tabled in October 1994, at the time of the release of the movie ''Octobre'' by director Pierre Falardeau, depicting the days leading up to the death of Pierre Laporte. This film was subsidized in part by the National Film Board, if I am not mistaken, and aroused the indignation and ire of some of my hon. colleagues in the Reform Party and in the Liberal Party in this House.

What did my hon. colleagues say? I refer simply to the remarks of the Reform member for Calgary Southeast, who, in her criticism of the funding of Mr. Falardeau's film, linked separatists, members of the FLQ and the cause of sovereignty in Quebec. They implied—and so did several members of the Liberal Party, this being the argument of our federalist opponents—that such organizations were part of the same camp as all the pro–sovereignty groups and individuals who have been supporting the cause using democratic means for over 25 years; I am referring naturally to the Parti Quebecois and its predecessors, the RIN and RN, and to the Bloc Quebecois, which has only been on the scene for the past few years.

I would first like to state loud and clear that no sovereignist, no official spokesperson of the democratic sovereignist movement, has never even considered supporting, in any way whatsoever, the criminal acts committed by certain individual members of the FLQ. On the contrary, in 1970, just days after the assassination of Pierre Laporte and the imposition of war measures, representatives from all sectors of Quebec society denounced these actions, especially the late René Lévesque, leader of the Parti Quebecois at the time. Making this distinction is important because the individuals who perpetrated the crimes assumed the consequences, were judged, sentenced and have paid their dues to society.

I would first like to demonstrate the impact these incidents, in particular the enforcement of war measures, have had on the lives of many fellow Quebecers and on our collective democracy in general.

In 1970, I was a member of the Parti Quebecois, and still am, and back then, I was garnering support in the riding of Frontenac, a rural riding in which Lac–Mégantic was the biggest town at the time. I was working for the Parti Quebecois. We had just been through our first election, on April 29, 1970. Please bear in mind that back then being a member of the Parti Quebecois was not easy in that kind of a community, a community that I respect and which was adamantly against all ''ists'': communists, separatists, socialists, péquistes. It was not easy garnering support democratically for the sovereignty cause in such a context.

When Mr. Pierre Laporte was assassinated, it struck a dissonant chord within me, I was bowled over, indignant, frightened.

(1110)

In my heart of hearts, I did not feel that the cause I was fighting for justified killing a man in order to achieve our goal. Like hundreds of thousands of my fellow citizens, I was and still am convinced that this should be accomplished in a democratic

fashion. That is why we, sovereignists, will not allow anyone to question our desire to act democratically.

Second, I wish to point out that I was even more staggered and even sickened when, a few years after the October 1970 events and the imposition of the War Measures Act, I realized—like all of Quebec—that the federal government of the day, of which the current Prime Minister was a member, used the unconscionable acts of a few individuals to plan what can be called a political coup intended to destabilize the sovereignist movement.

I hear my colleague from the Reform Party groaning. I would ask him to show a little respect and forbearance. He will be able to speak after I have concluded. I am expressing what thousands of Quebecers felt at the time. They were mistreated and felt betrayed by the federal government, when they realized that it was all just a political plot. In 1969, long before the October 1970 events, discussions about these groups of individuals acting illegally in Quebec were held at the highest level of government, also known as the cabinet. They knew that these groups existed and surely knew who their members were, but were careful not to intervene. They waited for the right moment to impose the War Measures Act.

After this act was imposed, hundreds of people were arrested and detained illegally, without any charges being laid against them. I would like to quote a few figures and I would ask all my colleagues to pay attention. It is not only two or three people who were arrested, but more than 500. Five hundred people were arrested and detained, in some cases for a few weeks, without any charges being laid against them either during the October events or afterwards.

There were 4,600 cases of search and seizure were carried out throughout Quebec. The police entered private homes for all kinds of reasons, conducting searches and frightening ordinary people. Some 31,700 searches were carried out. These figures, in my opinion, demonstrate the significant consequences of imposing the War Measures Act. This act was enforced twice in Canada, the first time in 1918 and the second time during the October events.

(1115)

I would just like to come back to another point, namely the fact that this is still going on today. Our friends from the Reform Party should pay particular attention to what I am about to say. Let us think back to the Grant Bristow affair, a few months ago. Bristow, a Heritage Front militant and known agitator infiltrated the Reform Party and moved in circles close to the leader of this party. We must realize that this is still happening today. And on the eve of the referendum debate, I ask the federal government, our Liberal friends and our Reform friends to respect the wishes of Quebecers. I ask that the federal government give the people of Quebec the assurance that every effort will be made to ensure that a democratic debate can take place, without the secret services or CSIS attempting to manipulate public opinion in Quebec.

Some hon. members: Hear, hear.

Mr. Bernier: I would like to take the few minutes remaining to emphasize that such activities went on after the War Measures Act was repealed, activities of the Canadian Security Intelligence Agency (CSIS) which, I repeat, are known, having been brought to light by a number of inquiries, such as the Keable Commission in Quebec, which uncovered a whole string of illegal acts committed by various individuals linked to the Canadian secret service. The Macdonald Commission of Inquiry also uncovered many illegal activities by RCMP officers.

I would also like to show how such activities affected the lives of these citizens. Just take the case of this man, a respectable Montreal lawyer by the name of Pierre Cloutier, who was investigated by the RCMP without his knowledge. Mr. Cloutier was under RCMP supervision for 11 years. What does Mr. Cloutier do for a living? This gentleman is a respected lawyer who was never accused of any wrongdoing and who acts as arbitrator in Quebec labour conflicts. For some ten years, employers and unions have called on him to settle their disputes. His credibility therefore is unimpeachable. Again, because Mr. Cloutier was somehow connected with individuals who were involved in the FLQ, or because he is still active in the sovereignty movement, the RCMP secretly followed him for 11 years, from 1970 to 1981.

An hon. member: This is a shame.

Mr. Bernier: When Mr. Cloutier asked to see his file, what did he find? First, he found a file which is 1,500 pages thick.

(1120)

Just imagine: fifteen hundred pages on a single individual who never ran into any trouble with the law. Moreover, 1,000 of these pages are censored. This is the work of institutions which monitor the activity of sovereignists who want to act in full compliance with the democratic process. We all remember the case of an individual arrested in 1970, and his wife too. I am referring to Mr. Gérald Godin and Mrs. Pauline Julien. We all know about the illegal and criminal activities of Mr. Godin: he was a member of Quebec's National Assembly, and a Quebec minister for some ten years.

There is no doubt that this suspicious individual was under close surveillance by our federal institutions. Mr. Godin was illegally imprisoned in 1970. He was detained without any charges laid against him. What conclusion did he draw from those days? Let me read you a poem written by Mr. Godin after the October 1970 events. The poem is entitled ''October''. I

apologize for my English pronunciation, but I must read this poem in the language in which it was written by its author. In reference to those events, including his arrest, Mr. Godin wrote:

[*English*]

They followed me, they taped me
They spied on me, they tripped me
They broke in on me, they fell down on me
They hooked me, they trapped me

They arrested me without a warrant
without a reason, without a word, without a look
and they frisked my brain

They jailed me, they banned me, they exiled me
They laughed at me, they tried to destroy me

And there was a big silence around here then
There was a sort of continental silence
All my friends had left town

None of the usual talkers could find his words or his breath
None of the usual writers could find his pen or his ink

But still I am here tonight
and I'm gonna be here for a long long time
decades and decades after they'll have disappeared from here

I'll be hanging around
looking for justice, looking for peace
looking after my brothers and sisters

[*Translation*]

This is what Mr. Godin wrote following the October 1970 events, and I think we should all reflect on these words. Again, the purpose of this motion is to ask the federal government to apologize to the victims of illegal arrests, and provide financial compensation.

Mr. Raymond Bonin (Nickel Belt, Lib.): Mr. Speaker, it has been suggested that the House of Commons make an official apology to those who were incarcerated during the enforcement of the War Measures Act in the early seventies and that these people receive financial compensation. According to section 2 of the War Measures Act, the governor in council may issue a proclamation that real or apprehended insurrection exists, and this proclamation shall be conclusive evidence that apprehended insurrection has existed.

Once the proclamation was issued, the governor in council had the power to make orders and regulations to deal with the situation. As a number of members will recall, the provisions of the War Measures Act were invoked in October 1970, with the announcement that a state of apprehended insurrection existed in the Province of Quebec, in response to serious concerns expressed at the time by the Quebec Premier, Robert Bourassa, and the authorities of the city of Montreal.

In a letter to the Prime Minister of Canada, the Premier of Quebec used clear and direct language to describe the dangerous situation facing the provincial government. As he said: ''The Quebec Government is convinced that such powers are necessary to meet the present emergency. Not only are two completely innocent men threatened with death, but we are also faced with an attempt by a minority to destroy social order through criminal action''.

(1125)

According to commentator Denis Smith, in referring to the events of the fall of 1970: ''During an interview televised on the CBC network, Robert Bourassa mentioned a five–step revolutionary program: demonstrations, explosions, kidnappings, selective assassinations and urban guerilla warfare. The first three having apparently been carried out, Mr. Bourassa was sufficiently convinced, on October 16, that the ''program'' was being systematically implemented to believe that exceptional measures was necessary. We may question the nature and the reliability of the evidence available to Mr. Bourassa, but there is no doubt that at the time, Mr. Bourassa felt it was conclusive''.

Mr. Bourassa and the Montreal authorities felt the evidence was conclusive and, on that basis, the federal government proclaimed the existence of a state of apprehended insurrection, pursuant to section 2 of the War Measures Act. On the basis of that proclamation, the government passed the Public Order Regulations, 1970.

On October 16, 1970, during the debate following the tabling of the regulations in the House, the then Minister of Justice, the Right Hon. John Turner, gave his colleagues the following assurances: ''The procedure by way of proclamation is found within the War Measures Act. This is a completely constitutional technique. Let me point out more particularly that the regulations were issued under powers granted to the Governor in Council by Parliament; so that the constitutional source of this enactment was, and is, Parliament itself''.

The constitutionality of the procedure and of the War Measures Act was subsequently also recognized by the courts. In *Gagnon and Vallières vs. Regina*, the Quebec Court of Appeal found, as had all court decisions up to then, that, under the War Measures Act and the constitution as it existed at the time, no judicial control could be exercised over the evidence in support of the decision by the governor in council to declare that a state of insurrection was feared. This decision was the exclusive jurisdiction of the governor in council.

The Quebec Court of Appeal also implicitly recognized the considerable precedents confirming the constitutionality of the War Measures Act. The courts have always held that the law is a valid exercice of Parliament's authority to adopt legislation for peace, order and good government in Canada.

The government of the time made a value judgment, which it was legally and constitutionally entitled to make on the basis of information available at the time.

It must also be pointed out that the federal government got involved in the Quebec crisis at the express request of the Government of Quebec. Following the crisis, the Quebec ombudsman investigated complaints of unfair treatment made by a number of people involved in the matter. Some of the complainants were compensated. Others had their claims dismissed. In

his annual report for 1971, the ombudsman noted that he felt obliged to investigate each complaint submitted to him. He said that he investigated the facts and reconstructed them insofar as possible. He tried to understand each person's situation and was able to consult files that seemed relevant.

The matter was settled provincially, and it is not up to this government or to Parliament to re–examine it.

Almost 25 years have passed since the events of October 1970. In this period, the legislative and political climate in Canada has changed considerably. We have witnessed the emergence of a strong tendency to protect individual rights, expressed more specifically in the enshrinement of the Canadian Charter of Rights and Freedoms in the constitution. Canadians' changing attitude is also reflected in the broad interpretation the courts have given to the charter.

(1130)

Not only has the constitutional landscape of Canadian society changed since 1970, but also the legislation itself. The Government and Parliament of Canada have replaced the War Measures Act with the Emergencies Act, which limits the amount of force which can be used to deal with an emergency. The government would not be able to tap the wide–ranging powers it did in 1970 as easily today. This is also a reflection of how societal attitudes have evolved.

Judged within today's legislative, judicial and philosophical framework, some people would question the government's response to the events of 1970. Nevertheless, the fact remains that, at the time, the government did what it judged was necessary and what the constitutional and legislative framework in place then legally entitled it to do.

During the November 4, 1970 debate in the House on the legislation introduced to replace the regulations, Mr. Turner said the following: ''And to suggest, as some members of the opposition have, that because an insurrection did not occur, therefore it could not have been apprehended, is an exercice in false logic''.

This statement is more revealing 25 years after the fact than it was immediately following it. In 1970, the Government of Quebec apprehended an insurrection. The federal government acted, and its actions were driven by that apprehension. The measures it took were approved by tribunals and deemed to be in step with the powers which the law conferred to the government at that time.

We can and must learn from the past. The question begging an answer is whether we should review the past or invest in the future. We believe that the best choice is to use the government's limited resources to secure a brighter future for generations to come.

Any residents of Quebec who had been unjustly or arbitrarily targeted by the measures have been compensated by the Province of Quebec. In my opinion, it would be futile to rehash yet again this rocky period in Canada's history.

[*English*]

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, I would like to read the motion to make it clear. Motion No. 332 reads:

> That, in the opinion of this House, the government should immediately make an official public apology, accompanied by financial compensation, to the hundreds of citizens of Quebec who were the victims of arbitrary arrest and unjustified detention during the enforcement of the War Measures Act in the early '70s.

Should the War Measures Act have been invoked? The answer is very debatable.

It might serve the purpose of the House to go through a bit of the history of the time. In late 1969 some bombs were detonated in Montreal at the Board of Trade and le Club Canadien. In February 1970 Charles Gagnon, the FLQ leader, was freed on bail. In May 1970 Pierre Vallières was freed on bail. In June 1970 the justice minister of Quebec, Jérôme Choquette, announced a $50,000 reward for information on activities leading to the arrest of key members of the FLQ. The reward led to tips which allowed the various police forces, the Quebec Provincial Police, the Montreal police and the RCMP, to make arrests.

(1135)

It is helpful to realize all those forces were at work. It allowed them to make a series of arrests and uncover information which cited the FLQ's intent to kidnap the Israeli and American consuls as a sign of protest against American imperialism and the FLQ's solidarity with the Palestine liberation movement.

On October 5, 1970, James Cross, the senior trade commissioner at the British Trade Commission was abducted by the FLQ. On October 10, Pierre Laporte, the minister of labour in the Bourassa cabinet, was kidnapped. On October 15 the federal cabinet agreed to use the War Measures Act if the situation deteriorated. On October 16 the cabinet made the decision and implemented it. On October 18, two days after the implementation of the War Measures Act, the body of Pierre Laporte was discovered. On October 19, one day later, the House voted to support the government's decision.

On November 2 a bill called Public Order Temporary Measures Act was introduced to replace the War Measures Act. That bill correctly was limited to the FLQ. On December 1 the bill was passed in the House, 174 to 31.

Meanwhile, earlier in November the famous Montreal five: Lemieux, Vallieres, Gagnon, Chartrand and Larue–Langlois, were charged with seditious conspiracy and membership in the FLQ. On December 3 Mr. Cross was freed. Finally in January the troops were removed.

I would like to run that measure of events against my own memory of the incidents. In 1964 I was a staff officer at the headquarters of the eastern Quebec area when the Queen was about to visit. The FLQ at that time was making a lot of noise. In fact, the Queen's life was threatened. The general officer command in Quebec command at that time went to Quebec City and talked to me, among others, asking if the Queen's visit should be cancelled. My counsel to that general at the time was that we should not because we did not know the extent of the FLQ presence. Surely this would be taking too reactionary a step against an enemy that was supposedly very small and turned out to be quite small. I think the counsel was correct at the time. It was saying, do not over–react.

In 1970 I found myself as the commanding officer of the Cinquième battalion de services à Valcartier. I was living through all of these events. I was kept fairly busy because I was first of all told to provide some of my troops to help the infantry. I had to establish an advance base in Montreal and take part in the security of base Valcartier.

My personal conclusion from all of these events was that the invocation of the War Measures Act was not justified. The same conclusion can be reached by others. If we look at the ''Queen's Quarterly'' the Commissioner of the RCMP at the time, William Higgitt, was even more blunt.

(1140)

He made it clear that he had never been asked for his opinion on the efficacy of invoking the act but only on the mechanics of implementing it. He added that if it conferred certain advantages to the police, there were many disadvantages, not the least of which were the excessive powers granted the Quebec police and the misuse of these powers that went on unchecked.

The commission pressed for documentation of the apprehended insurrection. Higgitt said that there was none. He went further to insist that he would have stopped somewhat short of using the words ''rebellion'' or ''open rebellion''. I had greater faith in the people concerned than that.

From all these things I would conclude that the Liberal government of 1970 was a bit like the Liberal government of today. It could see this thing coming but failed to act, or it deliberately invoked the War Measures Act for political purposes.

I can see the current Liberal government acting in the same way. Look at the dock strikes. Look at the stevedore strike, the railway strike. It is either too little, too late or it is just the opposite, a total over–reaction. As one critic said at the time, it is like cracking a peanut with a sledgehammer.

My conclusion on this motion is that the problem in Quebec was with the Quebec forces as much as with the federal forces. As we have seen, all the Quebec police forces; the QPP, the Montreal city police and the RCMP were all involved in this.

In my judgment, the Bloc Quebecois is not wrong in making this motion. I cannot go along with it but it is not wrong. It is being used as a warning of what can happen in a democratic country such as ours. At the same time, nothing can excuse the crimes that were committed nor is the Bloc trying to excuse them. Crimes were committed by the FLQ and nothing can excuse that.

In my view the government of today is not in a position to make an apology nor should it make financial compensation. Undoubtedly there were some innocent victims in all of this but we cannot prove it today. It would be of no value to try to bring it all to light again and find out who was innocent and who was not. The blame should be shared around. But I cannot condemn the Bloc Quebecois for bringing the motion up today. Let it act as a warning of what can happen in a democratic society.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I thank my Reform colleague for his good judgment and honest approach. As for the hon. member for Nickel Belt, once more he did what the federalists have always wanted done when dealing with Quebec, that is getting a French Canadian to use strong arm tactics against other French Canadians.

I am pleased to rise on this motion, introduced by my friend and colleague, the hon. member for Mégantic—Compton—Stanstead. In 1970, I was 24, I was married and the father of a young child, therefore old enough to appreciate what was going on in Canada at the time.

Young Quebecers, troubled by inequalities, injustices and the lack of opportunities in Canadian businesses, had joined in the fight against the injustices suffered by the Quebec people. They used means which we still disapprove of and which were definitely wrong.

The Prime Minister of the time, Mr. Pierre Elliott Trudeau, was in the third year of his mandate and he decided, after several cabinet meetings, to put Quebec back in its place. Several Quebec ministers sat in on those cabinet meetings, including, to name just a few, the present Prime Minister, then Minister of Indian Affairs and Northern Development; Mr. Jean–Luc Pepin, Minister of Industry, Trade and Commerce; Mr. Gérard Pelletier, Secretary of State and Jean Marchand, people who used to be called, in Quebec, the three doves, but whose hearts were

blacker than the blackest raven to be found along Highway 417, coming into Ottawa.

(1145)

This small group decided at cabinet level to invoke the War Measures Act, an act which, previously, had only been used in wartime. Invoking the War Measures Act was enough in itself to traumatize the people of Quebec which, at the time, was overwhelmingly federalist and solidly disapproved of the actions of the Front de libération du Québec.

The only other time this legislation was implemented was during the conscription riots, in Quebec, in 1918. What was different in the October crisis is that Canada was not at war. In those days, Canada had three guns; I will remind you that two of them were pointing at the crowd in Quebec City, while the third one had gone to war in Europe. This is the kind of attention that was paid to Quebecers in those days. And the great Canadian army in all this? October 16, 1970 marked the first instance of what was to become the army's trade–mark, namely action involving civilian populations.

We saw what it led to, last year, in Mogadishu, in Somalia. We saw the results of such involvement. The military trained in Quebec City and in Montreal, and had their finest moment in Somalia. I remember when the soldiers arrived in Montreal. I was 24, I remember well. They wore helmets and battle fatigues with locust tree branches stuck here and there. They carried a canteen, their pants were dragging on the ground, and they jammed their loaded M–1s in the ribs of secretaries and workers on their way to the bus. What a show our great beautiful military gave. During the Gulf War, it cost us $300 million to send our soldiers to keep watch over latrines and tanker–trucks. This was the same army which had practised on Quebec civilians. There is nothing to be proud of. At any rate, I am not.

The War Measures Act gave certain powers to the governor in council in case of war, invasion or insurrection. It stripped citizens of their democratic and civil rights. The executive reigned supreme and could act unchecked. The state of insurrection only existed in the mind of the then Prime Minister, Pierre Elliott Trudeau, and of the members of his Cabinet, including the current Prime Minister who was there then.

Things had been on the move in Quebec from the early 1960s. Instruments of democracy were sprouting left and right. The Caisse de placement et de dépôt du Québec, the nationalization of electricity and the health insurance plan threatened the very existence of powerful economic interests owned by the English Canadian and British establishment. This situation had gone on for too long, and it was time to end any idea of Quebec autonomy.

The then prime minister attacked Quebec nationalism, just as the military commanders of ancient times tried to batter down the main gate of towns under siege, for once this gate was breached, the towns were sure to fall. On closer examination, this was not the first time the military machine had gone to the aid of the political arm when the latter had exhausted its means of persuasion.

In addition to the episode in 1918 that I mentioned earlier, there were also the incidents involving native peoples and Métis in western Canada between 1870 and 1884. A truly magnificent army.

In 1837–38, there were not only francophone Patriotes, there were also anglophone Reformers, and they were simply asking for the establishment of responsible government and the application in their jurisdiction of the principles of justice, fairness and freedom.

Terrorism, from whatever sector of society, is no less an attack on the basic principles of human existence, and Central Canada and several English–speaking provinces have resorted to it too often. I would remind the brilliant senator, who in his time, sympathized with the Parti national social chrétien—the famous blue shirts of Adrien Arcand—and who recently expressed his concerns about Quebec nationalism, that the Governor General drew a comparison between the deportation of the Acadians and an all–expenses–paid Club Med vacation.

(1150)

Manitoba's language laws, which were declared ultra vires by the Supreme Court of Canada nearly 100 years after they produced their perverse effect; and the unilateral abolition of powers at the Privy Council in London, which deserves a closer look. It is a little like divorce. Both spouses would like to go before the court to settle their differences but the wife could say, for example: ''No, my mother will decide which one of us is right''. That is about what the abolition of powers at the Privy Council in London amounts to. Imagine the kind of justice that can come out of this. It was then the only body still able to look at both sides and to occasionally restore a semblance of justice for Canada's francophones.

There was also Ontario's famous Regulation 17 prohibiting French–language schools on its territory. That is an act of terrorism. The Indian Act—back when the legislation referred to them as savages—was aimed at confining this country's first inhabitants to well defined areas. I would remind this brilliant senator that his art would never have taken him to the pinnacle of his career in the other place where he now sits, if he had worked in Sault Ste. Marie or Queen's Park. The Minister of Canadian Heritage summed up my thoughts the other day in this House when he started talking about sheep; you can imagine the rest.

Do this brilliant senator and the Minister of Industry know that the first Jew to be elected to public office in Canada was Ezechiel Hart, who became the member for Trois–Rivières in Quebec's Legislative Assembly in 1908, and that he was dismissed by order of the British government? He did not have the right to sit in Parliament because he was Jewish. Catholics were only recognized by the government in London in 1828. Senator

Roux and the anglophones who claim that Quebec nationalism is unhealthy should be reminded of that.

Everyone agrees now that the War Measures Act denied the most fundamental rights to hundreds of Quebecers. Take for example the arbitrary arrest of these individuals by police bursting into their homes, arresting them without a warrant and detaining them for several days, and even weeks in some cases, without even allowing their families to be informed.

I am not denying that this was an extremely volatile situation, but the measures taken were far too extreme. Did our so–called civilized society not assume, for a short while, the likeness of a dictatorship? I would have so much to say, but I know that a strict count of time is kept. Let me just say that, for these 32,000 searches, Quebecers are entitled if not to financial compensation, at least to an apology. It is the least once can expect.

Apologies have been made to the Italians, the Japanese, the Chinese. It seems to me that apologies should also be made to every francophone in Canada, and more particularly to those in Quebec, for blunders such as the one made in 1970.

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, it is an honour to discuss this motion asking the federal government to make an apology to those who, let us not forget, were the victims of arbitrary arrest and unjustified detention. No charges were ever laid against these people. The government ordered that these people be arrested and long searches were conducted to see if there were any grounds to lay charges. No charges were laid because no such grounds existed. People were arrested based on claims, without any regard for the habeas corpus procedure.

Let me tell you an anecdote. In 1970, I was a student at the Saint–Augustin seminary, in Cap–Rouge. I was a member of the Parti Quebecois, and so was my roommate. The evening that Mr. Laporte died, my roommate tore up his PQ membership card. I kept mine, and we debated an issue which is still topical today, namely that the federal government of the time used the reprehensible actions of the FLQ to kill the sovereignist movement. The real aim of the operation was to kill the sovereignist movement.

(1155)

Because of adverse propaganda, membership in the Parti Quebecois dropped significantly. However, Quebecers also learned a lesson from this episode, a lesson which they will remember for a long time: Quebecers opted for democracy. In fact, that choice had been made long before, since Quebec has the oldest parliamentary institution in North America, as well as an appropriate motto which says ''Je me souviens''. We are patient; we are prepared to wait, but we will reach our ultimate objective, which is Quebec's sovereignty.

In all its efforts to kill that project, the federal government only succeeded in attacking the will of Quebecers to reach their objective not by resorting to violence, but through democratic means, and they will succeed.

The hon. member for Mégantic—Compton—Stanstead referred to Mr. Gérald Godin, who was arrested in 1970. The best proof that Quebecers did learn their lesson is that, in the 1976 election, the same person beat Robert Bourassa, who was then the federalist on duty. Quebec's long march toward sovereignty is based on respect for democracy. The events of those days had consequences which can still be felt. The federal government's constant attempts to instill fear in Quebecers have their roots in the actions taken then, and perhaps also in the events which occurred with the patriots, back in 1837. They are always trying to rekindle this fear.

No one among the federalists in Quebec is selling Canada as an option for the future. They are only attacking the other option, as if it was always necessary to come back to the same arguments: ''Things will not go well, because the sovereignists do not want a bright future for Quebec.'' This is in line with the oath taken by Pierre Elliott Trudeau in 1970 to rekindle fear, to ensure that one can, in a roundabout way, either as Minister of Justice or as prime minister, achieve the same results.

During the October crisis, when Mr. Trudeau went on national television to make a statement on the kidnappings, he said: ''Next time it could be the manager of a credit union.'' This was a demagogic way to say that the FLQ was such a well–organized group that it could strike almost anywhere in Quebec, but now we know that some of the FLQ cells were backed by the RCMP. This makes it a planned strategy to kill the sovereignist movement.

What we can say today is that the sovereignist movement will not die, it is here to stay. We have been using all the democratic tools at our disposal since then. We have elected the Parti Quebecois, as well as the newest offspring of our movement, the Bloc Quebecois, which is here to represent a very strong and very clear movement in Canada. It is obvious that as long as the Constitutional crisis in Canada is not settled, we will remain here, because we have a good memory and we will keep on using existing democratic tools. This is how we have decided to carve out a place in the sun for ourselves, and this is what we will do in the future.

In conclusion, I would like to say that it would be nice for those who were illegally arrested and who were never sent to trial to get an apology, because their rights were indeed violated. The purpose of the motion before us is also to send a message to Quebecers and Canadians of the future, to my children, to your children, to all young people who are growing up in our society, that when errors are made in the system, when the system forgets

that it is supposed to be democratic, we must have the courage to rectify this situation. We must be able to tell all these young people that, in Quebec and in Canada, things are done democratically and that it is possible to achieve our goals that way.

If this motion were adopted by the House, it would show people not only that the federal government made mistakes in the seventies, that it deliberately took actions that were unacceptable, but also that these actions will no longer be tolerated.

In any case, I think that Quebec will always respond through a democratic vote. It will do so again in 1995, or whenever it is deemed appropriate, so that Quebec can become sovereign at last and not encounter obstacles like those that the federal system put in its way in the seventies.

I urge the government to think about that. I believe that the Reform Party must also think about the appropriateness of the federal government making the official apology that the motion calls for and to ensure that all those who were illegally arrested are informed that the present federal government regrets the actions taken by the government of the seventies.

(1200)

It would be an indication that members on both sides of the House really want to promote democracy as the sole foundation of political debates like the one that is going on right now in Quebec and in Canada.

The Acting Speaker (Mr. Kilger): The time provided for consideration of Private Members' Business has now expired. Pursuant to Standing Order 96, the order is dropped from the Order Paper.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): moved that Bill C–72, an act to amend the Criminal Code (self–induced intoxication), be read the second time and referred to a committee.

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

I think you will find there is an understanding in the House that in respect of this bill the minister will be the one speaker for the government. For the official opposition there will be two speakers who will divide the 40–minute period allotted to the second speaker in this debate without questions or comments. For the third party in the House there will be a similar arrangement in respect of the 40–minute period they would otherwise have. Then there will be a 20–minute speech from a member of the New Democratic Party. That should conclude the debate.

The Acting Speaker (Mr. Kilger): Just to make this very clear, the government will present one speaker, the Bloc Quebecois will have two speakers, the Reform Party will have two or three speakers, two speakers will also divide the 40 minutes, and finally I understand the New Democratic Party will have a spokesperson for 20 minutes. Is that agreed?

Some hon. members: Agreed.

Mr. Rock: Mr. Speaker, on September 30, 1994 the Supreme Court of Canada released its reasons for judgment in a case called Daviault. The effect of that judgment was to change the common law rules concerning criminal liability in cases where the accused is extremely intoxicated at the time of the alleged offence. The nature of that change, its effect in subsequent cases and the concern it caused about the principle of accountability in the criminal law lie behind the government's decision to introduce Bill C–72 which we are debating today at second reading.

[*Translation*]

With this bill, Parliament would abolish self–induced intoxication as a defence in the case of general intent offences involving violence, where basic intent is the only criminal intent required. Parliament would thus recognize a standard of care, any departure from which would make an unlawful act a criminal one.

[*English*]

In leading off second reading debate today, I propose to develop the principles underlying the bill and to explain why the government believes that Bill C–72 represents a prudent, necessary and valid amendment to our Criminal Code.

May I first touch upon the state of the law before Daviault. There has never been a formal defence of intoxication in the Criminal Code. Judges in the facts of specific cases have been left to formulate those rules by themselves.

Over the decades past, courts have approached this issue by creating two categories of intent in the criminal law: general and specific.

General intent has been taken to mean the basic intention to commit a criminal act in a broad category, such as assaulting someone or committing a sexual assault on someone.

The courts held that by way of distinction, a specific intent involves a special purpose in addition to the basic intent. The crime of murder, for example, requires the proof of a specific intent. It must be established that someone intended to cause a death. In theft it must be proven that the specific intent was there to achieve the special fraudulent purpose of depriving someone of specific property. With respect to the crime of breaking and

entering with intention to commit an indictable offence, again the crown had to prove that there was a special purpose in the mind of the accused.

(1205)

Over the decades, the common law courts developed the rule that intoxication could be a defence to crimes of specific intent but were never a defence to crimes of general intent. As a result, if someone was acquitted of a crime of specific intent by reason of intoxication, they were almost invariably convicted of an included general intent offence. Therefore someone who might not be convicted of murder because of intoxication would be convicted of manslaughter which required a general intent. A person who was acquitted of robbery because of the lack of specific intent might be convicted of assault.

This approach to intent and the effect of intoxication upon criminal liability was one of the topics identified in the review of the general part of the Criminal Code launched by the Department of Justice last fall. It has been felt for many years that it is about time Parliament became involved in clarifying the rules with respect to defences and intention rather than leaving it to the courts to fashion their own approaches. It was in the course of that review of the general part that the Daviault judgment was released and its effect became known.

As to the judgment in Daviault itself, the effect of that judgment was to uphold the traditional distinction between crimes of general and specific intent. Another effect was to hold that extreme intoxication in some circumstances could be a defence even to a crime of general intent.

The underlying analysis was that extreme intoxication can cause a form of automatism. In the case of Daviault the evidence related to the ingestion of alcohol. The court held that in that automatic state, the state of automatism, a person would be unable to appreciate the nature of the consequence of their actions and would be unable to form the intention to commit the offence in issue. The court also held that it would be a question of fact in each case to determine whether that was so. The onus would be upon the accused person to establish that it was so and that scientific evidence would almost always be required to establish those facts.

The majority of the court also held in Daviault that under the current common law where self–induced intoxication was not held to be a sufficient basis for criminal fault, it would be contrary to the principles of the charter of rights and freedoms to hold someone criminally responsible for their conduct when they are intoxicated to the point of automatism.

I observe in passing that although the charter principles were touched upon in the facta filed by counsel in Daviault and although there was some reference to them in argument, the charter principles were not argued extensively or developed in detail. Furthermore, I observe that there was no section 1 evidence tendered by either party in the Daviault case. I also observe that the Attorney General of Canada was not invited to intervene in that case.

The Daviault judgment raised obvious concerns for members of Parliament and indeed for all Canadians. The whole question of accountability under the criminal law was brought into sharp focus.

Specific concerns related to crimes of violence against women and children. Indeed the Daviault case itself involved an allegation of sexual assault against a woman. In the weeks that followed the release of the Daviault case, there were other cases in various parts of Canada applying its principle, each case involving allegations of violence against women.

Concern grew that a person might be charged with murder and defend on the basis of intoxication. If the extent of intoxication was established to be sufficiently extreme, that person might walk out of the courtroom entirely free because they were incapable of performing a specific intent involving murder and because the intoxication was such that they were exculpated from the general intent crime of manslaughter. The result would be that they would face no sanction at all.

Concerns were also expressed that people might manipulate the legal principles so as to intoxicate themselves to some extent for the purpose of committing a crime. They would then intoxicate themselves further afterward before apprehension and rely upon the degree of intoxication overall to escape liability for the crime.

(1210)

Following the release of Daviault and recognizing that change was needed, the government examined a variety of options. It looked at the prospect of legislating criminal intoxication as an offence under the law. Indeed, this suggestion was made almost 10 years ago by the Law Reform Commission. It suggested that we might approach the matter in that fashion. We rejected that option for a variety of reasons.

The first reason was the penalty. Clearly, it was the view of the government that if there was to be accountability in the criminal law, then the maximum penalty for any new offence of criminal intoxication would have to be the same as the maximum penalty for the original offence. Otherwise, we have the spectre of having created a drunkenness discount which would give people who intoxicate themselves an option to have a lesser penalty for the same crime. That obviously is unacceptable. If the maximum penalty for the new offence of criminal intoxication was to be the same as for the original offence, this would essentially be a long and complicated way of saying that intoxication is no defence.

The second reason for not pursuing the option of creating the criminal intoxication offence related to the labelling of the offence. The criminal intoxication option rests on the person being found not guilty of the original offence and instead found guilty of the new offence of criminal intoxication. The gov-

ernment believes that a person who becomes voluntarily intoxicated to the point of losing conscious control or awareness and in that state causes violence to another person is at fault for the assault and should be held criminally accountable for that offence and for nothing less.

To acquit the person of the assault and convict them instead of a new offence of criminal intoxication would send the message that they were not criminally responsible for the assault itself. This would feed into the syndrome of blaming the alcohol instead of the man for the act of violence.

Third, a detailed examination of the criminal intoxication option in its various forms established that many of the charter and legal theory problems identified by the Supreme Court in relation to the common law rule as it applies to basic intent would apply with almost as much force to any such new offence.

If the new offence were required to be charged, there would be no opportunity to do so until trial, when the accused person invariably raises the intoxication as a defence and the crown becomes aware of it for the first time.

If the new offence were to operate as an included offence with conviction to follow automatically from acquittal on the main offence, a successful defence to that main charge which needs to be proven by the accused only on a balance of probabilities would be taken as proof beyond a reasonable doubt of the new offence of criminal intoxication. That anomaly might itself raise serious charter concerns.

If conviction for an included offence of criminal intoxication were to be not automatic but at the discretion of the judge or jury, the question arises whether the simple fact of the acquittal would be sufficient to form the foundation for liability for criminal intoxication. Would the crown be required to adduce additional evidence? If so, how?

The question arose of whether the offence of criminal intoxication would include an element of causation to prove for example that intoxication caused or led to the harm complained of.

Last, the prospect of the charge of criminal intoxication raised the spectre of the prosecuting crown attorney being required to argue contradictory positions at trial. One position would be that the person was not so intoxicated as to escape responsibility but in the alternative the person was intoxicated and therefore should be convicted of criminal intoxication.

The government also examined the prospect of a charge of criminal negligence as a separate offence, criminal negligence causing the harm contemplated by the crime in the code based upon self–induced intoxication.

(1215)

Once again we rejected that approach. It avoided accountability for the central misconduct and provided a lesser label for the underlying harm which we believe should be addressed directly.

Having rejected those alternatives, we settled on the approach disclosed in Bill C–72. Fundamental to that approach is the principle of accountability. We are saying in substance that it is no defence to violent crime that you have intoxicated yourself.

For Canadians this is not just an issue in common law. This is a matter of common sense. I believe it is common sense which is reflected in this legislation. The bill applies to the basic intent element in all crimes of violence, including sexual violence and domestic assault which are of particular concern in relation to women and children.

This is not a course of mere technicality. The bill addresses an important point of principle. People cannot be permitted to hide behind drunkenness or other forms of intoxication to escape responsibility for their criminal conduct. What the government has said in this bill quite plainly, and as a principle of law, is that those who make themselves intoxicated and while in that state do harm to others cannot rely on their intoxication to escape the consequences in law.

The government also believes the approach of Bill C–72 avoids the conceptual and procedural problems I have identified in relation to criminal intoxication. I can report that in January when I met with the provincial and territorial ministers of justice and attorneys general it was this approach in Bill C–72 that was favoured by all present.

The question of the validity of Bill C–72, the constitutional validity, has also been carefully considered by the government in formulating this legislation. I observe at the outset that in the course of the Daviault judgment the Supreme Court of Canada in the majority ruling observed it was dealing not with a statute of Parliament but with judge–made common law rules and therefore did not feel obligated to show the deference it usually pays to a statute in determining the validity of the rule to which it created an exception in that case.

In Daviault the court expressly invited Parliament to legislate, to fill the gap created by its analysis of the common law. In essence the majority of the Supreme Court of Canada in the Daviault judgment said that while there is some fault in becoming intoxicated, the legal logic of the common law did not allow the court to relate that fault to the criminal fault underlying the charge.

Bill C–72 provides for the link between the fault in self–induced intoxication and the harm or fault in the criminal conduct which forms the basis of the charge. Bill C–72 creates a

legislative standard of care. It says expressly that if you intoxicate yourself to the point at which you lose conscious control and do harm to another, you have departed from a standard of care we are entitled to expect from each other.

With that criminally blameworthy misconduct you are not entitled to rely on your self–induced intoxication as a defence in law. That is the link that was missing when the court analysed the common law rule in Daviault. By this bill we are inviting Parliament to provide that link and to demonstrate that self–induced intoxication will not be a response.

While we are creating a legislative standard of care it is not the case that the crown attorney will have to prove in each case that there was a departure from the standard. It is not the case that standard is open to different interpretations depending on who is prosecuting, who is judging and where the case is being tried. We are stating in Bill C–72 conclusively that intoxicating yourself to the point at which you lose conscious control and harm others is a departure from the standard of care.

(1220)

That is not going to be an issue at a future trial. It is a conclusive assertion by the House of Commons and the Parliament of Canada as the starting point for determining criminal liabilities.

Another important feature from a constitutional perspective is that the Daviault judgment was in relation to all crimes in the Criminal Code. The analysis of the Supreme Court of Canada was in relation to the criminal law generally.

Bill C–72 has been crafted so that it is relevant to crimes of violence. Having narrowed the ambit of the principle for the purposes that we have identified in this statute, we have demonstrated this parliamentary response is proportionate to the threat of violence and association with intoxication. It is a reasonable response from the legislature in that regard.

While there was no section 1 evidence before the court in Daviault, I hope when the bill is heard by committee there will be evidence to establish the facts referred to in the preamble, the close association between violence and intoxication, the disproportionate effect of such violence on women and children, and the extent to which that violence deprives women and children of the equality rights to which they are entitled under the charter so that a firm foundation will be laid for demonstrating the valid purpose and power of Parliament in enacting this legislation.

[*Translation*]

We must not underestimate the value and scope of the preamble to the bill. It is an expression of the reasons and considerations that have led Parliament to legislate in this way. These reasons and considerations have been written down and may usefully guide the courts in applying these amendments to cases that come before them.

[*English*]

It was suggested during the consultation process leading to the bill that as a matter of perception if we left Daviault alone and did not legislate, the perception would be clearly given that self–induced intoxication could excuse criminal behaviour with the result of a decrease in the reporting of crime, including in particular crimes of violence by men against women.

The feeling is if in the end result in any event the man were to be held not accountable, what is the purpose of going through the reporting of the prosecution. The preamble recognizes violence and the threat of violence have a disadvantaging effect and play a significant role in placing women and children at risk and denying them the right of security of the person and equal protection of the law guaranteed by the charter.

The new standard of care requires all members of society to take responsibility for not harming others. It would thereby assist in protecting the rights of all Canadians to the security of the person and the equal benefit and protection of the law.

The 1993 violence against women survey demonstrated that alcohol played a prominent role in violence against women. In more than 40 per cent of violent incidents the abusers had been drinking. The rate of assault for women living with men who drank heavily was six times higher than for those whose partners did not drink at all.

[*Translation*]

The preamble recognizes the close association between violence and intoxication. A number of studies have suggested that without necessarily being the cause, intoxication creates an environment that is conducive to violence. The new standard of care will reinforce among Canadians the obligation we all have not to do violence to others, whether we are sober or in a state of extreme intoxication.

(1225)

[*English*]

It is important that the bill go to committee so that a parliamentary committee can hear evidence on these important factual points to provide a foundation for establishing the need for this legislation. I have already identified as an option which the government is considering the prospect of referring the legislation, after its enactment and before its proclamation, to the Supreme Court of Canada to establish its validity before it is proclaimed in force. That judgment will be exercised once we have the opinions of Canadians on the issue of validity. If we feel there are significant questions which require reference we will keep that option in mind.

Above all, we are anxious to have this law in place to restore certainty and particularly accountability to criminal law.

I take this opportunity to acknowledge the government's indebtedness to the initiatives shown by Senator Philippe Gigantès in the other place. Senator Gigantès presented Bill S–6 in the Senate shortly after the release of the Daviault judgment. Bill S–6 proposed the offence of criminal intoxication. There was an outstanding effort by Senator Gigantès to address the underlying public concern arising from this judgment. In the final analysis the government did not favour the precise approach he described in that bill. However, we are indebted to him for his initiative. In examining both his bill and his assessment of the issues we were better prepared to address those issues in Bill C–72.

I also acknowledge that the co–operation and collaboration of the other parties today is making it possible for us to deal with second reading on this one occasion. The bill will thereafter go to committee for the consideration needed. I am indebted to hon. members opposite for their collaboration in that regard.

I commend this legislation to the House for approval in principle at second reading. It will improve and strengthen the criminal law of the country.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, first, I would like to remind you that I will be sharing my time with the hon. member for Québec.

As the Minister of Justice mentioned earlier, it is in response to the Supreme Court ruling in the Daviault case, among others, that the minister finally tabled Bill C–72 on February 24, 1995.

As he said, that bill amends the Criminal Code and prohibits self–induced intoxication as a defence in the case of violent crimes.

Persons who become intoxicated to a degree where they are unable to control their behaviour shall assume criminal liability for their actions. Later on, I will examine in detail the criminal acts affected by this bill, because it does not apply to all criminal acts.

We are still a long way from a comprehensive reform of the Criminal Code sections which set forth the fundamental principles of criminal liability and the grounds for defence in case of accusation.

This is still the stone age as far as criminal legislation is concerned. The rules of criminal law have not really been modified over the last 100 years. It was the Supreme Court that urged the minister to take action. Without that ruling by the highest court in the country, would the Minister of Justice still be consulting the population and the various stakeholders?

Let us review the facts of the Henri Daviault case. Mr. Daviault knew the victim, since she is one his wife's friends .She was 65 years old at the time. She is partially paralysed and confined to a wheelchair.

One evening, around 6 o'clock, she asked Mr. Daviault to bring her a quart of brandy.

(1230)

The victim, that is the lady, drank less than a glass and fell asleep in her wheelchair. When she woke up during the night to go to the bathroom, Mr. Daviault grabbed her wheelchair, pushed her into the bedroom, made her lie on the bed and sexually assaulted her. He left the apartment around 4 o'clock in the morning. Henri Daviault is now 73 years old; when the accusations were laid against him, he was 70.

At the first trial, he said that he had spent that day in a bar where he had drunk seven or eight bottles of beer. He remembered drinking a glass of brandy when he arrived at the victim's apartment, but did not remember what had happened between that time and the moment where he woke up naked in his victim's bed.

Mr. Justice Bernard Grenier acquitted him because he was not absolutely sure that Mr. Daviault was conscious enough to form the guilty intention, that is the intention to commit the sexual assault.

The Quebec Court of Appeal quashed Mr. Justice Grenier's decision and found Mr. Daviault guilty. On September 30, the Supreme Court of Canada decided that an intoxication defence could be made in this particular case and ordered a new trial.

So, time is short. The Bloc Quebecois has always asked that people who voluntarily intoxicate themselves and then commit violent acts be held more accountable for these acts. It is time that legislators take their responsibilities and alleviate the increasing concerns of the public as the result of the Supreme Court decision in the Daviault case. We should not delude ourselves: the Daviault case is only one example among many, all equally revolting.

The results of a national survey on assaults against female spouses, in which more than 12,300 women participated, were released in March 1994. This survey reveals troubling facts on spousal abuse. I use the word ''troubling'', but ''revolting'' would be equally appropriate. But no matter what words are used, the majority in this House will not listen.

Violence against women is disturbing, so certain people prefer to ignore it instead of looking at it. As long as it happens to someone else, people do not feel that concerned. It is absurd to think that just saying that violence is everyone's business has become a cliché, something that everybody is tired of hearing.

I am not referring only to physical violence but to psychological violence as well, which has effects just as harmful and lasting. Disparaging remarks, abusive language and insults can

be just as harmful as a slap in the face or a punch. They leave deep scars that almost never disappear.

When a woman is told by her husband that she is good for nothing, that she is too stupid to understand, that she is not a good mother and spends too much time with friends and not enough time at home, when her husband tells her that he should have left her long ago, she gradually loses all self–esteem.

Life is a nightmare. Fear replaces the feeling of well–being that every human being needs. Isolation prevents victims from blowing the whistle on their abusers and it becomes very difficult for anyone to guess that a shy smile may hide terrible secrets. Injuries to the soul are the most painful, but they are the most difficult to see.

The national survey done last year by Statistic Canada on violence against women attempted to verify the theories on the existence of a link between physical and psychological violence. About one third of the women who are, or have been, married reported that their spouse or estranged spouse had been psychologically violent against them. Former spouses are considered more violent psychologically speaking than present spouses in a proportion of 59 per cent. Although psychological violence can occur without physical violence, the two types of violence occur together in a majority of cases.

Three–quarters of the women who said they were victims of physical or sexual violence reported having also been victims of psychological violence.

(1235)

Eighteen per cent of the women who are not subjected to physical abuse at the hands of their partner have said that they experience psychological abuse. Physical abuse can take many forms. The main types that are described in the survey are pushing, grabbing or shoving around one's partner. The next type is threatening to hit, slapping, throwing objects at, kicking, biting and punching one's partner. Many women have been battered, sexually assaulted, choked, struck with an object, or threatened with a firearm or a knife. Mr. Speaker, could you ask my colleague behind me to listen quietly during my remarks? I will do the same when he takes the floor.

[*English*]

The Acting Speaker (Mr. Kilger): The member for Saint–Hubert is asking that the House co–operate in terms of any ongoing discussions, that possibly they could take place behind the curtains. I ask for the co–operation of the House.

[*Translation*]

Mrs. Venne: Thank you, Mr. Speaker. I will continue with my remarks. I was just saying that many women have been battered, sexually assaulted, choked, struck with an object, or threatened with a firearm or a knife. Very few cases are reported where only one form of abuse is involved. The most frequent injuries, in 90 per cent of all cases, are bruises. Then we have cuts, scratches, burns, hairline fractures or broken bones. Almost 10 per cent of injured women said they had suffered internal injuries or had had miscarriages.

The worst part of it all is that the victim of such abuse finds excuses for the abuser. Victims seldom lay charges. On average, the police are notified in only one–quarter of all of the cases of spousal abuse. When charges are laid, the victims withdraw their complaints or decline to testify. Those victims are afraid and, by that very fact, sanction the actions of the aggressors. How often have the courts heard victims say that they have decided on reconciliations, that the husband's actions were not that bad, that he had problems at work or because he had no work, that the children were annoying that day, that he was tired and that he had been drinking?

Precisely, he had been drinking. As if it were an excuse. It is not; it is an aggravating circumstance. The survey in question shows beyond a shadow of a doubt the relationship between alcohol and violence. It reveals that alcohol is a prime factor in spousal assaults. The aggressor had been drinking in half of all the reported incidents. More specifically, the rate of assault on women living with men who drank regularly, that is at least four times a week, was three times higher than for abstinent husbands.

Women whose husbands drink often—five drinks or more at one time—were six times more exposed to assault than women whose husbands do not drink. In 1993, fifty–five per cent of the men who killed their partners had consumed alcohol. Native women are particularly at risk when alcohol is present. It was a determinant factor in nearly every case of sexual assault on native women. Alcohol also played a part in every other offense against native women.

The Criminal Code contains no provisions dealing specifically with intoxication. Bill C–72 will change all that by adding to the Criminal Code section 33.1, which will prohibit the accused from using intoxication as a defence for violent acts.

Before specifically speaking of the use of intoxication as a defence, I must stress that it is important to understand the elements of a criminal offence and the types of offences for which the drunk defence can be invoked.

The concept of criminal responsibility requires that all material and mental facts, the elements of fault, be proven beyond any reasonable doubt for there to have been a criminal offence.

(1240)

So, on the one hand, self–induced intoxication can diminish moral responsibility for normally criminal behaviour. But, on the other hand, the person who has committed a criminal offence while in a state of self–induced intoxication should not absolved of his or her responsibility.

Since the drunk defence does not exist in the Criminal Code, it must be drawn from case law. Where intoxication was not the result of a deliberate act, the accused could always plead the drunk defence.

Involuntary intoxication may come about through fraud or the actions of another person or through the bona fide use of a drug prescribed by a doctor, the effects of which were not known to the user.

So Common Law recognizes involuntary intoxication as a defence. By maintaining this defence, Bill C–72 codifies the jurisprudence. The new section 33.1 will still allow the involuntary intoxication defence, as is now the case.

Before Daviault, the question was whether the intoxication was self–induced, whether it resulted from the fault of the accused; it could not always be used as a defence.

However, in the case of offences requiring specific intent, such as manslaughter or robbery, intoxication can be used as a defence. Courts went to great pains to distinguish between the two categories. Even today, many legal scholars are hard put to understand the distinction between the two. Yet, this distinction is very important when the defence is based on the intoxication of the accused.

In the grey area of criminal law, there is no clear dividing line between specific intent offences and general intent offences. I will give an example. According to the Criminal Code, a murder is first degree murder when, and I quote the code: ''it is planned and deliberate''. This is a specific intent offence. The homicide must be premeditated, the accused must have planned the ultimate consequence of his action, that is the death of the victim.

Under section 322 of the Criminal Code, for a theft to be considered a theft, it must be committed, and I quote: ''with the intent'' to deprive, temporarily or absolutely, the owner of the object which has been taken. Here again, one could plead intoxication as a defence because it is also a specific intent offence.

We must remember that Bill C–72 does not change in any way the distinction between a general intent offence and a specific intent offence. In other words, a person accused of severe offences such as murder, theft, robbery, extortion, breaking and entering, and torture, will still be able to plead self–induced intoxication as a defence.

Sexual assault becomes murder when it results in the death of the victim. In this case, murder being a specific intent offence, the offender will be able to use the intoxication defence. He could not have presented such a defence if his victim had not died, since the offence he would have charged with would been sexual assault causing bodily harm, which is a general intent offence.

Which leads to the following nonsense. If the aggressor hits his victim hard enough to cause her death, he can plead that he was too intoxicated to know what he was doing. If his victim recovers from her injuries, he will no longer be able to use this defence. We must eliminate the arbitrary distinction between crimes of general intent and crimes of specific intent.

This legal fiction was created solely for the purpose of allowing drunkenness or intoxication as a defence. Criminal intent should include specific moral elements for each offence. Offences should no longer be divided into two distinct categories, but classified on a gradual basis according to their seriousness.

Bill C–72 is a step in the right direction, and I am convinced that it is constitutionally valid. The preamble to the bill will make it possible for judges to interpret section 33.1 in a way consistent with the principles of a free and democratic society. It will stand the test of section 1 of the Canadian Charter of Rights and Freedoms.

(1245)

However, the justice minister should amend the general part of the Criminal Code without delay. The rules of criminal law are archaic and many of its fundamental principles are not included in the general part, as they were elaborated by the courts.

Precedents shape the law, and lawmakers are always lagging behind the judiciary. The time has come to reverse the roles, and for lawmakers to act responsibly. Thus, the justice minister will be able to stop trying to play catch up, and Parliament will be able to decide in which direction criminal law will be heading in the coming years.

Stopping violence against women will have to be part of this new direction. I urge the justice minister not to wait for another Daviault case to happen before he finally acts.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am pleased to rise on this debate regarding Bill C–72, introduced in the House by the Minister of Justice.

This bill is of particular interest to women and is part of the legislative process aimed at curbing violence against women and children. I will therefore analyze it in this context.

First of all I will try to resume the historical background of legislation regarding the defence of self–induced intoxication,

since it is the topic of this bill. Then I will establish the relationship between violence against women and the aggressor's intoxication. I will then look at the bill itself and I will conclude with its consequences for the problem of violence.

The authors Côté–Harper, Manganas et Turgeon define self–induced intoxication as follows: ''There is self–induced intoxication when a person over–estimates his or her resistance to alcohol or drugs, with the result that, then, his or her actions cannot be considered intentional''.

Therefore, if I consume more alcohol that my body can take I will be responsible for my actions. Self–induced intoxication was accepted as a defence by the courts in 1920, in the decision *Director of Public Prosecutions vs. Beard*. In that case, the court decided that a person whose self–induced state of intoxication was such that he could not form the intention of committing a crime could not be found guilty.

Therefore in the case of murder, the Crown must prove that the accused was seeking to cause the death of the victim. If the accused was intoxicated to such a degree that he could not gauge the consequences of his actions, he cannot be found guilty of murder. He will, however, be charged with manslaughter, with an included offence, because his intoxication did not prevent him from forming the desire to carry out the action which led to the death.

It is understandable that the courts have developed, uniquely for the defence of self–induced intoxication, two types of offences: those requiring specific intent—to cause death, in our example—and those requiring general intent—such as to beat a person, who then dies. In *R. v. George*, 1960, Mr. Justice Fauteux of the Supreme Court of Canada explained the distinction as follows: ''A distinction must be made between the intention to commit an act in terms of the intended purpose and the intention to commit an act independently of the intended purpose. In certain cases, the intention to commit an act is sufficient for there to have been an offence, while in other cases there must be, in addition to the general intention, a specific intention to commit the act''.

The courts had always maintained this distinction, when allowing the accused to use the defence of self–induced intoxication. It was reserved for crimes of specific intent.

On September 30, 1994, the Supreme Court of Canada set off in a new direction when it handed down its decision in the Daviault case. Very briefly, it allowed the accused, who had been charged with sexual assault, therefore general intent, to plead self–induced intoxication.

The court relied on the interpretation of sections 7 and 11(d) of the Canadian Charter in concluding that it was unjust not to allow a seriously intoxicated accused the right to use this defence because a crime of general intent was involved. In an *obiter dictum*, the court recommended that Parliament resolve the issue through legislation. The decision raised a general outcry, both from groups defending women's rights and from police forces and some members of the legal profession.

(1250)

I will not go into the details, but rather move on to certain aspects of the wife abuse problem and then come back to the Supreme Court decision.

Studies have shown time and time again the link between violence and intoxication, whether produced by alcohol or by drugs. This link is common in spousal abuse.

A Statistics Canada study conducted in March 1994 on spousal homicide revealed that, in 1991–92, thirty–seven per cent of the wives and 82 per cent of the husbands who were killed had been drinking. Based on statistics on murderers reported by police, 55 per cent of the men and 79 per cent of the women were under the influence of alcohol, and 18 per cent of the men and 13 per cent of the women were on other drugs.

A previous investigation by the same organization had revealed that alcohol played a major part, i.e. 40 per cent of abusing spouses were under the influence of alcohol.

It also indicated that the risk of becoming victims of violence was three times higher for women living with a man who drank regularly than for other women.

Alcohol is therefore a factor that should be considered when dealing with violence against women. We need to ask ourselves what impact a decision like the one rendered in the Daviault case, which allows a man who assaults a woman while under the influence of alcohol to plead drunkenness in defence, will have on the spousal abuse issue.

Let us start by looking at the general effect on the abusing spouse. Officials who work with violent men agree that the key to eliminating violent behaviour in men is to make them aware of their responsibilities by punishing them and making them aware of the fact that they could benefit from therapy.

Ginette Larouche is a social worker who has written three books on domestic violence. She also participated in the soon to be defunct Canadian Advisory Council on the Status of Women. In her opinion, by not sending abusers to jail or by doing so only for a ridiculously short time, which is often the case, society is trivializing the criminal act they have committed. Then, by having them join support groups, we are telling them they only have a little behaviour problem to deal with.

This analysis is supported by Steven Bélanger, a psychologist heading Pro–Gam, the first therapy group for violent men in Quebec, which was founded in 1982. Listen to what he says. ''A long term solution must be sought at a more comprehensive

level. We must stop thinking that violence concerns only those who batter their spouse. Everybody is concerned. Having said that, I believe that the immediate solution lies in both court action and psychological assistance.''

As we can see, both of these experts consider referral to the court as both a deterrent and a cure.

Women, even those not subjected to spousal abuse, live in fear. Why? Two professors at the School of Social Work of the University of Montreal published, in the *International Review of Community Action*, the results of a study on women's fear of crime and the various forms of violence to which they are subjected.

First of all, their report is a reminder that our published statistics on crimes committed against women are distorted. One of the reasons is that many women feel guilty for being assaulted, particularly if it happens while they are under the influence of alcohol or drugs or when they are in places that are ''not nice''.

I also mentioned previously the statistics on drinking in cases where one spouse murders the other, which is the ultimate form of spousal assault.

The authors also establish a link between spousal assault and society's attitudes in general. They blame the psycho–social approach used until very recently to deal with the issue.

The family being considered as a dynamic unit, responsibility for violent crimes committed within it had to be shared by all members. At that time, the expression ''dysfunctional family'' was used instead of referring to victims and assaults, in order to trivialize and decriminalize aggressions.

The authors also maintain that their study shows that women in general live in fear of being assaulted, that victimized women are also afraid of denouncing their assailants and finally that the women who have the courage to go to court must deal with the confrontational nature of our legal system. The traditional attitudes in our society are of no help to these women, especially since they are conveyed by men who do not have to face the same reality.

(1255)

How does Bill C–72 help to somewhat improve the current situation of victims of assault?

First of all, it is important to remind people that this bill was introduced to neutralize the negative effect of the judgment made in the Daviault case and dealing with violent crimes. The bill makes it clear that a defendant will not be allowed to use intoxication as a defence when a crime of general intent was committed involving interference, or the threat to interfere, or any kind of assault vis–à–vis the integrity of another person.

So, the bill covers the majority of violent crimes, the others falling into the specific intent category, which can lead to a conviction for an included offence, as I said at the beginning of my speech.

To answer the question, we can say that the bill will facilitate the conviction of the aggressors. At the present time, a person charged with a general intent offence can plead voluntary intoxication. If this defence is allowed, the person will be cleared of all charges. So the bill takes us back to the situation that existed before the Supreme Court decision.

Such a move will send a message to society that aggressors must be punished because acts of aggression are serious and cannot be tolerated. At the same time, victims will feel encouraged to file a complaint. The cycle of spousal abuse can be broken only if violence is denounced, the aggressors punished and the victims helped.

Furthermore, like many other pieces of legislation, this bill will serve both as an educational and a dissuasive tool. It clearly states the zero–tolerance position of this Parliament against violence. We find the policy position of the House in the preamble to the Bill. Thus, the direct link between violence and the violation of women's rights to security of the person and to the equal protection and benefit of the law is mentioned. The principle of criminal accountability of the person who deliberately becomes intoxicated is also recognized, and that is very important. And, in addition, the victims' right to protection is recognized.

Finally, the bill refers to a standard of care defined in relation to the prohibition of violent behaviour towards another person.

This legislation is a step in the right direction and it meets the expectations of human rights groups, particularly those who are involved with women who are victims of domestic violence. Violence is a problem that must be eliminated, and we recognize that this bill is part of the solution. That is why we will support it.

However, other measures must be taken both in terms of legislation and government decisions. We have to make sure that groups who work with victims have all the support they need to reach their goals.

We can deplore the fact that the government has been withdrawing part of its funding for anti–violence support programs. In six years, financial assistance to these organizations has been reduced by 23 per cent. The number of grants has also been reduced by 47 per cent. The best intentions will never be more than intentions if they are not followed up with financial support.

The recommendations made by the various task forces and commissions will also have to be examined and implemented if we want to be able to say one day that gender equality really does exist in our society.

The government will also have to be consistent and adopt other pieces of legislation concerning other forms of violence towards women, including those involving genital mutilation.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, it is a pleasure to rise today to speak to this very important bill. At the outset I remind the House that I will be sharing the time with my hon. colleague from Wild Rose.

The Reform caucus supports the bill 100 per cent, without any question, without any equivocation whatsoever. We are solidly behind both the intent and the desire of the government in the bill.

The Minister of Justice in his comments spoke for quite some time and quite well about the notions of specific intent and general intent. He lost me after about five minutes with the various intents going back and forth. I guarantee that he lost the vast majority of Canadians when the whole issue of intent, specific versus common intent, was raised. That highlights the problem I would like to address in my comments today.

(1300)

It took 15 minutes for the justice minister to use the words most associated with what should be common law in our country, that is common sense. Without the foundation or without the basis of common sense in law it does not really matter what happens because we lose everybody else.

The basic test our laws must meet is the standard of common sense. Before I get into addressing that I point out that a week before the Minister of Justice introduced the bill I introduced Bill C–303, largely based on Senator Gigantes' bill introduced from the Senate.

My bill is on dangerous intoxication which addresses the issue from the perspective already covered by the Minister of Justice. When the bill was drawn in the lottery I went before the committee of the House of Commons which was to make the decision on whether or not it would become a votable bill. My advice and my suggestion to the committee was that anything which could possibly impair the development of or hinder in any way the application of Bill C–72 should be withdrawn. The decision should be made by people in the Department of Justice who are far more qualified than I am to make such decisions.

As parliamentarians we do not want anything to confuse the issue. Our caucus is solidly behind the Minister of Justice when he says that intoxication is no defence and no reason to slide out from under personal responsibility for the results of one's actions.

The bill rests in kind of a limbo waiting to see what happens. If it is necessary or if there is a problem, there are other ways to address the issue which may not be as efficient or as good as the bill. The reason we have come to this point is that in the first place the Supreme Court of Canada misread the intent and where it is relative to the Canadian population at large.

We do not really have a problem with the common law statutes that existed prior to the Daviault decision. In my view we have a problem with the Supreme Court expanding the envelope of its jurisdiction.

The Supreme Court does not have the responsibility to make laws. The Supreme Court has the responsibility to interpret laws. If this were a single instance where the Supreme Court were seen to lose touch with reality, we could say that perhaps it had a bad day or perhaps it was having tea or sherry in a club and thought: ''What can we do? How many angels will dance on the head of a pin? Why don't we get the Minister of Justice to dance around a bit to see how he responds to this bone headed decision?''

If it were in isolation we might be able to say that but the reality is that it is not in isolation. This is a consistent pattern the Supreme Court has laid down over the last few years.

About 10 years ago late Chief Justice of the Supreme Court, Bora Laskin, said: ''The Supreme Court is a quiet court in an unquiet land''. How things have changed as a direct result of the charter of rights and freedoms. The charter of rights and freedoms essentially says that individual rights in society are paramount. The Supreme Court is kind of between a rock and a hard place, which is why many of its decisions that seem to defy reality are split decisions.

If the Supreme Court does not defend the notion of due process—and by due process I mean dotting the *i*'s, crossing the *t*'s and making sure everything is done absolutely correctly—decisions would be overturned based on the charter of rights and freedoms or other considerations.

(1305)

Meanwhile Parliament and the vast majority of Canadians are concerned with crime control and common sense. We have the Supreme Court on the one hand and the population and by and large parliaments assembled all across the land on the other hand. Somewhere in the middle, I suppose, is justice.

Recently the Supreme Court brought down a decision in which a woman arrested for impaired driving before she blew the breathalyser was allowed to go to the washroom. When she was in the washroom the woman alleged that she consumed more alcohol and that when she blew over the limit it was as a result of having alcohol subsequent to her arrest. Therefore they could not prove that she was driving impaired. The Supreme Court, in a move that defies logic, in a move that defies the last 30 years of trying to get drunks off the road, chose to say that the woman was innocent.

Recently the Supreme Court decided that someone arrested for impaired driving has *x* amount of time to find a lawyer of choice. If one is nailed for impaired driving, one is nailed for impaired driving. The benefit of the doubt rests with the potential victim: the innocent bystander who gets hit by a drunk. We are trying to stamp out drunk driving. We are not trying to figure out what is legal.

What about ordinary Canadians when laws come down from Parliament that are written for lawyers and not for ordinary people? They should not need law degrees to figure out what is right or wrong.

The Supreme Court may review debate in the House when the time comes to review the law again because it wants to get the judgment of the people. We in the House represent the people of Canada who are upset and disgusted with a Supreme Court that comes out with decisions such as it has recently. I want the Supreme Court to be cognizant of the debate. I want the Supreme Court to hear me speaking about it in the House of Commons, saying that average Canadians have gone beyond the point of being filled with contempt for it. People are just dismissing it.

If the Supreme Court continually comes out with decisions better suited for a faculty club, with no basis of reality, obviously the laws will not connect with people. It is like a municipal police force installing a new sign which says 60 kilometres an when everything is designed for 100 kilometres an hour. People will ignore the law, get tickets and feel resentful.

When the Supreme Court makes decisions that do not make sense it brings discredit and disrepute not only to the Supreme Court but to Parliament as well. That includes all members who were elected to represent the people.

It is the righteousness of law, the essence of law that ordinary people instinctively understand is right, which imparts moral authority to law. If a law does not enjoy moral authority, if it does not enjoy the goodwill of the people, if ordinary people cannot look at it and say that it makes sense and they will obey it, what good is it?

In the absence of a foundation of common sense, laws will be ridiculed and with them the people who write the laws and the people who interpret the laws. That is the bottom line. We do not want to bring discredit to the whole notion of jurisprudence and the law in the way we work as citizens and in the way we relate to one another. Laws keep us civilized and we must respect them.

(1310)

This brings to mind what we can do about it. We have a charter of rights and freedoms, which in my view would be greatly improved if it were the charter of rights, freedoms and responsibilities. We are not likely to lose the charter of rights and freedoms because people feel that it gives great protection.

Perhaps it is not all bad, but it has changed the way the country works. It has changed our relationship as legislators to the process of making and interpreting laws. As parliamentarians we have to start looking at a new way or another way of confirming people appointed to the bench.

When a person is appointed to the bench historically the procedure has been that the decision will have a host of considerations: where the person lives in the country, what language the person speaks, whether the person has standing in the community, whether the person has standing in the legal community, and whether the person has standing within the community of the political party that makes the appointment.

That might have been okay. By and large Canadians can be very secure in the knowledge that over the years we have had and do have a court that has the most profound respect of people from coast to coast. We have to be careful not to throw the baby out with the bath water.

There has been and is a continuing concern about the wisdom of decisions coming out of courts all across the land and not just the Supreme Court, decisions interpreted by some as decisions to promote or to enhance a particular lifestyle or a particular point of view. There seems to be tremendous inconsistency in the interpretation and the application of law from coast to coast and from court to court.

Perhaps it would not be a bad idea to consider after a person has been appointed to the bench, not just the federal benches but all benches, holding some sort of ratification process. I do not think it would be advisable to have members of the bench or of the Supreme Court in particular fearing for their jobs or being recalled.

I concur the positions should be until retirement because we need consistency and long range thought. We want to make changes slowly, not arbitrarily. We want to ensure that institutions of the country such as the Supreme Court do not reflect a bias that is here today and gone tomorrow. We need it to apply long range thought to decisions.

When the Prime Minister, in consultation with the Minister of Justice, makes a decision to appoint someone to the bench, it would not be a bad idea if the appointment were further ratified, not turned over or dismissed, by a committee of the House, probably the justice committee.

The terms of reference would have to be well defined. I do not think Canadians want or would put up with the confirmation hearings of our friends to the south that we see reported and that become partisan attacks. It would be an extremely important idea at the time of appointment that judges to all courts, particularly the Supreme Court, be very clearly told and understand that their job is to interpret laws and that our job is to write

them. Their job is to push the envelope to ensure that what we do is done correctly and that the checks and balances work.

(1315)

A confirmation of some description would have far more value not to the judge who has been appointed but to those who are making the appointment to know that if they are making an appointment of someone who does not bear the scrutiny of a carefully crafted confirmation hearing they probably should not be there in the first place.

It would be a check and balance to those of us who are elected and make these appointments to make sure the appointments will stand the test of time, the test of open debate and the test of a little sunshine coming in so people understand these laws and the people who interpret them belong to the people of Canada. Our laws do not belong to the court. They do not belong to the Queen. We live together in society in a social contract because we have confidence and faith in our laws.

When someone commits a crime in all of our courts it is always the Queen, Regina versus the defendant. Perhaps we should expand that and say it is the Queen representing Canada at large and the person affected, the family affected versus the defendant. It is not an abstract third party deal if one has lost a friend or a mother, a father, a brother, children or a spouse either through criminal activity like murder or through violence or second degree offences such as impaired driving where there was no necessary intent.

We have to realize we are not talking about abstract ideas. We are talking about real honest to God people impacted on positively and negatively by the results of our actions, by the results of actions of others.

I put these suggestions on the table. These are the things Canadians from coast to coast want. Whether in British Columbia, the maritimes, Ontario, Alberta, in the north or in the south, whether Canadians are French speaking, English speaking, male, female, black, white, have been here for 10 generations or 10 days, we want security of the person. We want to feel secure when we leave our homes. We want to know that if we have been hurt or injured by someone else, the law of the land is here to protect us, not to protect the guilty, not to protect the perpetrator. The due process should belong to the innocent victim.

Unless we start to put the rights of the victim ahead of the rights of the criminal we will never ensure that people in the social contract between independent citizens who have given of themselves to the state, given their duty and fidelity to the state, get a fair return in exchange.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I endorse what my colleague said at the beginning of his statement, with all due respect to the minister and the speaker from the official opposition. It is rather difficult for an ordinary fellow with my education to keep up with lawyer talk. I get lost from time to time. If we use lawyer talk we might as well use doctor talk because I do not understand that either. However, I do understand the intent of this legislation. I commend the minister.

My colleague felt we were caught between a rock and hard place. I am going to change that from a stone to a hard place in respect of our minister so there will be absolutely no confusion.

I hope my speech will reflect the voice of ordinary Canadians, that which I have heard for quite a while on this issue. As we live from day to day we all have a habit of taking things for granted.

(1320)

When I hear of a crime being committed by someone who is intoxicated I immediately take it for granted that he will be charged and probably convicted. However, when I learned there is no conviction because he was drunk, I am flabbergasted. I never dreamed for a moment that being drunk would be a successful defence. I began to ask myself how this could be. Who would ever have imagined being drunk would be an excuse to commit a crime?

My life prior to becoming a member of Parliament allowed me on many occasions to come to the aid of those involved in family problems in general and specifically in family abuse. In about 90 per cent of the cases liquor was a contributing factor. In other words, the physical abuse would probably not have occurred if the assailant had been sober.

With courts now deciding drunkenness can be used as a defence all our efforts to stop spousal abuse and child abuse would be for not. One only has to be drunk to be declared innocent. How ridiculous can we get?

Laws are written to protect the public. I find it unbelievable that normal human beings would decide that drunkenness is a defence. If it is because of the wording of legislation or the wording in the charter of rights and freedoms, for heaven's sake let us fix it.

I support and commend the efforts of the justice minister in preparing legislation to deal with this problem. I encourage each member to support it to the fullest so every judge in this country will get the message that the law makers of this land clearly state that under no circumstances will drunkenness be used as a defence in criminal activity. The best message we can send is that this legislation receive 100 per cent support, and the sooner the better.

As members of Parliament we are responsible for addressing the concerns of our constituents. As members of this House we are responsible for instituting legislation wanted by our constituents. Therefore the Supreme Court should be listening to

Canadians and parliamentarians when deciding the difference between what is law and what is legal.

No member of this House can say the people of Canada agree with the Supreme Court decision that drunkenness can be a defence for violence or actions that deprive someone of their personal dignity. Conversely, no Canadian can understand how the Supreme Court can condone voluntary extreme intoxication or that voluntary consumption of large quantities of an intoxicant absolves a criminal of all blame for actions following drunkenness.

It is time to force the Supreme Court to decide whether it will continue to be a law unto itself or whether its decisions will follow the wishes of the people. It is time to send the Supreme Court a message that making decisions not accepted by Parliament or the people of Canada will result in change. That message can be sent today. We have no need to wait or build a body of evidence for or against extreme intoxication as a defence for criminal action.

All Canadians want those who choose extreme intoxication to be held accountable for their crimes. All members expressed outrage that voluntary extreme intoxication can be used as a defence for criminal action. Everyone but the Supreme Court it seems understands there is some responsibility that must be accepted for a criminal offence that follows when choice was not impaired.

Let us send a message to all Canadians that parliamentarians acting on behalf of the citizens of Canada determine what is right and what is wrong, what is legal behaviour and what behaviour must be punished.

The justice minister wishes to send this to committee to solidify the foundation to implement the bill. I believe he suggested something along those lines. The foundation for the implementation of the bill has been built by the people of Canada in their outcry against the recent decisions in the courts of Canada regarding drunkenness. This outcry was heard by each one of us in the House. The voice of Canadians has provided the strong foundation necessary to make the bill law.

(1325)

Therefore, I ask unanimous consent for the following motion:

That Bill C–72, an act to amend the Criminal Code (self–induced intoxication), be now not only read the second time but sent to committee of the whole and passed at third reading this day.

I ask this so all Canadians and parliamentarians can send a clear and loud message that states no one can or will accept voluntary extreme intoxication as abdication of responsibility for criminal actions, and that intent of or criminal action is decided by all Canadians, not by an appointed few.

The Acting Speaker (Mr. Kilger): Is there unanimous consent?

An hon. member: No.

Mr. Rock: Mr. Speaker, on a point of order. I will explain briefly why I do not agree to the suggestion made by the hon. member for Wild Rose.

The government is considering the possibility of referring this law to the Supreme Court of Canada for a ruling with respect to its constitutional validity before it is proclaimed into force. We may not do that but it is an option we are considering. Whether or not we do that, the validity of this law may be challenged in the fullness of time and may be considered by the courts, including the Supreme Court of Canada.

If this issue is to be before the court, it is terribly important the court have before it not only the statute but the evidence on which the Parliament of Canada opted for this approach to the issue.

When the bill goes to committee it is our intention to call witnesses who can speak to the nature—

Mr. Stinson: How long will it take?

Mr. Rock: Mr. Speaker, it will not take long.

The Acting Speaker (Mr. Kilger): I hesitate to interrupt. Not to diminish in any way the importance of the subject matter to members on both sides of the House, but clearly I do not want the House to engage in debate on what was raised as a point of order, although it might have become more of a point of clarification, which would lead to debate.

I understand there have been some negotiations between the parties and an agreement made. Going back to the member for Wild Rose, there was a motion put before the House. Unanimous consent was requested and has been denied.

Mr. Chris Axworthy (Saskatoon—Clark's Crossing, NDP): Mr. Speaker, it is a pleasure to support Bill C–72. I commend the Minister of Justice for responding quickly to the Supreme Court of Canada decision on this matter.

This is a matter of concern to all Canadians. It is clearly a problem that has been identified in the criminal justice system. It is appropriate the minister respond, as he has indicated, and preclude a person from being able to rely on self–induced intoxication as a defence.

It is also proper that the minister is considering the most appropriate way the proposal can be introduced into our criminal system. It would be irresponsible not to consider the constitutional ramifications of the proposal.

(1330)

As we all know, Canadians are becoming increasingly concerned about their safety, the safety of their families and the safety of their communities. Their confidence in the criminal justice system and its effectiveness in reducing crime rates have given rise to concern over the last few years. There is increasing

demand that the government take action to deal with this situation.

I believe firmly and my party believes firmly that society should take stern, tough measures against violent crimes and those that commit them. I also believe just as strongly that we must balance the approach by putting in place programs to effectively prevent crime. We must be both tough on crime and tough on the causes of crime.

It is true that Canadians need to believe that those who commit violent crimes for whatever reason will be properly dealt with in the courts. This bill will address one concern: that someone can use the defence of intoxication to get away with a crime of violence. It is appropriate that the punishment fit the crime.

Unfortunately it is a knee–jerk reaction that is not good enough. From experience we know that simply expanding the incarceration system, the prison system, spending more money on courts and prisons, making more and more laws to punish more and more people has little positive effect on the overall sense of security and overall levels of criminal activity.

The Minister of Justice recently pointed to this problem. He said that building more jails, filling them with criminals and throwing away the key will not solve Canada's crime problems. In a speech to the Empire Club of Toronto he stated: ''I believe we have to go beyond the slogans to the substance of the issue to prefer logic to rhetoric''.

He continued: ''If crime prevention is to be successful, it has to be a co–operative effort by law enforcement agencies, social agencies, the education system, community workers and health professionals. The goal is preventing crime. Making the streets safer has as much to do with literacy as it does with laws, human rights and living standards''.

''Crime prevention means recognizing the connection between the crime rate and the unemployment rate, between unsupervised access by young people to movies saturated with violence and the way they behave toward one another and how a kid behaves in a school and whether he has a hot meal''.

The Minister of Justice is entirely right in linking the causes of crime to the level of criminal activity which has caused so many people concern.

Before I go on to comment more about that let me talk about this defence. We know that the conduct of Henri Daviault, who consumed 40 ounces of brandy and seven or eight beer before raping a 64–year–old, partially paralysed woman is something that is reprehensible, something that every decent member of society finds absolutely disgusting.

Carl Blair, drank 40 ounces of rye, 40 ounces of vodka and a large quantity of beer and then brutally beat his wife. This kind of activity cannot be tolerated. We have to do everything within our means to address this effectively.

One of the things we can do, one of the things that we have the power to do, is ensure that drunkenness cannot be used as an excuse for violent behaviour, that it cannot be used to avoid a criminal sanction for such reprehensible acts.

Where did this activity come from, where did this seeming disregard for the rights of women come from, why do people turn to these actions? We know from reports by the standing committee on justice and the solicitor general on crime prevention that those represented on the committee maintain that the identification and punishment of criminals are, on their own, ineffective means of reducing future risks of victimization and promoting community safety.

Over the past decade we have seen the United States and some states in that country spending unprecedented sums of money on more judges and more prisons. In some states the building of prisons is the largest industry. Yet there, as here, citizens continue to report an increasing fear of crime in their communities. Pouring more money into punishment and incarceration cannot be seen as the complete answer to the concerns Canadians have about their justice system and safety in their communities. It cannot be seen as the complete answer to the problem of criminal activity that we experience. While the punishment must fit the crime, we must also act to eradicate the conditions that lead to individuals violating those laws. We must find new, effective and cost efficient ways of addressing the causes of crime.

(1335)

There is a growing recognition in Canada and in our communities that any effort to reduce crime must include programs targeted at its root causes, as the Minister of Justice indicated in his recent speech to the Empire Club. Evidence points to a strong connection between social and economic conditions and crime. The minister admitted as much. Extensive hearings by committees of the House have identified, among other things, unemployment, poverty, physical and sexual abuse, illiteracy, inadequate housing, social and economic inequality as major contributors to crime.

The social and economic conditions that lie at the root of criminal behaviour are of course complex. A safer community strategy must look well beyond the criminal justice system to incorporate all levels of all governments and a variety of community groups to seek real answers to these real problems.

A successful response will recognize that employment policy, educational policy, family policy, youth policy, health policy must be understood in the context of their impact on crime. We know there is a strong connection between poor economic conditions, unemployment and crime. Study after study point to these contributing factors and point the direction we must

pursue if we are going to effectively deal with criminal activity in our country.

In closing, simply reacting to crime is not the answer. Apprehending, prosecuting, sentencing, incarcerating and treating offenders cost Canadian taxpayers billions of dollars annually. While these measures are important, while we must be tough on crime and criminals, they will continue to be ineffective until they are coupled with long term solutions for prevention, until they are coupled with long term solutions to be tough on the causes of crime also.

Crime prevention through social development involves positive interventions in the lives of the disadvantaged and neglected in order to bring about a reduction in deviant tendencies. This approach aims to reduce crime and create safe communities by tackling the social and economic conditions that breed crime.

To approach the issue of criminal concerns in our country, the difficulties with our criminal justice system in the piecemeal way with which the government is proceeding, is simply not the answer. The government deals with the specific issue of the intoxication defence. It is only reacting because of public pressure which arose as a result of the Supreme Court of Canada decision.

This is not a planned approach to effectively dealing with crime in our communities. There may be differences of opinion in how we address this problem, but what the government needs is a holistic, wide ranging, complete approach to the issue of criminal justice. As with all things we must focus on prevention rather than just picking up the pieces afterward. If ever we want to see a contrast we only have to look south of the border to see what is happening in the United States. If we do not deal with the causes of crime we will continue to reflect more similarly the tragic social, economic and criminal situations which exist there.

While the Minister of Justice is proposing a few useful, though piecemeal, measures such as this one to deal with concerns with the Canadian criminal justice system, the government is attacking the very programs which would assist in getting tough on the causes of crime. The Liberal government's attack on social programs can only be seen to serve to increase the sense of insecurity in our communities and to increase the causes of crime.

We have seen this over the years with the last government. This government is pursuing the same, even more aggressive attack on social programs and we will see it increasing the tensions in our communities and giving rise to greater stress which will give rise to greater criminal activity.

What the government needs is two things. It needs a comprehensive criminal justice approach, not a piecemeal approach. Canadians deserve to see a plan, some vision, some effort over the long term to see where the justice system should go. It needs to be based on informed opinion, not on the reactions of the public to individual concerns. Only responding to public pressure on individual issues is not good enough. The government needs to get tough on the causes of crime as well as on crime.

(1340)

Second, it needs to stop eroding the very programs which serve to prevent crime. Its neo–conservative attack on social programs means Canada is bound to lose the war on crime. Canada and Canadians deserve better.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): I declare the motion carried.

(Bill read the second time and referred to a committee.)

* * *

ELECTORAL BOUNDARIES READJUSTMENT ACT, 1995

The House proceeded to the consideration of Bill C–69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries, as reported (with amendments) from the committee.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order with respect to the admissibility of the procedural acceptability of Motion No. 4 standing in the name of the hon. member for Bellechasse which purports to amend clause 16 of the bill now before the House.

I realize Your Honour is about to make a ruling in respect of the procedural admissibility of a number of proposed amendments. However, I want to speak to this particular one because in my submission it fails to comply with the practices of the House in regard to such amendments.

The effect of the amendment, if it were accepted by the House, would be to change the method of calculating the number of seats assigned to each province under the Constitution Act. I have concerns about that because the Constitution Act is not up for a review or a revision in the amendments that are before the House under Bill C–69.

The bill, as agreed to in principle at second reading, has nothing whatever to do with the calculation of the number of seats for each province, but is entirely confined to the determination of the boundaries within each province for each of the districts after the calculation has been done in conformity with section 51 of the Constitution Act, 1867. The Constitution Act could have been amended in the bill that was put before the House but it was not.

If I may review for you, sir, the legislative history of this bill, Your Honour will recall that there was a motion brought before the House instructing the procedure and House affairs committee to undertake a study in relation to various matters outlined in the motion which included a review, if necessary, of section 51 of the Constitution Act in so far as the allocation of seats among provinces was concerned.

The committee did this study and filed a report in the House with the draft bill in it. The draft bill contained no reference to section 51 of the Constitution Act. The bill that the government subsequently introduced in response to a concurrence motion on the committee's report is Bill C–69 and it also contains no reference to section 51 of the Constitution Act.

What we have here is an opportunity, afforded by the hon. member in putting this motion, to make changes to other acts which in my view are outside the principle of the Electoral Boundaries Readjustment Act which is currently before the House. It is a whole new act but it deals with the adjustment of electoral boundaries, not with the assignment of seats to provinces. It is a different matter and is dealt with in a different statute and always has been dealt with in a different statute.

The amendment proposed by the hon. member for Bellechasse is a backdoor attempt to amend section 51 of the Constitution Act. He has used the word notwithstanding but it does not get the proposer of the amendment off the hook. It is an attempt to amend another act which is in no way open for amendment by Bill C–69 as agreed to in principle at second reading.

The amendment goes beyond the principle of the bill as agreed to at second reading and opens up an entirely different subject not dealt with by the bill before the House.

(1345)

I would like to quote from Beauchesne's sixth edition, citation 698 which says in part:

> An amendment which is out of order on any of the following grounds cannot be put from the chair:
>
> (1) An amendment is out of order if it is irrelevant to the bill, beyond its scope or governed by or dependent upon amendments already negatived.
>
> (8)(a) An amendment may not amend a statute which is not before the committee.

There are various references in support of each of those citations.

I suggest to you, Mr. Speaker, that had this amendment been put in the committee after second reading of the bill, that is, not in its prestudy, but in its own study or in its own draft bill, in an amendment to the bill, as committee chair, I would have had no option but to rule it out of order because in my view it is beyond the scope of the bill.

It should be pointed out that attempts to use the word notwithstanding in order to sneak in a back door amendment to a statute not before the House is not a new device, nor is it one that the House has accepted.

In earlier years, previous governments were sometimes called to order for trying to legislate through estimates. This is an unacceptable process whereby statutes other than appropriation acts were amended by adding words or items in the estimates. One of the more frequent patterns of attempting to do this was to insert words in the item that notwithstanding such and such an act, the following shall be done or not be done, as the case may be.

I checked the precedent for this. On March 10, 1971 at pages 4126 and 4127 of *Hansard*, Mr. Speaker Lamoureux rendered a decision in respect of the supplementary estimates (*c*) for the financial year ending March 31, 1971. In a ruling on a motion that was brought forward by the President of the Privy Council, Mr. MacEachen, to refer these supplementary estimates to committee, Mr. Speaker Lamoureux ruled that certain of the supplementary estimates were not properly before the House because they purported to amend statutes through the estimates process and therefore went beyond what estimates could do.

The words that were used in the estimates fit the description of the words being used in this amendment. As Mr. Speaker Lamoureux pointed out on page 4126:

> Let us, if you will, examine the items singled out by the hon. members. The first one is vote 35c. It proposes to amend the Pension Act and the Civilian War Pensions and Allowances Act. The vote proposes to repeal schedules A and B of the Pension Act and substitute therefor new schedules A and B as found in vote 35c.

I could go on but I do not need to read it all. The point is that the Speaker found the estimates were seeking to amend statutes and of course those statutes were not before the House for amendment. The Speaker held, I think very properly, that the practice of amending statutes by the estimates was out of order. He made that ruling on page 4127. He said that ''in view of the situation created by the new rules, these items are not before the House in proper form''. He declined to allow them to go to committee.

Mr. Speaker, if that was the view then, I suggest that same view must apply to this amendment. What the hon. member for Bellechasse is trying to do is amend the Constitution Act,

section 51, by amending this bill and by simply saying that notwithstanding and it is changed so this and such happens.

Successive Speakers have found this was an unacceptable device because the word notwithstanding did not disguise the real purpose which was to amend another act not opened by the estimates process. The same rule must apply in respect of this act.

The provisions of the Constitution Act 1867 are in no way opened up by Bill C–69. The word notwithstanding does not disguise the fact that the only purpose of the proposed amendment is in fact to open those provisions of another act which would have not been opened by the bill and which should therefore not be opened up by this amendment.

I invite Your Honour to rule that the amendment is out of order and not properly before the House at this time.

(1350)

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, thank you for recognizing me on the point of order raised by the hon. member for Kingston and the Islands.

If you read Motion No. 4 in the Notice Paper, you will see it relates directly to clause 16 of Bill C–69. So much so that subsection 16 (2) says:

> (2) On receipt by the Chief Electoral Officer of a return referred to in subsection (1) in respect of a decennial census, the Chief Electoral Officer shall calculate the number of members of the House of Commons to be assigned to each of the provinces, subject and according to the provisions of section 51 of the *Constitution Act, 1867*.

The amendment I proposed, which is in the Notice Paper, would be added to this.

However, when they refer to section 51 of the Constitution Act, 1867, in subsection 16 (2), what are they referring to? Certainly not the text adopted in 1867 by the Westminster Parliament, pursuant to the Imperial Act which created the federative kind of constitution we know today.

Section 51 of the Constitution Act, 1867, referred to in subsection 16 (2) of Bill C–69 which is before us, refers to a legislation adopted by this Parliament, which received assent on March 4, 1986. At that time, the federal Parliament of Canada, acting on its own pursuant to section 44 of the Constitution Act, 1982, did adopt the provisions of section 51 of the Constitution Act, 1867.

With your permission, I will table the 1986 legislation, that is chapter 8 of the 1986 Statutes, to show how this new section 51 was introduced and became part of an act entitled Representation Act, 1985. It is highly appropriate, when we talk about electoral redistribution, to establish a fundamental rule which will apply right at the beginning, which will govern the provinces, and then to say to the officer or the chief returning officer: before making any other distribution, you must consider that 25 per cent of the seats must be assigned to Quebec. It is in that same spirit that the amendment has been moved today.

To make matters clear, Representation Act, 1985, was challenged in our courts. It was challenged in a case called *Campbell vs. Attorney General of Canada*—which is reported in *1988, 49 Dominion Law Report, 4th Edition*, p. 321—where the British Columbia Court of Appeal, comprised of five judges in this particular case, decided: ''That the Federal Parliament had all the authority to vote the above–mentioned act in 1985, that it did not need the support of the provinces, that the proportionality criteria in representation should be understood within the Canadian dynamics of proportionality, where there were Senate clauses, where deviations were made, and that this act, even at the time, did not affect the proportionality criteria''. This opinion from the British Columbia Court of Appeal is most interesting.

Now, what about the way we have to deal with this bill? Section 44 of the Constitution Act, 1982, which concerns amendments, reads as follows: ''Subject to sections 41 and 42''—where the consent of the provinces is required—''Parliament''—which means us—''may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and the House of Commons''. As the Campbell case indicates, we are well within federal jurisdiction here. Section 44 does not specify a particular procedure. I may recall that unlike other amendments that may be made with the support of the provinces, in this case we can amend the relevant provisions through a bill.

(1355)

When I move a motion in amendment that refers to the Constitution Act, 1867, as Parliament was in 1985 when it passed the 1985 readjustment legislation, I am well within the scope of this debate, and I submit, with respect, that my motion in amendment is entirely admissible at this stage.

We are merely establishing a basic rule, one of many basic rules in this kind of legislation, rules according to which the commissions may deviate by up to 25 per cent and special circumstances may be taken into consideration when establishing certain electoral districts. Establishing an additional rule that would guarantee Quebec 25 per cent of the seats is, I respectfully submit, Mr. Speaker, just another rule to add to the bill that would make it more comprehensive. I submit this with all due respect, Mr. Speaker.

Mr. Milliken: Mr. Speaker, for the purpose of clarification, I certainly agree with what the hon. member said about the authority of the Parliament of Canada to amend laws and to amend the section of the Constitution Act we have been discussing.

However, the problem is, in my opinion, that this cannot be done unless the government includes a clause to that effect in the bill before second reading. That is the problem we have today. There is no amendment to the Constitution Act in Bill C–69. So the hon. member cannot use an amendment to make this kind of change in the bill. He must do so in a separate bill which is not now before the House.

The Acting Speaker (Mr. Kilger): A short comment by the hon. member for Bellechasse, because I do not want to get into debate.

Mr. Langlois: Mr. Speaker, I will be very brief. Where the bill refers to section 51 of the Constitution Act, 1867, as amended in 1986, what we want to do is not change this provision but simply say that for the purposes of Bill C–69, it should be interpreted in such and such a way. I believe that is all I wanted to say.

The Acting Speaker (Mr. Kilger): Order. I have listened carefully to the representations made by the parliamentary secretary and the hon. member for Bellechasse with respect to Bill C–69 and, more specifically, Motion No. 4. I will take the arguments presented by both members on Motion No. 4 under advisement.

[*English*]

SPEAKER'S RULING

The Acting Speaker (Mr. Kilger): I also want to advise the House of the ruling of the Speaker on Bill C–69.

There are seven motions in amendment standing on the Notice Paper for the report stage of Bill C–69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries.

[*Translation*]

Motion No. 6 has been withdrawn. Motions Nos. 1, 2, 3, 5 and 7 will be grouped for the purposes of debate. A vote on Motion No. 1 will apply to Motions Nos. 2, 3, 5 and 7.

[*English*]

Before proposing Motions Nos. 1, 2, 3, 5 and 7 to the House, I believe the Speaker will want to proceed with the next order of business. We will follow up on Bill C–69 following question period.

[*Translation*]

The Speaker: My dear colleagues, it being 2 p.m., pursuant to Standing Order 30(5), we will now proceed to Statements by Members pursuant to Standing Order 31.

S. O. 31

STATEMENTS BY MEMBERS

[*English*]

EDUCATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, during the recent recovery, 433,000 jobs were created in Canada. However a closer analysis will show that there is a disturbing problem underlying this.

Young people with a university education had a 25 per cent increase in the number of jobs. Those who had some level of diploma program after high school had a 14 per cent increase in jobs.

However, those who had only a high school education had a 23 per cent decline in the number of job opportunities. Accordingly it is very important for all Canadians to do what they can to encourage our young people to pursue their education.

The national high school dropout rate is 18 per cent. This is not acceptable for Canadians. I urge all members to do what they can to address this serious problem. As we all know, an investment today in our youth is an investment in our future for all Canadians.

* * *

[*Translation*]

UNEMPLOYMENT INSURANCE

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, after cutting $5.5 billion on the backs of the unemployed in 1994–95, and at least $700 million in the latest budget, the government continues to hound the unemployed by hiring 600 new UI investigators.

From the government's cuts to unemployment insurance, we learned that the Liberals' new job creation credo was to consider the unemployed lazy. Now the government considers them cheats as well.

In the meantime, the government's measures to recover $6.6 billion in unpaid income taxes are not enough to remedy the situation. With the banks reaping profits of over $5 billion, the government is asking them supposedly to do their share by paying temporary income taxes of $100 million. The government's priorities are more than questionable, to say the least.

* * *

[*English*]

ARTS

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, this is certainly a proud day for Calgarians. Yesterday Calgary's Jan Arden swept the Juno awards by winning in three categories: female vocalist of the year, best single of the year and song-

writer of the year. It is the artistic excellence exemplified by Jan Arden that typifies the superior calibre of art in Canada. The future success for Canadian artists is boundless.

Another group bound for success hails from Newfoundland, a province that has produced more than its fair share of Canadian stars. Artistic Fraud of Newfoundland is a theatre company trying to raise funds to take its production to the Fringe Festival in Edinburgh.

Instead of seeking financial support from the government it has focused its attention on raising funds from the corporate sector. David Somers, a spokesperson for the company, said: ''I am not under the impression that anybody owes us anything as actors or theatre people. It is entirely up to the artistic community to ensure its own survival. Businesses have been funding plays since Shakespeare's time and probably before''.

With an attitude like that we know the group will be a success. This is a proud day for Newfoundlanders, Calgarians and all Canadians from St. John's to Victoria.

* * *

RED CROSS

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, Canadians are proud to celebrate Red Cross Month this March. For nearly a century the Canadian Red Cross Society has been working hard to prevent and alleviate human suffering across Canada and around the world.

The Red Cross has a distinguished history of helping those most in need by providing emergency relief to foreign countries devastated by war or natural disasters, helping victims of house fires and other tragedies, teaching prevention and safety through first aid and water safety programs, and ensuring an adequate supply of blood for all Canadians.

[*Translation*]

Last year, Fitness Canada provided $95,000 for water safety services and $51,000 for fitness programs for seniors.

[*English*]

Please join me in recognizing the contribution of the two million Canadian volunteers who regularly donate blood and support the programs and services of the Canadian Red Cross. We all wish you a very successful Red Cross Month.

* * *

NATIONAL WOMEN'S HOCKEY CHAMPIONSHIP

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, I would like to acknowledge the outstanding work and dedication of the organizers of the 14th Annual National Women's Hockey Championship. It took place this past weekend in Summerside, Prince Edward Island.

The winning team from Quebec is deserving of the title of national champion. It emerged on top after three days of intense and high calibre competition, although I do not think it competed against a Newfoundland team.

Women's hockey has seen remarkable growth over the past decade. Today over 15,000 girls and women play the sport on a competitive basis, adding every year to the talent pool that has given Canada three world championship titles.

We can now look forward to the 1998 winter Olympic games when we will have the opportunity to cheer the Canadian women's hockey team since women's hockey has now been added to the Olympic games schedule.

Congratulations to all those involved with this year's national championships in P.E.I.

* * *

(1405)

GOVERNMENT SPENDING

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, it is easy to tell the end of the fiscal year is upon us. Furniture trucks have been lining up at government offices all across the land as officials try to spend every last cent in their budgets before April 1. In my riding of Hillsborough, as elsewhere, the furniture trucks arrived on the weekend to deliver the goods at various government offices.

This would be all well and good if they were spending their own money. However, they are spending the tax dollars of every single Canadian. When a family is finding it difficult to make ends meet it cuts expenses and delays buying things. The government is having difficulty making ends meet and it also should delay the purchase of such things as furniture. Taxpayers have had enough of this wasting of money every year in March madness.

As we saw in this morning's Ottawa *Citizen*, the National Capital Commission spent $3 million on new furniture and over $300,000 on new telephone equipment. The people of Hillsborough and the rest of Canada want to see this amount of government waste ended.

* * *

[*Translation*]

WORLD THEATRE DAY

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, today we celebrate World Theatre Day. In Quebec the event will be marked by performances and plays, which the public is encouraged to attend in droves.

On this day we want to stress the importance of the theatre and the people in it, who give life on stage to plays that move us to

tears or put a song in our hearts. Theatre expresses life in its most tragic and most comic forms.

It is also a cultural industry with a considerable impact on the economy. The theatre also provides artistic and technical talent in all disciplines to other cultural industries such as television and film.

I wish all the people in the theatre and all those who love it a fine celebration. This is another moment of glory in your long history. Let the curtain rise.

* * *

[*English*]

OSCAR NOLL

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the following are the words of over 10,000 Canadians in and surrounding the town of Palmerston, Ontario, where 82–year old Oscar Noll was charged with assault with a weapon following his success in saving himself and his property from damage and theft at his place of business:

> We the undersigned are both concerned and provoked that Oscar Noll should be charged for protecting himself and his property against illegal intruders. We feel he used reasonable force under the circumstances and attempts to penalize him are unwarranted.

This statement as well as dollars sent in to support Oscar Noll's defence are a clear sign that the 1990s law of the Liberals is not satisfactory.

I take this moment to remind the government, especially the Minister of Justice, that Mr. Oscar Noll is the victim of crime, not the criminal. I urge the government and the minister to answer the wake–up call of Canadians and fix this problem.

* * *

RACIAL DISCRIMINATION

Mr. Sarkis Assadourian (Don Valley North, Lib.): Mr. Speaker, March 21 to March 28 is the United Nations week of solidarity with the people struggling against racism and racial discrimination. During this week we bear in mind the threats to peace posed by lack of tolerance among the world's peoples.

Since the end of the cold war in many countries ethnic conflict and human rights violations against minorities have intensified. On a more positive note, next month we will celebrate the second anniversary of the end of apartheid and the first anniversary of democratic elections in South Africa.

In a world darkened by ethnic conflicts that tear nations apart our country has stood for the whole world as a model of how people of different cultures can live and work together in peace, prosperity and understanding. However, we must realize that many people still face racism and discrimination every day and that firm, forceful and repeated educational work must be done to eliminate it from Canadian society.

On behalf of all members of the House I urge all Canadians to recognize their responsibilities to one another and to society so that together we can continue to make this country the envy of the world.

* * *

REFORM PARTY

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, Canadians are tired of political parties that do not keep their promises. As the Reform Party dusts off its reform blue sheet Canadians see a political party, like so many others, failing to keep its promises.

Promise No. 1: end double dipping. Reality: one of their own collects a provincial pension while sitting as a member of Parliament.

Promise No. 2: adequate punishment for young offenders. Reality: vote against a bill that does just that.

Promise No. 3: fiscal responsibility. Reality: a party that cannot control its own finances. Newspaper reports say the party is in debt.

Promise No. 4: representation which reflects the wishes of a majority of its constituents. Reality: vote against gun registration, despite majority support.

Reform supporters and all Canadians see the list of broken promises in the blue sheet of the Reform Party. It is enough for all of them to see red.

* * *

(1410)

EPILEPSY CANADA

Mr. John Murphy (Annapolis Valley—Hants, Lib.) Mr. Speaker, March is National Epilepsy Month. Epilepsy is a functional disorder of the brain that temporarily blocks awareness. It is characterized by seizures, uncontrollable shaking, convulsions and confusion.

More than 280,000 Canadians, primarily youth, suffer from this condition. In approximately 75 per cent of the cases there is no known cause. New medications have been developed to control seizures but drugs are not the cure and often can have severe side effects. In addition, 40 per cent of seizures are not successfully controlled by current medication.

Epilepsy Canada is a voluntary organization dedicated to helping people with epilepsy and their families to overcome problems associated with this disorder.

I ask all members of the House to join me in applauding Epilepsy Canada and the work of its many volunteers. I also urge members to work to promote medical research so that we can find a lasting cure.

S. O. 31

[*Translation*]

LABOUR RELATIONS

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, the events of the last few days have exposed the many shortcomings of the federal labour relations legislation. The two special acts voted in over the last two weeks to bring workers back to work are the most recent examples of the warped effects of archaic federal legislation.

Cabinet is hiding behind proposed reforms to the Canada Labour Code which apparently are now being studied. Yet, the provisions on strikebreakers have been well known for several years. It has been 17 months since the Liberal government was elected, and still nothing has been done regarding the issue.

When the time comes to bring in laws denying workers their rights, the government can work quite quickly, but when it comes time to correct provisions which victimize workers, the Liberals are happy enough to adopt an intolerable wait–and–see policy.

* * *

[*English*]

MP PENSION PLAN

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, in honour of Oscar night I present the top 10 Liberal excuses for keeping the fat cat pension for life plan.

(10) Hey, come on, we work weekends.

(9) The Deputy Prime Minister is going to need it when she resigns for not keeping her campaign promise to scrap the GST.

(8) If it were not for this plan Liberal members would not be of such high quality, like the member for Halifax, Nova Scotia.

(7) It is the only long term financial commitment the government can make.

(6) How else will they afford health care in their golden years?

(5) You do not expect them to rely on the Canada pension plan, do you?

(4) After they retire they will have to pay for their own trips.

(3) There is not room for all of them in the Senate, is there?

(2) If you think about it, their pensions are small when you compare them with the national debt of $550 billion.

(1) The Prime Minister will need the money for a place to stay when the leader of the Reform Party moves into 24 Sussex Drive.

SOCIAL PROGRAMS

Mr. Chris Axworthy (Saskatoon—Clark's Crossing, NDP): Mr. Speaker, those who speak on behalf of and know the problems faced by the less well off in Canada today pointed out the complete about face of the Liberal government on social programs and health care.

Seven billion dollars less in the two years 1996–97 and 1997–98 is deeper than stated in the budget and will mean severe cuts in health care, post–secondary education and social programs across Canada. With federal government spending declining soon the federal government will have no power to ensure accessibility to health care, post–secondary education and social programs to all. It is the end of medicare and, with the end of CAP, provinces will not have to have social programs at all.

Canadians did not vote for this. The Liberals did not campaign on the total dismantling of Canada's social safety net and Canadians do not want to see the continuing Americanization of our society, whether it be carried out by Conservatives or by Liberals.

Newt Gingrich's Canadian fellow travellers Ralph Klein, the leader of the Reform Party and now the Prime Minister are turning back the clock to the thirties. Canadians need a government that works for Canadians and they deserve to have a government which keeps its promises. We used to say—

The Speaker: The hon. member for Kingston and the Islands.

* * *

THE TRAGICALLY HIP

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, I am pleased to rise today in the House to congratulate the Tragically Hip for their success last night in winning two Junos: entertainer of the year and group of the year.

The Hip have now won five Junos, including entertainer of the year for the third time. The group of Gord Downie, Gord Sinclair, Paul Langlois, Johnny Fay and Robbie Baker is from my riding of Kingston and the Islands and has a strong commitment to the Kingston community.

(1415)

The entertainer of the year award is voted on by fans and is testimony to the band's wide appeal in Canada. The Tragically Hip sold out its recent 20–event tour of Canada in three days and has sold over 500,000 copies of its recent album ''Day for Night''.

While the Hip was winning Junos and praise in Canada on the weekend, it was also making a break into the American market with an appearance on ''Saturday Night Live''.

I join with millions of Canadians in congratulating the Tragically Hip on its success and wish it further great singing in the future.

* * *

WORLD ROWING CHAMPIONSHIPS

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I am pleased to congratulate the St. Catharines—Niagara Class A World Rowing Committee on its bid for the world rowing championships.

Rowing Canada has endorsed the committee's bid and will be putting the St. Catharines—Niagara bid forward on behalf of Canada in Finland later this year.

In 1970 St. Catharines hosted world rowing. We know we can do it again. We are pulling together to bring the world back to Niagara. We have the facilities, the expertise and the experience to make the 1999 World Rowing International Championships a great success.

ORAL QUESTION PERIOD

[*Translation*]

AIR TRANSPORTATION

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, on March 10, the Minister of Transport announced that his government was granting the coveted Hong Kong route to Air Canada. This weekend, however, we learned that the minister had done an about–face and refused without any justification to allow Air Canada to fly to Hong Kong before late December 1995.

How can the Minister of Transport explain his government's decision to delay until late December 1995 Air Canada's access to the Hong Kong market, when this airline was all set to begin service to Hong Kong right away?

Hon. Douglas Young (Minister of Transport, Lib.): Mr. Speaker, the second designation policy which we announced is not limited to Air Canada and Hong Kong. The predetermined passenger volume levels setting off the process also apply to Germany, for instance.

All these decisions were made after a long period of reflection and extensive negotiations, and we feel that it is in everyone's interest to ensure total openness in granting landing rights.

I must say to the hon. Leader of the Opposition that I really appreciate the way Air Canada President Hollis Harris reacted by saying that he appreciated the work done by the Government of Canada with regard not only to the Hong Kong matter but also to the bilateral agreement with the U.S., and especially to Air

Canada being given access to the Japanese market. That is something he had been seeking for many years.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, how could the President of Air Canada afford to offend the route granting minister who is holding his company's future in his hands? The employees themselves are not so happy.

During his March 10 announcement, the minister bragged about his balanced distribution giving Air Canada a route to Hong Kong and Canadian access to several countries in Asia, not to mention the vast majority of available flights to New York and Chicago.

In this context, does the minister admit that it is unfair to delay the launch of the Hong Kong service until December, when the decisions benefiting Canadian take effect right away?

Hon. Douglas Young (Minister of Transport, Lib.): Mr. Speaker, first of all, I know that the hon. Leader of the Opposition is very interested in this matter. I share his interest since we have been working on this without respite since we came to office. These are extremely complex situations that have existed for a very long time.

I wish to repeat once again that, when the announcement was made, it was not only a matter of granting landing rights in Hong Kong. It is not necessarily true that only the Hong Kong decision was delayed. All decisions based on national landing levels are at stake and that includes Canadian Airlines International's right to land in Germany.

(1420)

The management of both airlines, including both presidents, Mr. Harris and Mr. Jenkins, reacted to all our air transport policy announcements by saying that they were very satisfied with the work done by the government, the negotiators and all those involved. The work was extremely difficult and very complex.

At the end of this year, both air carriers will have the opportunity to compete in all markets around the world, a first in Canadian air transport history.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, if it was so obvious that the decision would not take effect immediately, how come Air Canada had already taken all necessary steps to start flying to Hong Kong, spending money and getting ready to begin service right away?

Can the minister tell us if it is true that the decision to delay Air Canada's landing rights was imposed by the Prime Minister and that this delay prevented the immediate creation of 500 jobs in Montreal?

[*English*]

Hon. Douglas Young (Minister of Transport, Lib.): Mr. Speaker, I assure the hon. Leader of the Opposition that the decision was not imposed by the Prime Minister. It was the result of a great deal of work.

I point out to my hon. friend that Air Canada, prior to the announcement on the second designation levels for Canadian carriers, had already announced that it was going to employ nearly 1,000 Canadians in its operations as pilots, as flight attendants and as ground personnel.

The growth and future of Air Canada and Canadian Airlines International will be the result of a series of initiatives undertaken by the government after a great deal of work.

In response to the question of the hon. Leader of the Opposition, I believe the attitude exhibited by Hollis Harris and Kevin Jenkins ushers in a new era of confidence for the employees of Canadian Airlines International, of Air Canada, as well as the shareholders of both companies and the Canadian travelling public.

* * *

[*Translation*]

PEARSON AIRPORT

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, my question is for the Prime Minister. The *Financial Post* reported last week that the Prime Minister's former employer, the law firm of Lang Michener, confirmed that a one and a half hour meeting had taken place in January 1990 between the Prime Minister and the Matthews Group, the main partner in the consortium that eventually secured the Pearson Airport privatization contract.

In view of the fact that Mr. Matthews said he met the Prime Minister to discuss the privatization of Pearson International Airport, contrary to what the Prime Minister stated in this House on December 8, does the Prime Minister still maintain that the subject of privatization never came up during that meeting?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think it is clear: the answer is no. I even took the time to check with the lawyer who represented the Matthews Group in the office. I spoke with him and he confirmed that the Toronto airport was not discussed at all. At that time, I was not aware of the privatization plan.

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, again according to the *Financial Post*, Mr. Matthews's recollection is that the Prime Minister, who was then running for the leadership of the Liberal Party of Canada, asked for $25,000 in support for his campaign.

Considering how serious the allegations made in the *Financial Post* are, and to dispel any doubt regarding his personal involvement in this matter, does the Prime Minister not think that he should commission a public inquiry into the circumstances surrounding the privatization of Pearson Airport?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, again, I never solicited funds and Mr. Matthews himself says he did not contribute a penny to the Jean Chrétien leadership campaign.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, when the Minister of National Defence announced his long awaited public inquiry into the Somalia affair he promised it would get to the bottom of all questions surrounding DND headquarters and the military hierarchy.

Former deputy defence minister Bob Fowler is at the centre of the allegations. Yet we learned that Anne–Marie Doyle, one of the three commissioners appointed to look into the Somalia incident, is a close personal friend of Mr. Fowler.

How does the Minister of National Defence plan to deal with the perception that the impartiality of the inquiry has been compromised?

(1425)

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the three commissioners were appointed because of their knowledge of the government process and public accountability, and their breadth of experience and impartiality.

If any one of these principles is compromised in any way then the matter will be addressed.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, the Reform Party is not questioning the abilities or the integrity of Anne–Marie Doyle. We are questioning the ability of the minister's staff. Surely the minister should have known about Ms. Doyle's 27–year friendship with Mr. Fowler.

This is not the first time the minister's office has dropped the ball. Last month it was the third airborne video. Last week it was the investigation of the military police. This is getting rather ridiculous.

I have a supplementary question. Who nominated the commissioners and why was the minister unaware of Ms. Doyle's 27–year connection to Bob Fowler?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the inquiry was called under part I of the Inquiries Act. Therefore it is a government inquiry and a number of government departments were involved.

As to the specifics of what the hon. member is saying in his supplementary question, I think I addressed them in my answer to the first question.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, the minister continues to skate around the issue. All we really want are the facts and we want to see some impartiality surrounding the Somali inquiry. We do not want it to be compromised.

Despite the reassurances of both the minister and Ms. Doyle there is a public perception that the inquiry is no longer objective and that it will be hindered in getting to the bottom of the Somali affair.

Will the defence minister restore the integrity of the public inquiry by removing Anne–Marie Doyle immediately?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I gave the three criteria the commissioners had to have before they were appointed. One of them was impartiality.

If it is found that is not there or if there is any other call into question of the integrity of these individuals it will be addressed.

* * *

[*Translation*]

KANESATAKE RESERVE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, it was reported in the media last weekend that some individuals illegally took possession of Oka residences bought by the federal government. Apparently, these actions were based on the ''might is right'' rule.

How can the Minister of Indian Affairs explain that the ''might is right'' rule still applies in Kanesatake, and that these federal properties are illegally occupied?

[*English*]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am pleased to report to the hon. member that between Judge Réjean Paul and the negotiator Michel Robert a housing authority was set up and 178 individuals were assessed on the basis of need. They were categorized. The houses have been allocated. A couple are giving problems but overall the process is working.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the media were not reporting minor problems but a major one, which is the illegal occupation of federal properties.

Given that the majority of honest citizens put their names on waiting lists to be allowed to live in these houses, will the Minister of Indian Affairs confirm that his officials are negotiating leases with those who took illegal possession of these properties, so as to regularize their occupancy as quickly as possible?

[*English*]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the situation north of highway 344 still persists. I am pleased to report to the member that because of the progress made south of 344 and the process in place based on need, we are now making some progress north of 344 which I inherited.

* * *

PEARSON INTERNATIONAL AIRPORT

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, my question is for the Prime Minister. Serious allegations are being made about the Prime Minister's role in the Pearson privatization contract.

Not only has he met on numerous occasions with parties in the Claridge group but there are now questions on whether he advised the Matthews Group in its contract bid on Pearson airport.

Will the Prime Minister indicate to the House the nature of the advice as a lawyer or otherwise given to Jack Matthews specifically or the Matthews Group generally with respect to the privatization of Pearson airport?

(1430)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as I said in French, I never gave advice about the privatization of the Toronto airport to anybody involved. The allegation is absolutely false.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, the Prime Minister previously suggested there is no conflict of interest with him on Pearson because he is the one who cancelled the deal.

Given that Matthews refused to donate to the Prime Minister's leadership campaign and donated instead to that of his principal competitor, will the Prime Minister submit himself to a full review by the ethics counsellor and then table that report in the House?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we never talked about it and he did not give me a damn cent. Therefore there is absolutely no conflict of interest.

* * *

[*Translation*]

KANESATAKE RESERVE

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, my question is for the Minister of Indian Affairs.

While honest citizens are eager to move into properties bought by the federal government, the normal allocation process is jeopardized by the illegal occupation of these houses. Indeed,

these Kanesatake residences are illegally occupied and the minister is aware of that.

Will the minister confirm that those who illegally and forcefully occupy these federal properties will be excluded from the waiting lists and that these lists will only contain the names of those who fully complied with the law?

[*English*]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, this is the same question that was just put to me. It is identical.

One hundred and seventy–eight people have been assessed. Houses have been allocated. Three or four south of 344 are causing us problems, but that is nothing like the problem I inherited. We all inherited Oka which wasted $230 million of Quebec and federal government money.

This is a much better way to deal with the problem, not to aggravate it but to negotiate in good faith and solve it.

[*Translation*]

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, the minister knows that some properties are still illegally occupied in Kanesatake. He is not answering our questions.

Following the discussions he had with his negotiator, Michel Robert, can the minister tell us if the allocation of the residences bought by the federal government will take place in the near future and in compliance with the criteria set by the government?

[*English*]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I will answer the question directly. If my friend wants to be positive, he should go to the Quebec government and have the Quebec government recognize the peacekeepers at Oka.

* * *

HEALTH

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, my question for the Minister of Finance is with regard to the new Canada health and social transfer.

The CHST states that health care transfers to provinces may be reduced or cut off whenever the Minister of Health ''is satisfied'' that a province is not in line with her own interpretation of the Canada Health Act. The cabinet then gets to decide how much funding is cut from the province. This sounds like a recipe for arbitrary command from Ottawa.

Why is the formula of funding reductions not based on an impartial formula laid out in the law?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, we made it very clear that the new social transfer would incorporate the principles of the Canada Health Act. Indeed, it is those principles and those principles alone that will govern. There is no discretion. It is the Canada Health Act and that is the covenant of this government.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, it makes no sense for the government to claim that the best way to maintain the standards in the Canada Health Act is by cutting off funding every time a province tries to innovate. The Minister of Health will have the power to arbitrarily yank the plug on federal health care spending.

Can she explain to this House how this is supposed to improve the quality of health care in Canada?

Hon. Diane Marleau (Minister of Health, Lib.): Mr. Speaker, the Canada Health Act remains as is. It has not nor is it meant to prevent innovation. It is meant to preserve and maintain those principles which have served Canadians very well, which Canadians expect and indeed deserve to have to protect them.

* * *

(1435)

[*Translation*]

TURKEY

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, my question is for the Minister of Foreign Affairs. Last Friday, the government repeated that Canada was very concerned about the Turkish military offensive against the Kurds in northern Iraq and said that it would meet with the Turkish ambassador regarding the issue. Today, there is every indication that Turkey firmly intends to carry on with its forays.

Will the minister confirm whether Canada has indeed raised this issue with other NATO members, as the Minister of National Defence led us to believe last week, and will he tell us what measures Canada and NATO intend to take to make Turkey see reason?

Hon. André Ouellet (Minister of Foreign Affairs, Lib.): Mr. Speaker, in reply to the hon. member's question, I can say that we have not done so.

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, if the minister wants to be taken seriously, at a time when it has come to light that civilians have been hurt in the Turkish offensive, does he intend to refer the matter to the UN's Security Council and to immediately suspend all negotiations regarding the sale of our CF–5 jets to Turkey?

Hon. André Ouellet (Minister of Foreign Affairs, Lib.): Mr. Speaker, I have already said in this House that we were only at the preliminary stages of negotiating the sale of these airplanes and that a number of countries or potential buyers

were being considered. Therefore, the hon. member is wrong when he implies that we are pursuing advanced negotiations with Turkey. They have not reached an advanced stage at all.

[*English*]

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs. It concerns something raised regarding negotiations to sell Canadian CF–5 fighter jets to Turkey, a country which according to Amnesty International is ''a serious and systemic violator of human rights''.

Can the minister possibly assure this House that these Canadian planes will not be used to jeopardize the rights of innocent people?

[*Translation*]

Hon. André Ouellet (Minister of Foreign Affairs, Lib.): Mr. Speaker, I thank the hon. member for asking me a question similar to the one I just answered. I can confirm that the negotiations regarding the sale of the CF–5 jets are at a very preliminary stage. Canada is studying the possibility of selling them to a number of people who have shown interest.

I can also confirm what I just said to the hon. member, which was that there is no cause for concern with regard to Turkey, since negotiations are at a very preliminary stage and since, at any rate, the government rigorously reviews sales of this kind and obtains specific commitments from purchasing countries. Undoubtedly, we will take every action necessary to ensure that whatever country buys the jets, be it Turkey or another, it would not use them against civilians.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, the answer of the Minister of National Defence to previous questions on the Somalia inquiry were totally inadequate. The point remains whether the inquiry is or is not going to be impartial and conducted at arm's length.

Will the minister replace Anne–Marie Doyle with someone whose impartiality is unquestioned?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I already answered that question.

An hon. member: Cover–up.

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, the minister's unwillingness to answer this question leaves me and others in this House to believe that something is being hidden. He is doing nothing at all to instil public confidence in the inquiry into the whole Somalia affair.

(1440)

Will the minister restore the integrity required by the public by demanding that Anne–Marie Doyle be removed immediately?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I answered the question.

* * *

[*Translation*]

DEFENCE INDUSTRY CONVERSION

Mr. Yves Rocheleau (Trois–Rivières, BQ): Mr. Speaker, my question is for the Minister of Industry.

Between 1990 and 1994, Quebec lost 8,054 jobs in the defence industry, mainly in Montreal. These lost jobs account for more than half the jobs in the 40 largest military equipment companies and indicate the urgent need to set up a real conversion program. However, in the last budget, no money was allocated for this purpose.

Could the Minister of Industry explain why the government decided not to provide any money to set up a real conversion program for the defence industry, considering the promises the Liberal Party made in its red book?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, the hon. member may not have had the opportunity to consult with corporations and business associations in Quebec and throughout Canada.

Had he had the time to do so, he would have found out, as we did, that the corporations and all the business associations are against subsidies to the private sector. What they want from us is strategic information and help in finding foreign markets. This is what our government has been doing, not only through the measures contained in the budget, but also through Team Canada, which has been promoting sales overseas.

Mr. Yves Rocheleau (Trois–Rivières, BQ): Mr. Speaker, does the minister recognize that by cutting the DIPP program by $41 million, money that could be used to set up a real conversion strategy, the Montreal area will continue to lose thousands of jobs and be penalized compared to its foreign competitors for whom such programs are in place?

[*English*]

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, the hon. member is far more pessimistic than I am about the strength and capability in international markets of many of the firms in Montreal.

I happen to believe that companies have been traditionally strong in both the defence sector as well as in the dual use sector. For example, there is CAE Electronics which I visited on Friday. It entered into a new contract with the Canadian Space Agency. It is precedent setting and will be useful in helping that company

as well as the CSA provide training for use on the mobile satellite system. It goes on and on.

What companies in Canada want is advice, assistance, network connections and the support of their government in making the sales overseas that will make them successful internationally. That is what we understand, but clearly not what the Government of Quebec understands.

* * *

IMMIGRATION AND REFUGEE BOARD

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, my question is for the President of the Treasury Board.

Last week renovations that will cost $500,000 started at the Immigration and Refugee Board's University Avenue office in Toronto. This remodelling, done at a time when 45,000 civil servants are to be let go, is causing outrage in the office itself. With the downsizing of the board, even more offices will be emptied. Nonetheless, expansion is proceeding.

Will the minister immediately call a halt to this incredible waste of taxpayers' dollars?

Hon. David Dingwall (Minister of Public Works and Government Services and Minister for the Atlantic Canada Opportunities Agency, Lib.): Mr. Speaker, I will have to take notice of the hon. member's question and get him an answer as soon as possible.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, my supplementary question is for the minister of immigration.

The minister knows about this mess but as usual he has tried to pass the buck to the chair of the IRB. I have received a petition signed by 300 civil servants, many of whom work in the Toronto IRB office, demanding a halt to these wasteful renovations.

Will the minister of immigration recommend that these renovations be halted now, or will he ignore these employees like he has ignored other critical employees in the past?

(1445)

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it should be said that no minister ignores his or her employees. In fact it could be said that the harmony between the government and the civil service has never been higher in terms of the partnership that the government has with the public service.

Second, as the Minister of Public Works said, I too will take the question as notice because I am not aware of the specifics of which the member speaks.

JUSTICE

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, my question is for the Minister of Justice.

Today is the anniversary of the very tragic death of Nicholas Battersby in a drive–by shooting. Since then other similar incidents have occurred in our communities across the land.

Will the minister inform the House of the steps the government has taken and is planning to take to make convicted young offenders more accountable for their acts?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as the government announced almost a year ago, our approach to youth justice has two aspects: first, immediate statutory changes to the Young Offenders Act to strengthen it, and second, a longer term, critical reassessment of the youth justice system in general.

With respect to the first matter, last February 28 the House passed at third reading Bill C–37 which is now before the other place. It represents a toughening of the statute to deal with violence and a recognition that for non–violent crime, jail should be the last resort in favour of community based rehabilitative programming.

We have doubled the maximum sentence for first degree murder. We have provided for the presumptive transfer to adult court of 16 and 17–year–olds charged with crimes of serious violence.

In the second phase of the strategy, the parliamentary committee on justice and legal affairs will later this year commence a comprehensive review of the Young Offenders Act, travelling across Canada to listen to Canadians about other improvements that can be made to the statute.

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[*Translation*]

PROGRAM FOR OLDER WORKER ADJUSTMENT

Mr. Gilles Duceppe (Laurier—Sainte–Marie, BQ): Mr. Speaker, in Quebec, the fiscal arrangements provided for in the POWA agreement expire on March 31 of this year. The Quebec Minister of Employment, Louise Arel, has informed the Minister of Human Resources Development of her willingness to renew the current fiscal arrangements pending a review that would make the program more equitable for workers.

Can the Minister of Human Resources Development tell us what his intentions are regarding the renewal of the agreement with Quebec?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, we are presently reviewing the program, as the Quebec minister indicated a necessity to do.

We are endeavouring to set up a meeting. We look forward to being able to share our joint assessments of these programs at such a time as a meeting can be arranged.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte–Marie, BQ): Mr. Speaker, for more than a year now, the minister has been promising a review of POWA, which, I would remind members, excludes a considerable number of workers.

Will the minister make a commitment to take, this year, the corrective action that has been requested since 1992 by both the previous Liberal government of Quebec and its present government?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, it is important that we do a broader assessment of the circumstances affecting older workers throughout Canada.

We all recognize it is emerging as one of the more serious concerns we have as the labour market changes. A number of workers are being dislocated from their jobs. We have to find ways of helping them to re–enter the job market and to maintain some security for themselves and their families.

As the hon. member knows, we have a number of experiments going on across the country. There is the job corps in New Brunswick. Recently we initiated a wage subsidy program under the unemployment insurance program. That is beginning this spring. It is a very important way to help older workers re–enter the job market.

I want to be in a position to be able to share the results of these initiatives with my provincial counterparts at an early date. At that time we will certainly take on board representations made by the provinces concerning how we can help older workers in the country.

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NATIONAL DEFENCE

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, the defence minister's staff regularly failed to inform him of important facts until it was too late. The case of Anne–Marie Doyle is another example.

With his answers today regarding the public inquiry into the Somalia fiasco, is the minister confirming that Anne–Marie Doyle will remain as one of the three commissioners?

(1450)

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I made an announcement last week setting up the commission. The terms of reference are broad. The three commissioners were chosen for their impartiality, knowledge of government and knowledge of the public accountability process. If any one of those people do not measure up to any of those characteristics, that will be addressed.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, here is a quotation from Anne–Marie Doyle: ''It was no secret that Robert Fowler and I have been close colleagues and friends for 27 or 28 years''.

It is no problem, except that it should disqualify her for the job. Will the minister do her a favour and not have a situation where a friend has to judge a friend?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I have answered this question four times in this question period. The hon. member will have to be satisfied with that answer.

* * *

THE ECONOMY

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, my question is for the Minister of Finance. It has to do with the call that the United Nations High Commissioner for Refugees has made with respect to the Tobin tax.

Given that the United Nations High Commissioner for Refugees has called on governments of the world to introduce the Tobin tax in order to finance human rights work around the globe, I wonder whether the minister is now prepared to endorse this concept and say that at the G–7 meetings in Halifax the Canadian government will be putting forward a proposal in this regard.

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, the Tobin tax, as the hon. member knows, is quite an imaginative approach to both the financing of international obligations as well as the problems arising from speculation.

There are some problems with the Tobin tax, not the least of which is that unless it is applied on a worldwide basis it will not work. It would simply give rise to ways around it and other forms of financial instrumentation. For that reason the debate will continue.

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, while the debate continues I wonder if the minister could tell us what the Canadian position is with respect to how the debate should proceed.

Will the Canadian government be looking for ways to do this that meet some of the concerns of the minister? Will the Canadian government, when it gets to Halifax, and in other international fora, be putting forward proposals for creating a financial world order in which the power of speculators to destabilize national and regional economies will be contained?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, the principal purpose of the Halifax summit, which is to take a look at possible or necessary reforms to international financial institutions, primarily the Bretton Woods institutions, is going to be first and foremost on the agenda. That will be a wide–ranging discussion and it would not be incumbent upon me to limit it here.

* * *

TRADE

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, sugar beet producers are concerned that negotiations to open the U.S. border to Canadian sugar exports are being put on hold pending the Revenue Canada investigations into allegations of sugar dumping by the U.S. and Europe.

My question is for the Minister for International Trade. Can the minister assure the House that negotiations are still being pursued even during the Revenue Canada investigations?

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, the discussions that were held on March 16 were part of an ongoing process of consultation with the United States. When we have had a chance to review further the United States information and material given to us on March 16, we will again be consulting the United States.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, my supplementary question is for the same minister.

Could he indicate what approach the government is taking with regard to sugar? Is sugar being negotiated as one commodity alone, or is it a commodity being negotiated with a package of goods relative to the GATT?

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, the question of sugar is being negotiated alone.

[*Translation*]

LA RELANCE JOB SEARCH PROJECT

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

The federal government has just granted a subsidy to the job search project *La Relance* in order to help young people with no income find a job. Until now, the Department of Human Resources Development had funded only the program for young unemployed workers.

How can the Minister of Human Resources Development explain his department's decision to give financial assistance to *La Relance* when it withdrew funding from *Carrefour Jeunesse–Emploi* because that centre dealt with young welfare recipients?

(1455)

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, we did not withdraw funding from the Carrefour Jeunesse. In fact the department is supplying something like $200,000 worth of project support this year.

As far as the project Relance is concerned, we are providing an additional $20,000 at the end of the year to make up a backlog of cases. I am not sure why the hon. member would be so critical of any attempt to help young people in the province of Quebec.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, am I to understand from the minister's answer that, from now on, he intends to support all groups pursuing the same objectives, whether they deal with people on unemployment insurance or with people who do not receive unemployment insurance benefits?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, as I have said in the House before, in the spirit of the new federal philosophy of decentralization where we want to give far more responsibility to our officers at the local region who make decisions about their priorities, we will be responsive to those kinds of decisions.

It indicates a new kind of federalism. We want the programs to be tailored to the actual needs and priorities as determined by people working in those communities.

FIREARMS

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, a Court of Queen's Bench in Alberta has found the orders in council passed by the past Tory government pertaining to firearms legislation to be invalid because section 116(2) of the Criminal Code had not been adhered to.

My question is for the justice minister. Why has he followed the same procedure in passing orders in council before Christmas, a procedure that has been declared invalid by the courts of this land and has not worked its way through the appeal courts? Why did the minister choose to follow a procedure that has been declared invalid by the courts?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the judgment that has been referred to is under appeal because the federal government believes at first instance it was simply wrong. Without meaning any disrespect to the court, we have every confidence in the validity of the order in council.

The appeal is pending yet government must continue. The government has exercised an authority which it believes has been done validly and lawfully in the best interest of the public.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I understand the response of the justice minister. However, he could have followed the procedure outlined in section 116 of the Criminal Code. I observe that in Bill C–68 he has made that provision.

Why would the minister not follow the procedure set out in the Criminal Code and have the orders in council passed by the elected representatives of the people as section 116 of the Criminal Code demands and as the Court of Queen's Bench in Alberta has indicated is a valid procedure?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is because that section is not relevant to this exercise.

Two sections in the code speak of orders in council. One has to do with the general power on the part of government to prohibit. That order in council need not be placed before the House. The second and different kind of order in council deals with such matters as regulation, fees, businesses selling firearms. Those orders in council must be placed before the House.

We have distinguished between the two. We are confident of the validity of the steps we have taken. We feel in good faith the judgment at first instance in Alberta was wrong. We will pursue the appeal with every confidence that we shall win it.

EDUCATION

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, my question is for the Minister of Industry who is responsible for the—

Some hon. members: Oh, oh.

Mr. Charest: Mr. Speaker, as usual I am flattered by all of the attention.

My question is for the Minister of Industry who is responsible for the Canada scholarship program for science and engineering students. The government's main estimates in 1995–96 said the ''program was very successful in encouraging Canadian students, particularly women, to enter and stay in post–secondary science, engineering and technology studies''.

Given the evaluation and the success of the program with the private sector and the rhetoric of the government on post–secondary education and R and D, why did the minister cut the program?

(1500)

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, I am always happy to receive a question from the leader of the fifth party, particularly one who will know that the funding for the Canada Scholarship Plan has been fulfilled to the extent that it was approved and put in place by the previous government. Nothing was cut. Rather the funding accorded by the previous government has run out.

I would like him to know that we are working very hard to find means to supply the Canada Scholarship Program in other ways and perhaps with the participation of the private sector so that a program like this is able to continue.

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, I have a supplementary question.

Given the fact that the government will not continue to reward the excellence of students in the area of science and post–secondary education, my question is for the Minister of Human Resources Development.

Why is it that his department has not continued a stay in school program that seeks to help young Canadian men and women to pursue their studies so that we as a society can do everything we can for young men and women to obtain all the skills they need in their lifetime to participate fully in Canadian society? Why has he cut that program?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, we were put in the unfortunate position that the previous government had only provided limited five–year funding. I have made a special effort in the past year to

provide an extension of the funding so that I could then use the time to begin to recruit the assistance and enlistment of the private sector.

We have been able to obtain a number of private sector sponsors as part of the stay in school program. Next fall when the new national basketball association team opens up in Vancouver and Toronto the stay in school logo will be part of its promotion. It has become one of the major sponsors of the program.

It shows we are interested in maintaining the very valuable necessity of keeping our young people in school.

* * *

UNEMPLOYMENT INSURANCE

Mrs. Rose–Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, congratulations are in order to the hon. member for Restigouche—Chaleur on his private member's bill which will allow UI claimants to serve on jury duty without losing their benefits.

Could the Minister of Human Resources Development assure us that there will be no delay in implementing the measures and that individuals receiving UI will be immediately entitled to their benefits while serving on a jury?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I certainly join in congratulating the hon. member for Restigouche—Chaleur who for the first time has established a precedent. His private member's bill has not only received royal assent but royal recommendation for the spending of government money.

I am pleased to report to the House that with its passage yesterday in the Senate and the giving of royal assent, at two minutes past midnight this morning all persons asked to serve on jury duty who receive UI benefits can continue to collect them.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the Hon. Simon Upton, Minister for the Environment, Research, Science and Technology and Minister for Crown Research Institutes of New Zealand.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Milliken (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 25 petitions.

* * *

(1505)

[*English*]

PETITIONS

HUMAN RIGHTS

Mr. Gar Knutson (Elgin—Norfolk, Lib.): Mr. Speaker, I have six petitions with a total of 471 names to present.

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

CANADIAN BROADCASTING CORPORATION

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I should like to table a petition signed by over 2,000 Canadians from the Niagara peninsula, Hamilton, London, Burlington, Toronto and surrounding areas, and other Ontario cities.

The petitioners call on Parliament to condemn the actions of the Canadian Broadcasting Corporation in its application to televise the Paul Bernardo trial.

VIOLENT OFFENDERS

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, I rise to present a petition in a course of action undertaken on behalf of constituents who wish to halt the early release of Robert Paul Thompson from prison.

The petitioners I represent are concerned about making the streets safer for citizens. They are opposed to the current practice of early release of violent offenders prior to serving the full extent of their sentences.

The petitioners pray that our streets will be made safer for law–abiding citizens and the families of the victims of convicted murders.

[*Translation*]

VOICE MAIL TECHNOLOGY

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, I would like to present a petition from citizens of Trois–Pistoles who consider that voice mail technology must be rejected, and who call upon Parliament to ask the government to

abandon its projected use of voice mail with senior citizens, since they do not feel they get adequate service especially when dealing with income security matters.

[*English*]

HUMAN RIGHTS

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, pursuant to Standing Order 36 I want to present a petition organized by Suzanne MacDonell, one of my constituents.

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

Not only am I pleased to present the petition but I endorse it as well.

ASSISTED SUICIDE

Mr. Clifford Lincoln (Lachine—Lac–Saint–Louis, Lib.): Mr. Speaker, I should like to present a petition signed by 40 electors from my riding and surrounding regions.

They ask that Parliament ensure the present provisions of the Criminal Code of Canada prohibiting assisted suicide will be enforced vigorously and that Parliament make no changes in the law that would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

HUMAN RIGHTS

Mr. Gordon Kirkby (Prince Albert—Churchill River, Lib.): Mr. Speaker, pursuant to Standing Order 36, I present a petition signed by approximately 60 people from Saskatchewan.

They request that Parliament not amend the human rights code, the Canadian Human Rights Act or the charter of rights and freedoms in any way that would tend to indicate societal approval of same sex relationships.

GUN CONTROL

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I have a petition from in and around the city of Winnipeg.

The petitioners request that Parliament support laws that will severely punish all violent criminals who use weapons in the commission of a crime, support new Criminal Code firearm control provisions that recognize and protect the rights of law–abiding citizens to own and use recreation firearms, and support legislation that will repeal and modify existing gun controls that have not improved public safety.

HUMAN RIGHTS

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I have several petitions to put before the House from constituents in Langley, Aldergrove and Abbotsford, British Columbia.

They first request that Parliament not pass Bill C–41 with section 718.2 as presently written and in any event not include the undefined phrase of sexual orientation as a behaviour people engage in does not warrant special consideration in Canadian law.

GOVERNMENT EXPENDITURES

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, my second petition requests that Parliament reduce government spending instead of increasing taxes and implement a taxpayer protection act to limit federal spending.

GUN CONTROL

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, my third petition calls upon Parliament not to enact any further firearms control legislation, regulations or orders in council.

HUMAN RIGHTS

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I have another petition to present. It calls upon Parliament to oppose any amendments to the Canadian Human Rights Act or the Canadian Charter of Rights and Freedoms that provide for the inclusion of the phrase of sexual orientation.

All the petitions I do so endorse.

Mr. Ian Murray (Lanark—Carleton, Lib.): Mr. Speaker, I have two petitions to present to the House today pursuant to Standing Order 36.

(1510)

The petitioners are asking that Parliament not amend the human rights code, the Canadian Human Rights Act or the charter of rights and freedoms in any way that would tend to indicate societal approval of same sex relationships or of homosexuality.

NATIONAL HIGHWAYS

Mr. Glen McKinnon (Brandon—Souris, Lib.): Mr. Speaker, I rise to present three petitions.

The first one was signed by 26 people from Killarney, Manitoba. The attention of the House is drawn to the fact that 38 per cent of the national highway system has fallen below accepted standards and that the benefits of the proposed national highway program are numerous.

The petitioners call upon Parliament to request that the government support all measures to make the national highway system upgrading possible.

HUMAN RIGHTS

Mr. Glen McKinnon (Brandon—Souris, Lib.): Mr. Speaker, the second petition was signed by 31 people from the Brandon—Souris area.

It calls upon Parliament to amend the Canadian Human Rights act to protect individuals from discrimination based on sexual orientation.

ASSISTED SUICIDE

Mr. Glen McKinnon (Brandon—Souris, Lib.): Mr. Speaker, the third petition was signed by individuals from Cromer, Oak Lake, Kenton and Virden.

They call upon Parliament to ensure that the present provisions of the Criminal Code that prohibit assisted suicide be vigorously enforced and that Parliament make no changes in the law that would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

Mr. Benoît Serré (Timiskaming—French River, Lib.): Mr. Speaker, I have a petition signed by 40 people from my riding to present.

They pray and call upon Parliament to ensure that the present version of the Criminal Code of Canada prohibiting assisted suicide be enforced vigorously and that Parliament make no change in the law that would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

I concur with the petition.

RIGHTS OF THE UNBORN

Mr. Benoît Serré (Timiskaming—French River, Lib.): Mr. Speaker, I have another petition signed by 40 people to present.

They pray and call upon Parliament to act immediately to extend protection to the unborn child by amending the Criminal Code to extend the same protection enjoyed by born human beings to unborn human beings.

HUMAN RIGHTS

Mr. Benoît Serré (Timiskaming—French River, Lib.): Mr. Speaker, the next petition was signed by 112 people from my riding.

They pray and call upon Parliament not to amend the human rights code, the human rights act or the charter of rights and freedoms in any way that would tend to indicate societal approval of same sex relationships or homosexuality.

I concur with all the petitions.

JUSTICE

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the first petition I wish to present calls upon Parliament not to allow drunkenness as a defence.

GOVERNMENT EXPENDITURES

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the second petition I am introducing calls upon Parliament to reduce government spending instead of increasing taxes.

HUMAN RIGHTS

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the third petition speaks in favour of inclusion of sexual orientation in the Human Rights Act.

YOUNG OFFENDERS ACT

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the final petition I wish to present calls for stiffer sentences under the Young Offenders Act.

HUMAN RIGHTS

Mrs. Rose–Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, I wish to table two petitions signed by the constituents of Lambton—Middlesex and surrounding areas that have been duly certified by the clerk of petitions pursuant to Standing Order 36.

In the first one the petitioners call upon Parliament not to impose any amendments to the Canadian human rights act or the charter of rights and freedoms that provide for the inclusion of the phrase sexual orientation.

JUSTICE

Mrs. Rose–Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, in the second petition the petitioners request that the Criminal Code of Canada and other relevant acts be amended so that extreme drunkenness as a defence in any criminal case could not be used.

ASSISTED SUICIDE

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, I wish to present three petitions on behalf of the constituents of Simcoe Centre.

The first petition is on the issue of euthanasia. The petitioners request that Parliament not sanction or allow the aiding or abetting of suicide or euthanasia.

HUMAN RIGHTS

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, the second petition deals with the issue of sexual orientation.

The petitioners request that the Government of Canada not amend the human rights act to include the phrase sexual orientation.

The petitioners fear that such an inclusion will lead to homosexuals receiving the same benefits and societal privileges as married people.

GOVERNMENT EXPENDITURES

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, the third and final petition is from my riding and it is quite timely. It was collected by small businessmen from my riding, including Mr. Don Campbell, Ms. Helen Russel, Dr. John Hunter, Ms. Karin Knitter, Mr. Dan Mallory, Mr. Michael Douglas and Ms. Faye Chappell.

The petitioners request that with Canadians already overburdened with taxation due to high government spending Parliament should reduce government spending instead of increasing taxes.

ASSISTED SUICIDE

Mr. Guy H. Arseneault (Restigouche—Chaleur, Lib.): Mr. Speaker, the petition has been certified correct as to form and

content according to Standing Order 36. It has been signed by a number of constituents from Restigouche—Chaleur.

The petitioners pray that Parliament ensure the present provisions of the Criminal Code of Canada prohibiting assisted suicide be enforced vigorously and that Parliament make no changes in the law that would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

(1515)

GUN CONTROL

Mr. Grant Hill (Macleod, Ref): Mr. Speaker, I have two petitions today. The first one states that Parliament should bring in gun control measures that are effective, not ones that pick on legitimate sportsmen.

GOVERNMENT SPENDING

Mr. Grant Hill (Macleod, Ref): Mr. Speaker, the second petition asks Parliament to bring in taxpayer protection to limit federal spending.

I wholeheartedly concur with both petitions.

HUMAN RIGHTS

Mr. Peter Milliken (Kingston and the Islands, Lib): Mr. Speaker, I am pleased to rise to present a petition today signed by numerous residents of the province of Ontario, many from Kingston, some from Toronto, Waterloo and Thornhill.

The petitioners pray and call upon Parliament to put an end to discriminatory treatment in Canada of gay and lesbian citizens and their familiar relationships by amending federal legislation which currently allows unequal treatment, including an amendment to the Canadian Human Rights Act to prohibit discrimination based on sexual orientation.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 121 could be made an Order for Return, the return would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 121—**Mr. Strahl:**

With regard to all departments and agencies of the government, what were the numbers of air flights taken during the fiscal year 1993–94 by department/agency, what is the total cost of air travel by department/agency, how many of those flights were business class and how many were economy class by department/agency, and what was the proportionate cost of business versus economy class, again by department/agency?

Return tabled.

[*Translation*]

Mr. Milliken: Mr. Speaker, I would ask that all remaining questions be allowed to stand.

The Deputy Speaker: Is there agreement?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

ELECTORAL BOUNDARIES READJUSTMENT ACT, 1995

The House resumed consideration of Bill C–69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries, as reported (with amendments) from the committee.

MOTIONS IN AMENDMENT

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.) moved:

Motion No. 1

That Bill C–69, in Clause 3, be amended by replacing line 17, page 2, with the following:

''electoral districts in the province varies by 15''.

Mr. Milliken: On a point of order, Mr. Speaker. I think you would find the consent of the House, to save time, that we dispense with putting the question to the House on Motions Nos. 2, 3, 5 and 7, and that they be deemed to have been put to the House as we did on Saturday morning in respect of the other bill.

Mr. Hermanson: Mr. Speaker, could I have further clarification on exactly what is being suggested here?

[*Translation*]

Mr. Milliken: Mr. Speaker, I would ask that the motions be taken has having been read before the House, rather than having the Speaker read each of them.

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

Motion No. 2

That Bill C–69, in Clause 4, be amended by replacing line 2, page 3, with the following:

''in the province varies by less than 15 per''

Motion No. 3

That Bill C–69 be amended by deleting Clause 5.

Motion No. 5

That Bill C–69, in Clause 19, be amended:

(a) by replacing lines 24 and 25, page 11, with the following:

''for province shall, subject to subsection (1), be governed by the following rules:'' and

(b) by replacing line 34, page 11, with the following:

''than 15 per cent from that quota, which''

Motion No. 7

That Bill C–69, in Clause 19, be amended by deleting lines 28 to 42, page 12.

[*English*]

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, here we are again on Bill C–69 which started out as Motion No. 12 or 13 some time ago when there was a revolt on the Liberal backbenches because they saw some new maps which changed the boundaries of their ridings shortly after the last election.

Now we are at the stage where we have a new readjustment act nearing its final stage of debate. We are at report stage. There will be third reading and then it will go to the Senate.

We have proposed several amendments but they can be categorized in two major groups, the first being Motion No. 5 which has implications to Motions Nos. 1 and 2. Motion No. 7 is the other. Motion No. 5 is related to Motion No. 7.

These amendments are proposed to bring Bill C–69 into line with the principle of equality of vote. First, the population range within which constituencies are allowed to vary from the provincial quotient should be reduced from plus or minus 25 per cent to plus or minus 15 per cent. Second, whatever variance is in place should be an absolute limit.

Our second group of amendments takes away the discretion of the boundary commissions to exceed the limit in exceptional circumstances. It relates to clause 19(2) which sets the variable quotient at 25 per cent. Our amendment reduces the quotient to 15 per cent. This change is listed as our amendment No. 4.

(1520)

Our first and second amendments are consequential to this change and are necessary for the continuity in legislation. They appear earlier in this bill which is why they must be dealt with first, even though they are consequential.

Let me touch on the reasons for moving to a 15 per cent variance in the population quotient for a province. Large variances in the population of constituencies are basically unfair. Constituencies significantly lower than the provincial average population are over represented in Parliament. Because the number of seats within a province is fixed, if one group is over represented another group must be under represented. This unfairness cannot be entirely eliminated but it must be greatly reduced to tighten the variance.

Many jurisdictions would see a variance of even less than 5 per cent. Certainly we are being most reasonable when we suggest the variance be limited to plus or minus 15 per cent of the provincial norm.

Equality of voting power is already stretched because our Constitution provides more seats in certain provinces than they would ordinarily receive based solely on their population.

A 25 per cent variance allows for constituencies to be established with up to a 67 per cent difference in population as of the time of census. Redistribution occurs three to four years later. The population variance could be even greater by the time redistribution is done. By contrast, a 50 per cent variance allows for a 35 per cent variance in population of the ridings within the same province.

A 35 per cent difference in population gives enough discretion to the boundary commissions to allow for considerations such as reasonable criteria regarding community of interest, rapid growth and the concerns of rural areas.

Allowing a 67 per cent difference in the population creates too much opportunity for drawing boundary lines around linguistic, cultural and ethnic communities. It is important that all aspects of electoral law treat all citizens equally regardless of race, gender, culture, religion or ethnicity. A tighter variance encourages the equitable treatment of all citizens by the boundary commissions.

Unusually large ridings do not need significantly lower populations to make them workable. There are other ways to accommodate those members and their constituents; for example, slightly larger office budgets or extra staff for travel. Increased use of communications technology can negate the need for some of the travel. When interconstituency travel is necessary, additional travel points can be used for travel within extremely large constituencies.

One complaint we heard over and over again primarily from Liberal backbenchers and also from a few of the Bloc Quebecois MPs at the committee was they were concerned about the unmanageability of their large rural constituencies. They seemed to feel that putting at risk the high standards we hold for the quality of voting power of Canadians was a worthwhile sacrifice to maintain their rural ridings at their present sizes. Some argued they were too large and should be made smaller.

The House of Commons is built on the principle of representation by population, not representation by geography of region. It therefore stands to reason that if any given area loses population, either in absolute terms or relative terms, on principle the number of MPs should also decrease.

It is important to tighten the variance used by the majority of constituencies because the legislation also proposes allowing special case ridings to exceed the population limits. A large variance in the exception rule is individually bad. In combination they weaken the concept of voter equity to the point at which it is almost meaningless.

A number of rural MPs were concerned about the geographic size of the ridings they had to represent. A smaller but also a strongly supported argument before our committee was that the urban ridings were growing so quickly they also became unmanageable for their members. It was rather odd to see urban and rural members arguing for two different clauses in section 19 of the bill which were at counter purposes to each other, both hoping they would be able to protect their own turf.

(1525)

What this points out more than anything else is the importance of members not being on the front lines of negotiations when boundary lines are being drawn. In many instances members showed a rather sad self–interest in the whole process. They wanted to maintain the status quo because they wanted to maintain their own riding boundaries so they would be more comfortable. This is natural but that does not mean it is correct.

The other issue that we took exception to is clause 19(3), which allows boundary commissions to go beyond the minus 25 per cent rule. If the plus or minus 25 per cent rule was not enough, this clause actually allows the commissioners to exceed that variance and put additional ridings under a schedule. Our amendment deletes this entire clause. This makes the population variance an absolute number. This is listed as amendment No. 7, and amendment No. 3 is a consequential amendment to this change.

There are reasons for opposing exceptions to the rules. Allowing boundary commissions to exceed the population limits for constituencies makes whatever variance is in the act meaningless. If boundary commissions are permitted to exceed the limit any time they want, why have a limit? It would be like being allowed to exceed the speed limit if it were for a good reason.

The increased over representation caused by exceeding the minimum population defined by the variance would create more under–representation elsewhere in the province and that would stretch voter equity even further.

There are very few ridings under the schedule now. Many MPs were arguing there should be more. They were saying: ''My riding is not under the schedule at the current time. I would sure like it to be there. Let us make sure that we draft a piece of legislation that allows for my riding to be included''.

We saw many from northern Ontario. We saw a very interesting amendment in the Order Paper. Fortunately it has been withdrawn. It stretches believability that some members from northern Ontario could be so protective of their turf and not want to lose their riding, even though the population of Ontario dictates that should be the case. We saw the same ridiculous arguments from the province of Quebec and the separatists. It is funny that the Liberals and the separatists should be speaking from the same page on this one, both trying to represent sparsely populated rural ridings, trying to put them on the schedule for partisan purposes. It is very unfortunate.

If exceptions to the rules are included in the legislation, everyone with a rural or northern riding will be trying to prove they deserve to be exempted. This will create difficulties for the commissions which will be faced with many costly and time consuming appeals for exceptions.

Liberal backbenchers may again demand the maps be redrawn to their liking if they do not get all the exempted ridings they want. It will be very interesting to see the response of many of these members when they see the new maps, yet again for the second time, and see their concerns were not addressed. We simply cannot draw the boundaries where they were the last time when redistributing the ridings.

If the 25 per cent variance has already passed for ridings within the same province, which will already be allowed to vary by 67 per cent, no further allowance can in any way be justified as necessary to meet the unusual circumstances.

We have in one end of the country Labrador. It is a scheduled riding because it is not a part of the island of Newfoundland. That seems to be justification for this large rural riding to be set apart. We see on the other coast the riding of North Island—Powell River. The boundaries of that riding are partly on the island but extend to the mainland. It is rough, wild, natural terrain, beautiful country. Why should there be two sets of rules, particularly if we have a variance of plus or minus 25 per cent to begin with?

If exceptions are allowed some ridings within the same province could be established at the time of redistribution which would double the population of others. In Newfoundland the difference between the largest and smallest riding population is well over 300 per cent, more than triple. Labrador has about 30,000 people and St. John's West has 101,000. Is that kind of distribution of voting power fair to the people of St. John's? No, it is not. That needs to be looked at.

This legislation will encourage that practice to continue, rather than discourage it because it has the very broad term extraordinary circumstances. Of course, extraordinary can be interpreted just about any way the commission feels reasonable. There is very little direction in this act as to what extraordinary circumstances are as far as isolation and difficulty of accessibility are concerned.

(1530)

In Ontario the last distribution map stayed within the plus or minus 25 per cent limit. However, the difference between Algoma and Scarborough North, the smallest and largest populations, is 42 per cent.

One of the reasons the Liberals squashed those redistribution maps is they said the maps were unfair to the north. In other words, there already was an inequity of 42 per cent between the most populous riding and the least populous riding in the province of Ontario with the maps brought forth last year. However, that is not enough. They want a greater discrepancy than that. Forty–two per cent is not acceptable to either the large rural ridings of the north or to the urban ridings, particularly those close to Toronto.

Now the Liberals want to put these ridings into the schedule. They want the difference to be greater; they want more than a 42 per cent variance in the province of Ontario. That is not good representation for the voters of Ontario and certainly is not good for all Canadians.

Mr. Speaker, I am not sure how you are going to be ruling on the Bloc amendment so I will not be able to speak to it at this time. I hope I will be able to because there are some democratic principles in place.

I hope the Liberals will come to their senses and support these amendments. For the betterment of the country, let us finally see them do the right thing, the thing they argued in committee was right but what they then backed away from and voted against, only to bring in an inferior bill.

[*Translation*]

The Deputy Speaker: Since there is no speaker on the governement side, I give the floor to the member for Bellechasse.

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, I listened very carefully to the comments by the member for Kindersley—Lloydminster. I was very surprised to hear him say that the hon. member for Cochrane—Superior, who made a first rate presentation before the procedure and House affairs committee, had ulterior motives. He defended not only the interests of his riding, but a global vision of rural Canada, which has been slowly emptied of its population and has had to have its boundaries redrawn.

It is with great pleasure that I acknowledge the presentation made by the member for Cochrane—Superior to the procedure and House affairs committee, which revealed, among other things, how difficult it was to work with a schedule, and showed that it would probably be better to include a clause in the bill dealing with the special circumstances resulting from geographical isolation. I will come back to these points in a moment.

The hon. member for Kindersley—Lloydminster seems to believe that the history of Canada started on October 26, 1993, the day he was elected to this House. Since the beginning of Confederation, we have had nine constitutions, including the 1982 Constitution. If the member had looked at the British North America Act, he would have found that the first schedule to this act deals with the electoral districts of Ontario. The 82 electoral districts are listed in there, and what do we find?

That, in 1867, the founding fathers had decided that electoral boundaries would essentially be determined by county. Therefore, in 1867, counties became the basis for representation throughout Eastern Canada, which included Ontario, Quebec, New Brunswick and Nova Scotia. People's sense of belonging started with their county. Suffice it to list the constituent counties of 1867. I will name the first nine only. They are the counties of Prescott, Glengarry, Stormont, Dundas, Russell, Carleton, Prince Edward, Halton and Essex. The list goes on, because there are 82 of them. When a county had to be divided, because the population was too large, it was indicated. However, the territorial division, and people's sense of belonging found expression in the county, as clearly established in the British North America Act.

(1535)

The riding I now represent, Bellechasse, comprises four counties: Dorchester, Bellechasse, Montmagny and L'Islet. In the past, it was represented by four members in this House—one for each county. Nobody threw stones or threatened to blow things up because representation varied from one riding to another.

It was in 1964, when we began to no longer use the county as the basis for representation in the House of Commons, that we upset the whole system. Now people, wherever they live in Canada, have a hard time identifying with their electoral ridings, which have changed, naturally, because of significant shifts in population.

We believe in the principle of representation by population, to start with, but in a tempered form, which must reflect the history of Canada and the fact it started out as a rural country and remained so for a very long time. People drifted toward the cities, but their first loyalties had been to the rural areas in each of the provinces of Canada—in the Atlantic, in Quebec, in Ontario or in the western provinces.

Today, of course, there are fewer people in the rural ridings and an adjustment must be made. However, does it have to be to the third decimal point to avoid there being any variation between provinces or between ridings? Should we work towards the 15 per cent proposed by the hon. member for Kindersley—Lloydminster, or should we stick to the traditional way of doing things in this country, a tolerant and open–minded electoral system which for the fact that the number of voters in a riding which is made up of 50 or 60 different communities is per force much lower, while at the same time allowing for the boundaries

of a given urban riding to be modified to take in new constituents subsequent to an extension to one of this riding's main arteries into what would have been another riding and would have divided a natural community?

We should decide on a case by case basis, determine whether the social fabric is homogenous in a given urban riding and whether adding a block or two would upset anything. If the fabric is not homogeneous in another urban riding, for example, if there is a variety or a mosaic of populations to be represented, the situation is different. Let us avoid generalizations and the Reformers' approach which is to generalize everything, level off both peaks and valleys any way they can and split hairs in their counts. It is an approach, an attitude which, from the point of view of legislation and electoral representation, we believe is to be condemned.

We would much prefer living with a variation of 25 per cent between ridings. But the Reform Party goes much further. It would like to drop subclause 19(3), which would permit commissions to allow a variation of more than 25 per cent because of geography, geographic isolation or inaccessibility. Obviously, we cannot agree with the Reform Party's proposal.

This would rule out a separate riding for the Magdalen Islands, considerably expand the riding of Manicouagan in Quebec, affect the riding of Cochrane—Superior, the riding of Nickel Belt, all of northern Ontario, as well as his own riding. The hon. member may have a death wish, but you can be sure that I will not fly in his plane.

In our opinion, clause 19.(3) is an inadequate safeguard. What we proposed in committee was to maintain the current situation allowing the commissions to depart from the rules on the 25 per cent variation every time they see fit to do so for reasons related to a community's special characteristics or the various interests of people in different parts of the province. The government has considerably reduced the impact. The commission will now be able to deviate by more than 25 per cent, but only below that percentage. This means that it cannot go above 125 per cent. Therefore, this criterion is also inadequate in a homogeneous urban riding.

(1540)

As you can easily understand, Mr. Speaker, there is no way we can support either of the amendments proposed by the Reform Party of Canada. Could you tell me how much time I have left?

The Deputy Speaker: I was not in the chair this morning, and have been advised that we are debating Motions Nos. 1, 2 and 3; Motion No. 6 has been withdrawn; the Speaker will rule on the acceptability of Motion No. 4 momentarily. You should therefore have enough time to finish your speech.

Mr. Langlois: Mr. Speaker, what are we to make of a political formation, namely the Reform Party of Canada, which calls for a triple E Senate where the provinces would each be represented by six senators—every one of them, from Prince Edward Island to Quebec, to Ontario, to British Columbia—regardless of their relative population, but not when it comes to representation in the House of Commons? They would like to make this House as uniform as possible, with every member exactly the same height. If they could all come in a five foot eleven and 172 pound format, that would perfect. That is pretty well what the Reform Party of Canada is suggesting.

The Reform Party had better make up its mind. How can it be for a triple E Senate, with six senators representing 120,000 people in one case and the exact same number of senators representing Ontario, the largest province in Canada, with 30 per cent of the total population? This does not make sense. Either the Reformists are for equal representation or they are not. Somehow they manage to be both at the same time.

I hope that Reform members will rise on this issue and elaborate on their view of a tripe E Senate, while the House of Commons can function very well with a deviation of plus or minus 25 per cent.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, so far I agree with the position of the hon. member for Bellechasse concerning the amendments put forth by the hon. member for Kinderley—Lloydminster. I am pleased to speak after him in this debate because he has set out so clearly the major aspects of this issue.

[*English*]

I also want to make my own point to the hon. member for Kindersley—Lloydminster. I know he has had lots of practice in making that speech.

We considered this question in committee in the days of when we were deciding what to do. The House had a debate on this issue in referring the matter to the committee. The issue was first raised then. We studied it in committee and made a report to the House. We had a motion for concurrence at which time this was one of the hotly debated issues and we heard the hon. member for Kindersley—Lloydminster then.

We had a bill for second reading which was passed without debate, but then in committee we went back into this issue as we studied this clause in the bill. We made some changes that the hon. member for Kindersley—Lloydminster did not like. I see that one of his amendments is to delete those good changes.

Then we come back to the House and here we have it again. I will lay dollars to doughnuts that we are going to hear the same debate from the hon. member on third reading. He is persistent, I grant him that and he has had lots of practice giving his speech.

I enjoyed his remarks this afternoon. I know he had hoped he had convinced me that we should agree to some changes in this part of the bill and accept his amendments. I do not agree with the amendments he has put forward and I want to give him, the

House and Canadians the reason the government is not agreeing with these amendments.

I listened to the evidence. After hearing all the evidence, I came to my conclusion. It is a good conclusion and I invite the hon. member to support it.

What he said was that as a result of the changes in this bill voter equity was almost meaningless. I have to disagree with that. The essential principle dealing with redistribution in Canada is set out in clause 19(1) of this bill. If he goes back to that basic principle, I think he will agree with me that what we did was right. It says:

> The principle that shall guide each commission in preparing a report is that effective representation be the paramount consideration in determining reasonable electoral district boundaries in the province for which the commission is established.

(1545)

As a person who represents a mixed rural and urban riding, but almost all urban, I would have expected that equality would require every riding in Canada to be the same size in terms of the number of electors.

Mr. Bernier (Mégantic—Compton—Stanstead): In principle.

Mr. Milliken: In principle. I recognize the principle of effective representation, which is the principle we are striving for as set out in section 19 of the act. Coincidentally it is the principle enunciated by the Supreme Court of Canada in its decision with respect to redistribution in the province of Saskatchewan, where the hon. member for Kindersley—Lloydminster resides and which he knows quite a lot about I suspect. The principle demands that in determining effective representation one looks at more than the number of electors residing in a particular geographic area.

We looked at this. We looked at Canada as a whole. We looked at the maps and we heard from members of Parliament from across the country who came to the committee and expressed their views on what effective representation meant. They told us about the problems they have in representing electors in some of the remote ridings.

Strangely, the hon. member for Labrador did not come. Yet it is one of the ridings that has been accepted for some time as a separate riding under the current redistribution rules. He did not come to complain to the committee that he had grave difficulty in representing his riding. Some of us know some of the problems he has.

The hon. member for Nunatsiaq who has over one million square kilometres in his riding—one–third of the country is in his constituency—did not come to the committee to complain about the problems he faces. However, there is not much he can do. He has a small population but they are scattered over an area that would make most of us blush—

Mr. Hermanson: Tell the whole story.

Mr. Milliken: I am telling the whole story. He has a special case. He had a special riding created. The Northwest Territories is assigned two ridings under the Constitution. It will keep those two. They are going to be small for awhile. Some day maybe they will not be, but for the moment they are small.

Looking at the rest of the country we have tremendous diversity. The hon. member for Kindersley—Lloydminster in his speech mentioned British Columbia. There are significant differences in population in ridings in British Columbia. I do not think there were any in the last proposals put forward by the commission that were exceptions in that province. There may have been one before but I do not think so. I do not think there was in 1987 either. Yet still there is a fair variation.

The commissions in the province of Saskatchewan drew the boundaries very close to the limit. They stayed very close to it so there is not a big discrepancy. I congratulate the commissions on their work. However, in some provinces it is hard to do that. In some it is harder than in others. The size of the provinces of Ontario and Quebec, for example, has resulted in a difference of view as to whether we should have a 15 per cent limit or a 25 per cent limit in variation. The bill proposed 25; the hon. member in his amendment is proposing 15.

I suggest that his doom and gloom scenario, his suggestion that ''voter equity would be almost meaningless'' is not correct. Under the previous law where 25 per cent was the variation, in 1987 there were five constituencies in all of Canada that were beyond the 25 per cent limit, either above or below. One was above, four were below. That is five constituencies out of 295. It is not something that renders voter equity almost meaningless, as suggested by the hon. member.

In the 1994 redistribution proposals that the commissions completed that the hon. member for Kindersley—Lloydminster says were so unpopular with Liberal members and I say were unpopular in large part with his own—he does not like to talk about that—

Mr. Hermanson: No. How many appeared before the committee?

Mr. Milliken: No, he says. Yes, I say to him. He knows perfectly well that many of his members were quite unhappy, almost weepy at the proposals that were put forward by the—

Some hon. members: Oh, oh.

Mr. Milliken: Now I hear them laughing because they do not like to think of them weeping, but a few months ago it was not quite that way.

The fact is there were two ridings in all the 1994 proposals that were above or below the 25 per cent quotient.

This is not a case of rendering voter equity almost meaningless. For the hon. member for Kindersley—Lloydminster to engage in that kind of rhetoric is not something I would expect of him. I am sure he did not really mean what he said.

Mr. Hermanson: You were arguing the same thing in committee.

Mr. Milliken: No. I want to turn to the words of the act itself because I think this is important. I do not normally like to read statutes in the House because it is pretty tedious.

(1550)

I would like to quote from the old Electoral Boundaries Readjustment Act that dealt with the power of commissions to go beyond the 25 per cent rule. It stated as follows:

> The commission may depart from the strict application of the rules set out in paragraph 1(a) and (b) in any case where:
>
> (a) special geographic—

Mr. Hermanson: Dispense.

Mr. Milliken: I want the hon. member for Kindersley—Lloydminster to hear this because he said this is bad.

It stated:

> (a) special geographic considerations, including in particular the sparsity or density of the population of various regions of the province, the accessibility of those regions or the size or shape thereof, appear to the commission to render such a departure necessary or desirable, or
>
> (b) any special community or diversity of interests of the inhabitants of various regions of the province appears to the commission to render such a departure necessary or desirable,

In other words, those were the tests that the commissions appointed in 1993, and that rendered their reports late last year, had as their guideline.

I ask you, Mr. Speaker, to compare those words with the words in clause 19(3), which the hon. member for Kindersley—Lloydminster says will render voter equity almost meaningless. In 19(3) it states:

> A commission may depart from the application of the rule set out in paragraph 2(a) in circumstances that are viewed by the commission as being extraordinary because a part of a province, the population of which is less than 75 per cent of the electoral quota for the province calculated in the manner described in subparagraph 2(a)(i) or (ii), is geographically isolated from the rest of the province or is not readily accessible from the rest of the province.

In other words, the test is narrowed. It is not widened, it is narrowed. It is harder to get a special riding under the new rules. It must meet one of two tests. The old rule allowed the shape, the density or sparsity of population and all kinds of different things to enter into it. That is no longer a consideration. Accessibility is now the test. There are two tests: geographically isolated from the rest of the province or not readily accessible from the rest of the province.

We have narrowed the test. The hon. member is still complaining that voter equity is rendered almost meaningless by this test. I suggest to him that he should re–read the old act, read the new bill, and he would conclude, as I do, that his amendment is not well–founded. He should leave those words in the new bill and support this change. It is a good change and one that will result in the basic principle for which we are all striving, that is, effective representation.

SPEAKER'S RULING

The Speaker: I thank the hon. member for his intervention.

Earlier today the hon. member for Kingston and the Islands raised a point of order. It was before question period. It was on the procedural acceptability of Motion 4 in the name of the hon. member for Bellechasse. He argued that the motion went beyond the scope of clause 16.

I have now had the opportunity to review the arguments made earlier this day by both hon. members and I do thank them for their interventions and their arguments.

The Chair has no difficulty in finding the amendment relevant to the clause and the bill since the concept of the formula of section 51 of the Constitution Act, 1867, is clearly introduced in the said clause. Furthermore, it is the opinion of the Chair that the amendment does not seek to amend section 51 of the Constitution Act, 1867, but rather it seeks to add a supplementary consideration for the Chief Electoral Officer in the determination that he must make pursuant to clause 16.

For those reasons I will allow the amendment to go forward.

MOTIONS IN AMENDMENT

[*Translation*]

The Deputy Speaker: Since the Speaker has now ruled on this matter, we can now deal with Motion No. 4. Someone could move that all the amendments be grouped together for debate.

The hon. member for Bellechasse, on a point of order.

Mr. Langlois: Mr. Speaker, I would like to get an indication from the Chair as to how we will debate the motions.

Since Motion No. 4, which is under my name and which is seconded by the hon. member for Kamouraska—Rivière–du–Loup, is of a different nature than those which relate to a variation of 15 per cent or to the deletion of special clauses, would it not be appropriate to debate them one after the other, and to vote on them separately?

(1555)

The Deputy Speaker: I thank the hon. member. Many members have already told me that these motions do not belong to the same group. We continue with the group which includes Motions Nos. 1, 2, 3, 5, and 7. Then, we will deal with the other group. Has the parliamentary secretary concluded his remarks?

Mr. Milliken: No, Mr. Speaker. Do I have any time left?

The Deputy Speaker: The time allocated to the hon. member has expired.

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I am pleased to participate in the debate on Bill C–69, and particularly on the amendments proposed by the Reform Party. I will start by making some comments on the speech of the hon. member for Kingston and the Islands.

It goes without saying that, when the member for Kingston and the Islands rises in this House to support the Bloc Quebecois, it gives him additional credibility.

Some hon. members: Oh, oh!

Mr. Bernier (Mégantic—Compton—Stanstead, BQ): This also reflects the open–mindedness of the Liberal member. I do hope that this expression of intelligence will have a positive effect on his colleagues, but I doubt it. As my grandmother used to say, we have our work cut out.

I support the views expressed by the hon. member for Bellechasse and I reject the amendments proposed by the Reform Party concerning the application of the 15 per cent rule. According to the arguments put forward by the Reform Party, we would not have to conduct an in–depth review of electoral boundaries and it would probably be a simple matter of feeding some formula into a computer which, in a matter of minutes, would come up with a new riding and a new electoral map for the whole country.

It seems to me that the review of electoral boundaries should be a more fundamental and serious exercise than that. Provisions in the bill that would allow a difference of 25 per cent would seem to be entirely justified under the circumstances, for very obvious reasons, especially when we are talking about so–called rural areas, and this applies to many of our Reform Party friends and in fact, to most members in this House. It seems to me that commonality of interests should take precedence over nearly all the criteria that are considered when it is time to review electoral boundaries.

To represent a riding is not just a matter of being here in Ottawa a few days a week to listen to the arguments of other members. It is about considering the interests of our respective communities and making them known to the federal administration, in this case, and it is also a way for us to play a leading role and act as a catalyst in our communities. In other words, commonality of interests is essential.

(1600)

When I look at my own riding, I remember the readjustment that had been proposed in the now defunct Bill C–18. It would have created a situation that people in the area would have considered absurd. I had an opportunity to make this point during the debate on Bill C–18. My riding was turned upside down. Overnight, communities were grouped with other communities, and one example was the MRC du Granite, whose main city is Lac Mégantic, which all of a sudden found itself in the same riding as Thetford Mines. Now the people of Thetford Mines are all very nice, and its business people are very friendly, including the member for the area and my colleague, Mr. Chrétien.

However, the two communities have very little in common since they did not evolve the same way and do not have the same interests. Geographically, they are next door to each other. On the electoral map, we see that the asbestos area is next door to the Granite region. However, when we consider the background of these communities, including their economy, their educational facilities, where their children go to continue their education, their cultural facilities, we realize that these two communities are not developing the same way and do not have the same geography.

These aspects should be considered when the time comes to revise electoral boundaries. We must consider commonality of interests and the numbers rule should be subordinate to this principle. We need a degree of flexibility that will let us consider commonality of interests. It seems to me that the 25 per cent rule allows for a certain degree of accommodation that encourages compliance with this rule. That is why it is quite natural that the Bloc Quebecois should reject the amendments proposed by our Reform Party colleagues and is in favour of maintaining the 25 per cent rule.

I may add, and I am nearing the end of my speech, that we need provisions in this bill that will allow for setting up so–called special electoral districts, in other words, districts that may be under 25 per cent. We gave certain examples. I remember the case of the Magdalen Islands, which for many years, from 1947 to 1968, had been an autonomous electoral district. From 1867 to 1946, the riding was joined to Gaspé and now, since 1968, it is part of the riding of Bonaventure—Îles–de–la– Madeleine. This is a case in point, when we consider the very special character of the Magdalen Islands. There are of course other examples that were raised by other colleagues in this House. So again, those were the reasons why we should maintain the 25 per cent rule.

[*English*]

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I must say at the outset of my remarks that I was not prepared to speak today, but after listening to some of the

comments from my hon. colleagues I was impelled to rise and add my two cents worth to the discussion.

(1605)

I would like to correct the record concerning some comments attributed to the hon. member for Kingston and the Islands. He mentioned that the Reformers were disappointed although we opposed Bill C–18 a year ago and I think the phrase he used was that we were weepy about some of the proposed changes. He implied that although we opposed the bill, we actually were not disappointed when it passed and the existing electoral boundaries commissions were subsequently disbanded.

I would like to say for the record that yes, we had some legitimate concerns about the proposed changes. However, we felt and still feel that those concerns could have been adequately addressed through the appropriate process that was in place at the time.

We saw no need to suspend the existing provincial electoral boundaries commissions. We felt that elected representatives in this House should not have any priority over the concerns of the average citizen and that we should make our case either orally in front of the commissions when they travelled around the various provinces or through an appropriate paper trail.

Speaking for myself, I took leave of that opportunity and presented myself to the electoral boundaries commission for British Columbia in Prince George on June 2. I made my case against the proposed changes that it had communicated.

I am pleased to represent one of the larger ridings in British Columbia. It encompasses about 212,000 square kilometres. As we have heard today from a number of members, some rural ridings are very difficult to represent. It is very difficult to get around to all the various areas in one's riding.

I certainly consider my riding one of the more difficult ones in the country to get around. It is the only riding that straddles the Rocky Mountains. Some 60 per cent of the population of my riding is on the Peace River side on the east side of the Rockies and 40 per cent is over on the other side. I had some concerns, as did some other Reform Party members and members from other parties.

I made my presentation at the hearing. Lo and behold, miraculously the commissioners did listen to my presentation. Subsequently, the commission was disbanded and submitted its final report. I was privy to that report when it came out in November. I found that the committee had listened and had responded appropriately concerning the changes it had previously proposed for the Prince George—Bulkley Valley and the Prince George—Peace River ridings. What had actually happened was that the committee had listened to the member for Prince George—Bulkley Valley and myself and left the ridings as they now exist.

It is also appropriate to mention that even with the existing population of British Columbia which is estimated at some 3.3 million, the number of ridings from the 1991 census will be 34 rather than 32. As I am aware, Elections Canada pegs the number at some 96,531 for the average riding size for a population the size of British Columbia.

The riding of Prince George—Peace River as it currently exists would fall under the 15 per cent variance as proposed in the amendment by my colleague. Therefore, even a large rural riding and one of the more difficult to travel around would still qualify under the reduced variance that Reform is proposing. That should be noted.

One other point I would like to make concerns some comments made by the hon. Bloc members. They seem to have some difficulty understanding how Reform on the one hand supports the concept of a triple E Senate and on the other hand speaks against this larger variance. It is very easy for us to understand. I do not know why it is so difficult for them to understand.

(1610)

It gets back to what we believe is the fundamental principle of democracy in a two house system. The lower house should be represented as closely and as accurately as possible by representation by population, while the upper house should represent the regions in a geographical sense. I do not understand why the hon. members from Quebec find that so difficult to understand.

I note with real concern that amendments put forward by the Bloc suggest that Quebec should somehow always have some traditional right to 25 per cent of the seats in this House. It goes completely contrary to the defeat of the Charlottetown accord.

As Reformers travelled around the country and particularly in western Canada speaking out against the Charlottetown accord during the referendum campaign, one of the concerns we heard from Canadians was that no area should have a right to a set number of seats in this Chamber and that they should be set by population. Who knows what is going to happen in the future? That was the real reason a lot of people voted against the Charlottetown accord.

In closing, I make note of that for the hon. Bloc members. They should remember their history. Remember that one of the reasons people voted against the Charlottetown accord was that they completely discount this opinion by some Quebecers, not all, that somehow they have an inherent right to 25 per cent of the seats in this House.

[*Translation*]

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, I will therefore talk about the amendment proposed by the Reform Party to narrow the deviation from the provincial electoral quota from 25 per cent to 15 per cent. First, I would like to point out that Quebec also voted against the Charlottetown Accord. Obviously for different reasons, but this is probably the only point in history where we agreed. This is just about the only time in the year that the Bloc Quebecois and the Reform Party agreed. It was, nevertheless, for a good cause, basically.

In order to understand what the 25 per cent and the 15 per cent situations represent, we must situate ourselves both geographically and demographically, since our role in the House is not just to represent an area and not just to represent people, but to represent the people in a given area. From these two starting points, we must look at the two elements in the process. There are regions where it is easy to comply with the principle through geographic juggling or playing with certain boundaries and thus relatively easy to move the scale 25 per cent or 15 per cent higher or lower. It is a matter of mathematics.

Clearly mathematics does enter the picture at some point. However, where mathematics takes a back seat is where geography comes into play. There are regions, not only in Quebec, but in Ontario and in the Yukon, where this is not possible. I am sorry, but our role here in the House of Commons is not a static role where we represent people mathematically. We are here to represent people according to the demographics of regional characteristics. Within the process, certain basic elements must be taken into account. I will give you a specific example. Naturally, I will give you the one I know best, that of my riding.

My riding is the third largest riding in the country: 465,000 square kilometres. It is a little more than half the size of Ontario, just to give you an idea of what 465,000 kilometres means. It is not the kind of vast area where people live in 10 square kilometres and the rest is forest. No, there are people living throughout it in its farthest reaches. There is even a place where there are fewer people—at the heart of it. So, reasonably, a member has to take the time to visit the people, and the people also are entitled to see those they voted for, those who represent them, whether they voted for them or not, because they are there to represent them.

(1615)

Mr. Speaker, 465,000 square kilometres, that is over 82 times the size of Prince Edward Island, which has four MPs. Therefore, if we were to calculate the ratio, there should be 328 MPs for the riding of Manicouagan, which is more than the number of members currently in the House of Commons. If you want to talk math, so will we.

It makes no sense, except that there would be a lot of Bloc Quebecois members. We are losing in all this, but what can I say? It is something we must accept.

Now, back to the debate, because we must not lose sight of any of these issues in the parliamentary process. And when we take into consideration goals that we must strive to attain and, I should add, never give up on, this is stricly in the interests of the good representation of the taxpayers who pay our salaries.

It takes three hours by plane to get to Blanc–Sablon, in the eastern corner of my riding, and if I want to visit other taxpayers in the north end of my riding, I have to first go back to Sept–îles before taking another three hour flight. I have to block off several days, even weeks, if I want to go to Blanc–Sablon. In fact, I had to prepare a schedule when I appeared before the committee.

To really visit everyone in my riding, not in a whirlwind tour, but to actually go to each location and meet an organization, for example the municipal authorities at city hall or the members of a chamber of commerce, it takes three weeks non–stop, with no days off, and that is if weather permits. I must honestly admit that over the last year and a bit, I still have not been able to do a complete tour of my riding because all too often the fog prevents us, slows us down, makes us push back our schedule by a day. Taxpayers nevertheless have the right to meet their elected representatives. And it is the duty of elected representatives to meet taxpayers on their own turf so that they can better understand certain peculiarities, because regional particularities do come into play.

In the north, for example, we find native communities, where hunting and fishing are the main issues. In the southwest, which covers the area from Sept–îles and Port–Cartier up to Franquelin, including Havre–Saint–Pierre, we find mostly mining and logging companies, naturally. Fermont is another mining town a little further to the north.

That is where the road ends. That is another factor to be considered. There is a proposal to amend the variance from 25 per cent to 15 per cent. When the road ends, it does not matter whether it is 15 or 25 per cent. These people have the right to live, to have access to food, to health and public services.

We are talking about quite a different set of logistics just to meet with them. There is no comparison. In this sector, 75 to 80 per cent of the inhabitants live off the fishery. But there is no road. There is only the boat or the plane, and in winter, the snowmobile.

We know what happened recently in Blanc–Sablon. There is a great deal of snow, Mr. Speaker.

In conclusion, we must not take our search for a mathematical formula to extremes. We must continue to be proud of the work we are doing, and proud as well that we are able to improve the

quality of service to these people, because they too have rights and obligations, as do we, their elected representatives. We must not allow a mathematical formula to make a mockery of what we do.

In order to bring it into line, my riding would have to be enlarged by almost half the area of the entire province of Quebec. We would be looking at more than one House of Commons. No. I think that, out of respect for taxpayers, we should stick with figures that take geography and demography into account.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib): Mr. Speaker, I want to address two items in connection with the amendment proposed by the Reform Party in relation to setting the variance from quota that would be used for the creation of new riding boundaries in the forthcoming redistribution.

(1620)

I note, as my colleague from Kingston and the Islands has already noted, the 25 per cent maximum variance has already been found to be charter compliant. It is a measuring stick that fits within our charter. At the end of the day it is the charter which governs how our electoral redistributions will take place. That is the foundation on which our democratic rights and privileges are built.

In relation to the actual population numbers I draw to the attention of colleagues the possibility that during this debate some of us are focusing on existing population numbers when we look at the variance from quota that existed over 10 years ago when the boundaries were last redistributed around 1987.

When some members ask whether the current variance in a particular riding of close to 25 per cent is democratic, I point out that a lot of these statistics did not exist 15 years ago. When the boundaries were created 15 years ago many of these ridings were much closer to population quota. Subsequent growth has caused the populations to increase or decrease and depart from the quota. We have to be careful in discussing that because it is not fair to say that because a riding is 23 per cent above quota now that is what would be the case if the electoral boundaries commissions were to reshape the boundary now.

The electoral boundaries commissions will be expected to follow very close to quota when they do their work. That is how they operate. I have been through the process once back in the eighties.

The change to the statute at committee involving the deletion of what was called the schedule was done for some pretty calculated reasons. I know they were good reasons. I debated it at committee. By deleting the schedule we have not rid the ability of particular ridings to continue to exist outside the 25 per cent variance.

However, we have circumscribed fairly precisely the basis on which they could be outside the 25 per cent variance. The circumstance must be extraordinary. I leave the definition of that to the electoral boundaries commissions. The riding must be geographically isolated or not readily accessible to the rest of the province. If the electoral boundaries commission is to permit a riding to exist, not just varying from the quota but outside the 25 per cent variance, they must give cogent reasons.

If some democrats from the Reform Party or the Liberal Party or the Bloc Quebecois believe that being outside the variance does not comply with the charter there can always be access to judicial interpretation.

We have made a reasonable compromise. We have put in place a reasonable mechanism to address what is truly an incredible variety of electoral circumstances in Canada.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, I already had a few opportunities to speak about the readjustment of electoral boundaries.

(1625)

With regard to the amendments put forward by the Reform Party, I should explain to the people listening to us that this is not a complex technical matter. The Reform Party is simply asking us to make ridings larger and give greater importance to urban communities and less importance to the other criteria, including territorial settlement, thus affecting our whole vision of Canada's development.

Through seemingly very technical criteria, the amendments put forward by the Reform Party would lead to a very clear choice, namely ensuring that future development is based only on natural population migrations without considering that any region may experience a temporary decline in population and take steps to revitalize the community. The amendments proposed by the Reform Party would only speed up the community's decline and reduce its political representation. It is obvious at this point, I think, that we must make sure this amendment is rejected.

The second amendment, which is aimed at eliminating the possibility of deviating by more than 25 per cent, further increases the imbalance with constitutionally protected ridings. For instance, in Prince Edward Island and a number of other places, certain ridings are protected, and preventing any variance above 25 per cent will only increase the discrepancy between levels of representation.

What kind of an advantage is a riding under constitutional protection given over other ridings in terms of representation? Because this argument of representation is coming up and I think that the rural communities of Western Canada must be surprised indeed at the position the Reform Party is taking today, a position which would make ridings already covering

huge areas extend even further. I find it very odd indeed that the Reform Party should take such a stand.

It also seems to me that, beyond the mathematics of representation, the idea is to ensure that representation is fair and accurate. Fairness is not just a matter of arithmetic. Otherwise, this whole thing could be resolved with a calculator and we would save a great deal of money. But when one riding covers, say, six blocks in Toronto, Montreal or Vancouver while another one encompasses 55 or 60 municipalities, should we not take into account other criteria to ensure that rural and urban ridings are equally represented in this Parliament?

I do not think that anyone here will deny that these circumstances affect how we carry out our duties and that we need different ways to reach out constituents, one being to reduce the number of constituents in all ridings. It was just established that the act already provides sufficient variances to ensure this kind of representation in the future.

We were asked earlier how we, from the Bloc Quebecois, could not share the triple E Senate vision of the Reform Party. It is because a triple E Senate would exacerbate the problem. In a triple E Senate, all provinces would have the same number of representatives. I have nothing against the people of Prince Edward Island, but let us compare the size and population of this province to Ontario, Quebec or British Columbia.

Quite obviously, this is not an adequate solution. In any case, Quebecers had at least 15 other reasons to reject the Charlottetown Accord and this is certainly not the only one which led them to reject that deal. The accord, which was bad for all of Canada, had been cooked up by negotiators behind close doors. Afterwards, we realized that the people they claimed to represent had no intention of agreeing on such a deal, and they massively rejected it, which was a good thing for Quebec and Canada.

As regards the second amendment proposed by the Reform Party, it is important to look at its impact, for example, on the Magdalen Islands, in Quebec.

(1630)

The Magdalen Islands are a very distinct region of Quebec. My Bloc colleague mentioned that his riding is too large, but there are other specific realities which have already been acknowledged by the federal government, such as being islanders. The distinct riding is gone. However, these constituents can benefit from what I would call a greater open–mindedness, a wider vision in terms of Quebec's development.

In the Quebec Election Act, the Magdalen Islands are deemed to be an exception to the rule of 25 per cent. In fact, they are currently the only exception in the Quebec legislation. Everyone is pleased because we provide specific representation to people who have very specific and distinct problems, as can be seen right now with the fishing debate.

We should ask the hon. member for Bonaventure—Îles–de–la–Madeleine to tell us about his experience as the member representing the Magdalen Islands, as well Bonaventure. How can he ensure adequate representation for both regions? This is almost impossible.

The member finds himself dealing with chambers of commerce which are unhappy because their interests are not properly looked after. It is not necessarily a matter of individual qualifications but probably far more a question of being able to represent all one's constituents. How can he do his job as a member in Ottawa, as well as representing Bonaventure and a district 500 kilometres away, surrounded by the sea?

I think that if the Government of Canada wanted to show that it understands the particular needs of regional development and especially this region, it would accept the proposal presented by the Bloc. At the very least we must defeat the amendments proposed by the Reform Party which would preclude any flexibility in this respect. I think we have to send a message to that effect.

I would like to take this opportunity to respond to a question I was asked in committee, a question I felt was particularly insulting to the people in my area. The hon. member from Kindersley—Lloydminster asked me whether it was to protect the electoral districts consisting of 100 per cent, ''pure laine'', French Canadians, as he put it, that I was telling them to protect the five counties in Eastern Quebec.

At this point, I had to give him a history lesson, because he was unaware of the fact that in addition to francophone communities there were also anglophone communities that were established long ago, at the time the Loyalists left the United States to settle in the Gaspé.

There are also aboriginal communities in these ridings which would like proper representation. So our intervention was not to protect the French Canadians in this area but to ensure that all citizens enjoy adequate representation.

I think this is symptomatic of the contempt in which the Reform Party holds members of this House and the role they have to play. I do not think anyone in this House makes representations to ensure he will be re–elected. In any case, changes are so unpredictable.

If during the last election, the Conservatives had done everything they could to protect themselves, instead of two members they might have had four or five, but basically, the result would have been the same. I do not think members make proposals to protect their ridings but to ensure that citizens are satisfactorily represented.

So, I believe it is important that all groups in our society, all individuals, but also the type of communities that they

form—Native, English, French and other communities in Canada—have an adequate representation, and it is certainly not by applying the two amendments moved by the Reform Party that we will achieve this result.

So, it is important to reject these two amendments in order to ensure that the federal distribution map, if it needs to be used again in the future—I personally hope that we will never need it again—because, if there is a conclusion that we come to beyond the issue of the distribution map, it is the fact that double representation, with federal and provincial members of Parliament, is confusing to people. They do not know who is responsible for what any more. It would be very important to change this situation.

If I were a federalist, I would say: ''Let us clarify in the Constitution the roles of everyone so that we do not trip over the same responsibilities''. But as a sovereignist, and because of my own experience over the past 30 years, I believe that the solution is obviously for Quebec to achieve sovereignty.

(1635)

But, in order to respect Quebecers' right to representation, and also because we were elected not only to promote the cause of sovereignty, but to defend Quebec's interests, I think it is important that we pass legislation that will allow for the best possible representation of all voters in Canada—in my particular case, those of Quebec—and therefore I hope that these amendments will be rejected so that we can ensure proper representation for all the people who deserve it, for all citizens of Quebec and Canada.

[*English*]

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

Some hon. members: Question.

The Deputy Speaker: 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 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.

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

And more than five members having risen:

The Deputy Speaker: Pursuant to Standing Order 76.1(8), the recorded division on the motion stands deferred. The recorded division will also apply to Motions Nos. 2, 3, 5 and 7.

It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Delta—Fisheries.

[*Translation*]

The House will now proceed to consideration of Motion No. 4, which will be debated and voted on separately.

Mr. François Langlois (Bellechasse, BQ) moved:

Motion No. 4

That Bill C–69, in Clause 16, be amended by replacing lines 41 to 44, page 8, with the following:

''Constitution Act, 1867 and, notwithstanding the foregoing, when by application of this subsection the number of members to be assigned to the Province of Quebec is less than 25 per cent of the total number of members in the House of Commons, the Chief Electoral Officer shall assign at least 25 per cent of the total number of members to the Province of Quebec.

(2.1) The Chief Electoral Officer shall cause a notice to be published in the Canada Gazette forthwith setting out the results thereof.''

He said: Mr. Speaker, we are finally at the heart of the debate. We are nearing the point where we will know whether or not this House recognizes Quebec a right we have always considered normal, as one of the two founding peoples, the right to be represented according to our historical participation in Canadian institutions. Aside from what my friend, the hon. member for Kamouraska—Rivière–du–Loup, was saying awhile ago—since we hope that this bill on electoral boundaries will not apply to Quebec—we must continue to live with the institutions where we have been called to serve and work, in the hope of improving them until such time when Quebec democratically chooses to separate.

The Constitution Act of 1791, the first providing for elected representation, gave Quebec a large majority of seats. It means that in 1791, francophones controlled the legislative assembly. The Union Act of 1840 reduced Quebecers' share to half the seats in the House of the Province of Canada although, at the time, their numbers were far greater than those of the English speaking population.

(1640)

On the eve of the union of 1867, there were, right here in Ottawa, in the Parliament of the Province of Canada, 65 members from Quebec and 65 members from Upper Canada. We had half the seats. What happened since then? From 65 out of 130, or 50 per cent, as we were on June 30, 1867, we went the very next

day to 65 out of 181, or a third, at least theoretically since the elections had not been called yet.

Today, as we sit in this 35th Parliament, we are 75 out of 295 and, should the trend continue, should we remain in this federal system which is relentlessly stifling us, we will have only 75 seats out of 301 in the 36th Parliament. Then it will be out of 310, 330, 340. This is Quebec's slow agony. Today we are called on to say if we accept this slow agony for Quebec, regardless of the referendum results. I am in good company to comment this situation.

Fortunately, we have *Hansard*, the official report of the debates, which allows us to see how our friends in this House looked at this issue, in 1992. I refer especially to page 12795 of *Hansard* of September 9, 1992, in which the hon. member for Papineau—Saint–Michel, the current Canadian Minister of Foreign Affairs said, and I quote: ''Another demand is the preservation of Quebec's representation within common institutions to fully reflect its particular status in Canada. Item 21 guarantees that Quebec will be assigned no fewer than 25 per cent of the seats in the House of Commons''.

The hon. member for Papineau—Saint–Michel goes on to say: ''This is in fact an extraordinary gain showing the remarkable generosity of our Canadian partners who thus recognize Quebec's distinctiveness''. The hon. member for Papineau—Saint–Michel, who is now a government minister, will surely not change his mind when the matter is voted on. He will surely remember a speech he made as recently as September 9, 1992 and support the amendment tabled by the Bloc today.

Other people not known as sovereignists have considered this issue. These people have expressed conflicting constitutional positions. A case in point is Senator Jean–Claude Rivest who, when he appeared before the Committee on Procedure and House Affairs on June 21, dealt in particular with the issue of a minimum level of representation for Quebec, what this minimum level should be and why.

In the June 21, 1994 issue, No. 18, of the Minutes of Proceedings of the Standing Committee on Procedure and House Affairs, Senator Rivest is quoted as saying: ''However, the constitutional system that the Canadian constitution imposes on the various provinces varies considerably from province to province. In particular, the constitutional obligations that were imposed upon Quebec in 1867, and which were maintained in the 1982 Act are much greater than those imposed on other provinces.

One only has to recall the special language requirements imposed upon Quebec concerning the use of French and English in the legislature and in the courts, the provisions that were renewed concerning Quebec pursuant to section 23 of the Charter having to do with the language of instruction, and the constitutional obligation that only the government of Quebec has to maintain two school board systems''.

So, says Senator Rivest: ''The principle that the various provinces should be constitutionally equal is contradicted by the very text of the Constitution, which opens the way for the government of Quebec to demand, strictly at the constitutional level, i.e. in terms of the House of Commons, the Senate and the Supreme Court, special constitutional status that corresponds to the sociological, linguistic and historical reality of Quebec within the Canadian federation''.

(1645)

Senator Rivest added: ''One example would be the 25 percent representation rule within the House of Commons, along with the fact that in the current Senate, Quebec has a markedly greater representation than do the other provinces of regions of Canada. A second example would be the Supreme Court. Only Quebec is guaranteed three seats on the Supreme Court. So when it came time to negotiate about the House of Commons, as I just said, we demanded 25 percent representation. From a federalist point of view, the basic problem of Quebec's society—and this is still Senator Rivest talking—and not the problem of the province of Quebec, is that it is inconceivable and no doubt unacceptable for Quebecers, for Quebec's society, to be part of the Canadian federation without the assurance and the constitutional and legal guarantees that the various Quebec governments have always sought and with which Quebec could retain, at the institutional level, not a majority, not equality, but enough of a critical mass to have influence corresponding to its historical, sociological and cultural reality within the Canadian federation. For Quebec, this is something that is not negotiable''.

I am quoting Senator Rivest, who has not yet joined the Yes camp in the referendum debate. I asked Senator Rivest this last question when he appeared before us: ''If Quebecers were to decide to postpone their move toward sovereignty, would you now be in favour of including a constitutional clause that would guarantee them 25 per cent representation''?

Senator Rivest replied: ''I think that no matter how the Senate is reformed, it will be extremely difficult for the Premier of Quebec, assuming that the federal system continues, to agree to any constitutional standard, regarding the number of members, that would be below a 25 per cent threshold''.

I just quoted two staunch federalists, two people who actively participated in the abortive attempts to reform Canadian federalism.

I see across the way some of the members who supported this minimum of 25 per cent, this critical mass that Quebec so badly needs in this House. The member for Cochrane—Superior voted in favour of the motion, as did the member for Saint–Maurice and current Prime Minister, the member for Sudbury, now Minister of Health, the member for Papineau—Saint–Michel, of course, after what he said, voted in favour of the motion and, oddly enough, the only two paired members, the hon. member for Kingston and the Islands and the former Solicitor General, Mr. Lewis. I hope that he will not be paired in the vote, and that

he will support, as his colleagues have done, a minimum representation for Quebec.

The vote that will be held in this House will send a message to those Quebecers who still have doubts about the willingness to reform federal institutions. It will tell them whether there is, among the Liberal members opposite, the willingness to give Quebec a minimum guarantee that the Liberals themselves, when they were in opposition, felt so strongly that Quebec should have.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I always respect the views of the hon. member for Bellechasse which he expressed so well this afternoon. I think the problem is that he chose a subject that is not part of the bill.

Actually, the issue he raised today by proposing this motion in amendment is a constitutional issue, one for a debate on the Constitution like we had during the debate to which he referred in his speech, right up to the vote. Was it on the constitutional question? Or was it on the Charlottetown accord? It was either one or the other.

I remember that evening when I was not in the House to vote on this question. It was a very important question, and I supported the Charlottetown accord.

(1650)

I supported the accord, and the voters in Kingston and the Islands voted for it, but I am sure the hon. member for Bellechasse did not support the Charlottetown accord. I hope he did, but I am afraid he voted against it. I am sure that Reform Party members in this House voted against Charlottetown, and that is too bad, because it was a good accord and I supported it, as I said before.

[*English*]

The Charlottetown accord died. While some of us worked very hard on the referendum campaign to ensure its success, as I did, it was rejected by the people and we must respect that decision and try to get on with life.

If the hon. member wants to amend the Constitution of Canada to provide some minimum number of seats for another province, that is fine. We already have some of those in the Constitution, with respect to Prince Edward Island and New Brunswick at the moment. We can deal with amendments to the Constitution of Canada. However, I am not going to support efforts to make those changes through the back door by changing the Electoral Boundaries Readjustment Act.

The hon. member knows this is a back door way of trying to achieve something that requires a front door approach. What he is asking us to do is ensure that another province be added to the list of those guaranteed protection under the act. In my view we have too many of them now. In addition to the two guarantees in favour of a Senate floor in all provinces but that are now full force in effect in respect of both Prince Edward Island and New Brunswick, we have the grandfather clause introduced into the Constitution by the previous government.

The grandfather clause ensures that provinces will not drop below the number of seats they had in the House in I think 1979. That clause is protecting several other provinces which in a normal redistribution would lose seats to more populous provinces.

Now we have the spectacle of the Reform Party urging on the House a reduction in the number of seats in the House. It would have abolished the grandfather clause and reduced the number of seats in many provinces. I am afraid we would have said goodbye to the hon. member for Kindersley—Lloydminister because his province would have lost a very large number of seats. I can only imagine that when the electors got a chance to deal with him, having put forward such a proposition, they would have made short work of his political career, which I am sure would be a matter of considerable regret to many of us in the House.

The government rejected this idea and I see it has not come back in amendments today. I can understand why. I suspect that if the members of the Reform Party pushed the reduction in seats in amendments with the dire consequences that we all know would follow for the province of Saskatchewan among others, they would be in difficulty today.

Mr. Hermanson: It is beyond the scope of the bill.

Mr. Milliken: The hon. member for Kindersley—Lloydminister from his seat said it is beyond the scope of the bill. I agree with him, but then so is this one.

Mr. Hermanson: Mr. Speaker, on a point of order. The Chair has made a ruling on whether the Bloc amendment was in order and within the scope of the bill. I wonder if he might withdraw that.

The Deputy Speaker: The hon. parliamentary secretary would know better than to do that. We must put a positive interpretation on that.

Mr. Milliken: Mr. Speaker, I am fully aware that it has already been ruled to be in order. It does not mean that I do not have my views on what the amendment was. I made them earlier today. They are on the record. The hon. member may wish to re–read my remarks.

Looking at this motion today, the hon. member for Bellechasse should also bear in mind that what we are trying do by this law is get a law that will survive court challenges. He knows as well as I do that when we were considering the bill in committee we looked very carefully at previous court decisions in respect of representation matters in Canada.

We tried to come up with wording that would ensure our bill fell within the parameters laid down by the courts, interpreting the Constitution Act in ways to see that this complies in every respect with that act so that we will not have the electoral boundaries drawn up by a commission thrown out as being contrary either to the Constitution Act or to the Electoral Boundaries Readjustment Act and that will ensure the provisions of the Electoral Boundaries Readjustment Act are not held to be inconsistent with the Constitution Act.

(1655)

Section 52 of the Constitution Act, 1867, provides that the number of members of the House of Commons may be from time to time increased by the Parliament of Canada provided the proportionate representation of the provinces prescribed by this act is not thereby disturbed.

The question is will a change provided for in this act disturb the proportionate representation of the provinces prescribed by the Constitution Act. It would or could depending on the number of seats added or taken away in order to achieve the result desired by the hon. member in his amendment.

Therefore the amendment may be contrary to section 52 of the Constitution Act. If it were, it could throw out the entire redistribution all across the country after it was complete. What needs to be amended here is not the Electoral Boundaries Readjustment Act but the Constitution Act to attain the result the hon. member desires.

Furthermore, if a guarantee of 25 per cent of the seats for Quebec affects the principle of proportionate representation then the motion could require this constitutional amendment under the seven provinces and 50 per cent of the population rule pursuant to section 42 of the Constitution Act, 1982, which provides as follows:

> (1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1);
>
> (a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

Given that this kind of constitutional amendment, this kind of guarantee, may require the consent of seven provinces representing 50 per cent of the population and may not be done by a simple act of Parliament, again I suggest this is an inappropriate way to do it.

He knows perfectly well that the Charlottetown accord provided such a vehicle and amended the Constitution of Canada in respect of certain matters but adopted the requirements required by the Constitution for the 50 per cent where necessary in unanimity in certain other cases.

The constitutional accord was worked out on that basis. His amendment needs to be worked out on that kind of basis because it does affect the principle of proportionate representation of the provinces in the House.

Accordingly, it is a matter that needs to be dealt with as an amendment to the Constitution of Canada, not as an amendment to the Electoral Boundaries Readjustment Act.

For that reason in spite of the very eloquent remarks he made and in spite of the suggestion that members of the House have voted previously in support of the general principle of this proposition, in this case the House would do very well to reject the amendment he has proposed and allow it to be brought forward if he wishes as a private member's bill to amend the Constitution Act or wait until the House gets a bill before it that deals with the Constitution Act and the representation of the people in that act. We can then touch on it.

I note that for the record in respect of the committee's own proceedings on this matter it recommended that a review of the question of the size of the House, the number of members here or whether there should be a reduction, should be referred to the Standing Committee on Procedure and House Affairs in the next Parliament when the 1996 quinquennial census will be complete and in the hands of Parliament so that members can look at the representation of the population in the various provinces and make a decision as to whether we should attempt a freeze or reduction in the number of MPs based on the shifts in population reflected in the quinquennial census.

I am optimistic that a new committee will come up with an answer to the hon. member's problem and look at amending the Constitution at that time to achieve that result. We should keep our socks on and be patient. Perhaps in the next Parliament we will be able to deal with the issue.

The hon. member for Kindersley—Lloydminister will probably give us an earful on that as well.

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, it is with some interest and almost disbelief that I hear some of the arguments, particularly put forward by the Bloc today, suggesting Quebec should be entitled to 25 per cent of the seats of the House of Commons in perpetuity regardless of the role that history will play in the future of our country and a number of other reasons.

Before I respond to that I will quickly respond to the hon. member for Kingston and the Islands who suggested that if Saskatchewan were to lose a few seats in the House along with other provinces somehow it would reflect badly upon those of us who suggest Canadians want less government rather than more government.

(1700)

I say to the hon. member that in the province of Saskatchewan, while there are many things the provincial government has done which I disagree with, one of the things it has done that I do agree with is that it has reduced the number of provincial seats from 66 to 58. If the current provincial government in Saskatchewan gets re–elected, one of the reasons it may win re–election is the fact that it has reduced the number of seats in the province. This is contrary to the wisdom of Liberal members in this House who seem to think we need to expand the number of seats in this place to please Canadians and to serve them better.

With respect to the amendment proposed by the Bloc, the Liberals agreed with the Reform Party on most of the proposals which were put forward, including this one. On the others, the Liberals backed away from these principles. The Bloc pursued a very interesting strategy in that it supported the government even though it disagreed with the government on this issue all the way through the progress and development of this bill.

It seemed rather odd that the Bloc would stand with the government. Liberal and Reform members did not agree at any point that Quebec should be guaranteed 25 per cent of the seats in the House. I am not too sure why, but all of a sudden the Bloc decided that this had become a major issue and it would have to reverse its position on the bill.

Let us take a look at what would happen if we followed the Bloc proposal. The Bloc want to guarantee that Quebec will have 25 per cent of the seats in the House of Commons regardless of population. It claims this is Quebec's historical proportion of seats. The Bloc may be proposing this because it knows it will lose the referendum and it wants to remain in the House.

In any case, it violates the principle of representation by population. Seats are added to provinces to account for population growth and proportional shifts. If all the provinces insisted on retaining their proportion of seats, a provincial redistribution would simply not occur. That would create even greater discrepancies in the population of provincial constituencies as the country continued to grow. I would like to give a couple of examples of this. I hope the Bloc members are paying attention.

In 1925 Saskatchewan had 21 out of 245 seats in this House. If Saskatchewan demanded to have its historical proportion of seats, it would now receive 26 seats out of 301 in the next redistribution. That is almost double the current total of 14 seats.

Who would give up those seats? Certainly, Quebec could not because that would not guarantee its 25 per cent. I guess those seats would have to come from the province of Ontario. Or perhaps the province of British Columbia would give up a few. I am sure all of us would have to give a bit to make Saskatchewan and Quebec happy if they were guaranteed their historical percentage of seats. Saskatchewan would have to have 26 seats and Quebec would have to have 25 per cent of the total. It would be a big problem.

Let us look at an even more interesting scenario. The province of Nova Scotia at one time had 21 out of 213 seats in this House. That was at about the turn of the century. A few years later, Alberta and British Columbia received their representation and they only had seven members in this House. If we locked things in in that scenario, Nova Scotia would now have 30 seats in this House and Alberta and British Columbia would probably still be under 10 seats, even though their populations far surpass the province of Nova Scotia. What would we do about that?

Seats are allocated on the basis of population shifts relative to the population of the entire country. It has to be that way because Canada is a nation which has always grown at different rates at different stages and times in its history. The government must adapt and pass laws to fit the reality of the day, not the reality of a century ago. We cannot always navel gaze into the future to predict exactly what is going to happen.

Fixing seat allocations at an arbitrary moment in time is folly. No one can know how the country will develop in the next century. We must not create something which future generations cannot live with and cannot change which, in fact, would be reason to continue some of the divisive arguments we have heard in the past between different regions and provinces within the country.

As Quebec currently has one of the slowest growing populations in Canada according to Elections Canada projections, in order for Quebec to retain 25 per cent of the seats in the House of Commons other provinces would have to surrender them. Otherwise more seats would constantly have to be added to the House of Commons and given to the province of Quebec. The House would become enormous in no time if we followed that practice.

(1705)

The current formula predicts a House with 318 members by the year 2016 AD, with 75 seats going to Quebec. If Quebec were to have a guaranteed 25 per cent of the seats, other provinces would have to surrender five seats. If the other provinces were not prepared to surrender five seats, then six seats would have to be added to the province of Quebec to bring it up to the 25 per cent mark. As time went on, the number of extra seats required in an already growing House would increase.

This is clearly anti–democratic. It is typical of members of a party and a movement in Canada that cannot even agree on a question regarding the future of this country and whether or not Quebec will remain in Canada. They want to make sure the question will be carried in their favour. They cannot agree on the referendum question and the timing for that question because they want to guarantee the answer will be the one they want. Therefore, they will design the question to fit the scenario. Certainly this is anti–democratic, just as it is anti–democratic

for the Bloc to be declaring that Quebec deserves 25 per cent of the seats of the House of Commons regardless of its population.

It was these types of principles and this type of reasoning which defeated the Charlottetown accord. I am disappointed the member for Kingston and the Islands was defending the Charlottetown accord, an accord that demanded a double majority in the Senate based on language and one that also guaranteed Quebec 25 per cent of the seats in the House of Commons. The member cannot have it both ways. He cannot speak against 25 per cent in this House now and then speak in favour of the Charlottetown accord which included those same measures.

Also, the member for Kingston and the Islands and others in this House have suggested that because the Charlottetown accord called for an elected Senate somehow we compromised in our position. I remind all hon. members in this House that we called for a triple E Senate which was not only elected but also had equal representation from each province to overcome the concerns of the province of Quebec. Should its population decline it would have had that protection in the Senate with an equal number of representatives in the upper House, the same as every other province in Canada.

It makes sense. It is the way this country needs to be governed and it is about time that the members in this House from the other parties realized it.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, to start with, I would like to respond to the Reform Party's contentions. Just because you neglected to come to the defence of your people in Saskatchewan, we do not have to follow suit in Quebec. We were elected to defend the interests of Quebec.

The Deputy Speaker: Would the hon. member please direct his comments through the chair?

Mr. Crête: I will repeat, then, that if the Reform member raised the issue of Saskatchewan, but failed to defend the province as he should have, it is not my problem. We were elected to defend the interests of Quebec and defending the interests of Quebec entails ensuring that we will have a minimum to look forward to, in the future, in Canada.

I have never represented Canada in the House. I represent a riding in Quebec which is part of Canada and I hope that it will cease to be a part of it in the very near future. The Parliament of Canada will be sending a clear message to Quebecers if it decides that Quebec does not deserve 25 per cent of all seats. A message that Canada will give us no minimum guarantees, that we are not one of the founding peoples and that we do not even deserve 25 per cent of the seats in Parliament.

If Parliament votes against our proposal, it would mean that Quebec deserves less protection than Prince Edward Island, because Prince Edward Island has a guarantee under the constitution. And it does have, for its population, a very large guarantee indeed. And the people of Quebec will always remember this clearly, whether from within the current system or from their own sovereign state.

I invite the Reform Party to come and just try to sell its opinion to Quebec that we do not deserve 25 per cent of the seats. Quebecers will be quite clear in their reply, particularly to Reformers but also to any other party which would come to Quebec with the message that we in Quebec, who founded this country, do not deserve 25 per cent of the seats. I look forward to seeing the day that the Liberals come to Quebec to say that they rejected our proposal.

(1710)

The hon. member for Kingston and the Islands told us earlier that he was very concerned about the legality and constitutionality of this clause. I would urge him to vote on this amendment based on the substance of the issue and to let the Supreme Court determine the validity of the argument. It is not for us to interpret whatever decision the government makes on this issue.

I would also like to remind my colleagues in this House of the remarks made by a true Canadian visionary, Mr. René Lévesque. During the 1970s, Mr. Lévesque said: ''If we stay in this system as it is now, we will shrink. With the ever increasing majority, we will always remain a minority and will never have the opportunity to become a nation within this country''.

For us, the proposal on the table is the least we need to see if you are ready to treat us on an equal basis in this society and to accept a minimum number of changes.

When the hon. member said earlier that a constitutional amendment might be needed, well, if this is what it takes to guarantee equality to francophones in Quebec and the whole population of Quebec, then it is up to you to introduce it. If you do not, you will be burying you head in the sand and giving Quebecers even less hope for a future within Canada than they have now.

I would like to point out that the first time my grandfather voted in his life, he voted for Laurier. This was the first he voted. He would often tell me this story, and he was very proud of it. The prime minister, then only a candidate, used to travel by train and stop in every municipality on the way. From the last car, he gave a short speech in each municipality, and it was on the basis of this that people voted.

It was then that my grandfather understood that the debate in Canada would always be about who best answered the question ''Will French Canadians be treated as the equals of English Canadians?'' This was how he saw the situation. He used to say that the British North America Act had been signed by Quebec, by Quebecers, because they felt it gave them a minimum of security with respect to their expectations.

The same man, several years later, voted for what was called the Bloc populaire. This party was no longer talking about equality in Canada. This came after a very significant moment in history when the importance of the 25 per cent was brought home. It was when Quebecers voted in an overwhelming majority against conscription, but had it shoved down their throats anyway.

Our great fear is that without this guarantee in the future, you will treat us more than ever like a minority, systematically reducing our representation to 15, 12, 10 per cent and maybe even achieving what some might like to see happen. But if we do not get this commitment from the present government—and I think that the proposed amendment is an amendment in principle—it will be a clear message, a very symbolic and significant sign that Canada no longer wants Quebec, no longer wants it to play the role it has always played since the introduction of the British North America Act.

In voting on this amendment, the Liberal majority, and Reform members too, because we are told that it is a free vote for them, will be making an important statement. Furthermore, I have the impression that there are among the ranks of the Reform Party a few hon. members who will, on their own, decide that the amendment is very acceptable.

In conclusion, I would say that this type of amendment is one of the very reasons for our presence here. The Bloc was elected to defend the interests of Quebec, to let Quebecers see the machinations of the system, because if we had not been here, this amendment would not have been tabled. If the Bloc Quebecois did not form the official opposition, if it were not a significant party in the House of Commons, there would never have been a debate on this issue. Our question to the federalists is this: ''Are you ready to let Quebec take its rightful place or do you want to put it in its place?'' I hope that you will make the right choice.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have a few brief comments on the matter raised by hon. members opposite.

(1715)

I listened carefully to the remarks of the mover, a colleague with whom I have worked on a number of parliamentary matters. I have to give him great credit for working very well in the parliamentary committee system and making a significant contribution there and in the House.

I listened carefully to the remarks of my colleague from Kamouraska—Rivière–du–Loup. On the issues of providing a minimum number of seats in Parliament to the province of Quebec and of capping the number of members elected in total to Parliament, I think members opposite would find a fair bit of support on the government benches, at least for the capping.

I can only speak for myself. If the Constitution is capable of providing a floor for the province of Prince Edward Island for a particular reason—whatever it was at the time—I do not see why the people of Canada would not be prepared to discuss a floor for the province of Quebec for whatever reasons exist at a particular point in time. I can see what the reasons are, as can members opposite.

Conceptually I do not have a problem with capping or with floors if that is what the political discussions yield. However, those discussions, those changes are constitutional as my colleague from Kingston and the Islands has pointed out.

We are not going to be able to wag the dog with its tail here. Capping of the House of Commons and providing a floor to a particular province or region is a constitutional matter which we are incapable of addressing in this bill.

The Speaker has already ruled that the motion is not out of order. We could legislate. However, given the remarks of my colleague from Kingston and the Islands, I am not too sure that adopting this provision would have the result intended. It might skew the interpretation of the Constitution.

I wanted to signal to my colleagues opposite that I hear, I understand and I am not unsympathetic to the concept. However, I believe it is constitutional. It is odd and I find it odd. I know members opposite will understand that it is peculiar to say the least that members opposite would be looking for changes in a Constitution they have indicated they wish to abandon within a few months.

That regrettably points out perhaps an Achilles' heel, perhaps a weakness in the perspective of the Bloc, which makes a contribution to the problem. We do not always agree; many times we do not. However, to the citizens in the province of Quebec, I think it is fair to say that the only way we will get constitutional resolutions to the many issues that may confront Canada is to get back into that envelope of discussion. That is in the hands of the Prime Minister and the premiers. It is a matter they do not want to address now.

At the present time we have to deal with redistribution the way it is. I want the record to show those remarks.

[*Translation*]

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, I am pleased to be able to rise this afternoon to speak on a matter that seems to be only a technical consideration of figures. However, basically, it is an opportunity to show Quebecers how the rest of Canada envisions Quebec.

(1720)

My hon. colleague opposite mentioned a moment ago that since the Bloc Quebecois sanctions Quebec's sovereignist agenda, we should not give too much importance to the readjustment of electoral boundaries since Quebec will have ceased to exist as a province within a few months. He is perfectly right. If there is something which does not motivate me to speak too long, it is certainly the rearrangement of an electoral map including Quebec, because I fervently hope that sovereignty will be proclaimed very soon. But it is a good opportunity to show Quebecers what the rest of Canada thinks of the role of Quebec in the Canadian confederation.

Giving Quebec 25 per cent of the seats is more or less proportionate to what we pay in taxes. There is an old maxim that says ''No taxation without representation''. Let us go back in time to see how we have been treated since the conquest of Quebec, or New France, by England.

It must be realized that some 250 years ago, this territory was totally owned by New France. We had families, we spoke French, and economic, social and cultural activities were all conducted in French. Then came the conquest. It did not simply transfer custody over the country from the King of France to the King of England. It also brought forth assimilation dynamics which caused the territory to be separated between Upper Canada and Lower Canada a hundred years later.

We must not forget that at the time, the economic situation was critical in Upper Canada whereas it was very comfortable in Lower Canada, Quebec in other words. The Union was essentially a means for Quebec and its sound economy to help finance Upper Canada where the economic situation was rather on the slow. And the federal government did not stop there. To finance wars which were continuaaly breaking out, it introduced taxes to get even more money. Was that money put to good use for Quebec and Quebecers? Just looking at the way investments were made tells us that it is not the case.

Why are decisions made the way they are? Simply because Quebec no longer carries any political weight. If we have only 25 per cent of the seats, it means that we are losing 75 per cent of the political power. It is easy to understand that the sovereignist agenda would finally give back to Quebec 100 per cent of all the powers required to ensure its own viability, protect its economy and take on its role on the world scene.

Today, we have the opportunity to show that even with 25 per cent, which is exactly what Quebec has been requesting all along, even with 25 per cent, we face opposition from the government.

I ask all Quebecers: Is it worth staying within a Confederation when common sense requires that we get what we are entitled to according to historical rights, and that raises objections and eyebrows? I am thoroughly convinced that I could have explained all of this to empty benches and that the government's position would have been the same.

(1725)

I hope this will make Quebecers understand that there is no alternative to the historical decision we must make. There is only one solution, the one that will give us 100 per cent of our powers and not limit us to a mere 25 per cent or even less.

Ms. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, I am obviously very happy to be part of this debate. The reason of the amendment proposed by the Bloc Quebecois is that Quebec be guaranteed by Canada a minimum of 25 per cent of the total number of members in the future. I think that many arguments have been put forward and I think it is very important to be aware that we are going through a significant moment of our lives.

We have asked on several issues in the past for a sign that would allow Quebec to try and understand or see if Canada truly wants a Quebec that stands up within Canada. It is not in the interest of Canada to have a weak Quebec but rather a strong Quebec which will be able to keep its representativeness, because Quebec is a nation. It is a people, a founding people.

In 1982, Canada undertook a societal project that denied Quebec its distinctiveness and said that henceforth there was only one national identity in this country. This society project treats all ten provinces on an equal footing. As a founding people, as my colleague just said so eloquently a moment ago, francophones were present on the whole territory and even further down to the south since they were even to be found in Louisiana, and when each of the provinces joined the Confederation, francophones formed a majority almost everywhere.

The population in Quebec also experienced significant growth, but if we analyze the immigration policy of Canada we will see that Canada has deliberately increased Ontario's population by immigration and it has anglicized this country. This was a deliberate decision on the part of the government. We are asking for a concession from this country that wants to keep us all together. Everyone says that Canada is much better off with Quebec. If that is true, make some concessions. Give us the minimum we are asking for, which is 25 per cent of the representativeness. That is all we are asking.

I wonder why the government would be stubborn about that. Earlier, when I was behind the curtains, I heard the hon. member from Kingston and the Islands say that he had doubts about the legality of the amendment. I think that is not a very strong argument because at this point in time, I do not see how we could question the decision made by the Speaker to the effect that this amendment was admissible. Therefore, if the Speaker said that the amendment was in order, I wonder how we could challenge that. Other arguments must be found to justify a vote against this amendment.

(1730)

It seems extremely important to me that we recognize that Quebec does bring an essential contribution to Canada. Confidentially speaking, between you and I, if English speaking Canada is not already an American state, it is because we are here. We make the difference. Without French speaking people, what makes us different from the Americans? We eat like them, we drink like them, we do the same things, we watch the same TV. Everything will reach us much more easily. As you know, American imperialism is expanding all around the world. It will cross our borders much more easily.

What makes a Canadian a Canadian is the fact that he can say he lives in a bilingual country. Canadians are in a country where a large percentage of the population, 25 per cent, is francophone. It is a country with a dual culture. It has the underlying wealth of two cultures, the English and the French cultures.

What other country in the world can claim such a cultural wealth? We are really, I believe, vital to Canada. We have said that, so long as we are not sovereign, we will defend the interests of Quebecers.

It must look rather odd for a sovereignist to rise in this House and say: ''Hang on to the furniture, give us at least 25 per cent representation''. We have not left the country yet. We are still here, and our duty, what we see as our basic responsibility, is to say to the all of the hon. members in this House that it is their duty to give us 25 per cent representation. We were here first; you conquered us. We formed a union in 1840. We decided to live together. We established a sort of trade agreement. We built a railroad that we are in the process of demolishing. At least give us 25 per cent representation. It will not cost you anything. On the contrary, it will mean a lot for you. You must realize this while there is still time.

After we go, if ever we leave, because we are basically hoping to, it will not have cost you a thing to give us the 25 per cent we are asking for as a gesture of openness and understanding toward a nation you claim you want to keep with you. It seems to me that, if the government really wants to prove conclusively that it cares for us, it must maintain our level of representation.

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

Some hon. members: Question.

The Deputy Speaker: The vote is on Motion No. 4, standing in the name of Mr. Langlois. 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 will please say yea.

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

[*English*]

The Deputy Speaker: Pursuant to Standing Order 76.1(8), the recorded division on the motion stands deferred.

[*Translation*]

The House will now proceed to the taking of the deferred divisions at the report stage of the bill now before the House.

Call in the members.

And the division bells having rung:

[*English*]

The Deputy Speaker: Pursuant to Standing Order 45, the division on the question now before the House stands deferred until Tuesday, March 28 at 5.30 p.m. at which time the bells to call in the members will be sounded for not more than 15 minutes.

* * *

(1735)

FIREARMS ACT

The House resumed from March 13 consideration of the motion that Bill C–68, an act respecting firearms and other weapons, be read the second time and referred to a committee; and of the amendment.

The Deputy Speaker: When the bill was last before the House, the member for Souris—Moose Mountain had four minutes remaining in his time.

Mr. Bernie Collins (Souris—Moose Mountain, Lib.): Mr. Speaker, I appreciate the opportunity to speak again to Bill C–68 and the proposed amendment.

An item of the bill that I really feel needs to be addressed is the issue of non–compliance. Many citizens of Canada would be put in a position of being criminals if they did not register their

guns. I hope as we review the bill that we will not allow this to fall into the Criminal Code with regard to registration.

I have some very serious reservations about the search and seizure provision. It needs to be looked at thoroughly. Can it be put in another framework in the bill? If the police want to enter on to one's property, then a search warrant should be obtained. That document would identify the reasons why a search is deemed necessary.

I have some concerns about heirlooms, those items that may be passed on from generation to generation. We have to make sure that we clear up in the minds of the people writing the bill what constitutes an heirloom. Do citizens have a right to pass them down through the family from generation to generation?

I really feel very strongly about collectors and museum pieces. If expensive museum pieces have been collected and retained in families, and they are going to be removed through confiscation, then fair compensation should be paid.

I have a tremendous problem with the five year and $60 fee licensing provision. I would rather see a licensing provision of $5 a year and $25 for five years. That way we can at least indicate to the public that it is not a tax grab.

As I have said before and I reiterate, I am prepared to register my firearms. I believe many people are. However, I would much prefer to see voluntary registration with a five–year lead–in period. At the end of the first year of the registration period we should evaluate whether it is doing what we wish it to do, that it is efficient, affordable and enforceable for everyone involved.

I have some difficulty with the taxpayers of Canada paying approximately $85 million, as suggested, to go through the business of registering firearms. I am not so sure that at the end of the day we will be able to show that the criteria are met.

The committee was completely unified in its position that it would go with voluntary registration with a five–year lead–in period. I would like to think we could go back and look at that one again.

Everyone in the House supports the minister wholeheartedly in those aspects of the bill that deal with the criminal element. We support wholeheartedly the four–year mandatory sentence for the use of a firearm in the commission of a crime. I would rather see a two–year mandatory sentence for the use of a fake firearm in the commission of a crime. I could support that.

With regard to the bill overall, I feel this is the place to voice my concerns. I say today and I will continue to say that as the present bill is put forward, I am not prepared to support it.

(1740)

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it gives me great pleasure to speak to the amendment to split Bill C–68.

By creating an omnibus bill with two distinct and opposing objectives, the Minister of Justice has made it almost impossible for many members of Parliament to represent the views of their constituents.

In my riding of Prince George—Peace River, the people have made it very clear that they support stronger crime control measures directed at law breakers. At the same time they are opposed to increased sanctions against law–abiding citizens. They view gun registration as an ineffective exercise which will not increase public safety but will waste valuable police time, scarce tax dollars and impose unnecessary and costly restrictions on the people who are already obeying the law.

Because this is such an important issue in my riding I have sought the views of the constituents through a number of means, including small group discussions, local meetings. I have also requested input regarding anticipated gun legislation in two householders.

Last May while the justice minister was still making comments such as banning all handguns in the hands of private citizens, and suggesting all firearms within city limits should be stored at a central armoury, I asked constituents whether they felt gun control legislation was sufficient before the amendments in Bill C–17 came into effect.

I do not know if many people from my riding ever get called when the justice department does its gun control surveys but only 21 per cent thought we need more gun control.

In November I sent another householder to the homes in my riding and asked if there should be a universal registration system for all guns, including shotguns and hunting rifles. Over 80 per cent of the 1,000 respondents answered no. I have already tabled petitions with over 2,500 signatures which do not support the proposed gun legislation. I am assured by people in the riding there are many more petitions to come.

I have also received hundreds of letters from my riding in opposition to gun registration and I might add thousands of similar letters from other parts of Canada. The focus of 99 per cent of these is crime control, not gun control.

The Union of B.C. Municipalities endorsed the following petition put forward by my home town, the city of Fort St. John. It requested that the federal government ensure that legislation with regard to firearms be geared toward the criminal element and not the law–abiding, responsible gun owner. The elected

representatives from our town councils would not have passed these resolutions without the knowledge that the majority of their constituents supported them.

I would like to read a letter from the most popular radio talk show in the B.C. Peace. The host, Grant Mitton says: ''I conducted a poll on 'Contact' this morning and asked the callers two questions: one, are you in favour or opposed to the gun control regulations introduced by justice minister Allan Rock; two, will you comply with registration requirements for your firearms when they come into effect? The answer as anticipated to both questions was a resounding no''.

''During our 40 minutes on air, 65 people said they were opposed to the new measures and 51 said they would not comply with the registration requirements. One caller said he was in favour of the regulations''.

''These people are not wild–eyed radicals. They are for the most part normal Canadians interested only in pursuing their lives in peace and enjoying the use of their firearms as they have in the past. Many of those who responded wondered how these new regulations will have any effect on the criminal element and suggested the focus should be on enforcing a mandatory prison sentence on anyone who uses a firearm in the commission of a felony''.

''The really disturbing part of the survey is the large number of respondents that say they will defy the law. Surely Mr. Rock must see that his proposals will be very difficult to enforce if possible at all''.

The people of Prince George—Peace River do not support the bill in its current form and therefore it must be divided. Aside from the widespread resistance to gun registration, the Minister of Justice knows there are a number of other serious flaws in the firearms act. He is trying to slip them by the Canadian population under the pretext of greater law and order. The bill represents a significant attack on the rights enjoyed by the Canadian people.

We believe we live in a free and democratic society. Yet this bill erodes some of those fundamental rights. I am referring for example to sections 99 through 101 which provide police and other designated officers with the right to inspect any place where they have a reason to believe there are firearms, ammunition, a switch blade or even just records pertaining to them.

(1745)

The police can take samples of anything they find whether or not it is related to a firearm. If the occupant does not fully co–operate with the investigating officers, under section 107 they are subject to up to two years imprisonment.

The minister and other gun control proponents are quick to point out that a warrant is needed to search a dwelling house but that is not what the legislation says. It says either consent of the occupant or a warrant.

When confronted with police at their kitchen door, how many Canadians know they have the right to refuse entry to the officers? Does a teenager home early from school constitute an occupant? Even if the occupant refuses the police entry, officers just have to demonstrate to a justice that they have a reason to believe firearms related records may be present and a warrant is issued.

These powers of inspection are granted to authorities where no crime is suspected. The fact that someone has a registered gun can be used as a pretext to inspect a premises and take samples of anything found. This bill gives them the power to go on fishing expeditions.

Under section 117 of part III of the Criminal Code even more extensive search and seizure powers are granted to police if they suspect a firearms offence such as a non–registration of a gun might be committed.

The police I know will not be going into homes unless they have reason to believe there is a serious offence being committed. If they are not going to use them, why are they giving the police such extensive powers of inspection and search and seizure?

If police suspect a crime they should go through the process of obtaining a proper search warrant. Despite government claims, I am not trying to increase paranoia or inflame anti–police sentiment. It is very important that Canadians fully understand all the possible ramifications of the various clauses of the bill.

Passage of this bill will mean that at least seven million gun owners in Canada will have fewer rights under the charter of rights and freedoms than other Canadians.

Canadians have entrusted the government with the job to protect the rights and freedoms that make us the envy of so many other people in the world. This bill seriously erodes our democratic rights in another area. It represents a growing trend to pass meaningless bills through Parliament, giving all the power of implementing regulations to cabinet.

Under section 110 it takes more than four full pages just to describe all the areas in which the governor in council will have the authority to create regulations. These range from licensing requirements and the establishment and operations of shooting clubs to circumstances such as whether an individual needs a gun to protect their family—clause 110(c).

In section 110(t) the governor in council can make regulations respecting the manner in which any provision of this act or regulation applies to any of the aboriginal peoples in Canada and adapting any such provision for the purposes of that application.

When will the government realize that all Canadians should be treated equally and we should not be entrenching mechanisms and laws for creating different Criminal Code penalties or rights based on race?

Most of section 112 lets the minister bypass the House entirely without laying certain regulations before the House for review if in his opinion the changes are so immaterial or insubstantial or the need is so urgent that section 111 should not be applicable.

Section 112(6) reads: ''For greater certainty a regulation may be made under part III of the Criminal Code without being laid before either House of Parliament''. This means that through order in council a cabinet can make regulations that put Canadian citizens behind bars—no accountability, no review, no appeal.

Is this how a democratic society functions? How can the justice minister justify this extreme abuse of democratic authority? Do not deny Canadians the right to have their voices heard when it comes to laws that affect them.

This bill is fundamentally flawed and the principles of justice and democracy on which our nation is founded are under attack. I can support many of the changes to part III of the Criminal Code with some amendments but I cannot support the erosion of our democratic rights under the guise of a harmless gun registration bill.

(1750)

I urge all members to support the amendment to split Bill C–68 into its two very distinct components.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I thank the hon. member for his statement.

Approximately one week ago 82–year old Oscar Noll was working in his jewellery store. Oscar Noll is five feet tall and weighs about 100 pounds. He goes to work at three o'clock in the morning to work on watches. He heard a crash from the window and two thugs came into his store. Remember, he is 82 years old, weighs about 100 pounds and is very frail. He reached under the counter, removed a revolver, fired some shots and scared away the perpetrators. Does the hon. member believe that the individual has the right to protect his life and his property in that manner?

Mr. Hill (Prince George—Peace River): Mr. Speaker, in my opinion Canadians do have a right to protect themselves and their families and to use a firearm to help them in protecting themselves. That is not the view shared by hon. members across the floor. A large percentage of them are opposed to that. However, I firmly believe that Canadian citizens do have that right.

I have spoken about this before. The police, no matter how well intentioned, if we look at the statistics, simply cannot respond quickly enough, even in cities, to intervene when the crime is being committed. Canadians have to take responsibility for protecting themselves. Unfortunately the police cannot. Usually when the police respond it is after the crime has been committed and their job is to apprehend the criminal and bring him or her to justice, not to protect the citizens of this country.

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, you would think this bill was about guns. To me it is not. It is about matters of life and death. It is about what kind of society we want to live in and it is about what kind of society we want to leave our children. It is about progress as a civilized nation. That is what it is about.

I have seen in the campaign against this legislation the kind of lobbying I usually associate with the United States, the kind of lobbying done by the National Rifle Association, based on misinformation, half truths and out and out lies.

I keep hearing about law–abiding gun owners and yet I keep hearing about law–abiding gun owners who intend to defy the law. There is something contradictory in that. I keep asking gun owners who come to see me to talk about this legislation what will diminish their pleasure in partridge shooting because their gun is registered. I have not heard a good answer to that. I do not think there is one.

Reform members keep telling us they want to support grassroots democracy, that they want people to have more say about how their elected representatives vote in the House.

(1755)

They know perfectly well that 90 per cent of their constituents support this legislation and support the very aspect of it they make the most noise against, the registration of guns.

The NDP has sat in the House for the time I have been here, since 1988. It has had a party policy in support of stronger gun control. I sat in the House, as did the member for Halifax and numerous members who are here, listening to the NDP, including its leader who now intends to vote against gun control legislation. We listened to those members accuse the previous government of legislation that was not tough enough, not strong enough. Now they have tougher and stronger legislation and they intend to vote against it.

I have to talk about the kind of feedback I have had from meetings of those who are against this legislation and against gun control. I have heard out and out misrepresentation of this legislation. I have heard over and over again: ''This legislation means a police officer can come into my house at any time without a warrant, inspect my home and seize my guns''. No it does not. Let us get the facts out if we are going to debate a bill. The bill gives the police no right to come into anybody's home and take anything without a warrant unless they believe there is an illegal gun in there.

Let me talk about the contradictory messages I am getting. The Ontario Association of Anglers and Hunters is opposed to registration. Its members wrote a very impassioned plea to our

local newspaper asking for the support of another organization in their campaign for the universal registration of hunting dogs for the protection of the dogs. Is that not a contradictory message?

Let me remind people out there why we are doing this, why guns make our society violent, less compassionate, less safe. The vast majority of gun related deaths and injuries are not the result of shootings at the corner store, the drug deal gone bad, or the bar. The vast majority of deaths and injuries by guns are in the home. It is a greater problem than the criminal misuse of guns in the streets.

The largest proportion of homicides occurs in the home. Of the 1,400 deaths per year caused by guns, fully 1,100 are suicides; over 200 are homicides and the remainder are accidents. The greatest threat of homicide is not at the hands of strangers on the street, in the corner store or even in the break–in at home. The majority of gun homicides—86 per cent—is caused by family members, friends or acquaintances.

Guns are a particularly serious threat to women. If I take this bill seriously there is very good reason. Some members have already said that a woman is killed every six days. She is killed in her home 67 per cent of the time. From 1981 to 1990 almost one–half of women killed were killed by spouses or ex–spouses. A further 27 per cent were killed by acquaintances. Almost one–half of women killed by their partners are shot with a gun. Yet the members from the Reform Party can sit there when we talk about a serious issue like the deaths of well over 1,000 people a year and say: ''Pow, pow'' as if it is a little game.

Seventy–eight per cent of the guns used in these killings of women are legally owned. Police are likely to have intervened in domestic violence before it comes to the point of homicide. However, right now without a registration system they have no way of knowing before they go into a violent situation in the home whether there is a gun there. That is one reason police associations and the Association of Chiefs of Police support this legislation.

Domestic and other intimate assaults are 12 times more likely to result in death if a gun is used. Yet members on the opposite side of the House think this is not a serious problem for our country.

(1800)

We also know that young people contemplating suicide sometimes act impulsively. If firearms are not readily available, lives can be saved.

I want to talk about a 15–year old teenager who attended a meeting with the justice minister. He said that he had gone home from school one Friday afternoon determined to kill himself. Not too long after a friend of his who was worried about him decided to check on him. By doing this, his friend prevented him from killing himself.

The young man told the justice minister and other members at the meeting that if there had been a gun in the house, he would have been dead before his friend had arrived. As it is, he is a 15–year old who is still in high school, doing well and has a great future ahead of him.

This legislation, if it prevents one death like that of this 15–year old boy, will be worth it. We cannot forget our children. Since 1970, 470 children have died in accidents with firearms in their own homes. These are largely guns owned by their own families.

I am also particularly supportive of the measure to include handguns in the prohibited weapons category. Let me give a ridiculous example.

Recently, the city of Chicago banned the sale of spray paint because the cost of cleaning the graffiti on buildings is exorbitant. For us as a society, the cost of death by firearms is exorbitant. A similar ban on handguns will help prevent some of those deaths.

This bill is about what kind of a society we want. Frankly, I want to move forward into a future where violence, power and physical control are not the things that determine how we govern ourselves and how we live. This bill is a progressive step forward to that better future.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, if ever evidence was needed that this debate is very highly polarized and charged probably with misinformation on all sides, it is in this debate today.

When I became embroiled in the whole gun control issue it was evident to me that the position a person would take on the debate depended at which end of the barrel that person was going to find themselves. We can see this in the House today not just on this side but on the government side and perhaps on the Bloc side, if they would speak on this.

Very clearly this is a debate on the bill which is charged emotionally and divides the country, as if we needed one more reason to be divided. This divides us on rural–urban issues rather than language issues, cultural issues or some other issue. Anyone who would suggest this is not a rural–urban issue has not been following it because very clearly it is.

Our country, as everyone knows, is thousands of miles across. All areas of the country are different. One rule of law on guns may not make sense in downtown Toronto but perhaps it makes sense somewhere else, either the maritimes or the prairies.

There is wisdom in splitting this bill and I urge the Minister of Justice to carefully consider this. It would be an opportunity for people from both sides of the House and from all over the country to come together on that part of the bill about which everyone agrees, namely those issues aimed directly at crime control, such as mandatory sentencing.

There are other aspects of this bill which concern most Canadians from that part of the country which is less enamoured with the whole notion of gun control. For example, there is the registration of handguns, which is already a fait accompli. We are supposed to be registering them now.

If anyone were to purchase a rifle or a shotgun today, it would be registered. There is nothing wrong with the notion of centralizing the registry of these weapons. Your name and address would be taken. There is no problem with that. It is the notion of a universal registration.

(1805)

Before I get into the heart of what I want to talk about, I want to say that I am going to be voting against this bill despite the results of a survey I commissioned and which I believe to be accurate. Residents in my constituency, a majority of 69 per cent, would prefer to see universal registration. However, I am prepared to go against that in the full knowledge that this is causing me some grief.

Before I get into that, I would like to spend a couple of minutes to pay a particular vote of respect to two people for whom members may not expect to hear many kind words from this side of the House. They are Wendy Cukier and Heidi Rathjen from the Coalition for Gun Control.

When Heidi's friends and associates she went to school with were killed at the École polytechnique in Montreal, it caused her to do something. She wanted to rid our country of the kinds of weapons that caused that outrage and terrible massacre. We do not need automatic weapons in our country; we just do not need them. Many years ago she set upon this long journey to rid our country of these weapons. She enlisted the aid of Wendy Cukier and between them they formed the Coalition for Gun Control.

I would bet that they did not think they would ever have the sun, the moon and the stars all line up to find themselves with the Liberals in government wanting to address the issues of the people in the vote rich areas of downtown Toronto or Montreal. This decision was made in order to get elected. In my opinion it was not based on what was right for the country. It was a decision on what they could do to get elected. They appealed to people who, for good reason, were afraid of guns. The idea then became a red book commitment.

In some way that is unfair to the intent of Wendy and Heidi. They wanted to rid our country of the dangers posed by weapons and from the crimes involving the use of weapons. They wanted to focus attention on this. I do not think in their wildest dreams they ever expected everyone, no matter where they lived in the country, was going to be forced to register shotguns and rifles. In any event, this is the point we are at now.

By justice department estimates, it is going to cost $85 million to set up the national registry over a five–year period, plus a further $60 million if you accept the fact that there are six million long guns presently in the country. If that is the case, over five years it is going to cost $145 million to register guns. That is a modest estimate. Others say it will cost upward of $500 million or even more, but let us go with the low end at $145 million.

Our country is going into the hole at the rate of $110 million a day. We would be using money to register all of these weapons for which there is not one iota of evidence it will prevent one single, solitary illegal use or crime committed with a gun. The last time I checked, criminals do not get a permit nor do they register their guns. We will be spending $145 million so that some people, particularly those who wrote the Liberal red book can feel warm and fuzzy when they go to bed at night. That is not an honest or prudent way to run the country.

If there were a shred of evidence to prove that registering long guns would in any way prevent crime, then I would be most happy to support this bill. However there is no such evidence. We will then go to the money markets of the world and our children and grandchildren will be borrowing money and paying interest on that money and they will have a standard of living depreciated by the fact that we will be raising this money to spend on registering long guns. Imagine if we used that same money, the same $140 million over five years, for breast cancer research. Would that be a more efficient use of the $145 million?

(1810)

It is not easy to stand here because I am not a hunter. I do not have a gun. I have not had a gun for years. I originally commissioned a poll in my constituency to buttress my argument within our own caucus. In so far as this is not a moral or ethical issue I am not bound by the poll. It was for guidance. I wanted it to buttress my argument. I wanted to have that argument buttressed within my own caucus so that when I voted against our caucus position I could say clearly this is why, I am representing my constituents.

In evaluating what I was doing here in Parliament over the last year and a half I came very clearly during the Christmas break to understand that I was here for three specific reasons: to restore fiscal responsibility to our nation; to put the rights of victims ahead of the rights of criminals; to restore the bonds of trust between the elected and the electors.

I cannot in conscience spend $140 million to accomplish something clearly not accomplishable through the expenditure of this money, and on one hand spend the money and on the other hand try to save it.

My constituents have very clearly sent me here to bring fiscal sanity to the spending affairs of our country. That is why I will regrettably vote against Bill C–68.

Mr. Julian Reed (Halton—Peel, Lib.): Mr. Speaker, almost everything has been said about this very troublesome piece of legislation.

I listened with concern and share the concerns of the hon. member for Souris—Moose Mountain. I listened to the concerns and share the concerns of the hon. deputy whip. I listened to the statistical projections of the hon. member from the Reform Party. I do not know whether there are many more details to add to the debate. I will add a few and then make a few points.

I do not know that every concern regarding registry has been addressed. There is still the concern about weapons that have no serial number, weapons that are home–made. There are still some people whose hobby it is to manufacture firearms and ammunition. I have not seen anything in the bill which covers that.

It was pointed out to me the other day by one of my constituents that serial numbers can overlap, that there can be the same serial number on more than one weapon if there are two licensed manufacturers of the same model of firearm. I put those forward as a concern.

Other concerns about the issue of confiscation and so on, about the provision for firearms that have special significance for families to be preserved, will be addressed in the justice committee. Handguns in prohibited classes will be addressed in the justice committee. Firearms used in re–enactments and heritage events will be definitely addressed in the heritage committee.

I have asked for time to address that committee in order to highlight some of those concerns.

(1815)

I also realize that registry is an issue that is larger than individual weapons, unless I misread the bill. The registry goes beyond individual ownership and gives the government the right to have other weapons in transition registered so that the law enforcement people will be able to calculate the shrink that comes from a shipment of weapons into the country.

I will restate what many other members have pointed out. The bill has three legs. One leg has to do with the smuggling of guns and the attack on smugglers. I think everyone agrees with that. Regardless of whether we are Reform members, rural members or urban members we all very much agree. We all appreciate some of the stepped up activity of the police, especially around the area where I live. Recently they have been able to seize large quantities of weapons.

The second leg is the question of sentencing, the imposition of a four–year mandatory sentence. With the imposition and with the moves the Minister of Justice will make on the issue, I sincerely hope the offence will not be plea bargained away in the future as has been done in the past. I find the plea bargain aspect offensive in itself.

The third leg concerns registry and the other aspects of firearms ownership. I have concerns. It has been painful to go through the exercise, but I point out to those who are opposed to registry that every law made in the country is in one way or another an infringement of rights.

Laws are not made for the vast majority of law–abiding citizens but are made for the few. There is no dichotomy here with the laws regarding guns. These laws are brought into being for the few who have no regard for human life, who lose regard for human life, or who want to use a firearm to commit a crime and have no conscience about doing so.

I plead with those who are opposed to consider that laws concerning robbery, laws concerning theft and laws concerning speeding are not made for the many. They are written to protect the many from the few. I must go on record as saying that there is no right to bear arms in Canada. Ownership of firearms in the country is a privilege and not a right. We should always remember that.

With the struggle I have personally had as a member with the bill and my struggle with the conviction that a registry will be effective, I do not want to throw out the baby with the bath water.

I want to see the legislation go to committee to be amended without affecting the principle of the bill necessarily but injecting some common sense and projections into the bill so that legitimate firearms owners will feel comfortable and that the sacrifices they are making will be made in the spirit of protection of the many.

(1820)

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, this has certainly become a very partisan and polarized debate on gun control.

I hope the Minister of Justice will listen to the argument being put forth by the Reform Party in favour of splitting the bill into two parts. Presumably the focus is on the reduction of crime and the enhancement of the safety of Canadians.

With the way the Minister of Justice is proposing the bill we would think every gun owner in the country is a criminal. That is far from the truth and an insult to Canadians who own guns.

There are approximately 2.7 million Criminal Code infractions in the country per annum. The number of gun related incidents under the Criminal Code would be about one–half of one per cent or even less. Yet the Minister of Justice proposes to spend a couple of hundred million dollars or more to try to reduce the one–half of one per cent.

This will not be money spent finding criminals. This will not be money spent prosecuting criminals. This will not be money spent keeping criminals in prison. It is a couple of hundred million dollars to address the fact that one–half of one per cent of crime is committed with firearms.

The minister quoted statistics. He said that the majority of Canadians were in favour of gun control. Let us remember that a large segment of Canadians do not own guns. I happen to be one.

When we ask Canadians if they are in favour of registration and they do not own guns, chances are good that they would say it does not bother them a bit so why would they be opposed?

Last fall the Minister of Finance held his prebudget hearings across the country and listened to Canadians talk about the budget. They all said the deficit had to be addressed. They said: ''We have to increase taxes but don't increase mine''. Or, they said: ''We have to cut expenditures but don't cut me''. It is the same rationale when we ask people if they are in favour of gun control. If they do not own a gun they will be in favour of gun control because it means absolutely nothing to them.

Section 85, as it currently exists, is one of the few sections of the Criminal Code that calls for a mandatory sentence. Quite often it has been plea bargained away. We in the Reform Party have always said that if the present law is not working perhaps we could change it. They should demonstrate to us that the minister's proposals will be an improvement.

Last fall I wrote to the Minister of Justice and I asked him how often section 85 was plea bargained away. Section 85 calls for a minimum mandatory jail sentence, no fines, for using a firearm in the commission of an offence. How often do we plea bargain that away? The minister said that he did not know. He said that he did not have the statistics to know how often we plea bargained it away.

Therefore we do not know if what is on the books today would work if used properly. The Minister of Justice admitted that he did not know. Why is he putting forth gun registration and why does he think it would work?

We also asked the Minister of Justice: ''Since you tell us that this will reduce crime, by what measurement would we know that your proposals are a success?'' He could not answer. He did not have any measurement by which he could tell us how many lives would be saved or how many crimes would not be committed because of registration. The minister has no facts to back up his arguments.

Four points should be looked at when one proposes legislation. Is it relevant? Is it effective? Is it an efficient way of addressing the situation? Is there a better way? Let us take a look at them.

Is it relevant? Yes, we have crime in the country. Every country has crime. Yes, we should be tough on crime.

(1825)

The Minister of Justice is proposing that we be tough on people who destroy their guns and do not send in a piece of paper to the authorities. They will get five years in jail for not sending in a piece of paper.

What about somebody who does not have a proper licence? They will get 10 years in jail. That is what the minister is proposing. Yet Denis Lortie walked out as a free man after 10 years in jail. He murdered three people in the Quebec legislature and injured thirteen more. After 10 years he was a free man, and for not having a piece of paper the Minister of Justice is proposing the same punishment.

Is it relevant? Laws that will stop criminals from committing acts and punishing them severely for their wrongdoings will be supported by the Reform Party. That is relevant. Does the minister feel that registering all guns at a cost of $200 million or more will reduce crime? I am quite sure he know it will not. Therefore it is not relevant and the section he is proposing to force upon thousands of Canadians is totally absurd.

Will the bill be effective in meeting its objectives? There is no evidence whatsoever the universal registration the minister is proposing will reduce crime. He even said so himself. He could not answer the question when we asked it. Since then he has not put forward anything to suggest he has any concrete measures by which it would be a success.

The minister should look at the Reform proposal to split the bill into its two segments. We find registration irrelevant. However addressing the criminal use of guns and firearms is relevant and we would support it.

I have already talked about the crime of failing to produce a certificate, five years in prison and so on. Let us compare using a gun to a drunk person driving a car. The minister of justice spoke eloquently about drunkenness today in the bill he introduced in that regard. More people are killed on the road by drunk drivers committing illegal acts than by Canadians using firearms illegally. We do not have anything nearly as draconian as he is proposing.

If a person fails to renew a car registration form I understand in the province of Ontario the fine is $5.50 a month. If a person, however, fails to register a gun it is 10 years in jail. That seems a rather strange dichotomy: 10 years in jail for not registering a gun and $5 a month for not registering a car. Under illegal circumstances they are both every bit as lethal. That is the point.

What about people who drive without a licence? In the province of Ontario the fine is $265 and in the case of a gun it is 10 years in jail.

Will the legislation be efficient in addressing the problem? We have said as Reformers that if it is split into the criminal aspect it will be efficient. If it is split into the other segment, registration for all Canadians is totally and absolutely inefficient. My colleague from Edmonton Southwest said: ''My goodness, we have to borrow $200 million more and pass the bill on to our grandchildren, just so the Liberals can say they are trying to do something about crime when in fact they are doing nothing''.

In closing, we are saying to the Minister of Justice that 99 per cent of gun owners handle their firearms safely. They store them securely. They use them responsibly. Therefore they should be left alone. The other 1 per cent who are criminals and commit criminal acts are the ones he should be focusing on. That is what Canadians want and deserve. They do not want a Minister of Justice simply playing politics and not doing his homework to produce the statistics to support his argument.

ADJOURNMENT PROCEEDINGS

(1830)

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

FISHERIES

Mr. John Cummins (Delta, Ref.): Mr. Speaker, in Dartmouth last September NAFO established a total allowable catch of 27,000 tonnes of turbot for 1995. In announcing the NAFO agreement, the Minister of Fisheries and Oceans assured Parliament that ''Canada will have for the first time the right to board and inspect the vessels catching turbot and to ensure that the proper rules are being followed to conserve this important stock,'' something he has failed to do.

On February 1 NAFO met to allocate the 27,000 tonne catch. The practice for such decisions is to seek consensus because members have the right to object to decisions and withdraw. Against the advice of members who would later support Canada, the Minister of Fisheries and Oceans forced a vote on a Canadian proposal for quota allocation. The resulting agreement gave Canada 60 per cent of the catch, up from about 10 per cent. The European Union got 12.5 per cent, down from about 75 per cent of the catch for the previous three years.

The Minister of Fisheries and Oceans has made every effort to make his dispute over the allocation with the EU into an exercise in eco–aggression. As the *Financial Times of London* noted:

> The fact that Canada had tried to garner such a large proportion of the quota—some 70 per cent against 12 per cent for the Europeans—somewhat tarnishes the country's claim that it had to intervene to save the fish from impending extinction.

Tony Pitcher, director of the Fisheries Centre at UBC said: ''Canada's newly acquired 60 per cent share of turbot was a radical shift in allocation that came too quickly for some fishing nations to accept willingly''.

In our desperate need to find a hero out of all this bumbling and blustering, we ignored the fact that the *Estai* had been boarded for inspection by Canadians 11 times since January 1994. On each of those occasions Canadian officials could have and should have inspected the holds and found evidence of baby fish being caught. They could have and should have waited until the net was hauled in and discovered the liner.

The only advantage to the bumbling and bluster has gone to the Spanish who can now fish without fear of inspection. With the arrest of the *Estai*, the Minister of Fisheries and Oceans lost the ability to board and inspect foreign trawlers fishing in the NAFO regulatory area beyond our 200–mile limit.

The size of the fish on the *Estai* should not have been a surprise. They were consistent with the catch reported by Spanish and Portuguese trawlers in 1993 and reported in NAFO scientific papers in 1994. Those papers report a shockingly steady decline in biomass from about 225,000 tons in 1984 to 37,000 tons in 1992 and that few fish larger than 46 centimetres were sampled in the 1993 catches. Considering that sexually mature turbot will be at least 60 centimetres long, it is questionable whether we should have agreed to fish turbot at all this year, let alone try to out–manoeuvre the EU for a larger allocation.

On the Flemish Cap we now have the worst of both worlds, neither NAFO inspection by Canada nor enforcement of the new regulations. On March 3, 1995 when the regulations were enacted we were told they were essential to deter overfishing by Spanish and Portuguese fishing vessels on both the nose and tail of the Grand Banks and the Flemish Cap.

The 1994 NAFO Scientific Council report cautioned that since the turbot is a single stock, it is necessary to regulate both the nose and tail and the Flemish Cap. To fail to do so, in the words of the report, could lead to the collapse of the fishery.

The March 3 regulation prohibited Spanish fishing on both the nose and tail and on the Flemish Cap. Since the regulation became law, the government has backed off, leaving the Flemish Cap exposed to unregulated fishing.

The test of the government's action is whether it advances the protection of turbot stocks in the NAFO regulatory area on both the nose and tail of the Grand Banks and the Flemish Cap. The question is, why did Canadian officials fail to carry out adequate inspections of the *Estai* and other Spanish fishing vessels?

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I want to thank the member for Delta for his question.

The member opposite has raised two related issues, namely undertaking more inspections as well as the results of an inspection by Canadian fisheries officers of the Spanish vessel, *Estai* in January. Let me deal with each in turn.

First, the question of conducting more inspections. As the minister told the House last Friday, given the increasing tension between Canadian fisheries officers and the Spanish fleet, unarmed fisheries officers would not be asked to conduct any activities which would pose a threat to their safety. I believe that the member would endorse the minister's position.

Let me also provide some background on the NAFO inspection system. As the member should know, NAFO provides inspectors from contracting parties with the authority to board and inspect vessels in the NAFO regulatory area. However DFO inspections take place in less than ideal conditions. NAFO procedures require that the inspections be conducted in a manner that prevents interference and inconvenience to the vessel's operation.

In the limited time provided for inspections, it is neither practical nor feasible to search for duplicate logs at sea. Searches of the hold are restricted by time, the volume of fish product in the hold and the inability to move product, given the vessel is in motion and the restricted space available in the freezers. It is only too easy to hide illegal catch in areas which would be accessible only after a comprehensive search, accompanied by removal of the product from the hold.

In addition, fishing vessels know that the patrol vessels are operating in the area and can avoid the use of illegal gear during times when inspection may be likely. For example, liners in the nets may be removed during the day when weather permits boarding. Inspectors cannot verify vessel logs against the contents of the hold given the volume of product on board. While inspectors may suspect misreporting, they are often unable to find the proof required to issue a citation.

Despite these limitations Canadians carried out NAFO inspections and issued 52 citations in 1994, 44 of them to European—

The Deputy Speaker: The parliamentary secretary only gets two minutes under our rules at this moment.

Pursuant to our standing orders, the motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m.

(The House adjourned at 6.38 p.m.)

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