CANADA

House of Commons Debates

VOLUME 134 • NUMBER 096 • 2nd SESSION • 35th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, November 4, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, November 4, 1996

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*English*]

INCOME TAX ACT

The House resumed from September 27 consideration of the motion.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I am pleased to speak today on Motion No. 30, sponsored by the member for Mississauga South.

The motion reads:

> That, in the opinion of this House, the government should consider amending the Income Tax Act to provide a care giver tax credit for those who provide care in the home for preschool children, the disabled, the chronically ill or the aged.

I would like to commend the member for bringing this motion forward. The recognition of the problem of unfair tax treatment, in particular of families that choose to have one member of the family stay at home, is commendable. It is a good thing to bring this forward and to talk about it. There are, however, at least three questions that I would like to ask the member. I will talk about them in my presentation today.

The first question is where is the cost benefit analysis, or at least an estimate of the cost and the benefits of the changes that this motion would bring about and put into law?

My second question is why is the government's only response to this issue to put in place more taxpayer funded day care? I will talk briefly about that in my presentation.

The third question I have is that the government of which he is a member has been in power for three years now. Why has the government not acted on the portion of the motion which would bring into place equal tax treatment between families that choose to have one parent stay at home to take care of the children and those families that choose to hire, either through day care or some other place, someone to look after their children while they are at work? Why has the government not dealt with this inequity in the tax system? Why has it not taken this unfairness out of the system?

That is the third question for the member. I will deal with it later in my presentation.

First, where is the cost benefit analysis? The member for Mississauga South, the sponsor of the bill, said in his presentation: ''The viability of M-30 needs to be assessed, not from a financial perspective, but from a balanced perspective, taking into account both social and fiscal reality''. I agree with that.

How can this member ask me and others to support this motion when a cost benefit analysis has not been done? How can we possibly support a motion when an estimate of the effect this would have on the finances of the country has not been completed?

I would suggest that no member of Parliament should, in good conscience, vote in favour of a motion like this. We must have a cost benefit analysis that is at least accurate enough to give us a ball park figure of the costs and the benefits of this motion. The hon. member has failed to provide that. I certainly cannot support this motion on that basis.

Second, why has the government's only response to this issue been a promise for more taxpayer funded day care? Of course, this promise was made in the red book. It is another one of those promises that has not been kept, by the way. In the government's tally, 72 per cent or some such thing of its promises have been kept. By my tally, 28 to 30 per cent, if someone is generous, have been kept. This promise for more spending on day care, which is by the way something I do not support, is a promise that has not been kept. Canadians should hold the government accountable because it made a promise and a promise should be kept.

• (1110)

It is one of the things on which the government did campaign. It is an issue that was talked about during the campaign. Other Reform candidates and I spoke out against this during the election campaign while the Liberals spoke out in favour, yet it is certainly a promise the government will not be keeping.

Why has that been the government's only response, a promise which it is not going to keep, but a promise to spend more on publicly funded day care? It is not going to solve the problem.

The third question is the most important. Why has the government, of which the member who has sponsored this motion has been a part for three years now, not deal with this unfairness that he points out is in our tax system. It gives an unfair tax advantage to people who pay others to take care of their children.

It is not for government to tell people how they are going to care for their children. It is important that parents have a choice whether they will have their children looked after by someone else while they work or if they choose, to have one parent stay at home and look after the children without having the tax system punish them for making the choice to have one parent stay at home.

That is wrong. There is no job in this country, including the job of Prime Minister, which is as important as having children very well looked after. Studies have shown that it is important for one parent, and it does not matter which parent, stay at home with children in their younger years. If a family chooses to do that because they believe that is their responsibility as a parent, then the tax system should not punish them.

Reform has said some very specific things in the fresh start document which was released on October 17 and has been talking about and presenting across the country. This fresh start document says that there are two visions of how and what this country can be. One vision has been shared by the Liberals and federal Conservatives over the past many years. It is a vision of big, very expensive government. Higher and higher taxation is necessary to support this big government. That taxation has been a job killer and has also made it very difficult for parents to support a family with only one person working. It is high taxation and high payroll deductions that have caused this problem.

The other vision, which is the vision that Reform and many Canadians share, is a vision of a Canada with a much smaller federal government, much less intervention in our lives, and a government that would cost less and so would allow less taxation.

Our fresh start has three proposals concerning taxation which would make it much easier for parents to choose to have one parent stay at home with the family. In fact, it would make it easier for those parents who choose to have both work and someone else look after the children while they are at work.

The first proposal which is for all families, whether both parents work or not, is an increase in the basic personal exemption amount from $6,456 to $7,900. That will lead to a tax reduction for all Canadian families. That is important.

The second proposal is critical and would deal with the part of this motion to do with the unfair tax treatment of families, in terms of taking care of children. The second proposal allows for an increase in the spousal amount from $5,380 to $7,900. That levels the playing field.

Furthermore, as part of our commitment to the family, the child care deduction of $3,000 to $5,000, which is currently in place and it is available only to parents using outsiders to take care of their children, will be extended to all parents, whether they choose to stay at home with their children or to have someone else look after their children. These three proposals would be far more effective in dealing with the concern that is expressed in this motion.

• (1115)

In conclusion, I would say to Canadians that they do have a choice. They have a choice with Reform to make things much better for the family with respect to taxation and with respect to security through changes in the justice system and other changes. With respect to this motion, the proposals that we have put forth in our fresh start platform certainly would do a much better job in dealing with the issue which is considered by Motion No. 30.

Because there is no cost benefit analysis and because our proposal would deal with this matter in a much more complete way, I personally cannot support the motion.

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I too want to add my voice to the discussion on Private Members' Motion No. 30.

I am speaking as the mother of two wonderful daughters. I fully understand the difficulties many families face when choosing to work or to stay at home. This motion will help in making the decision easier for families. The efforts of the member for Mississauga South will balance the skills of equality between those who choose a two income household with the children in daycare and those families who choose to designate a parent to care for their children in their own home.

These proposed changes to the Income Tax Act will ensure that families can make the best choice for their needs. The disabled, the chronically ill and the aged in the home all deserve caring individuals.

The motion implies that the Income Tax Act discriminates against families who make the choice to provide care at home for the categories of people mentioned above. The motion appears to target the provision of the Income Tax Act which disallows the deduction of child care expenses by one earner couples.

In addition to the needs of children, Motion No. 30 considers the welfare of families caring for elderly and chronically ill family members. Those of us who listen to CBC Ottawa will have heard this morning a discussion of an individual who is caring for a parent who suffers from Alzheimer's disease. They noted the cost of care and the need that there is, especially in this day and age

when so many people are living longer and having ailments which deserve the care and nurture of family members.

Families with disabled family members face the greatest challenge of all. In these cases a lifelong commitment is required, not simply the assistance of family at the dawn or the sunset years of a family member. These families face a continual challenge to help a family member overcome their disability and to live a happy and productive life in Canada.

What is good about Motion No. 30 is that it says that the government can help without creating a big, expensive bureaucratic institution or program. With a few small additions and changes to the Income Tax Act, this motion would empower individuals to choose the best way to both work and care for their families.

The motion creates a policy that would recognize the value of work at home, provides more options for direct parental care, eases the demand for long term care and child care facilities, promotes work opportunities, promotes financial independence in the home and encourages a better quality of life for families.

I want to speak about some of the things the government is presently doing which will connect nicely with the intent of this motion.

● (1120)

The child care expense deduction helps parents who have modest incomes with child care expenses which they incur while earning income, attending school full time or taking an eligible vocational training course.

The child care benefit supplement is another program which helps parents who choose to remain in the home to raise preschool children. This year it is $213 for each child six years of age or younger. This is in addition to the regular benefit of $1,020 for each child.

There is also the working income supplement which helps low income working class families meet some of the extra costs relating to employment income, for example, child care and transportation to and from work. This relates to a non-taxable benefit of up to $500. Changes introduced in our 1996 budget will double the supplement to $1,000 by 1998. This will increase benefits to more than 700,000 working families by an average of $350 a year. While the working income supplement is available to two income families, it is also available to single earner families where one spouse stays at home as a caregiver.

It is important to note that this motion takes into consideration the needs, the care and the availability for individuals to stay at home and provide that care and to use the tax system as an incentive and as a way to encourage the nurturing and give support to families who need the supplement.

As indicated in the budget presented to the House on March 6, 1996 the WIS or the income supplement will provide maximum annual benefit increases that will range from $500 to $715 in July 1997 to $1,000 in July 1998.

The motion suggests tax assistance should be made available to families that provide in home care for elderly relatives or relatives with disabilities. Again tax assistance for people with disabilities and for the families caring for elderly or disabled relatives at home is provided by a number of existing tax measures.

I could go on to delineate the tax measures but I support the intent of the motion, that as a community and as Canadians we need to care about, think about and ensure that for individuals who give the care and nurturing in the home for preschoolers, people with disabilities and other groups that need specific care by their families that there is included in the tax system the necessary incentives and benefits.

We can argue the notion that the income tax system and the way it should operate and the projections as to the impact on our budget needs to be taken into consideration. It is too bad that somehow delineating the cost of the program was not indicated in terms of the impact on our 1997 budget.

There are good intentions in the motion put forward by the member in the care for Canadian families. I will support the intent of the motion and encourage that we find the ways and means by which we can attend to this motion in our ongoing consultations on what we need to do for Canadian families.

I stand in support of the motion.

● (1125)

[*Translation*]

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, I am pleased to participate in this debate on the motion put forward by the hon. member for Mississauga South, whom I know well as we both sit on the Standing Committee on Health. I have often had discussions with him and I know that he is a kindhearted man. This is not the kind of motion that can be rejected out of hand.

I say this with certain reservations, however. The motion could not be approved without any amendments either, as it may involve changes to programs.

Our listeners must realize that the federal government, and the provinces as well, may decide to go one of two ways. The first and more familiar one is through programs, by providing grants, funding public services or supporting quasi-public services for seniors, families and so forth, but always through funding. This is often the budget item that attracts the most attention.

What the hon. member for Mississauga South is proposing today is a tax credit for those who provide care in the home for preschool children, the disabled, or the aged. There is nothing wrong with that.

Of course the federal and provincial governments alike should help these people, especially if they are using incentives, a positive approach instead of creating obligations. Only those who can, and really have the means to do so, provide such care. It is proposed to provide tax credits, which means giving a little more to those who give their time to improve the well-being of preschool children or persons who have become incapacitated.

I would like to focus on the disabled. I imagine most members have organizations dedicated to the disabled in their ridings. In my riding, there is one that has been around for many years—I even worked for them before getting elected—and its goal is to help the disabled get integrated into society or at least ensure that they live at home instead of being institutionalized.

This involves some support from either close family members or anyone willing to help, be it out of friendship or kindheartedness. They need someone to provide some support.

The same could be said about the aged. For some years now, it has been the policy, in Quebec at least, to help the aged, even those who are progressively more incapacitated, live at home as long as possible. To this end, they are provided with access to home care and other services. But despite these efforts, all their needs are not met, and that is where a family member can make a valuable contribution.

Let us also take a look at the consequences of the move toward ambulatory care. In Quebec, some families are hit harder than before in the sense that limiting hospital stays acts as an incentive to let the patient go home as quickly as possible, but there has to be someone to give them a hand after they leave the hospital.

● (1130)

So, the period in question can be very short, but it can also be rather long. Therefore, the tax credit formula suggested by the hon. member deserves consideration. Indeed, when a person requires regular care over a period of a few months, but only for an hour or two per day, we should encourage people to provide such care at home, instead of taking the person to the hospital.

However, this solution poses a number of problems, and the hon. member for Joliette mentioned some of them at the beginning of the debate. We do have some reservations and concerns. Should the government accept the proposal made by one of its members, would it result in an attempt to make a change? We do not want to sound overly distrustful but, given this government's pattern in its attempts to make changes, we have learned to become distrustful of these attempts, and for good reason.

Does it mean that some expenditures should be eliminated at the same time? This is unfortunately the case. I am referring to the transfers to the provinces, more specifically to the new Canada social transfer, which we have been hearing about since last year. All the moneys paid to the provinces for health, post-secondary education and social assistance now come out of this single fund. All these sectors have been grouped together, However, the government took this opportunity to significantly reduce the amounts transferred. In the case of Quebec, the shortfall will total billions of dollars. Those who are watching us are very familiar with the process: the federal government targets our provincial government, which then has no choice but to make cuts, including in the health sector. Indeed, people must realize that such cuts are the result of a reduction in transfer payments.

Personally, I would find it hypocritical on the federal government's part to suddenly be generous by granting more tax deductions and credits to caregivers if, at the same time, it kept making cuts in transfers to the provinces. These things must be explained to our fellow citizens. My three years in this House have taught me to be suspicious and critical of the government's actions, which is the role of the official opposition.

I know the hon. member who tabled the motion. He is a very generous person. I also know the hon. member who spoke before me, and I realize that government members have good intentions. However, what would the government do with such a motion? Would it use it as encouragement to continue making cuts in transfers to the provinces, cuts that affect precisely those people whom the hon. member for Mississauga South wants to help? These are the reservations I have.

As for the member's intentions and the value of his proposal, one cannot oppose such a positive approach, whereby ordinary members of society, that is people close to a sick person, would look after this person. In fact, we must encourage it.

Since my time is running out, I will conclude by underscoring this point. I do not want my speech to be interpreted as an unconditional acceptance of a change that would reinforce the government's tendency to impose cuts on the provinces, while maintaining very strict conditions, including the five conditions relating to health.

Given these conditions, provincial governments are forced to cut into the health care sector, which is high profile, while the federal government, through a tax deduction and credit system, would do just the opposite. This seems hypocritical and unacceptable.

● (1135)

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I want to express my support for the intent of Motion No. 30. I am pleased to see an initiative to support the family coming from the other side of the House. It is support to increase personal freedom

and choice and to recognize the importance of allowing individuals to exercise responsibility over their own affairs.

To remind the House, Motion No. 30 reads:

> That, in the opinion of this House, the government should consider amending the Income Tax Act to provide a caregiver tax credit for those who provide care in the home for preschool children, the disabled, the chronically ill or the aged.

One of the most important effects of this motion is its impact on child care. The present tax situation discriminates against parents who choose to stay at home with their children. We in the Reform Party believe that the care of children falls within the domain of families and that parents must have full responsibility in Canadian society to nurture and provide for children.

Current federal government programs are intrusive and restrict the choices that parents may make in deciding on the best type of care for their children. The role of government, on the other hand, is to provide a fair tax and benefit system that provides parents with the opportunity to properly care for their children in the manner of their choosing.

Unfortunately this motion's sponsor was right when he predicted that his colleagues would stand up and declare that their paltry subsidies to stay at home parents are sufficient. This statement in and of itself is ridiculous. It is even more shameful when placed in contrast to the amount of provision made available to parents who place their children in day care.

Parents are very frustrated today in that they would like to spend more time with their children but they cannot. One of the reasons is that they cannot afford to have one parent stay at home with the children because they need two incomes to survive.

An Angus Reid survey indicated that 45 per cent of women and 55 per cent of men were in agreement with the question that if they could afford to, they would stay at home with their children. Furthermore, 57 per cent of parents with younger children said they would work primarily to make ends meet and would stay at home if they could.

In the same survey, 25 per cent of women and 24 per cent of men agreed with the statement: ''I feel guilty about the amount of time I spend at work away from my kids''. Among parents with children under 12, the proportion who agree with this statement rises to 32 per cent. Twenty-five per cent of women and twenty-two per cent of men agreed with the statement: ''I am too tired when I get home to spend quality time with the kids''.

Our children are our future, the future of this country, and here we have parents lamenting about the opportunities lost for spending time with their kids. This government has recognized it. The member for Mississauga South has certainly analysed the tax system and his statement is clear: ''What is worse is that a deduction is worth more to a high income earner than a low income earner. For example, someone who makes $60,000 a year and pays $5,000 for child care space receives a refund cheque from the government for $2,600. However, if someone makes only $30,000 and incurs the same $5,000 cost, their refund is only $1,800. That is an $800 difference when both taxpayers incurred the same expense for child care costs''.

• (1140)

In other words, I gather the intent from this member's motion was to alleviate the tax burden of the stay at home parents. He recognizes it but not everyone on that side of the House does.

Whether this inequity was set up intentionally to discriminate against parents who choose to provide home care is irrelevant. It exists. The fact is it does discriminate. Despite evidence of this, the government has made no effort to develop a policy that treats all families equally, affording them the independence and freedom of choice they desire in areas of legitimate concern.

We are hearing more and more of those concerns all the time on the social side, parents lamenting about not being able to spend that time with their children.

It is imperative that this discrimination be ended. I would encourage all parliamentarians to do this by endorsing, to some degree, this motion. It should have some amendments to it. They should endorse this motion or one similar.

The same sort of discrimination occurs in the provision of care for the elderly and the infirm. Once again, the government claims to have a system in place that is sufficient for helping families that want to care for their ailing members at home.

Despite the fact that even for pragmatic economic reasons, Canadian governments are moving in the direction of encouraging more home care options, there is no evidence that the federal Liberals are planning to adjust the tax system to make home care an economically viable option for individual Canadian families. It is just not in the cards with this Liberal government.

According to the government, the infirm dependent credit which can generate savings of up to $400 or $8 a week is sufficient to help the average Canadian family know its choice to care for elderly parents at home is not being subject to financial discrimination or penalty.

That is a paltry amount when we look at the costs of home care and the cost to the federal government or provincial governments, even local governments, to care for the elderly. There should be greater consideration given to those people who want to look after their elderly parents at home through a tax break. That is not happening.

According to the government, the present circumstances surrounding the medical expenses credit do not require changing. This is in addition to the medical expenses to the home care provisions.

The 17 per cent credit for expenses in excess of the lesser of 3 per cent of the net income is available to all Canadians, but for those who have employer paid health plans this benefit can be added to cover uninsured costs, while most Canadians have to get by on this paltry credit alone.

In other words, for those who have a government health care program or a group health care program through one of their businesses compared to those who do not, the ones who have a group health care plan of course benefit from this and those who do not really have to foot the bill themselves. I do not think that has been covered adequately by not only government but by the health plans available right now.

Having expressed support in principle for the motion, I want to state clearly the need for far more tax reform than the cut and paste approach the present system is bound to.

The Reform Party has committed itself to real substantive tax reform in the form of a simple, flat and visible tax. This system will do away with the gross inequities that are part of the present system, including discrimination against home care, of preschool children and the disabled and elderly.

The member for Vegreville pointed out some of those tax breaks. I do not believe I have to repeat them.

Reform's final flat tax policy will start with a sizeable personal tax credit that will protect a larger number of low income individuals from income taxes. An additional credit will be provided for each child. We want to move that credit up from $3,000 to $5,000.

● (1145)

Reform is the only federal party today which offers a comprehensive fiscal alternative to the discriminatory priorities of the present government which clearly has no regard for millions of Canadian families struggling under the economic burden that is growing under this Liberal administration. We want to work in partnership with the Canadian taxpayer. That is what governments should do. That partnership involves providing tax relief to all taxpayers.

The Deputy Speaker: As it would appear there are no further members who wish to speak, under our rules the hon. member for Mississauga South may sum up the debate.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to thank all hon. members who over the last few months as we have had private members debate on Motion M-30 have taken the opportunity to discuss the motion. The motion says that we should consider the advisability of amending the Income Tax Act to provide a caregiver tax credit to those who provide care in the home to preschool children, the chronically ill, the aged or the disabled. I am very gratified that so many members spoke in favour of this motion.

I want to comment briefly on the position articulated by one member on the concern about the costs of such a change. The member has raised an excellent point.

We must always assume that there is no new money to be spent on new benefits or across the board tax cuts or anything like that. But it is incumbent on the government to look at other ways to fund perhaps by consolidating other tax benefits to create this caregiver tax credit.

I would use as an example what was done with the seniors benefit which is a consolidation of the old age security and the GIS brought into a new credit, a new benefit for seniors outside the tax system. It is funded by the former envelope for OAS and GIS. I see that as a parallel which may be an opportunity.

A number of members have raised the issue about how do we get the money. I could give a couple of examples. The previous speaker talked very briefly and quoted me with regard to the child care expense deduction. If we converted that deduction to a tax credit and also made it subject to an income test, that would generate approximately $400 million in savings to the government.

There is the spousal non-refundable tax credit which is available to all where one spouse is working and one is not but it is not subject to having any children. If we were talking about using our limited resources to apply for those who really have need or are investing in children, having those funds diverted to being part of this new caregiver tax credit certainly would be an option. That would generate $1.2 billion of additional funding for the caregiver tax credit.

The final item I would give as an example is the equivalent to spouse non-refundable tax credit. This is a benefit to families which split up. Not only do two adults get the credit but one of the children can be elevated to the adult status for a third credit. In my view it benefits families that split apart rather than those that stay together. If we were to rethink these kinds of things we would find it would generate a savings of somewhere around $200 million.

In total those items which I have simply talked about right now generate somewhere upward of $2 billion of funding that could be directed toward the caregiver tax credit.

This being a private member's motion, I remind all hon. members that it is not encumbering the government to do anything. A private member's motion is simply to ask the House to consider the advisability of looking at this and possibly some funding sources.

I will conclude by quoting the wife of the President of the United States who I thought had a very interesting comment. She said that we can talk about family values all we want but would it not be better if we looked for ways to have legislative initiatives that would value families.

I thank all hon. members for participating in this debate on a family issue, something that is very near to me. I ask hon. members for their support in making Motion M-30 an issue which the government should give some consideration to.

[*Translation*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour 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 yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

At the request of the hon. whip, division stands deferred until Tuesday, November 5, 1996, at 5.30 p.m.

SITTING SUSPENDED

The Deputy Speaker: Dear colleagues, it being 11.50 a.m., is it the pleasure of the House to suspend the sitting for 10 minutes?

Some hon. members: Agreed.

(The sitting of the House was suspended at 11.50 a.m.)

SITTING RESUMED

The House resumed at 12 p.m.

GOVERNMENT ORDERS

[*English*]

DIVORCE ACT

The House proceeded to the consideration of Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act, as reported (with amendments) from the committee.

SPEAKER'S RULING

The Deputy Speaker: I have a ruling with respect to the groupings at report stage of Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act.

There are 15 motions in amendment standing on the Notice Paper for the report stage of Bill C-41. The motions will be grouped for debate as follows: Group No. 1: Motions Nos. 1, 2, 3 and 12; Group No. 2: Motions Nos. 4 to 11; Group No. 3: Motion No. 13; Group No. 4: Motion No. 14; Group No. 5: Motion No. 15.

The voting patterns for the motions within each group are available at the Table. The Chair will remind the House of each pattern at the time of voting.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ) moved:

Motion No. 1

That Bill C-41, in Clause 1, be amended by replacing line 33 on page 2 with the following:

''the order,

(*a*.1) where both spouses or former spouses are not ordinarily resident in the same province at the time an application for a child support order or a variation order in respect of a child support order is made, or the amount of a child support order is to be recalculated pursuant to section 25.1, and the province in which the child in respect of whom the application is made and is ordinarily resident has been designated by an order made under subsection (5), the laws of the province specified in the order,

(*a*.2) where an application described in paragraph (*a*) is made in respect of more than one child and the children are not ordinarily resident in the same province, the Federal Child Support Guidelines, and,''

Motion No. 2

That Bill C-41, in Clause 1, be amended by replacing line 10 on page 3 with the following:

''(5) The Governor in Council shall, by order,''

Motion No. 3

That Bill C-41, in Clause 1, be amended by adding after line 18 on page 3 the following:

''(5.1) Notwithstanding any provision in any Act of Parliament including this Act, the Governor in Council may not amend or repeal an order made under subsection (5) and may not establish guidelines under section 26.1 applicable to a province that has, under subsection (5), been designated a province for the purposes of the definition ''applicable guidelines'' in subsection (1).''

Motion No. 12

That Bill C-41, in Clause 11, be amended by replacing lines 18 to 20 on page 13 with the following:

''orders for child support, including guidelines''

She said: Mr. Speaker, the amendment proposed by the Bloc Quebecois has in mind the very specific context where the parents who are divorcing no longer live in the same province at the time an application for a child support order is made to the court.

Why did we present this motion? We did so because the solution put forward by the Minister of Justice for determining which grid will apply in these cases does not strike us as the best one. The minister is proposing that the court use the federal grid in such a case.

• (1205)

In our opinion, however, the federal grid is inadequate because it makes no allowance for provincial transfer payments to families. The Quebec grid, on the other hand, was developed by the level of government closest to families, the one that sets family and social policy, the one that determines tax policy, the one that looks after day care, income security programs, family assistance programs, health programs, and I could go on.

In Quebec, as in other provinces, government policies result in transfer payments to individuals and families. However, since the government approach reflects a certain vision of society, transfer payments made by the Quebec government differ from those made by other provinces.

Accordingly, since the federal grid takes income tax alone into account, the amounts set out in its grid of payment levels will undoubtedly differ from those in a provincial grid. Therefore, if the federal grid is applied to parents of children living in Quebec, for example, the whole process is distorted.

In addition to skewing the child support system, the imposition of the federal grid in cases where parents are not living in the same province will lead to an unfair situation within a province. What justification can there be for the fact that all children within a province will not be entitled to the same treatment, simply because the non-custodial parent is living in another province?

Perhaps the minister thinks the other provinces in Canada will go along with the proposed grid. We have no intention of doing so. However, the minister must keep his word and respect the spirit of his bill. If, as he says, he really means to recognize provincial grids at some future point, he must therefore agree to uniformity within the provinces first. He must not impose his grid on a parent paying support who does not reside in the same province as his child.

I would also like to emphasize that the custodial parent, usually the mother, generally changes place of residence less often than the father.

Thus, in order to respect provincial autonomy, and to ensure that children in the same territory are treated uniformly and their economic stability respected, it is very important that the grid to be applied be the one drawn up by the province in which the child resides, regardless of the place of residence of the paying parent. This is a matter of justice.

Moving on immediately to Motion no. 2, I will try to explain it to our audience. This is a very important motion, because it reveals the specific intentions of the federal government concerning the possibility of recognizing the guidelines drawn up by the provinces.

The word ''may'' confers upon the government virtually absolute discretionary power. I say ''virtually absolute'' because, as Professor Garant has stated, ''the courts have invariably decided that discretionary power is never absolute''. The Canada Interpretation Act, which applies to all legislation passed by the Canadian Parliament, stipulates in section 11 the difference between ''shall'' and ''may''. I quote: ''The expression 'shall' is to be construed as imperative and the expression 'may' as permissive''.

I would point out that, in this case, the verb used in clause 1(4) of the bill is ''may''. The clarification of the Minister of Justice's intentions, which he offered during testimony before the committee is most revealing: ''The creation of guidelines for child support is something new for the Government of Canada. This is the first time we have done this. It is difficult to predict all of the questions that will arise in future. We have, therefore, used the words that were in the clauses before the Committee, in order to allow the government some degree of flexibility''.

It is obvious, furthermore, that, despite the fact that it says it will recognize the provincial guidelines, the government is not too keen on the idea, and I again quote the Minister of Justice: ''It is the government's objective to have a national system, a uniform system. The trouble with the present system is that it is unpredictable. So generally speaking, we want the system for determining child support payments to be predictable, uniform and national. The government acknowledges that individual provinces may wish to establish the amounts and the guidelines, but it is important for the national objective to have some degree of uniformity''.

• (1210)

Clear and specific. To avoid upsetting the provinces by invading the jurisdiction they have over family matters, the government says: ''If have your own guidelines, we will respect them''. However, at the same time the government says in the legislation that it will decide whether and when it will recognize provincial guidelines. I believe there is some contradiction here.

We do not go along with this proposal. We want the minister to recognize clearly the expertise of the provinces in this area and to

leave it all up to those provinces who take the initiative to develop their own guidelines. You cannot have both, that is impossible.

The problem with all this is that the government knows perfectly well that the guidelines it is about to adopt will also be used unofficially in cases that come under the jurisdiction of the provinces, which is somewhat embarrassing for a government that keeps talking about the flexibility of the federal system and its intention to decentralize. There is only one honest and acceptable solution to this problem: let the government accept our amendment and promise to recognize the guidelines that are adopted by the provinces. That is what we want to see happen.

On Motion No. 12: the words ''but without limiting the generality of the foregoing'' should be deleted in clause 11 of the bill. This clause creates a new section in the Divorce Act, a section that lists the criteria to be met by the provinces if they want the federal government to recognize their own guidelines.

Why do we want this deletion? The answer is quite simple. Here again, the federal government is trying to establish discretionary powers. In fact, it is telling the provinces that it may recognize their guidelines, provided they meet the criteria set in section 26.1, but it also says, with the words we want deleted, that these criteria may change without prior notice and, above all, that there may be other requirements that are not specifically provided in the legislation.

This is unacceptable. Why should a province rely on some future recognition of its guidelines if at the same time the government reserves the right to change at any time the criteria for such recognition? How can a provincial government do any proper planning when it does not know what the federal government is going to do? This is a cat and mouse game.

The rule of thumb for legislation should be clarity: the terms, the objectives and the consequences of non-compliance should all be crystal clear. Clause 26.1 the government is proposing is not clear, anything but.

To show its good faith, the government should clearly set the rules of the game. Obviously, the words ''but without limiting the generality of the foregoing'' must be deleted from the text of the final version of the bill. I hope my government colleagues will accept my amendment.

There is still Motion No. 3. The purpose of this motion is to protect provinces that adopt their own guidelines, once these guidelines have been recognized by the government.

This motion specifies that once they have been recognized by order in council, the guidelines of a province cannot be revoked by an act of Parliament or by any provision of this legislation.

It was also quite clear from the minister's testimony that the minister was somewhat uncomfortable with the idea that provincial rates might differ from the federal rates. He did not like this idea at all, to say the least.

Bearing this in mind, we ask that the bill include a clause that would guarantee the continued recognition of a province's guidelines, once those guidelines have been recognized for the first time.

Quebec is about to adopt its own guidelines. The process leading up to this legislation has been a long one. The Quebec government held extensive consultations with stakeholders. It also had to align this new legislation with its policies in the works and its vision of where it should be going in terms of family policy.

• (1215)

What we are asking the government is to respect the will of the provinces, and this bill is a case in point. Since the Quebec government has just reviewed its own guidelines, I see no other choice for the federal government but to accept and respect the work done by the provinces, including Quebec in this case.

As you know, we must be careful to avoid overlap and duplication in this area.

[*English*]

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it is a pleasure for me to speak to the first group of proposed amendments to Bill C-41. I will speak briefly to the four motions we are presently discussing which have been submitted by the Bloc Quebecois.

We have five groups of amendments to discuss. Although some amendments were put forward in my name, they were really drafted by the hon. member for Mission—Coquitlam. She has done an incredible amount of work dealing with this bill. She has analysed it and gone through it with a fine tooth comb. She has worked to try to better the bill on behalf of Canadians. I want to pay tribute to her.

Motion No. 1 deals with designating the applicable provincial law should both spouses or former spouses not be resident in the same province at the time the application for the child support order is made. Under the amendment the applicable law would be that of the province where the child is ordinarily a resident.

The second part of the amendment put forward by the hon. member from the Bloc states that if there is more than one child of the marriage and they live in different provinces, then the federal guidelines would apply.

I feel the amendments fill a hole in the bill as they describe situations that are left out of the bill in its present form. Therefore, my view is that Reform will be supporting this motion.

Motion No. 2 which was also put forward by the Bloc changes the word ''may'' to ''shall'' to make it obligatory that the governor in council designate a province for the purposes of the designation of applicable guidelines as set out in the bill. This amendment also

makes sense. It should not be discretionary which provincial laws apply for enforcement.

Motion No. 3 seeks to establish that the federal guidelines will not apply in a province where there are provincial guidelines for payment of support. We feel that it is very necessary to have national guidelines. They should be established and at least be present to be reviewed by the court in addition to any provincial guidelines. In light of that we will be opposing Motion No. 3.

Motion No. 12 limits the power of the governor in council so that in making the guidelines the governor in council can only take into consideration the matters raised in paragraphs (a) through (h). We will be soon be debating Motion No. 4, a Reform amendment. We feel the government has this whole issue backwards as far as whether the court looks at the guidelines first and then looks at extenuating circumstances surrounding the case. We believe it should be the other way around.

● (1220)

Reform opposes the amendments as we feel that they support what is already contained in the bill and would allow the guidelines to be used first, rather than see the court look at extenuating circumstances such as the ability of the non-custodial parent to pay and other issues that may arise. That sums up my comments on group No. 1 amendments as put forward by the Bloc Quebecois.

[*Translation*]

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 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(8), the recorded division on the motion stands deferred. The recorded division will also apply to Motions Nos. 2, 3 and 12.

[*English*]

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 4

That Bill C-41, in Clause 2, be amended by replacing lines 17 and 18 on page 4 with the following:

''(2) shall do so in accordance with

(*a*) the needs of every child in respect of whom the order is being made and the ability of the spouse against whom the order is being made to pay the amount set out in the order; and

(*b*) the applicable guidelines.''

Motion No. 5

That Bill C-41, in Clause 2, be amended

(*a*) by replacing line 29 on page 4 with the following:

''dance with subsection (3) if the''

(*b*) by replacing lines 38 and 39 on page 4 with the following:

''(*b*) that determining an amount in accordance with subsection (3) would result in an amount of''

Mrs. Christiane Gagnon (Québec, BQ) moved:

Motion No. 6

That Bill C-41, in Clause 2, be amended by deleting lines 7 to 24 on page 5.

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 7

That Bill C-41, in Clause 5, be amended by replacing line 5 on page 8 with the following:

''in accordance with

(*a*) the needs of every child in respect of whom the order is being made and the ability of the spouse against whom the order is being made to pay the amount set out in the order; and

(*b*) the applicable guidelines.''

Motion No. 8

That Bill C-41, in Clause 5, be amended

(*a*) by replacing lines 10 and 11 on page 8 with the following:

''determined in accordance with subsection (6.1) if the court is satisfied''

(*b*) by replacing lines 21 and 22 on page 8 with the following:

''(*b*) that determining an amount in accordance with subsection (6.1) would result in an amount of''

Mrs. Christiane Gagnon (Québec, BQ) moved:

Motion No. 9

That Bill C-41, in Clause 5, be amended by deleting lines 31 to 44 on page 8, and lines 1 to 4 on page 9.

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 10

That Bill C-41, in Clause 11, be amended

(*a*) by replacing line 16 on page 13 with the following:

''26.1 (1) Subject to paragraph 15.1(3)(a), the Governor in Council may''

(*b*) by replacing lines 41 and 42 on page 13 with the following:

''for the purposes of making a support order in accordance with subsection 15.1(3);''

(*c*) by replacing lines 44 and 45 on page 13 with the following:

''the purposes of making a support order in accordance with subsection 15.1(3); and''

Motion No. 11

That Bill C-41, in Clause 11, be amended

(*a*) by replacing line 16 on page 13 with the following:

''26.1 (1) Subject to paragraph 17(6.1)(a), the Governor in Council may''

(*b*) by replacing lines 41 and 42 on page 13 with the following:

''for the purposes of making a variation order in accordance with subsection 17(6.1);''

(*c*) by replacing lines 44 and 45 on page 13 with the following:

''the purposes of making a variation order in accordance with subsection 17(6.1); and''

He said: Mr. Speaker, I rise to address the amendments put forward by the opposition parties to Bill C-41.

My comments are confined to the amendments in group No. 2 put forward by the Reform Party. I note that of the eight amendments that have been grouped together in Group 2, six of the eight have been put forward by the Reform and two by the Bloc.

Motion No. 4 establishes an order of priority so that the court will look first at the needs of the child and the ability of the non-custodial parent to pay and then at the applicable guidelines for child support.

During remarks made at second reading on Bill C-41 by my hon. colleague for Mission—Coquitlam, she elaborated on why we view this as so important. We feel there is a need to look at the best interests of the child or children involved rather than just make arbitrary decisions based on the guidelines.

● (1225)

In speaking to this bill, as a number of us have already, we have clearly endeavoured to be advocates for the children. We are not trying to pick sides, either on the side of the custodial parents, or non-custodial parents, or mothers versus fathers. Heaven knows enough of that already exists in the present system of dealing with divorce.

The real purpose of putting forward these amendments to try to better the bill is to see that the interests of the child or children are paramount.

While we recognize the need to have guidelines to direct and to guide the judgments levied in these types of cases, it does not make a whole lot of sense if we do not look at the ability of the non-custodial parent to pay. It really does not matter what the support level is set at if the father, who it is in a predominant amount of time, is unable to meet that commitment.

Motion No. 5 is consequential to Motion No. 4. It is a means for us to amend the bill to allow for Motion No. 4 if it was to be passed.

I will move on to Motions Nos. 7 and 8. The bill was written when looking at awarding child support. The court is supposed to take into consideration and apply the guideline when awarding spousal support. The Reform Party believes that the court should look first at the abilities of the parties to pay for the welfare of the child and if it needs to look elsewhere, then go to the guidelines. Basically Motion No. 7 follows along the same lines as Motions Nos. 4 and 5. Again, dealing with child support, we want the court to look first at the party's ability to pay and the needs of the child.

The government should be legislating in the best interests of people. If the court needs further evidence after looking at ability to pay and the welfare of the child, then the court could look to the guidelines and apply them if necessary.

That basically deals with Motions Nos. 7 and 8. Motion No. 8 is consequential to Motion No. 7, similar to the way in which Motion No. 5 is to Motion No. 4.

I will move on to the other two amendments put forward by Reform in this grouping, that is, Motion No. 10 and Motion No. 11. I know this gets quite complicated. Motion No. 10 is consequential to Motion No. 4. It refers back to that subsection.

The governor in council establishes the guidelines, which are the main focus of the bill. In establishing these guidelines, the governor in council is to take into consideration a number of matters. Most important in the list of matters that must be taken into consideration in the eyes of the Reform Party is the ability to pay and the needs of the child. This amendment, therefore, restricts the governor in council in that in making guidelines, the paramount interests should be the needs of the child and ability to pay.

I know I am repeating myself in referring to all these motions. It really comes down to the central focus to which we are trying to direct the government, rather than just bring down these arbitrary guidelines. We want the courts to look at other considerations, to have that as part and parcel of the bill rather than exclude them.

Motion No. 11 refers to the same section found on page 13 of the bill. It refers back to a different section, section 17(6.1) which deals with variation order. The governor in council under this bill does establish the guidelines for spousal support as well as child support. Therefore we want to ensure that were Motion No. 7 to pass the courts address all the concerns that would be presented at the time of the case rather than, as I said earlier, to arbitrarily bring forth the guidelines.

• (1230)

Motion No. 11 is consequential to Motion No. 7 in the same way in which Motion No. 10 is to our Motion No. 4.

Perhaps to summarize why there is this need to bring forward these numbers of amendments that we have brought forward that are grouped into Group No. 2, I would like to make a couple of points. If one were to compare the Notice Paper or the Order Paper from Friday with today's, one would note that there were two amendments brought forward by the Bloc Quebecois obviously at the eleventh hour. One would have to question how that is when we already understood all the orders and the motion numbers, trying to understand exactly how they are all going to fit together, were they to pass, and change the bill. We have to wonder how serious the Bloc is about putting forward amendments to this piece of legislation.

In dealing with Bill C-41, the government has once again taken the easy route of dealing with the support payments. We have tried to make the point during debate on this bill already that we are concerned this simply is not a comprehensive look at the whole issue surrounding divorce.

The justice minister has promised for some time now that he would be bringing forward comprehensive legislation. We are not suggesting that it would have to be included in one omnibus bill. Heaven knows there have been times in the past when we have been quite critical of the government for trying to lump too much into one bill. But we have not seen any indication from the government other than vague promises by the justice minister that he will indeed be bringing forward legislation to address the other side of the equation which is dealing with perhaps mandatory mediation prior to the disputing couple's ending up in court and a bigger issue of access and custody.

I have brought forward a private member's bill, Bill C-242, which would endeavour to bring into effect joint custody being the rule instead of the exception. Very clearly we can look at statistics and we can see that the whole business of the ability and the willingness of non-custodial parents to pay their child support payments is contingent on access to their children.

As access increases and shared custody increases for the non-custodial parent, then equally so statistics show that willingness to pay that support also increases.

The hon. member for Mission—Coquitlam, when she brought forward a private member's bill dealing with grandparents' rights and the need to have grandparents have access to the courts during divorce proceedings, once again she was looking at what is in the best interest of the children. That is what we are dealing with here. At that time she was told by the justice minister that the reason that the government voted that down was the government would be bringing in more comprehensive legislation.

• (1235)

Despite our best efforts to amend the bill by bringing in a number of amendments which are in all five of the groups, what we perceive is a general unwillingness on the part of the government to look at the other side. It seems to be totally focused on something which is a quick fix, something which would be the easiest to address, to get tough with fathers who are unwilling to meet their obligations and who in many cases are unable to make their payments.

As we have pointed out in our speeches, the simple fact of the matter is in many cases when the non-custodial parent, usually the father, withholds support payments it is simply because it is the only to get back at the fact that they do not have access to their children. I believe that the government is really missing the boat by not addressing the whole issue by not bringing forward companion legislation so that the opposition parties and Canadians can view the entire package rather than just piecemeal, which is easier.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, for the benefit of Canadians who are watching this debate on television, we are dealing with amendment at report stage of deliberations. That means the bill has gone to committee and was returned to the House with recommendations. We are now debating the recommendations from the various parties to alter the bill. These changes are grouped in blocks for ease of voting and also to ensure that in our speeches we address the topic at hand.

The group of amendments we are speaking to now has to do with maintenance and a grid which was established by the federal government. For instance, someone who is living in Alberta and has an income of $35,000, with one child, would be paying $314 per month; $520 for two children; $685 for three; $820 for four children, and so on. It established a guideline, which begs the question that if that is the minimum payment, what is the maximum. There are no maximums; there are merely minimum payment guidelines.

The guidelines vary from province to province. They do not vary a great deal, but they do vary. Some of these amendments speak to the variance.

However, I would like to speak in general terms to the notion of a guideline and what is likely going to happen in the case of the strict application of guidelines. I would like to ask whether the guidelines are going to have the initial beneficial intent.

When the guidelines were first introduced I thought they were a good idea. Many members know through previous debates that I have some experience in these matters. It is not something I am proud of but I have some considerable experience. It has been my

experience that no amount of legislation will ever replace common sense. If parents are divorcing, are bitter and fighting, no amount of legislation will impose common sense on them.

We cannot accomplish through legislation what cannot be done through goodwill on the part of both parents and extended families.

I thought the notion of guidelines was not a bad idea. I was quite surprised when I investigated this further, particularly in my constituency when I held a town hall meeting attended by approximately 200 people. The new Divorce Act was a central part of that meeting. After having conducted a third party independent poll by tele-research I was amazed to find that although I thought it was a good idea, the establishment of guidelines was not widely appreciated by people as being a good idea. As I reflected on it I realized that our court system and the judges involved in the court system are there for good reason. We have trust and we have respect for our court system.

• (1240)

Judges in cases of family disputes are able to weigh all of the factors having anything to do with custody or with maintenance payments. Using the wisdom of Solomon, judges are able to look at every situation as a distinct situation and not apply a common rule or a broad brush which will affect everyone in the same way. It is this removal of informed advice that upsets most people. It results in the suggestion that perhaps a guideline is not a particularly good thing.

In the constituency of Edmonton Southwest members would be interested to know that fully 75 per cent of the people polled feel judges should retain some discretion over the terms of child support. Only 9 per cent disagree and the remainder are undecided. Eighty-seven per cent say that the financial resources of the custodial parent should be considered when setting the level of child support. The guidelines make no mention whatsoever of the financial condition of custodial parents. What happens is that the custodial parent could end up being in a vastly superior financial position as a result of the divorce, for whatever reason, and yet the non-custodial parent is forced to pay a disproportionate amount of his or her income based solely on the condition that they are no longer married.

It is the removal of the judicial discretion which concerns most Canadians.

The town hall meeting brought up a particularly poignant and interesting consideration. Why is it in this legislation that we are forcing divorced parents to have a legal responsibility to children that they do not have before they are divorced? Think about that. This legislation will force non-custodial parents to continue to pay after the age of majority for such things as schooling. I am sure the vast majority of people would do it anyway, but we do not force intact families to pay for anything, let alone pay for anything after the age of majority.

Why should there be one set of rules for children of divorced parents and another set of rules for children of non-divorced parents?

A group in Edmonton, the Equitable Child Maintenance and Access Society, has put together a number of particularly good papers concerning rearing children when their parents have divorced. The central argument that the group brings to the case is just because parents divorce does not mean they divorce themselves from their children. It is the litigation system which creates and causes more problems than were there in the first place.

• (1245)

We should have a default position not of custody one way or the other but joint custody and co-parenting responsibilities. Responsibilities for nurturing children do not end at divorce; the responsibility for nurturing children remains constant. It also remains a responsibility, an obligation and an opportunity for the extended family.

The question of fair access and maintenance support are not mutually exclusive. They are inextricably bound to each other. People who do not have fair access to their children do not feel a moral justification for paying maintenance. We cannot unlink the two and say that if people are not being afforded access to their children why should they feel the obligation in one direction only to make maintenance payments. Regardless of the problems people have in their domestic relationship, their obligation to their children continues and should not be part of it. The reality however is as human beings, it is part of it so it must be considered.

As companion legislation to the responsibility to pay and as companion legislation to the fact that we would deny people passports or garnishee their wages, we must also have legislation that would enforce judgments of the court regarding access. At this time it is entirely in one direction.

We must as a society understand the absolutely critical role of nurturing children. This critical role extends beyond marriage and divorce; it extends beyond the mother and father.

I will read from *The Economist* dated September 28, a short paragraph which describes the reason for nurturing: ''Men tend to commit most crimes. In America they commit 81 per cent of all crimes and 87 per cent of violent crimes. Adolescent boys are the most volatile and violent of all. Those under 24 are responsible for half of America's violent crimes. Those under 18 commit one-quarter''.

The Deputy Speaker: I am sorry, the hon. member's time has expired.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, I want to address Motions Nos. 6 and 9 put forward by the Bloc Quebecois.

These motions would strike out the provisions allowing a court, when there is agreement by the spouses, to award an amount that is different from the amount set out in the guidelines. Now, since provisions already exist in the legislation allowing a court to award a different amount, when there is proof that the child already has an advantage in relation to the amounts set out in the guidelines, meaning that the child already gets more than what the guidelines provide for, it has to be inferred that these provisions deal with cases where the parents have negotiated and reached an agreement whereby the child would get less that what is set out in the guidelines.

Therefore this motion, as the text indicates, would strike out new subclauses (7) and (8) of new clause 15.1 of the Divorce Act. Indeed, these new subclauses show an intent to allow the court to set aside the application of the guidelines when two conditions are met: first, when there is agreement between the spouses and, second, when the court feels that the amount proposed for child support is reasonable.

We cannot accept these provisions. The main reason we supported the bill, even though we proposed amendments to improve it, is that we felt that the principle of guidelines is desirable for a vast majority of families, be it for spousal support or for child support.

• (1250)

Almost all of those who have examined the issues of corollary relief, visiting rights, custody, and alimony support the implementation of guidelines. Let me give a few examples.

The now defunct Canadian Advisory Council on the Status of Women wrote in March 1994: ''As participants in consultation hearings have indicated, parents and children who are involved in litigation over custody and visiting rights experience a great deal of emotional, physical and financial stress that is costly for the publicly financed judicial system, social programs and education.''

A lawyer in private practice, who sat on the Canadian bar committee, has emphasized also that the interesting thing with guidelines is their coherence, and coherence makes for predictability, and predictability avoids going to court.

Mrs. Lavigne, then president of the CACSW, wrote this: ''The setting of the level of support is also a source of conflict and resentment. Some think it is too little, and others think it is too much.''

As a matter of fact, courts, lawyers and parents themselves find it hard to make a fair assessment of costs incurred for children, and they lack benchmarks to set a fair and just level of support.

If binding rules do not seem desirable, guidelines are nonetheless to be made available to parties in order to make the process easier.

So, the guidelines will contribute first to standardizing the amounts awarded, which should reduce the incidence of poverty for women and children. Another benefit, however, and a major one at that, is that this new way of doing things will greatly reduce negotiations between parents on the amount of child support.

This amendment is quite significant, since we know that although a woman is represented by her lawyer, she can still fall victim to threats, blackmail and physical or moral weariness, and tell her lawyer to accept an otherwise unacceptable proposal.

The only way to reduce tensions and unsuccessful negotiations, which penalize children in the end, is for the guidelines to be as widely applied as possible. That is why subclauses (7) and (8) are unacceptable and contrary to the principles underlying the guidelines.

Indeed, this would take us back to the current situation where one parent, usually the father, is in a strong bargaining position, since he is usually better off, and can negotiate a settlement that is to his own advantage, but only to his own advantage. In the interests of all concerned, the amount of child support must not be determined in the context of preliminary negotiations.

Finally, we must not forget that women have been demanding guidelines for a long time now precisely to avoid the pressure, threats, and blackmail that often come with the negotiation of corollary relief provisions in divorce proceedings.

In enacting guidelines, governments are trying to set out a more neutral process for former spouses and their children. Thus, it is not recommended to favour provisions that go counter to these guidelines and, unfortunately in too many cases, force women to accept settlements that are unfair for them and their children.

So, this is the purpose of the motion I brought forward. I want to have struck out the provisions allowing a judge, with the consent of both spouses, to make a child support order different from what is set out in the guidelines. We find these provisions somewhat risky. On the one hand, in the proposed child support guidelines to be used as the draft regulations, clause 5 provides for a court, on application by one of the spouses, to award an amount different from what is set out in the guidelines, if the order causes excessive hardship to the spouse making the application or to the child in respect of whom the order was made.

• (1255)

Therefore, Parliament is allowing the guidelines to be set aside in some special cases. We in the Bloc Quebecois would like the government to support our amendment.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I listened to the remarks made by the members who have taken part in this debate so far, and the only conclusion that can be drawn is that the system in which we live is very complex.

Let us take as an example people who live in Quebec. They get married in Quebec and they have children in Quebec. If the marriage does not work, they separate in Quebec. But if they want a divorce, then they fall under Ottawa's jurisdiction.

You will understand that, as a member of the Bloc, I would be inclined to tell you without any hesitation that the federal government should completely withdraw from this area. However, as we have said many times before, as long as we are part of this system, we will try to improve it as best we can under the Constitution.

And unfortunately, under the Constitution as it is now, the Divorce Act is a federal statute. Therefore, as good members of Parliament and as responsible people, since the Bloc Quebecois is the official opposition, we must try to improve this legislation to respond to the concerns I personally heard when I sat on the Standing Committee on Justice and Legal Affairs, concerns expressed by women's groups and also by the provinces, because this bill has indeed several major flaws. That is why the Bloc Quebecois, as a responsible party and as the official opposition, is trying to improve this legislation.

However, it seems that the members opposite do not understand what we want even though it is simple. Our goal, which should also be the goal of the government, is to protect the children. I heard the minister of Justice himself say that Bill C-41 aimed at correcting injustices against children.

I believe that all motions introduced by the Bloc Quebecois aim precisely in that direction and are in response to requests made by people, women and interest groups heard by the committee.

This government does not seem to listen much to what we say. Yet, it is crystal clear that we want is for the good of children. The government should understand that. We introduced a motion proposing that the place of residence for guideline purposes be the child's residence. It must be clear that support payments are to be paid to women or men who are taking care of their children, whatever province they come from, including Quebec. They must know in advance, whatever may happen, that the place of residence will be the place where the children are living.

We have introduced a motion but I am pretty sure the government will oppose it. Why? Because it is proposed by the Bloc Quebecois. Yet, it is precisely within the same line and goal. We have also introduced an amendment to take all discretionary powers away from the federal government, because we want Quebec and the National Assembly to decide on guidelines. If the National Assembly presents guidelines, we want the federal government to have no other choice but to accept them.

How will the government react to this motion? It will reject it. Why? Probably because it was proposed by the Bloc and not by it. Yet, this proposal follows along the lines of other proposals heard before. I know that this is what the National Assembly very much wants. We want government to have no choice.

We also moved a motion regarding vested rights. We do not want the federal government to change the rules on us. We do not want things to go one way under the Liberals and another way under the Conservatives. We want to reassure people and we only have one purpose in mind, protecting children. What is the government going to do about it? It is going to vote against it, I am quite sure of it.

Furthermore, we moved a motion to delete the infamous ''or other cause'' in one clause. What does ''or other cause'' mean? This means that any given day the government might decide, by order in council, to add to the eligibility criteria. Or, depending on its mood, it might just as well decide to eliminate some of them. All we want is to protect the children. We want to know exactly where we are going, how the courts are going to apply the applicable guidelines to all concerned.

• (1300)

Finally, we moved two of the motions in this group, Motions Nos 6 and 9, which are aimed at protecting children. Is it right—I see the member for Québec is nodding in agreement, I believe she agrees with me—to set guidelines and to provide, as does Bill C-41, that with the parents' consent the amount of support might be below that set in the guidelines? Is it right? Does it protect children? No, it does not.

Suppose that, according to the guidelines, the children of a divorced couple are entitled to $150 a week in support payment, is it right for the judge to award the children, with the spouses' consent, $75 a week? Is it right to go to the trouble of developing guidelines, and then, after negotiations in the court's back rooms, sometimes under pressure or even duress, to have a ruling which does not respect them?

I have witnessed women being threatened. It is mostly women and children we want to protect. On occasion, I saw women coming to court in the morning, their mind made up. They had come there that day determined to get so much in support payments, fully intending to fight for their children's sake.

Following negotiations and after extremely long delays, sometimes you get to the court house in the morning and you cannot tell when you will leave because of emotions and all sorts of considerations; sometimes the lawyers and the spouses agree and the amount finally granted is considerably lower than what the party seeking alimony had decided to ask for in the morning. Those are the rules.

Also, it is often the squeaky wheel, the most forceful lawyer who will win. As you know, all sorts of things happen in the court house. Is it usual to approve all that? This is what the government is proposing with Bill C-41 and the clauses we want to delete. We want to remedy that situation with Motions Nos. 6 and 9. Is it usual, as I have just said, to condone the actions of lawyers?

What I want to say is, is it usual to perpetuate that way of doing things? This is what the government is doing. If the spouses agree, the court can determine an amount different from the one which would apply according to pertinent guidelines. We know quite well that the bill already says there will be no problem if the amount is higher than what would be determined with the guidelines. The goal is simple: to help the children.

The guidelines say $150 a week; the husband and wife agree on $200 a week. Who will benefit? The children. Then the goal is reached. The judge has no say. He can only go along with the agreement. But, the reverse is also true. These clauses we want to delete would allow the judge to make a ruling along the lines of an agreement whereby children would receive less than what the guidelines provide. That is unacceptable.

I see the justice minister is listening. I think he realizes there is a flaw in this bill. I hope that when the time comes to vote on Bill C-41, and on Motions Nos 6 and 9 presented by my colleague the member for Quebec, the government will change its mind and decide to support these motions whose ultimate purpose is to protect children.

• (1305)

[*English*]

Ms. Margaret Bridgman (Surrey North, Ref.): Mr. Speaker, I would like to add a few comments to the debate on Bill C-41 and the motions in Group No. 2.

Bill C-41 in itself has some strong points and some weak areas. Viewing the overall bill we certainly feel there are some amendments necessary. In Group No. 2 there are eight motions specifically addressing the ability to pay or the grid payment aspect of a divorce. Of the eight motions there are two that we have some difficulty with, Motions Nos. 6 and 9.

Part of that reason is that if we go with Motions Nos. 6 and 9 there does not seem to be sort of a starting base, an expectation that people can have as to what may happen if they choose to divorce.

With the grid aspect at least they know before they go into the courtroom that there is a certain area that they are going to have to look at; they are going to have to pay this or they are going to have to pay that depending on what happens on their day in court.

What we argue is they have that grid, that guideline and then we look at their ability to pay and of course the needs of the child or children. At that point if they do not meet basic essentials of the grid, then they go into mediation or these kinds of things that would be applicable to the individual situation of the family involved.

The point is we must have somewhere to start. We must give the citizens some direction as to what it would mean or could mean if they went into the divorce court. The first priority of course is the needs of the child based on the ability to pay.

It has been mentioned in previous debate that within a family structure that is not divorcing we do not expect the same type of financial commitment. I would tend to suggest that we do in a different sort of way. I am sure that when people decide to have a family they obviously look at their present family income situation and whether they can support the family in the manner in which they choose, i.e. their lifestyle. The courts can do the same kind of thing when that partnership breaks up, that they would look at that family according to their lifestyle and assess the needs of the children according to the ability to pay. There must be a certain level that one who has to raise those children can expect from a financial point of view.

That is what we are talking about with having the guidelines for the judge and for the people involved in the divorce to at least start somewhere and then from there bring it into their own individual circumstances.

We tend to think when we say ability to pay of the lower income person and whether they can actually meet that basic standard. Of course, if they cannot we get into all these different penalties we are going to impose on somebody who cannot pay. Obviously we have to look at the ability to pay.

Also there is the other end of this scale where the money is not necessarily the problem from the point of view of having to support children. Then we get into value systems and lifestyles, which is another debate.

A previous speaker from the Bloc made reference to negotiating benefits different from the rules. I am assuming the rules would be the payment grid. I suggest this could be very precedent setting. When there are no parameters from which to work in we open a Pandora's box. If we had some parameters to work within and then allow the judges to assess the individual situation and go outside those parameters if necessary through a mediation of ability to pay and the needs of the child, I could see nothing wrong with that.

• (1310)

However, to start there puts a great onus on the judge with respect to the value system. There are no applicable guidelines. It would open up ongoing cases. We would probably get into the situation of judge shopping. If a person did not get a good deal with one judge, they might want to try again. This may not necessarily happen if the person is satisfied with the end result, but it could happen.

I am suggesting we should have the payment grid available but it should be flexible based on the ability to pay, the needs of the child and the individual situation.

In addressing these motions, the lack of flexibility in two of the motions with respect to the grid payment is our main concern. We would like to see that flexibility. The other six motions we have no particular difficulty with because we proposed them.

That is all I have to add at this point on Group No. 2.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, it is with great pleasure and with the sense of some responsibility that I speak to Bill C-41 this morning.

At the outset, it is important to say, and it cannot be said often enough, it will be said and repeated until everyone knows, especially in Quebec. With divorce being under federal jurisdiction, while marriage is, as we know—the civil code in general is different in Quebec—under provincial jurisdiction, in the area of child support, there is a risk of finding ourselves in a situation where the Quebec and the Canadian models as expressed by the federal guidelines risk running into each other.

It is important to note that about 40 per cent of child support cases do not depend, because of the factor that I just mentioned, that is, that divorce is under federal jurisdiction. So, there would be about 40 per cent of child support cases that would elude the federal guidelines. That is undoubtedly one of the reasons why it is proposed in the bill that the application of the definition of guidelines be given to the provinces.

However, we do not want to take any chance that federal arbitrariness applies. The hon. member for Québec, who worked particularly hard on this issue, has proposed a series of amendments, including an amendment asking that the province be designated if it meets—and it is required to do so because, once again, of the federal jurisdiction—the requirements provided by the act at section 26.1 in order to meet the requirements provided in this bill by the federal government.

The federal government would have no choice but to designate Quebec, if Quebec so wanted, and we know that this is the case. Some provinces may want to, but others may not. We in the Bloc Quebecois have noted that even in other areas of federal jurisdiction, some provinces that do not fear for their identity in putting themselves in the hands of the central government may not want these provisions. This is not the case in Quebec, with its different civil code which it cares about as much as it does about language and which explains the kind of different, not to say distinct, society Quebec has set up. It is therefore essential that the central government understand the need to exclude any possibility of arbitrary decisions.

• (1315)

It must also be pointed out that other provinces may wish to define their own guidelines, for example because of the differences in the labour market and average income levels among the various provinces.

I should remind the House that the federal government has just introduced in this House a bill aligning the federal minimum wage rate with that in effect in each province. Well, in some provinces the minimum wage is $4.75, compared to $7 in others. This says a lot about the differences in the labour market and income levels among Canada's provinces. If a province takes the trouble of fulfilling all its obligations and wants to define and implement its own guidelines, it should be able to do so.

This demand for guidelines, which comes through all the amendments tabled by the Bloc, and in a way by the Reform Party, was put forward by women a long time ago. Why?

Although some divorces are amicable, others are not, unfortunately, in this society where love is not eternal. The child's interests should be paramount, but some parents may not be able to reach an agreement in this regard. Unfortunately, legal intervention becomes necessary when the relationship between the people involved prevents them from striking a balance and giving priority to the children.

When divorces are not amicable, women—because they are generally the ones affected—must be able to count on some real support. These guidelines are designed so that women will not have to face undue pressure. As we know, this undue pressure can be brought to bear in a trial. A trial does not guarantee there will be no pressure, far from it.

So it is quite disturbing to see in this bill two clauses that seem to contradict each other. One stipulates that the judge may recognize agreements or orders giving one or more children more than provided for in the guidelines. That is okay, except that, according to another clause, the judge may agree that an agreement outside the guidelines is not unreasonable.

Of course, if we put these two clauses side by side, the second one means an agreement was reached for less than what is specified in the guidelines. This would go against the repeated demand for clear, universal guidelines, because it could be assumed from the outset that some judges may not feel bound by the guidelines. If the child is to get more, we can understand that such an agreement can be recognized. However, if the child is to get less, then we

cannot understand because this provision brings back into play all the pressures that women can be subjected to during a trial.

● (1320)

Despite what my colleague said, I hope members opposite will soon realize that they are destroying what they have just accomplished belatedly after so many women experienced so many problems.

I would also like to mention how important it is to base the decision as to which guidelines will apply on the child's place of residence. Here again we feel that the amendment we have brought forward should be accepted to avoid problems that would cause excessive and inexcusable delays.

We think it is absolutely essential that decisions be made without delay so that women who have custody of their children can have access to the money to which they are entitled for the happiness and the standard of living of the children.

In closing, I would like to mention that the central government must make moderate use of its power in this area. Family policies, as shown by Quebec last week, must be modelled on society. In the case of Quebec, it is extremely clear that the guidelines regarding family support obligations in case of divorce or separation must be modelled on our society's values and way of living.

The amendments brought forward by my colleague make sense, and the government would be well advised to accept them.

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, following on my colleague, I am pleased to rise today and give my opinion on Bill C-41, and particularly on all the motions tabled this morning. It is clear, from the number of motions and amendments now on the table that this bill must be overhauled.

If it had been drafted in such a way as to meet with unanimous approval, we would not be faced with so many amendments and motions. This points up the federal government's vision on child support payments. When I say vision, unfortunately the federal government has once again forgotten that this is a vast country. Regardless of what members across the way think, we are not all alike.

Ms. Augustine: Very good.

● (1325)

Mr. Fillion: As I said, this is a vast country. I did not say it was the best country in which to live. I said that it covered a wide area.

We are completely distinct. We are not alike. What works in British Columbia does not work in Quebec. What works in Toronto does not necessarily work in Montreal. There are therefore distinctions to be made.

Members will recall that the discussions concerning child support payments arose from the Thibaudeau case. This case forced the government to throw together a bill that, as we see today, is in need of amendment. The bill before us, with all its amendments, includes a number of measures to ensure that children's interests are respected. However, most of these measures are unsatisfactory.

The guidelines respecting the determination and amount of child support orders make no sense at all to me. This part alone should be completely overhauled. I do not think it meets the expectations of the people concerned. In reality, judges will now have guidelines to follow in determining the amount of child support. They will no longer be able to exercise discretion. They will no longer be called upon to make a decision, but merely to approve what the government wishes to enforce. This, in my view, is very different from allowing them to exercise discretion, and so on.

Where is the happy medium that will respect the rights of children? With these guidelines, the government is on the wrong track. I will not be revealing any great secret when I say that the federal model before us is inconsistent with the Quebec model.

Furthermore, the criteria governing the guidelines are very different. In order to see this difference, perhaps we could take the concrete example of a non-custodial parent who is an income security recipient. In Quebec, this person does not have to pay support. It is very easy to understand why. He or she barely has enough to live on as it is. Yet, in what is being proposed to us, this individual might have to pay child support.

Is this really realistic? When that question is asked, even if the individual has the best of intentions, he or she will not be able to meet obligations. This bill also assumes that the parents' incomes are equal for purposes of paying child support. Only the income of the non-custodial parent will be taken into account.

This loses sight of whom the support payments are for. They are for the children. In Quebec, support payments are based on both parents' ability to pay, which, as you will agree, means shared responsibility for the children. There is, therefore, a world of difference, a vital difference between what they want to apply here and what is done in Quebec.

● (1330)

Moreover, this system has been tested, and the latest measures adopted in Quebec are satisfactory to everyone, at this point. With this bill, the federal government can, with a sweep of its hand, completely do away with everything that is being done in one province, compared to another.

Moreover, it is also stated that the Governor in Council may, by order, designate a province for purposes of the definition of ''applicable guidelines''.

The verb ''may'' is used just about everywhere. This has just been discussed. It means that, if a province issues guidelines, it absolutely must obtain the blessings of the federal government for these to be applicable.

The same federal paternalism as always. The federal government is, therefore, imposing its view on the provinces, but it is a view that does not always take reality into consideration. Let me tell you, I personally can do without this centralizing paternalism, which is the trademark of this government, moreover. If a province finds the guidelines it has set being refused, this could lead to absurd situations.

The most striking example is one where a separation is governed by the grid of a province, while the divorce would be under the federal guideline. A mother of two who separates could be awarded $1,500 under the provincial grid, while another who divorces could get $1,000 under the federal one. Where does the problem lie?

Let us identify this problem. Such a rule must be done away with. This is why we must take away all the discretionary power that this bill gives the federal government and, therefore, the amendment proposed by my colleague from Quebec must be seriously taken into consideration.

This amendment provides that once a province has satisfied federal criteria, its own guidelines will automatically be recognized in replacement of federal guidelines. This would eliminate the possibility of facing situations out of control like the one I referred to earlier.

Another aspect of the bill which concerns me a lot is the provision which takes into consideration the place of residence of the payer instead of that of the child for purposes of the award. Once again, they forget that this legislation must serve children exclusively, yet it tends to forget them too easily.

However, children should be at the core of this measure. This bill must be improved for the protection of those children. We hope and I eagerly hope that the members opposite will take into consideration each of the amendments proposed by the Bloc Quebecois in order to improve the protection for our children, and I stress the word protection.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have a few quick words dealing with the concerns in the amendments brought forward by members from the Reform Party and the Bloc Quebecois.

• (1335)

The answer as to why the issue of custody and access as raised by the Reform Party is not being dealt with at this time is very quick and simple. Maintenance and enforcement of maintenance orders is a separate and distinct issue from that of custody and access. There are no experts within the land who would suggest a linkage of the two issues.

The work done on maintenance and the enforcement of maintenance has been completed and legislation has been drafted. The legislation has been brought forward. At this time work is ongoing on the issue of custody and access. When the work is completed, when our provincial counterparts have been consulted and the consultations are complete and the legislation dealing with custody and access is drafted, it will be brought forward.

With respect to the amendments that have been brought forward by the Reform Party, we must consider the problems the government was seeking to deal with and to cure by bringing forward this bill. We are dealing with a system of maintenance enforcement that is in excess of 50 years old. Certainly after that time and the amount of experience we have had with these provisions, we should be able to see what the problems are with the type of legislation that has existed.

It does not take very much observation to note that real problems exist with the present legislation. For instance, saying that people ask for their day in court is not really accurate. When people are dealing with divorce proceedings, they may be asking for their years in court.

Part of the problem the government is seeking to solve is to bring forward legislation that will reduce the amount of conflict through the court system by creating a system that brings greater certainty as a result, that is, by introducing tables. When there are tables there are fewer things for the litigant parties to be fighting over. It will reduce some of the litigation and tension that goes along with divorce. That is one of the things we seek to reduce.

In addition, if we look at the court decisions within provincial jurisdictions themselves and across the nation, support payments are varied. There is little consistency to them. That is another thing. By bringing forward the guidelines and asking the courts to look at the guidelines first and foremost, we would seek to reduce this disparity of award.

What is very important in this is that over the years we have seen who suffers when divorce happens. It is the custodial parent and the children. In many cases it is usually the mother and the children who are forced to live in poverty. The government and the Minister of Justice believe that women and children should not be forced to live in poverty.

The children should be the last parties who suffer when divorce unfortunately occurs. We must do our best to ensure that this country's children, our future, our hope for a brighter future, do not live in poverty and suffer the indignities, misfortunes and

unfair results of poverty that they have in the past. This is another thing the government is doing to alleviate those problems.

What does the Reform Party seek to do by its amendments? It seeks to put all this uncertainty back into the system. All of their amendments seek to reintroduce the concept of the needs of the child and the ability of the payer to pay. It is opening up the whole range of present options.

We have seen what the problems are with the present range of options, the inconsistency of the awards, the low quantum of awards which forces many of our young people and custodial parents, mostly women, to live in poverty. This is not acceptable in this country. That is why the federal government is bringing forward these guidelines to alleviate that problem.

● (1340)

I will deal with the concerns brought forward by the Bloc Quebecois. We hear the usual rhetoric about the paternalistic federal government imposing its will. Let us look at the facts. This is an area of federal jurisdiction from beginning to end. It is not an area of provincial jurisdiction. The federal government certainly not only has the right but the obligation to put forward legislation within its areas of jurisdiction.

This federal government in general and the Minister of Justice in particular are very concerned about ensuring that this legislation shows great regional sensitivity. If we look at the guidelines, they vary from province to province based on certain differences that exist within the provinces. That in and of itself shows the sensitivity and understanding of the central government to ensure that regional variations are taken into account.

In addition to that, under certain circumstances and in certain cases the provincial guidelines may be accepted. Where there is an area of federal jurisdiction there does need to be by law a degree of federal control over the ultimate applicability of the provisions. Again the Minister of Justice has gone a step further in acknowledging that where appropriate, provincial guidelines may be allowed in the field.

The government has made progress in many, many areas allowing the provincial governments to assume their rightful jurisdiction in many instances, to involve greater consultation even in areas of complete federal jurisdiction. The government has ensured that when it enacts legislation, its provincial partners are consulted. This legislation is no different. First, it very distinctly recognizes regional differences and second, in appropriate cases allows the possibility that regional guidelines may be accepted.

That is very important and it is what this country is all about. It is all about working together and doing things that make sense. It is not about saying that one party whether it is a province or the federal government just because one or the other is doing it makes sense. That road leads absolutely nowhere.

Ideology about who can do the job better is not helpful. Each of these issues must be decided on a case by case basis in dealing with a particular issue and particular circumstances which could be brought to bear on it. The government is doing an excellent job to ensure that we do have regional sensitivity.

In wrapping up, I would say that those issues brought forward by the Reform Party only lead once again to the possibility that the children of this nation and the custodial parents, mostly women, will be left in a state of poverty. Those are the very problems this legislation seeks to cure.

● (1345)

[*Translation*]

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, it is now my turn to speak to this important topic which demonstrates—and I shall, if I may, start my speech by recalling this fact—that in this area, Canadian federalism is hardly the ideal model.

We get married under provincial jurisdiction and we get divorced under federal jurisdiction. The result, in the course of this debate on the motions, on federal guidelines, is that a large part of the population has been overlooked. There is an increasingly widespread phenomenon in our society and I am referring to the increase in common law marriages, common law spouses who are not married. If these people have children, they are not subject to these provisions, which creates a third group. This is rather incredible.

As we keep reminding the House, all this should be placed under the jurisdiction of a single government, the one that is closest to us. Because this is a very vital part of the social fabric, it should under provincial jurisdiction.

People will say: That is the way it is. The fact remains that the situation is there. And just because it is there does not mean we should not try to change it. We wish it would change, except that meanwhile, we cannot object and ask for guidelines that would take into account these different situations.

More and more frequently, people are moving, either from province to province or even out of the country. Today, it would be unacceptable to have standards that would be so different that children who are supposed to benefit under the new system would be penalized with respect to their vital needs because support payments would not follow the same guidelines.

This set of amendments can be interpreted any way you like. In any case, we in the Bloc Quebecois object because this goes against the amendments we proposed previously, those in Group No. 1. We see words like ''including'' used in the bill to get around the

guidelines. Parties in this House who are against our position are trying to water down the debate, to restrict the benefits and, in the final instance, to penalize those we want to help, in this case the children.

I am not an expert on the topic, but as a parliamentarian who is concerned about the well-being of his fellow citizens and as a former member of the Standing Committee on Human Resources Development, I am very disturbed by all the poverty that exists in our communities. We can never repeat often enough that one child out of five in Canada lives in poverty. This happens most often in single parent families where the mother has to manage the family budget. Unfortunately, throughout the world today, and in Canada as well, the gap between rich and poor is broadening. The incomes of the poorest and the most vulnerable among us are going down, not up. There are children who lack the necessities of life.

Studies, including some major analyses and studies, clearly show that during the first years of his or her life, a child requires not only proper nutrition, but must also the proper emotional environment—not only maternal but also paternal. My opinion as a man is that, when it comes to child support, men must continue to assume their responsibilities. This is more than a financial matter.

However, finances remain an important aspect because when those responsible for managing the family budget do not have the necessary resources, the absolute minimum, the future of our children becomes a concern. This can have serious consequences, not only on their health, but also on the way they trust society.

• (1350)

They may grow up with feelings of frustration, which is not healthy for a society. It is not healthy for the equality of opportunities.

This is why I wanted to address this issue. We can never stress enough that those who must benefit, those who must get our attention, are the children. If we want them to be healthy, to be involved in a healthy way in the future of society, whether it be in Quebec or Canada, social measures are required to ensure them of equal opportunities.

[*English*]

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The 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: The recorded division on the motion stands deferred. The recorded division will also apply to Motions Nos. 5 and 10.

The next question is on Motion No 6. 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 yeas have it.

And more than five members having risen:

The Deputy Speaker: The recorded division stands deferred. The recorded division will also apply to Motion No. 9.

We will now move to Group No. 3.

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 13

That Bill C-41, in Clause 11, be amended by adding the following after line 11 on page 14:

''26.2 (1) The Minister of Justice shall have each proposed guideline laid before the House of Commons.

(2) Each proposed guideline that is laid before the House of Commons shall, on the day it is laid, be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and that committee shall report its findings to that House.

(3) A proposed guideline that has been laid pursuant to subsection (1) may be established on the expiration of thirty sitting days after it was laid.

(4) For the purpose of this section, ''sitting day'' means a day on which the House of Commons sits.''

He said: Mr. Speaker, Group No. 3 consists of one motion proposed by the Reform Party. This amendment deals with clause 11 on page 14. It would add a whole new subsection, 26.2, to Bill C-41. It states in part:

> 26.2 (1) The Minister of Justice shall have each proposed guideline laid before the House of Commons.
>
> (2) Each proposed guideline that is laid before the House of Commons shall, on the day it is laid, be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and that committee shall report its findings to the House.
>
> (3) A proposed guideline that has been laid pursuant to subsection (1) may be established on the expiration of thirty sitting days after it was laid.
>
> (4) For the purpose of this section, ''sitting day'' means a day on which the House of Commons sits.

What does that mean? Very simply put, Reform has been saying the same thing over and over again in this place for the past three years, ever since almost all Reformers have been in the House of Commons. We feel very strongly that the committees and the House should be allowed to look at these guidelines.

We are very uncomfortable with the fact that here is another instance—similar to the guidelines for Bill C-68, the gun control legislation—where the government wants to take care of things behind closed doors. It wants the cabinet to make the decision by order in council. The House and the committees of the House will not have the opportunity to debate or to look at the guidelines. The House and committees will not have the opportunity to find out what the guidelines are until they are actually cemented into place. To be quite frank, we find that type of behaviour inexcusable even though it goes on and on as more bills are brought into this place by this Liberal government.

• (1355)

This is just the latest example of the Liberals superseding the authority of the House and its committees. They will draft the guidelines which will be imposed on the citizens of the country without those citizens having their elected representatives be given the opportunity to properly debate them and propose potential amendments. We cannot bring up issues of concern that we feel would make sense and are concerns of a lot of our constituents.

That is why the Reform Party brought forward Motion No. 13. Perhaps at this point in time we will just leave it go at that.

The Speaker: Am I to understand that is the end of your speech?

Mr. Hill (Prince George—Peace River): On this particular group, yes, Mr. Speaker.

The Speaker: I see it is almost two o'clock. We might be able to get in an extra statement or two before the end of that period. I propose at this time to proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

DR. RONALD BAYNE

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, I rise today to congratulate Dr. Ronald Bayne of McMaster University in Hamilton who has a vision of a safe, violent free city.

To implement his vision Dr. Bayne took the initiative to organize a conference on violence prevention in Hamilton-Wentworth. The event held last Thursday and Friday brought together many groups concerned with violence prevention, including schools, women's groups, neighbourhood associations, the police, the medical community and the media.

Conference participants worked together to identify the major issues in violence prevention. They developed an action plan. They committed their own time and their organization's resources to the implementation of the plans.

This is a true community effort. By working together the participants in the conference will raise awareness of the potential of violence and thereby reduce the incidence of violence throughout the community.

I am sure all members will join me in congratulating Dr. Bayne and all who took part in this worthwhile event.

* * *

CRIME PREVENTION WEEK

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, this week is Crime Prevention Week. How does this case help prevent crime?

In April 1995, 58-year-old James Baldwin was viciously kicked to death by six youths in Dawson Creek who were aged 15 to 17 at the time. All of these young offenders were known to local police. Only the 15-year-old was raised to adult court.

Their malicious murder of Baldwin as he lay sleeping in his tent was plea bargained down from second degree murder to manslaughter.

On Friday three of the youths were sentenced. Two have been in jail since the crime. They got another six months in jail, plus one year's probation. The third youth got one year in jail, plus two year's probation and 180 hours of community service.

This is justice? How does this deter crime? Why was this cold blooded murder plea bargained to manslaughter?

An 80-year-old constituent walked into my office just a matter of an hour ago and said it best: ''This sentence is a disgrace''.

[*Translation*]

FRENCH SPEAKING COMMUNITIES

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, the coalition for the development and growth for the Franco-Ontarian community and French speaking minorities of Ontario is accusing the Department of Canadian Heritage of acting in bad faith in the ongoing negotiations about the agreement between Canada and the communities.

The coalition is accusing the Department of, among other things, trying to blackmail groups by unduly delaying the payment of their subsidy until the full payment of the money due on tabling of a final offer which is definitely lower than what is required.

The coalition also condemns the fact that, under pretence of improving the deal, the government includes in it certain sums having no relation to the community, such as the salary of the federal public servant in charge of managing the agreement. The agreements between Canada and the communities do not fool anybody, except the Liberals.

• (1400)

Everybody knows that this government has decided to reduce his support to French speaking communities. The Canadian francophonie is being assimilated and the Liberal government is closing its eyes to the fact.

* * *

ADISQ GALA

Mr. Gilles Bernier (Beauce, Ind.): Mr. Speaker, five young people from the Beauce region were incredibly successful at last night's ADISQ Gala held in Montreal and broadcasted by the CBC. Their band won three Felix trophies as discovery of the year, band of the year, and for best rock album.

Noir Silence is a band the entire Beauce region is proud of. These young people are models for our youth. They come from a very humble background. Through their tenacity, determination and hard work, they have achieved this level of recognition within the artistic community.

I would like to pay tribute to their parents, their teachers and all the others who believed in them for their steadfast support. Our young people can be tremendously successful when they are encouraged and supported.

Again, to the members of Noir Silence from the Beauce region, congratulations on your achievement and thank you for who you are.

[*English*]

NEW DEMOCRATIC PARTY

Mr. Morris Bodnar (Saskatoon—Dundurn, Lib.): Mr. Speaker, the NDP member for Regina—Lumsden has, in this House on prior occasions, referred to corporate donations made to the Liberal Party. It is interesting that such references are made without the hon. member looking into his own backyard.

For the period ending December 31, 1995 it is interesting to note that the NDP has received donations from such corporations as ScotiaMcLeod, $13,207; Potash Corporation of Saskatchewan, $10,800; KPMG (Peat Marwick), $10,000; Weyerhauser Canada, $9,000; Cargill Limited, $6,500; Deloitte Touche, $6,200. The corporate list goes on and on.

* * *

TASK FORCE ON DISABILITIES

Mr. Andy Scott (Fredericton—York—Sunbury, Lib.): Mr. Speaker, last week the report of the ministerial task force on disabilities issues was presented to the Ministers of Human Resources Development, Finance, Justice, and National Revenue.

I want to thank all the people who participated, from colleagues to the operation centre at HRDC, the Library of Parliament, the reference group members, officials from minister's offices and observers who placed their trust in the process. Most important, I want to thank the thousands from across the country who came out to the public forums.

The essence of our report is simply that we believe that wherever you live in Canada as a citizen who happens to have a disability, you have the right to expect of your government the necessary interventions to make opportunities available to you as equal as possible.

I look forward with optimism to the government's response to the task force's recommendations.

* * *

TERRY FOX RUNS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, it has been 16 years since Terry Fox undertook his Marathon of Hope. This year Terry Fox runs across Canada and abroad carried on his great tradition and raised more money for cancer research.

In the riding of Peterborough there were runs in the city of Peterborough and in the village of Havelock where Terry stayed overnight during his run. Both these events did very well.

However, the spotlight was stolen again this year by our high schools, St. Peter's, Crestwood, Kenner, PCVS, Thomas A. Stewart, Adam Scott, Lakefield and Norwood.

More than 5,000 students raised more than $100,000 to exceed last year's amazing total of $99,000. Once again a record for Canada.

Peterborough students proudly continue to carry on the tradition of Terry Fox, providing money for research which will beat cancer.

* * *

[*Translation*]

ADISQ GALA

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, the 18th annual ADISQ gala was held yesterday in Montreal, showing once again the excellence of the Quebec video, recording and entertainment industry.

Between the two of them, the Dion-Angelil team took home no less than seven Felix trophies. Kevin Parent won four trophies, not to mention the one awarded to François Leclerc for producing his video clip. Noir Silence, the discovery of the year, had received three trophies by the time the evening was over. As for Daniel Bélanger, he earned the awards for singer-songwriter and best pop rock album of the year.

We too would like to congratulate not only the winners but also everyone in the Quebec recording, entertainment and video industry, and thank them for this world of imagination they open up to us, making our lives more enjoyable.

● (1405)

This annual gathering has shown once again the vitality and dynamism of our creators and interpreters. Quebec's culture is a beautiful and vibrant culture that reaches out beyond its borders.

* * *

[*English*]

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, we do not have a justice system in this country. What we have is a soft on crime legal system, a legal bureaucracy which is growing by leaps and bounds at tremendous cost to victims and taxpayers of this country, a legal system where, as characterized by Ottawa *Sun* columnist Ron Corbett, dodging justice is now the norm.

Mr. Corbett's commentary was the result of the application last week by the lawyer for Brian Raymond to prevent him from being transferred to an adult facility. Raymond was sentenced to just four and a half years for his part in the murder of Nicholas Battersby.

In accordance with the YOA, Raymond was to be transferred to an adult penitentiary as soon as he turned 20. Now 20, Raymond remains in a youth detention centre, dodging justice until his lawyers exhaust all legal manoeuvres while the parents of Nicholas Battersby are still unable to put their lives back together.

While lawyers joust with legal ploys, victims are left in utter despair. Reform's fresh start promises to put victims of crime first by ensuring that criminals do not dodge justice.

* * *

PHARMACISTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, November 4 to 10 is Pharmacy Awareness Week in recognition of the contribution that pharmacists make to the good health of all Canadians.

Tragically, 12,500 lives are lost each year because they did not take their medications properly. In fact, it is estimated that 50 per cent of Canadians do not take their prescription medications exactly as prescribed.

The cost to Canada's health care system is $7 billion to $9 billion a year, and we can and should do better.

During this week pharmacists are organizing and participating in a range of activities to encourage all Canadians to seek the advice and information they need to avoid potential problems.

I commend the Canadian Pharmaceutical Association, its related organizations and pharmacists for their efforts to identify, prevent and resolve drug related problems in the best interests of the good health of all Canadians.

* * *

NATIVE VETERANS

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I commend today's announcement to build a national monument to recognize the heroism and valour of aboriginal peoples who fought bravely for Canada in the first and second world wars, the Korean war and in peacekeeping missions.

While this commemoration is fitting, it does not address the outstanding grievances of many native veterans. Thousands were treated as equals on the battlefield but suffered neglect and unfair treatment at the hands of the federal government when they returned to Canada. They were not allowed to vote until the late 1950s. Benefits such as pensions, health care and educational training were available, but many native veterans were never informed that they were available.

They suffered discrimination. For example, to collect normal benefits, a returning native veteran from the second world war was asked to renounce his or her status under the Indian Act and live off reserve. If they chose to stay on the reserve they were no longer under the administration of the Department of Veterans Affairs. They were not offered the $6,000 loan available for land to non-Indians under the Veterans Land Act but received only $2,330 at the discretion of the Department of Indian Affairs.

Such stories of unfair treatment and other difficulties were told to a 1994-95 Senate committee. Yet many of the committee's recommendations remain in limbo, including instructions that the Department of Veterans Affairs—

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[*Translation*]

VETERANS

Mr. Francis G. LeBlanc (Cape Breton Highlands—Canso, Lib.): Mr. Speaker, the events that marked World War I are quickly receding into the past. On Remembrance Day, it will be 78 years since the armistice was signed. Yet, there are still Canadian veterans who clearly remember these events. They are very lucid, and they still have the energy and the strength to tell us what they went through.

However, as the years pass, there are fewer and fewer World War I veterans who can tell younger generations about their experience as citizens of a young country who left to fight in Europe.

World War I was a defining moment in the evolution of our country. Our story is that of an inexperienced country engaging in a war, a country that still relied on the British Empire to guide it. At the end of that war, Canada was a still a young country but it had gained confidence and was able to take its place at international negotiating tables.

During Veterans Week, from November 3 to 11, I invite Canadians to make a special effort to listen to veterans.

The Speaker: I am sorry to interrupt.

[*English*]

The hon. member for Perth, Wellington—Waterloo.

* * *

VETERANS

Mr. John Richardson (Perth, Wellington—Waterloo, Lib.): Mr. Speaker, each year on November 11 Canadians honour the memory of those who gave their lives in the Boer war, two world wars, the Korean war and under the UN for the cause of peacemaking and peacekeeping.

● (1410)

We also pay tribute to veterans who returned after these wars, after serving their country with such courage and self-sacrifice.

The Prime Minister has dedicated the week of November 3 to 11 Veterans Week. I encourage all members of the House to help bring together veterans organizations and schools so that veterans can tell their stories to people too young to have firsthand knowledge of wars.

Today Canadians live in a land untouched by war. We enjoy a quality of life that has been built on the dedication and sacrifice of those who fought oppression and tyranny in decades past.

Let us use Veterans Week to rededicate ourselves to the cause of serving Canada, freedom and democracy.

* * *

[*Translation*]

YITZHAK RABIN

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, on behalf of the Bloc Quebecois, I want to mark a sad event, namely the assassination a year ago of Israel's Prime Minister, Mr. Rabin, who was killed on November 4, 1995.

A winner of the Nobel peace prize, Mr. Rabin believed in the reconciliation of the Israeli and Palestinian peoples, and he worked hard to find ways to bring them closer to each other.

Despite his violent death, everyone hoped that the efforts to implement the peace plan in that region would be pursued. Unfortunately, we now fear the worse. Indeed, the behaviour of Mr. Rabin's successor at the head of the state of Israeli makes us wonder.

Today, on this sad anniversary, we can only hope that the values promoted through the peace process put forth by Messrs. Rabin and Arafat will prevail over the radicals that scorn democratic values and condone violence.

Today, the hope for a lasting peace must be revived by Mr. Rabin's memory.

* * *

[*English*]

AFRICA

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, the situation in central Africa is approaching chaos; not like two years ago, it is worse.

Inaction by the international community will result in the collapse of Zaire, Burundi and Rwanda and the deaths of millions of innocent people.

There are some solutions. First, our UN rapid reaction force should be put in urgently to ensure the safe evacuation of the civilian populations. Second, humanitarian assistance must be organized to ensure that the basic needs of the evacuees are met. Third, all arms shipments to the region should be blocked. Fourth, the three nation states should be put under temporary UN management and a ceasefire brokered. Last, they should consider redrawing the boundaries according to the precolonial tribal boundaries.

Inaction will produce one of the worst cases of genocide of this century. We must not let that happen again.

* * *

[*Translation*]

THE LIBERAL GOVERNMENT

Mr. Benoît Serré (Timiskaming—French River, Lib.): Mr. Speaker, today, we are celebrating the third anniversary of our government's taking office.

The people of Canada realize that the Liberal government they have elected is fulfilling its election commitments. As our Prime Minister stated last week, we have already fulfilled 78 per cent of our campaign promises. And we still have a year left in our mandate.

To achieve these results, our government has opted for rigour and integrity and ignored the blanket solutions that help no one and unfairly upset everyone. Our government has chosen to redefine the role of the federal government instead of undermining the whole machinery of government.

We appreciate the confidence Canadian voters have shown us in the last election and we will continue to rely on hard work and honestly to maintain their confidence in us.

* * *

[*English*]

FRESH START

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, I was surprised when I heard that the leader of the opposition announced his fresh start theme as if it were something new, something innovative.

My own election theme in 1993 was the fresh start team.

Voters were met at the door and on the phone with a fresh start theme. Buttons and literature stated this theme. It was a time for change and the people got their fresh start.

Trickle down economics and tearing down the central government are not new or fresh ideas. Borrowing the themes of other campaigns shows us just how bankrupt of ideas the Reform Party has become.

The fresh start team of Durham says, as per usual, the leader of the Reform Party is too late and it is a false start, not a fresh start.

* * *

FAMILY

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, this is National Crime Prevention Week. The direct and indirect costs of crime are likely $35 billion to $46 billion annually, with government expenditures on criminal justice almost $10 billion a year. Crime costs us more than education.

Why has this national disaster come about? A main contributing factor is the decline in the foundational role the family plays in child development and the transmitting of spiritual and social values. Mothers and fathers in the home foster the necessary emotional development during a child's formative years.

• (1415)

Governments over the past 30 years have undermined secure families and healthy homes.

A *Globe and Mail* writer said of Reform's fresh start that tax changes would take 1 million low income families off the tax roles and increase child tax benefits a whopping 80 per cent. Families under $30,000 income would see nearly all federal taxes erased.

Reformers believe strong and secure families are our real crime prevention program. It is the family, stupid, I say.

ORAL QUESTION PERIOD

[*Translation*]

LIEUTENANT-GOVERNOR OF QUEBEC

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister has made a disastrous decision in deciding to appoint Jean-Louis Roux as Quebec's lieutenant-governor. We have just learned that not only did Mr. Roux proudly wear the swastika in the second world war, but that he also engaged in anti-Semitic behaviour by vandalizing businesses belonging to members of Montreal's Jewish community. These troubling revelations have just been made by the lieutenant-governor himself to a journalist writing for *L'Actualité*.

My question is for the Prime Minister. When he appointed Jean-Louis Roux to this position, because it was the Prime Minister who appointed him, was he aware of Mr. Roux's openly anti-Semitic behaviour?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the claims made by the Leader of the Opposition regarding vandalism are not true.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, I know that the Deputy Prime Minister is not accustomed to giving answers that stand up, but I would like her to make an effort, just this once.

Quebec's lieutenant-governor himself, in case she is unaware, stated that he had taken part in demonstrations and set out to vandalize businesses belonging to the Jewish community. He came right out and said so and is now trying to downplay his remarks.

My question to the Deputy Prime Minister, who is here to reply on behalf of the government, is this: Did the Prime Minister know, when he appointed Jean-Louis Roux, that Mr. Roux had behaved in such a reprehensible manner? That is the question.

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the lieutenant-governor said that he had taken part in anti-conscription demonstrations, as most people were doing. He denied having taken part in any vandalism, and I think that when the Leader of the Opposition makes statements in this House, they should at least be true.

The Deputy Speaker: Dear colleagues, it must be assumed that when we rise in the House the truth is never in question. I now recognize the hon. Leader of the Opposition.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, all those watching today, members of the public, voted for members in this House, for members of the Bloc Quebecois as well, a stronger majority in Quebec, I might add, and that is why we are asking these questions on their behalf. Jean-Louis Roux himself stated that he remembered heading through the streets, in 1942, at the age of 20, with a crowd of anti-conscription protesters to wreck the offices of *The Gazette* on St. Catherine Street and the windows of any shops whose name had a foreign flavour, particularly Jewish, he said.

My question is for the Deputy Prime Minister, who speaks on behalf of the government and the Prime Minister. I ask her for the third time, and I am hoping for an answer: Did the Prime Minister know, when he appointed Jean-Louis Roux, that Mr. Roux had behaved in such an unacceptable, unjustifiable and unspeakable manner?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I think that when we see who the lieutenant-governor is, it behooves us to point out what he has done in his life.

• (1420)

This afternoon, during a statement he made in response to the misrepresentations made by a number of people, which now includes the Leader of the Opposition, and I quote him, he never denied taking part in the demonstration, but said that during that same period he did take part in an anti-conscription demonstration that ended ''with a parade during which demonstrators, whom I was not among, broke windows'' in Mr. Roux's words.

What was said about his participation in anti-conscription activities could in fact have been said about all Quebecers at the time. It is also true that the remarks reported in the article in *L'Actualité* are sufficiently troubling that the lieutenant-governor himself issued a release today stating the facts.

I think that what is important is to judge the lieutenant-governor on his political career, during the 50 years of which he has opposed fascism and anti-democratic forces. He must be judged today on what he has accomplished over the last half century.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, do not the Deputy Prime Minister's responses, in her attempt to whitewash the behaviour of Jean-Louis Roux—highly reprehensible behaviour for a man in a public position—make her an accomplice of Liberal buddies Pierre Elliott Trudeau, Jacques Hébert and Gérard Pelletier, in trying to make the actions of their friend Jean-Louis Roux seem unimportant?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, we are not here to whitewash any facts. Nor are we here to make false statements like the ones made by the Leader of the Opposition.

Some hon. members: Oh, oh.

Ms. Copps: It is certain that the Lieutenant Governor took part in demonstrations against conscription when he was young, and it is also certain that he was not involved in any vandalism.

What we need to do now is to reflect on Jean-Louis Roux' half century-long career in which he has always fought, and continues to fight, against fascism, regardless of its form.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, to take a different tack, was the Prime Minister aware of these facts when he appointed Jean-Louis Roux? Was his background included in the RCMP security check, which the Prime Minister surely ordered done, and which he surely read, before appointing Jean-Louis Roux lieutenant-governor?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I wish to consolidate the facts.

I would like to see the Leader of the Opposition, instead of playing politics, accept the fact that the claims he has just made in this House are false.

Mr. Jean-Louis Roux was never involved in vandalism. Yes, he did take part in demonstrations against conscription, but these were supported by the majority of Quebecers during the 1940s. He never took part in any vandalism, however, and when the Leader of the Opposition makes comments like this in the House, he ought to apologize.

* * *

[*English*]

ETHICS

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, last week the youth minister said that her accounting was not a problem because she paid the money back within days and she actually had a cheque stapled to the form. According to the ethics counsellor,

the youth minister waited up to four months to pay these bills. There is a discrepancy here. It must be really nice. I will bet the Canadian taxpayers did not know they were bankrolling the Government of Canada's ''don't pay a cent event''.

Can the Deputy Prime Minister explain why the youth minister was allowed up to four months to pay back money owed to the taxpayers of Canada?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I think these questions were answered by the Prime Minister, by the minister herself and by the President of the Treasury Board. I believe only three days ago the acting leader of the third party accepted her explanation.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, in fact what we said three or four days ago when those documents were tabled is that we would have a look at them and there seem to be some pretty serious discrepancies. It would be easy just to say nice try and to pass everything off as okay now, but if a public servant did this, they would be out on their ear just as simple as that.

• (1425)

Instead of going to a bank teller, the youth minister turned to the taxpayers for her government credit card bills. I am sure thousands of Canadians would love to have the option of an interest free loan from the Government of Canada just to make ends meet.

Why the double standard? Why is it that the youth minister and Bombardier get interest free loans while every other taxpayer has to pay the going rate?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I believe the Secretary of State for Youth answered the questions in the House and furnished all the documentation. She put forth the proof through the Speaker to the deputy leader of the third party. I believe last Thursday the member for Beaver River said that she would take the hon. member at her word.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, in fact I think my exact words were that she admitted her mistake and I appreciated the fact that she had done that. Then she said further to that that she had not really made a mistake and everything was okay and the Prime Minister agreed. We have uncovered documents through access to information that are quite clearly contradictory to what she tabled. The bottom line is far deeper than that.

The ethics guidelines that are supposed to be in place for all the cabinet ministers should be made completely public and documented for the Canadian public to see. The government promised integrity in action but all we see is integrity in hiding. The Prime Minister is fond of saying that the buck stops with him. What he does not seem to understand is that the buck stays with the Canadian public. They are the taxpayers.

I ask the Deputy Prime Minister: Why does the Prime Minister stubbornly refuse to let the taxpayers see these phantom guidelines for the ministers when in fact they are their ministers and it is their money?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the Prime Minister has always said that the person who is accountable for the integrity of his ministers is the Prime Minister himself. The Prime Minister is the person who names the ministers. He is also capable of removing the ministers.

If we were to ask the Canadian people whose integrity they have confidence in right now, the Prime Minister or the third party, I think the exodus of members from the third party speaks for itself.

* * *

[*Translation*]

LIEUTENANT-GOVERNOR OF QUEBEC

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Deputy Prime Minister, answering on behalf of the Prime Minister and the government, said earlier that the Leader of the Opposition should apologize to the House because he referred to statements made by the lieutenant-governor of Quebec and these statements led us to question the government.

This is my question for the Deputy Prime Minister. She is trying to downplay the participation of the lieutenant-governor in an anti-Semitic march which took place in the streets of Montreal at a time when the Jews were experiencing the worse genocide in history, but does she think the lieutenant-governor was well advised to walk around with a swastika on his lab coat at the university's medical school?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, this gesture by the lieutenant-governor as a young man was a reflection of what other people were doing. His participation in an anti-conscription demonstration was a democratic act that was supported by most Quebecers.

That being said, if we want to judge the actions of Jean-Louis Roux, a man who for almost half a century of his life has fought for truth and democracy, and against fascism, we should judge the person he has become 50 years later.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, are we to conclude from what the Deputy Prime Minister said that she condones the fact that for 50 years, although others apologized for such actions, Jean-Louis Roux kept the fact that he wore a swastika and was anti-Semitic in his behaviour a secret?

Are we to conclude that the Deputy Prime Minister feels it is perfectly all right to have kept quiet about all this for 50 years and then let it filter out after his appointment as lieutenant-governor, to ward off any negative fallout, according to the journalist for *L'Actualité* and to what all Quebecers are thinking?

• (1430)

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, if the lieutenant-governor took part in a public demonstration when he was a student, it was certainly not a secret.

* * *

[*English*]

ETHICS

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, the Prime Minister has promised Canadians more honest and open government and better accountability.

In seeking the forgiveness of the House and Canadians, the Secretary of State for Training and Youth tabled documents last Thursday that she said would support her words but the numbers do not add up. I have gone over 10 credit card statements that we were able to obtain and have found over $9,700 in the six months covered that has been whited out ostensibly because these were personal.

Will the Prime Minister direct her to table the full documents, all expense forms, credit card statements and cheques showing clearly all the dates, all the amounts charged and repaid?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the deposition of the Secretary of State for Youth and Training last week answered all these questions.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, if the questions had been answered would I be standing here again?

The object here is that the truth be demonstrated. If everything has been done as the Prime Minister and the President of the Treasury Board claim, full disclosure will answer the unanswered questions.

Will the Prime Minister direct her to table the full and unaltered expense forms, credit card statements, processed cheques and any other documentation that will support her words with no missing documents and no whiteout?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the Secretary of State for Youth and Training has voluntarily furnished everything that has been asked for here in the House.

I would refer to a statement made by the member for Beaver River last Thursday when she came into the House upon the presentation of the statement by the hon. member. She said: ''She admitted today in the House of Commons that it was a mistake and we appreciate that''.

The member involved has admitted that she made a mistake. She has tabled all the documents. It has not cost the taxpayers of Canada a penny. If the member is truly serious about pursuing this issue, maybe she should ask her leader to be as forthcoming about his expenses in Hawaii and the other trips that he has taken at the taxpayers' expense.

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[*Translation*]

THE LIEUTENANT GOVERNOR OF QUEBEC

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, to get back to the article in which Jean-Louis Roux recalls taking part in a demonstration against conscription on his way to ransack the *Gazette*'s offices on St. Catherine Street, the windows of all the stores with foreign-sounding names—especially Hebrew names—were shattered. During the confrontation, he was hit so hard in the mouth that his jaw was fractured and he suffered from temporary amnesia, which, I should add, lasted 50 years.

I ask the Deputy Prime Minister if Jean-Louis Roux informed the Prime Minister of his involvement in these events, of his wearing a disguise and sporting a swastika at the University of Montreal laboratories, before accepting his appointment as Lieutenant Governor?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, many people do things in their youth they regret later. For example, the new member for Laurier—Sainte-Marie used to belong to the Marxist-Leninist Workers' Communist Party.

When asked, he said that it had lain heavy on his conscience for several years, that he wore it like a wound. Certainly, when people are young, they do things they may regret later. What is important today is to think about Jean-Louis Roux's 50 years of public work against fascism.

• (1435)

Since no one is holding what the hon. member for Laurier—Sainte-Marie did in his youth against him, I hope he will have the same consideration for the lieutenant governor.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there is a big difference. I admitted it both before and after I was elected; I admitted making a mistake but the people elected me anyway. I did not hide things to take advantage of an appointment. That makes all the difference.

One hon. member: There is also a difference between being a Communist and being a Nazi.

Mr. Gauthier: She does not even know the difference.

Mr. Duceppe: Had Jean-Louis Roux done the same thing, we would not be raising this matter in the House today. André Laurendeau's confession, his admission that he made a mistake does him credit. But Jean-Louis Roux is still a victim of the punch to his jaw that caused his temporary, 50-year amnesia. That makes all the difference.

I ask the Deputy Prime Minister if the government intends to initiate proceedings under section 59 of the Canadian Constitution to remove the Lieutenant Governor of Quebec for racist behaviour incompatible with his duties?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, if the Lieutenant Governor took part in a public demonstration in 1942, it was surely no secret.

* * *

[*English*]

NATIONAL REVENUE

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, it has come to my attention that a couple of weeks ago somebody in Mississauga, Ontario walked into a government surplus store and purchased a filing cabinet. Lo and behold when the individual opened the filing cabinet six or seven files of individual Canadian taxpayers that should never have been there were found. The filing cabinet should have been looked at before it got out. This is scary stuff. Who is responsible for this incompetence?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Department of National Revenue takes very seriously its responsibility to protect the confidentiality of taxpayer information. Departmental security officials are in the process of investigating how these documents were made available. The department has a very clear cut procedure to deal with these kinds of things. There may have been a defect but I can assure the House that the department is on the issue.

Mr. Jim Silye (Calgary Centre, Ref.): On the file, right Mr. Speaker?

The issue is accountability and competence as the finance minister has mentioned. We even have a hard time finding out the secret ethics guidelines from the government that would be helping cabinet ministers and would be telling the Canadian public how they have to deal with cabinet ministers. The Prime Minister will not even make them available. He keeps them a secret.

These files could have ended up in the hands of some unscrupulous individuals. In this case they did not. Those files were sent to me. They are in a sealed envelope and I will send them to Revenue Canada.

When the finance minister finds out what did happen, will he inform the House what steps were taken to remedy the situation and what kind of discipline was meted out? The Liberals brag about efficiency and effectiveness. Will they report back to us?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as I mentioned, the departmental security officials will be conducting the investigation as soon as the documents are made available. We look forward to receiving them from the hon. member.

The department has in place very clear procedures relating to the security of information and to the disposal of assets. The departmental investigation will determine how the incident arose and whether or not changes to procedures and practices will be required. A report will be made to the House.

* * *

[*Translation*]

ZAIRE

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, my question is for the Minister of Foreign Affairs.

As eastern Zaire faces an unprecedented human disaster, there are rumours of Tutsi rebels having announced today a three-week unilateral ceasefire to allow those refugees who wish to flee to Rwanda to do so. However, emergency humanitarian relief still cannot get through. A dramatic plea has been made for the creation of humanitarian corridors to prevent thousands if not hundreds of thousands of persons from being killed.

• (1440)

Could the minister give us an update on the situation in eastern Zaire, where there are more than one million civilians affected by the fighting, and on the steps taken so far to establish corridors so that humanitarian relief can reach the refugees?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, first of all, I would like to say that the Government of Canada strongly supports ambassador Chrétien's efforts to find a solution and make recommendations to bring about reconciliation in the African great lakes region.

Second, we have indicated that, through our colleague, the Minister of State responsible for Africa, we are considering ways of providing assistance to African groups proposing that a humanitarian corridor be established in Africa. Also, my colleague, the Minister of International Co-operation, is considering providing

humanitarian aid, in response to calls from groups and other organizations.

Generally speaking, we have responded by making an active effort on behalf of Canadians, and I hope that the diplomatic efforts will lead to a successful ceasefire.

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, in the context of the regional summit scheduled for tomorrow in Nairobi, strong pressure is being brought to bear on South Africa to stop selling weapons to Rwanda.

On the basis of the special ties that Canada maintains with South Africa, will the minister undertake to join in asking South Africa to freeze all arms shipments to Rwanda?

[*English*]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have expressed our deep concern about the sale of arms, not just by South Africa but by many western countries that are also engaged in the sale of arms in that region. It is something that I think has contributed substantially to the problem and we will follow through with our efforts.

We are also undertaking very strong efforts with the government of Rwanda to begin to more actively prosecute the war criminal trials. Until that particular problem is met, the return of the refugees from Zaire becomes increasingly difficult. A number of efforts have to take place.

I give the House full assurance that we are fully engaged in this file. The secretary of state has just returned from Africa. We will continue to use all our efforts to try to find some solution and particularly to help the approximately one million people who are now being faced with this enormous disruption to their lives.

As Canadians we want to do the best we possibly can for that region.

* * *

[*Translation*]

THE VOLUNTEER SECTOR

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, my question is for the Minister for International Co-operation and Minister responsible for Francophonie.

Given the previous commitments made by the government, and in the context of budget cuts, what is the Canadian government doing to strengthen links with the volunteer sector?

Hon. Don Boudria (Minister for International Co-operation and Minister responsible for Francophonie, Lib.): Mr. Speaker, I am pleased to inform the hon. member and the House that strengthening links with the volunteer sector is a major component of the implementation of our government's priorities.

Tomorrow and Wednesday, I intend to meet, right here in the national capital region, with some 300 officials representing non-governmental organizations, professional associations and other groups, at their annual meeting with the Canadian International Development Agency.

I take this opportunity to congratulate all NGOs working directly or indirectly with CIDA, in Africa and in other parts of the world. I should point out that current events in Zaire and elsewhere confirm the importance of co-operating with such organizations.

* * *

[*English*]

JUSTICE

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, on September 3, the conditional sentencing provisions of the government's legislation went into effect. The very next day an Ontario judge gave a conditional sentence to a man who had uttered death threats against his estranged spouse. She lives in fear and he walks.

In October an Alberta man convicted of pointing a gun at his wife, and firing, it also got a conditional sentence. His sentence: no drugs or firearms and he is supposed to attend treatment programs.

• (1445)

Bearing in mind that someone gets a minimum of four years for holding up a corner store with a toy gun, can the Minister of Justice explain to the victims of domestic violence why men who threaten their wives with real guns walk away with conditional sentences?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first of all, the hon. member is not right about using a toy gun to hold up a store. That does not attract four years. That attracts one year under section 85.

More to the point, the conditional sentence is part of Bill C-41. It was made part of the Criminal Code by the House of Commons last year because it provides the courts, in appropriate cases, with an alternative to incarceration where sentences are two years less a day or less.

In those instances it is recognized that sometimes merely putting somebody in jail and locking the door is not necessarily the best approach. Maybe there are other steps which can be taken that are less costly and more effective in protecting the victim and in ensuring that the person does not commit another crime.

We have provided, through the conditional sentence, another tool for the courts to use in determining the appropriate sentence. It is then up to the courts to decide whether, on the facts of any

particular case, the conditional sentence is the appropriate disposition. We have done the right thing.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, at one time in Canada someone convicted of rape was subject to very severe penalties. Now with conditional sentencing their life does not seem to change much.

A man in B.C. was just convicted of sexual assault. What was his punishment? He is on conditional release, scot free.

These lenient decisions in three different provinces have set dangerous precedents. Section 742 states that a conditional sentence is not an option when there is a danger to the community. Are women not part of the community?

Will the minister responsible for the legislation clarify this for women and, more important, for judges? He talks about a tool for the courts. He talks about appropriate cases. Will he clarify whether a conditional sentence is appropriate for rape?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, 10 years ago Professor Anthony Doob of the University of Toronto did a study. He showed newspaper reports of sentences, in particular of criminal cases, to members of the public and asked them if they felt the sentences were strong enough. The vast majority felt they were not.

He took the same people, the same cases, and provided all the information about the cases, all the facts involving the offender and the offences. After they had read all the facts a clear majority thought the sentences were too harsh.

The reality is that when the court looks at the offender and the offence and takes all the circumstances into account, the court does a pretty fair job of determining appropriate punishment.

Obviously, the business of this member is not to worry about the facts or the reality but to use fearmongering to make his squalid point. That is very regrettable and it is bad public policy.

* * *

[*Translation*]

THE TOBACCO INDUSTRY

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, my question is for the Minister of Canadian Heritage.

This morning, some 20 organizers of major cultural and sporting events sent a cry for help. The survival of their events will be in jeopardy if the government passes a bill prohibiting sponsoring by tobacco companies.

Will the minister guarantee that her government will not take any measures that would jeopardize major cultural and sporting events such as the Montreal jazz festival, the Just for Laughs festival, or the international film festival in Toronto or in Vancouver?

[*English*]

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the member should wait a few days and he will be apprised then of the package the minister is putting forward.

[*Translation*]

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, since the Prime Minister himself recognized, in a letter to the Du Maurier concert listeners, the importance of the funding provided by tobacco companies to artistic activities, will the heritage minister agree, like the Prime Minister, that the investment of $60 million made by these companies is indispensable to the staging of several major cultural and sporting events?

• (1450)

[*English*]

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, the member opposite ignores the singular intent of the legislation that is being prepared by the department. The concern always has to be the health and the protection of Canadians. It is not going to be dictated by considerations of sponsorship, nor is it going to be dictated by advertising considerations.

The member will know there is a blueprint document out and that blueprint document solicited consultations everywhere. Over 2,300 submissions were presented to us as a result. Legislation will follow on the basis of what has already been outlined for the public's consideration.

* * *

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the example provided by my colleague from Prince George—Peace River of alternative measures being used in cases of domestic assault demonstrates the absolute hypocrisy of our justice system.

Did the justice minister intend that alternative measures be used in cases of serious personal injury as in the cases cited by my colleague? Did he intend for men who rape and threaten their spouses to walk free by allowing them access to alternative measures?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, part of the problem is illustrated by the hon. member's question. We are not discussing alternative measures. We are discussing, according to the former question, conditional sentences. They are very different.

Alternative measures occur when a province decides to avail itself of those provisions in the code that allow it to take people out of the criminal law stream before they are dealt with by the courts.

That is only for non-violent crimes where the crown attorney agrees it is in the public interest to do so and where the person in question has acknowledged responsibility. That is, on the one hand, dealing with non-violent matters.

Conditional sentences, on the other hand, occur after the charge and after the trial and where the court decides that a sentence of two years less a day or less is appropriate. Then people are permitted to serve their jail term in the community so to speak, subject to strict conditions. If they do not comply with them, they are reincarcerated.

If the hon. member would take that definition of the terms and put his question, perhaps I could understand and respond to it.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, it was displayed very clearly in debates on Bill C-41 that alternative measures are offered to violent offenders.

Would the Minister of Justice plug that loophole in Bill C-41 by amending it and denying violent offenders access to alternative measures? Will he, or will he not?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Bill C-41 presented alternative measures as an option for provinces and is provided clearly on the basis that it is only to be used where it is consistent with public safety or it has the agreement of the crown attorney and where the offender acknowledges responsibility for the offence.

I have written to the provincial attorneys general and asked them for their assurances that these would not be used specifically for domestic violence and other acts of violence, but only for appropriate cases where violence is not involved.

That is exactly what these measures were intended to achieve.

* * *

SOFTWOOD LUMBER

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, my question is for the Minister for International Trade.

Recently the Canadian and United States governments signed a lumber agreement in which the Canadian government had to set quotas for those Canadian companies that are exporting softwood lumber to the United States.

What is the government doing to ensure that the Canadian companies that have exceeded their quotas do not have to close their mills or lay off their employees?

Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, the member is right. The Canadian government entered into an agreement with the United States called the softwood lumber agreement in which 14.7 billion board feet of lumber would be allowed to cross into the United States free of any fees for the next five years.

Over the last two quarters, the price of Canadian lumber on the U.S. market has skyrocketed. One year ago today the price was about $233 U.S. It is now trading at about $505 U.S.

As a result, many companies have decided to use more of their quotas in the first two quarters than what they would otherwise normally do because of the high price.

Because the government has always maintained that it is concerned about jobs in that very important sector, the minister has put a number of options into the program that will allow for companies that find themselves at the quota wall and unable to ship as of Friday, to make a request to the government and be able to get some quota for future years so that the jobs in those mills will continue.

* * *

● (1455)

[*Translation*]

ABORIGINAL PEOPLES

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

Recently, during a meeting of the UN task force on indigenous people, a Canadian delegation recognized the right of the indigenous people to self-determination. The grand chief of the Cree, Matthew Coon Come, claims that this means that the Canadian government would allow the native people to separate from a sovereign Quebec.

Could the Minister of Foreign Affairs clarify the nature and the extent of the government's position in this matter?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the statement made in Geneva by the Canadian spokesperson on indigenous people's rights concerned international law and the right to self-determination. There was no reference to Quebec or Canada's internal situation. This was a matter under the UN-negotiated convention on indigenous people.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the minister might want to clarify this once and for all. I am asking him to set the record straight with regard to what the grand chief of the Cree said, and to state clearly and unequivocally that the native people do not have the right to separate from Canada or Quebec?

[*English*]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I cannot comment on the interpretation provided by any other individual. I simply know what we were putting forward after years of negotiations. I am sure negotiations that members of the Bloc would support would be to better establish within internation-

al law the rights of indigenous people to have certain rights of self-determination within the context of the nation state. That is all we were proposing in Geneva.

* * *

BILL C-216

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, last week some very disturbing news came to light in the other house. An entity of the Government of Canada is undermining the will of the House of Commons. The CRTC is lobbying the senators to vote against Bill C-216, the negative option ban which passed the House on September 23.

Does the heritage minister support the CRTC in its lobby effort to defeat Bill C-216?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I believe the member is asking for a reflection on the activities of the other place. I think he might want to address his questions to the other place.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, in fact I am reflecting on the actions of the CRTC which comes under the heritage minister. The CRTC is effectively lobbying against the passage of Bill C-216 in a place where they can stop the passage of that bill.

I ask the same question. Is the heritage minister supportive of the actions of the CRTC in attempting to squash Bill C-216?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I do not accept the claim of the hon. member.

* * *

TAXATION

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, my question is for the Minister of Finance.

Last week the vice-president of the Retail Council of Canada met with me along with representatives of major Canadian retailers such as Sears, Eaton's, Canadian Tire, Shoppers, and so on. They informed me that the new HST in the maritime provinces was going to cost them in excess of $100 million and that they, the retailers, and us, the consumers back home, would have to absorb that.

Is the minister aware that those retailers are now talking about closing out their operations in the maritimes and that thousands of jobs in the three maritime provinces could be lost because of the HST?

● (1500)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the hon. member knows, tax inclusive pricing is something that has been asked for by Canadians from coast to coast.

The member also knows, I am sure, that we have met with the retail council and that the three provincial governments have done so and that consideration will be given to any difficulties that the retailers may have.

The hon. member also will be aware that the retailers themselves now for the first time will be able to take advantage of input tax credits and, as a result of this, their costs will be substantially lower. I certainly hope they pass those lower costs on to the consumers.

* * *

AFRICA

Mr. John English (Kitchener, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

Canadians are deeply concerned about the tragedy that is unfolding in the areas of Rwanda, Burundi and Zaire.

Can the Minister of Foreign Affairs further explain what activities the international community and Canada can undertake at this point to improve the terrible situation there?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, first to provide further explanation, the mission of Ambassador Chrétien is being fully supported by a number of Canadian diplomats in our missions in the African area. As well, we are providing a support service here and logistical support.

In addition, as I mentioned, our secretary of state has just returned from Africa where she met with a number of African states and we intend to follow through with any form of available assistance we might provide if there is to be some form of decision to allow for safe corridors.

Last week the Minister for International Co-operation and I announced a new strategy for the Government of Canada and the Canadian people, what we call peacebuilding. It will allow us to mobilize Canadian resources of a variety of kinds, to fit themselves into areas of post-conflict where there is turmoil and disruption taking place. It is a kind of civilian peacekeeping operation which will allow us to have a rapid response so that we do not continue to suffer the kinds of tragedies that we have seen in Rwanda, Burundi or Zaire.

We have to be able to develop new mechanisms to respond to these new realities and we are taking the lead in our own country and promoting the idea of peacebuilding in international organizations.

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PRESENCE IN GALLERY

The Speaker: I bring to the attention of the House the presence in our gallery of three distinguished visitors: Hon. Cynthia Y. Forde, Senator, Parliamentary Secretary, Ministry of Education, Youth Affairs and Culture, Senate of Barbados. She is accompanied

by Mr. Duncan Carter and Mr Denis St. Elmo Kellman, members of Parliament of the House of Assembly of Barbados.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour and privilege to table in both official languages the government's response to six petitions.

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[*Translation*]

INTER-PARLIAMENTARY DELEGATIONS

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian group of the Inter-Parliamentary Union, which represented Canada at the 96th inter-parliamentary conference which was held in Beijing, China, September 14 to 21, 1996.

* * *

● (1505)

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, I have the honour to present the 42nd report of the Standing Committee on Procedure and House Affairs regarding the membership of the Standing Committee on Citizenship and Immigration.

If the House gives its consent, I intend to move later this day concurrence in the 42nd report.

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[*Translation*]

THE CANADA LABOUR CODE

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved for leave to introduce Bill C-66, entitled: ''An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour

Unions Returns Act and to make consequential amendments to other Acts''.

He said: Mr. Speaker, I would like to inform the House that I plan to refer this bill to the Standing Committee on Human Resources Development before the second reading.

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

* * *

[*English*]

BILL C-234

Mr. Jack Ramsay (Crowfoot, Ref.) moved:

That, no later than the conclusion of Routine Proceedings on the 10th sitting day after the adoption of this motion, Bill C-234, an act to amend the Criminal Code, shall be deemed reported back to the House without amendment.

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I wish to raise a very brief point of order concerning the admissibility of this motion at this stage of our proceedings.

It appears this motion has been set down under Routine Proceedings pursuant to Standing Order 67(1)(p) as a motion:

—made upon Routine Proceedings, as may be required for the observance of the proprieties of the House, the maintenance of its authority, the appointment or conduct of its officers, the management of its business—

I would refer the Chair to the annotated standing orders, page 213, which state very clearly:

With reference to subsection (p), the Chair has consistently ruled that all motions referring to the business of the House should be introduced by the Government House Leader.

Speaker's rulings to this effect can be found in *Journals* from May 30, 1928, May 11, 1944 and May 2, 1961. Madam Speaker Sauvé ruled very clearly against such a motion's being proposed by a private member on April 21, 1982, as seen at pages 16701-2 of *Debates* for that date.

On July 13, 1988 Mr. Speaker Fraser gave a more adventurous opinion, saying with regard to such motions: ''It is not the exclusive purview of the government despite the government's unquestioned prerogative to determine the agenda of business before the House''.

On September 23 our present Speaker went one step further when he said: ''Under our current practices the Chair may well accept after due notice such a motion on the condition that it is very strictly limited to the terms of the committal of a bill to a committee and that it is not an attempt to interfere with the committee's proceedings thereon''.

● (1510)

The Speaker has said that such a motion may be in order but that if the motion sought to interfere with the committee's work on the bill other than to oblige the committee to complete its work by a

specified time, it would not be possible to admit such a motion under Routine Proceedings.

If one reads the motion in question, one sees that the motion would not only order the committee to complete its study of the bill by a certain time, but it would also propose to instruct the committee that it cannot make any amendments to the proposed bill. This clearly and explicitly violates the conditions set down by Mr. Speaker on September 23 last.

The motion is clearly an attempt to interfere improperly with the committee's proceedings on the bill in question and I submit that even if the motion were otherwise acceptable the inclusion of the words ''without amendment'' violates the conditions set down by the Speaker and makes this motion inadmissible under the rubric Routine Proceedings to propose a motion of this nature under Routine Proceedings.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, while this motion is in no way, shape or form intended to restrict the committee in doing its work, it only asks that the committee report back here and if it has not done so, that it be deemed to have done so by a certain date.

Reform raised this point of privilege some weeks ago when the House reconvened. On September 23, 1996 you ruled, Mr. Speaker, that the matter was not a matter of privilege:

> Since hon. members and the House have a remedy to their grievance I cannot find that the decision taken by the committee has prevented members from expressing their opinions or attending to their parliamentary functions.

Instead, Mr. Speaker, you viewed this as a substantial grievance and you pointed to a mechanism to resolve this matter:

> However, should the House be of the opinion that the bill has remained with the committee too long it can look into the matter.

With respect to the committal of the bill a motion can be placed under the rubric motions. That is your ruling, Mr. Speaker.

This is precisely what the hon. member for Crowfoot has done. He did so because private members need to resolve this particular matter. This matter is important to the private member because it represents the larger question of whether a private member can present an alternative when faced with the disapproval of the government leadership.

If this motion is not pursued at this time and, for example, is transferred to Government Orders, the answer to the above question would therefore be no.

If it is to become a government order then only a cabinet minister will be able to continue the debate on this matter of a private member's business, and that would be a dangerous precedent. We, as private members, sent Bill C-234 to committee. We, as private members, should be able to cause a vote to take place on this motion.

A thorough majority of the private members of this House have had no real input into the discussion. This does not necessarily mean that the majority wants the motion to be taken away and buried. We, as private members, may want to continue the debate on another day. If this issue is transferred, for example, to Government Orders, we allow the government to hide behind a technicality as raised by the chief government whip, which is how we got into this mess in the first place, and the government has now become involved in Private Members' business and impeded the process through a procedural trick. We cannot allow that to happen in this House.

Mr. Speaker, I refer you to Standing Order No. 1:

> In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman—

I would also refer you to Beauchesne's sixth edition, citation 1002 and 1006. These citations explain how it is the responsibility of the Speaker to carry out and arrange for scheduling as well as to determine priorities for Private Members' Business.

This is the first time that we have had such a motion in this House with regard to this issue. Mr. Speaker, not only is it within your power to set a practice but it is your responsibility to ensure that a matter of Private Members' Business remains a matter of Private Members' Business.

• (1515)

This motion must be allowed to remain before the House under motions so that a private member can resume that we can continue the debate. Another option is to consider transferring the motion to Private Members' Business as a votable item. In any event, we voted freely to have Bill C-234 referred to committee and we should vote freely to have Bill C-234 reported to the House.

As private members and particularly as private members in a minority situation, we must be protected by the rules and we must be protected from government domination.

The responsibility of deciding this issue rests with you, Mr. Speaker. I urge you to rule once again on the side of the private member.

Mr. Ramsay: Mr. Speaker, I wish to assure you that the motion I have placed before the House will in no way impede the work of the Standing Committee on Justice and Legal Affairs. The committee has completely dealt with the bill. It decided by way of motion not to move the bill forward. The only alternative that I have to bring the bill back before the House to be dealt with by members

of the House is to bring forward this motion as you indicated, Mr. Speaker, in your decision on the earlier motion.

I wish to assure you that this motion does not interfere at all with the workings of the committee regarding the bill because the work of the committee has been absolutely finalized and completed. I place my remarks on the record for your purpose.

The Speaker: My colleagues, I do take a great interest in this motion and I am fully aware of the decision which I rendered on September 23.

I have of course listened to the advice of the chief government whip. He raises one or two points that I wish to consider.

I would like to take some time to once again go over the decision in light of the circumstances which have been brought forth and I will return to the House with a decision. In the meantime, this motion will remain on the Order Paper under Motions under Routine Business until I do render my decision. That will be as soon as I can get to it.

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COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, if the House gives its consent, I move that the 42nd report of the Standing Committee on Procedure and House Affairs presented to the House earlier this day be concurred in.

(Motion agreed to.)

* * *

PETITIONS

GENERIC DRUGS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition to present signed by a large number of senior citizens belonging to the United Senior Citizens of Ontario.

They point out that the safety of consumers and senior citizens in particular is at risk because brand name drug manufacturers are attempting to force generic drug manufacturers to market their equivalent products in a size, shape and colour different from the brand name medication.

Any action that affects the look of generic drugs could endanger the safety of patients through improper use of medicines. Therefore, the petitioners request that Parliament regulate the longstanding Canadian practice of marketing generic drugs in a size, shape and colour which is similar to that of brand name equivalents.

TAXATION OF READING MATERIALS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition from citizens who are concerned about the cost of reading materials.

They urge that all levels of government demonstrate support of education and literacy by eliminating sales tax on reading materials. They ask Parliament to zero rate books, magazines and newspapers under GST and that the provinces, including Ontario, consider harmonizing their sales taxes. Reading materials must be zero rated under provincial sales taxes as well as GST.

● (1520)

I am delighted that the government has moved on some of the areas which have been addressed by the petitioners.

PEACEKEEPING MEDAL

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, pursuant to Standing Order 36, it is my duty and honour to rise in the House to present a petition, duly certified by the clerk of petitions, on behalf of 107 individuals residing across Canada.

The petitioners call upon Parliament to honour and recognize their Canadian peacekeepers in the form of a Canadian peacekeeping medal.

HOUSING

Mr. Gar Knutson (Elgin—Norfolk, Lib.): Mr. Speaker, I would like to present two petitions containing approximately 100 names.

The petitioners call upon Parliament to refrain from transferring the housing co-operative portfolio to the provincial governments and to preserve it for the citizens of Canada. They are further calling upon Parliament to review its reports regarding the cost effectiveness of our self-sufficient housing co-operatives managed by volunteers and to renew the commitment to support co-operative housing across the country.

PROFITS FROM CRIME

Mr. Gar Knutson (Elgin—Norfolk, Lib.): Mr. Speaker, I have a third petition which I wish to present to the House today.

The petitioners are asking Parliament to support Bill C-205 which would prohibit profits from crime.

MARRIAGE

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, it is my pleasure today to present two petitions.

In the first petition the petitioners request the House of Commons to enact legislation or amend existing legislation to define marriage as a voluntary union for life of one woman and one man to each other to the exclusion of all others.

TAXATION OF READING MATERIALS

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, the second petition is signed by 86 constituents and it involves literacy. I have a particular interest in this subject because my wife is very involved in this.

The petitioners state that applying the 7 per cent GST to reading materials is unfair and wrong. As supporters of literacy the petitioners believe that literacy and reading are critical to Canada's future and that removing the GST from reading materials will help to promote literacy in Canada.

The petitioners urge Parliament to remove the GST from books, magazines and newspapers. They urge the federal and provincial governments to ensure that reading materials are not taxed under the proposed harmonized sales tax. They ask the Prime Minister to carry out his party's repeated promise to remove federal sales tax from books, magazines and newspapers.

JUSTICE

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I am pleased to present a petition bearing the names of 50 petitioners.

The petitioners call upon Parliament to enact two strikes legislation requiring anyone who has been convicted a second time of one or more sexual offences against a minor person as defined by the Criminal Code of Canada to be sentenced to imprisonment for life without eligibility for parole or early release. Also, for anyone awaiting trial on any such offences mentioned in the petition the petitioners pray that such a person be held in lawful custody without eligibility for bail or release of any form whatsoever until such time as the matter is fully concluded in a Canadian court of law.

PUBLIC SAFETY OFFICERS COMPENSATION FUND

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have three petitions to present today.

The first petition comes from Abbotsford, B.C. The petitioners draw to the attention of the House that our police and firefighters place their lives at risk on a daily basis as they serve the emergency needs of all Canadians. They also state that in many cases the families are left without sufficient financial means to meet their obligations.

The petitioners therefore pray and call upon Parliament to establish a public safety officers compensation fund to receive gifts and bequests for the benefit of families of police officers and firefighters who are killed in the line of duty.

TAXATION

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

The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society. The petitioners therefore pray and call upon Parliament to pursue initiatives to eliminate tax discrimination against families who choose to provide care in the home for preschool children, the chronically ill, the aged or the disabled.

LABELLING OF ALCOHOLIC BEVERAGES

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the last petition I wish to present comes from Williams Lake, B.C.

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

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

● (1525)

TAXATION OF READING MATERIALS

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, pursuant to Standing Order 36, I would like to present a petition containing several signatures from northern Alberta.

The petitioners state that the existing 7 per cent GST is an unjust taxation of reading materials and that education and literacy are critical to the development of our country and a regressive tax on reading handicaps that development.

The petitioners urge all levels of government to demonstrate support of education and literacy by eliminating sales tax on reading materials. They ask Parliament to zero rate books, magazines and newspapers under the GST as the provinces and Ottawa consider harmonizing. Unfortunately, they already have harmonized. The petitioners ask that reading materials be zero rated under the provincial sales taxes as well as GST.

I know, Mr. Speaker, when you were in opposition you spoke so eloquently and harshly about some of the drawbacks of the GST. Therefore, I know you not only appreciate this petition, I am sure you would agree with it.

The Acting Speaker (Mr. Milliken): The hon. member for Beaver River knows that it is out of order for a member to say whether the member agrees or disagrees with a petition. I am sure

that in the kind comments she made she was not suggesting that either she or I would take a particular position in respect of the petition which she so ably presented.

Miss Grey: Not at all.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I must say you look smashing in your new attire. I ask that all questions be allowed to stand.

The Acting Speaker (Mr. Milliken): Shall all questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

THE DIVORCE ACT

The House resumed consideration of Bill C-41 an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act, as reported with amendments from the committee; and of Motion No. 13.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, are we considering the motion put forward by the Reform Party, Motion No. 13, from Group No. 3?

The Acting Speaker (Mr. Milliken): Yes, the hon. member is right.

Mrs. Gagnon (Québec): Mr. Speaker, I am very pleased to speak today on the motion put forward by my Reform colleagues. We cannot support this motion from the Reform member. Why? Because it provides for the Minister of Justice to lay before the House of Commons each proposed guideline and to refer it to a standing committee of the House.

If the amendment were only to apply to the federal guidelines, it might be interesting, since hon. members would then have an opportunity to take part in this review. However, we find the amendment unacceptable because it says ''each proposed guideline'', and that would include all provincial guidelines.

If we are to be consistent with the amendments we brought forward this morning, then we cannot support this motion. Pursuant

to clause 1(3) of the bill, once the federal government has recognized the guidelines set by a province, these provincial guidelines are what is referred to as the applicable guidelines in the bill. The provincial guidelines replace the federal ones. We cannot let the guidelines set by Quebec, for instance, be reviewed and/or amended by a standing committee of the House of Commons, it is absolutely out of the question. This is why we are against this amendment.

Earlier this morning, we explained some of our demands concerning the changes to be made to Bill C-41. Why? Because the province of Quebec is currently developing guidelines that will take into account Quebec's particular characteristics. These guidelines will take into consideration the interests of the child and all the transfers to both parents and children.

The provinces should have an opportunity to explain the guidelines they developed based on the model most appropriate to their particular case, the province's social realities and the expectations of their residents, just like the guidelines soon to be approved in the province of Quebec.

• (1530)

We know how important it is that Quebec put its own guidelines forward and that they be adopted. With the discretionary power provided in Bill C-41, it is important that these guidelines be accepted by the federal government. We in the Bloc Quebec are not in favour of the discretionary power accorded the governor in council.

Moreover, a set of criteria is introduced in the bill to define the guidelines. Right before the criteria, we can see the little word ''including''.

We propose that this word ''including'' be deleted so that, when the guidelines are accepted by the federal government, we will not have to reopen the bill or to introduce another one. I think that Quebec wants more freedom to act. We know how complex the situation is in matters of divorce and separation.

Divorce falls within federal jurisdiction and separation within Quebec jurisdiction. As we all know, the guidelines have to be the same across the board. This is provided in the bill at the federal level but not at the provincial level. Thus, this motion by the Reform Party is not acceptable.

However, I want to tell you about some privileges Quebec wants to gain from the guidelines. When I say privileges, I mean respect. Not so much a privilege as a respect of Quebec's will.

It is clear in this bill that the federal government goes one way and Quebec another. This bill is very revealing. Quebec wants the guidelines to apply where children reside and not where the non-custodial parent resides. If the criteria for developing the

guidelines in one province favour the non-custodial parent, we know very well that the non-custodial parent will compare the benefits in various provinces.

That is why the child's well-being is paramount and the bill as introduced by the minister does not take into account first and foremost the needs of the child. We know that the guidelines put forward by the federal government take into account only the income tax to be paid. This is not the case for Quebec. Quebec takes a number of considerations into account, including family and social issues and the needs of the child.

I wish the government would rethink certain aspects of the bill. The government is asking the provinces to propose guidelines, but I think this bill does not show any respect for the work that the provinces will do when it says that the governor in council may, by order, designate a province for the purposes of the definition of ''applicable guidelines''. I do not see how the wishes of a province can be respected.

We know that there are many inconsistencies between the federal and the provincial guidelines. I wonder how it will be possible to satisfy both Quebec's and Ottawa's wishes.

I would also like to talk about another aspect of the bill.

● (1535)

There is no question of an agreement between spouses to change the amount or some other aspect of the guidelines. The needs and the welfare of the child must come first.

Therefore, we are against this motion brought forward by the Reform Party and we hope the government will follow up on the various motions we proposed to improve this bill in order to respect the provinces' wishes, because the provinces are closer to the people and their concerns and our motions take into account various legislative provisions that are already in force in Quebec.

If the Minister of Justice wanted this bill to serve the child's interest first and foremost, the Liberals would have to accept a few modifications proposed by the Bloc Quebecois, with every respect for the provinces and the federal legislation. We might have liked to have seen a single orientation concerning divorces and separations, with the same guidelines, but we know that the federal level has full jurisdiction over divorces.

I will close my speech here, with the hope that my colleagues will also be able to make this government listen to making some changes for the better to this bill, and that these changes will be more respectful of the will of the provinces, as Quebec is working on this too at the moment. Why then duplicate the analyses done in Quebec? It is clear to me, however, that the analyses done in Quebec are not the same as those done by the federal level. This is why we were elected. We were elected to speak for the specific nature of Quebec, to ensure that it is respected far more than it is today. Unfortunately, we must bring this to your attention, and we trust that this government will make an effort to understand the Quebec reality, because it is not all that obvious that it is.

We speak up about numerous bills, inviting the government to respect the wishes of Quebec, but the message falls on deaf ears every time.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I will respond very briefly to the motion put forward by the Reform Party.

It is interesting to note the consistent theme that runs through the amendments put forward by the Reform Party. First, the motions seek to render ineffective the guidelines that have been put forward for a very distinct and proper purpose, that is, to provide consistency to maintenance awards for children, to provide that the custodial spouse and the children will receive adequate support and the support awards will be consistent within provinces and across the country.

In addition to that theme, hearkening back to a process that is 50 years old, we also see what seems to be another consistent thread. The motions put forward would have the effect of delaying the implementation of the bill. Quite frankly if the suggestion put forward in Motion No. 13 was accepted by the federal government, the process of implementation would be delayed.

Justice delayed is justice denied. The government will do everything in its power to ensure that the guidelines and legislation will be able to go ahead on March 1, 1997.

● (1540)

Members of the Bloc are suggesting that somehow this deals with provincial authority in an inappropriate fashion. Once again I remind the House of my answer to similar statements made by the Bloc Quebecois.

First, this is an area of sole federal jurisdiction. Second, the guidelines which have been put in place are different from province to province, respecting and reflecting the various differences that exist within the provinces. Third, provisions within the bill state that where provincial guidelines are found to be acceptable, they would be allowed to function as the guidelines for the purposes of this bill.

The government is opposed to this motion because it would delay the implementation of the bill. It would like to see the system move ahead so that greater consistency, predictability and the enforceability of awards can all be improved as we work on a system that has been functioning for 50 years and is desperately in need of modernization and update.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, since this morning we have been discussing Bill C-41, and the Bloc Quebecois, as a party from Quebec, naturally reflects the demands of Quebec, but as the official opposition, it also reflects the concerns of certain provinces and groups in English Canada,

and the government seems to be turning a deaf ear or does not seem to understand the demands we are making.

It is all very clear, however. We made a series of proposals, a series of motions this morning to amend the government's position on the very important concept of residence, in other words, that this should mean the child's place of residence to prevent any ambiguity in interpreting the guidelines.

We tabled motions on the federal government's discretionary powers to adopt or not to adopt the guidelines of a province. Here again, the government turned a deaf ear.

We presented a motion on vested rights, to tell the government that if Quebec, for instance, establishes guidelines according to the present rules of the game, we would not want a subsequent Conservative, Reform Party or even Liberal government, under another prime minister, to be able to change these guidelines at will. We presented a motion for vested rights, and here again, the government seems to turn a deaf ear.

We also presented a motion to prevent the application of certain national standards. We definitely want the guidelines presented by Quebec to apply in cases of divorce and separation.

I heard the parliamentary secretary say in reply to the Bloc Quebecois that the Divorce Act was a federal statute. We do not challenge that fact. We know that the Divorce Act is a federal statute. We know that according to the Constitution, the federal government has jurisdiction over the Divorce Act. What we are saying is that this is unacceptable.

In Quebec, people get married under the laws of Quebec. They have children under the laws of Quebec. The children are registered with the registrar for births, deaths and marriages under the laws of Quebec. In a family, people make purchases, buy a house and cars. The family property comes under Quebec's jurisdiction. If things do not work out, people separate under the laws of Quebec. But divorce is a federal matter.

That is what is wrong and why everything is so complicated. On the weekend we saw that Quebec wanted to adopt a family policy. There is a consensus on this in Quebec. That was clear, and I think that my friends opposite—not my friends, because they are not really my friends—I am sure that hon. members opposite saw there was a consensus in Quebec on family policy this past weekend.

• (1545)

But they are turning a deaf ear to it. To translate this consensus into concrete action, they could give a helping hand and start changing some things. But no. We have seen, through justice parliamentary secretary for justice, that the government seems adamant in its refusal to consider any amendment, any proposal from the official opposition, the Bloc Quebecois, in keeping with the general consensus and the will at large to see things change; but the government in Ottawa has decided in its ivory tower, in a characteristically paternalistic fashion, as one of my colleagues said, not to budge.

I am happy, however, that the Reform Party is not in power because the motion it presented says a lot on the way English Canada sees things and on its intentions. Somehow, the Reform Party has a lot in common with the way the Liberals think and act.

With regard to Motion No. 13 presented by the Reform Party, which appears innocuous, ordinary enough, one might think that, after all, Reform has good intentions, it wants the federal government to support it, to look at it, it wants the elected representatives to have a look at the guidelines.

The Reform Party's motion asks that Bill C-41, in clause 11, be amended by adding the following:

> ''26.2(1) The Minister of Justice shall have each proposed guideline laid before the House of Commons.
>
> (2) Each proposed guideline that is laid before the House of Commons shall, on the day it is laid, be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and that committee shall report its findings to that House.
>
> (3) A proposed guideline that has been laid pursuant to subsection (1) may be established on the expiration of thirty sitting days after it was laid.
>
> (4) For the purpose of this section, ''sitting day'' means a day on which the House of Commons sits.''

If one looks at this amendment, it does not seem that bad. But what is really hiding behind it? What is hiding is English Canada's desire to centralize even further an issue Quebec believes should be decentralized, to the extent that it should be an area of exclusive jurisdiction for Quebec.

Sometimes the Liberals and the Reform Party question the necessity of having Bloc Quebecois members in this House. I think we have another opportunity to show how important it is for Quebec to have Bloc Quebecois members in this House, to prevent the Reform Party from proposing very centralizing measures and the government from proposing centralizing bills.

This motion shows the true philosophy of English Canada, which wants to centralize everything in Ottawa.

What does that mean in practice? It means that, if the motion is carries without amendment, all guidelines adopted by Quebec will have to be submitted to the justice minister who will, in turn, submit them to the Standing Committee on Justice and Legal Affairs for further study.

We all know that Quebec intends to implement such guidelines. We even have some information concerning those guidelines. The justice minister would simply submit those guidelines to the committee for its consideration. For example, if Quebec considers that it is important for the guidelines to be based on the real cost of

a child's needs, we, in Quebec, will find it crucial that the guidelines be determined accordingly. However, if we submit them to the committee, it could decide that, at the federal level, this is not important and that Quebec will have to change its guidelines so that they are based in part on a legal obligation to maintain the standard of living. Quebec would not have a say in this.

• (1550)

This is what the Reform Party motion could mean for Quebec. There are a series of guidelines which Quebec examined and, if the motion is carried, these could be reviewed by the Standing Committee on Justice and Legal Affairs. You will surely understand that it would be unacceptable for the federal government to dictate the rules and determine the procedures in an area like family policy which is so important for the future of Quebec.

I must say that, when I speak about family and family policy, unfortunately, this also includes separation and divorce. After a divorce, the children are still there and they must be supervised and protected, because they are the ones who are the most vulnerable in a separation. Our role, as members of Parliament here, is to pass legislation that would best protect these children.

Bill C-41 that the government proposes to us is, as a whole, a step forward, but there are several little points that are disturbing, that are not in line with Quebec's claims, among others, of course, the points that I mentioned at the very beginning of my speech concerning residence, at the government's discretion.

More specifically, Quebec's position, the position defended by the Bloc Quebecois, goes against Motion No. 13 proposed by the Reform Party. You will understand that we will vote against this motion.

In concluding, I would also like to say that, while we seem to challenge or argue several of the points in Bill C-41, as a whole, this bill seems favourable to us. That must be kept in mind. As a whole, Bill C-41 was asked for repeatedly by the official opposition. We wanted a legislative measure, but not one with these points that are not favourable to Quebec. I will have the opportunity to come back to Bill C-41, since there are other motions, because I have so many things to say about this bill.

Mr. Gilbert Fillion (Chicoutimi, BQ): First of all, I would like to congratulate you, Mr. Speaker, on your appointment, since this is the first opportunity I have had to speak since then. I had the pleasure of sitting with you on the joint committee on regulation, where I appreciated your contribution to each of the debates we had in the other place.

Today, we are once again inundated, literally inundated with motions put forward by the Reform Party that do little if anything to improve the bill before us.

The latest proposal would require the Minister of Justice to table every proposed guideline before this House for referral to a standing committee of the House of Commons.

We in the Bloc Quebecois have a problem living with the proposed amendment, and particularly with the word ''each''. This would have the effect of including provincial guidelines. Basically, what this amendment tells us is that provincial guidelines recognized by the federal government will be those referred to by the term guideline in the legislation.

All this is is a switch between provincial and federal guidelines. And that is unacceptable to us in the Bloc Quebecois.

• (1555)

In fact, there is consensus around this issue in Quebec. Our system, the one currently used in Quebec, works just fine. The measures approved and adopted last year for the collection of out of province support have pleased almost everyone.

These guidelines met the needs of Quebecers. They also met the needs of children. To the extent possible, these guidelines have done the most to ensure the well-being of children, although this is an area where there is always room for improvement. Not every case is the same. Almost all decisions have to be made on a case-by-case basis.

The amendment put forward by the Reform Party does not improve the bill in any way. It still gives the federal government the right to replace the whole Quebec system with its own. In fact, clause 1(4) provides that the governor in council may, by order, designate a province for the purposes of the definition ''applicable guidelines''. That is interference.

The verb ''may'' is used. Let us consider its meaning. Any guidelines issued by a province must be approved by the federal government to become applicable. This is another example of centralization, of paternalism. They are not withdrawing but centralizing even further. The federal government imposes its vision on the provinces, although this vision is not always in line with reality.

Which government is better able to meet these needs? Federal rejection of the guidelines established by a province could give rise to some absurd situations. The most striking example is that of a separation handled according to provincial guidelines, while the divorce would have to follow federal guidelines. This could make a huge difference in the ruling, in the amount of support for each child.

The Quebec legislation on separation is more generous than the federal law on divorce. This clause must disappear. Such iniquities are unacceptable. The discretionary power given by the verb ''may'' must be taken away from the federal government.

This is what gives the amendment proposed by my colleague from Québec its whole meaning. This amendment is aimed at limiting the list of criteria the provinces must comply with to have their guidelines recognized by the federal government as superseding its own.

• (1600)

I ask government members to reflect on the amendment proposed by the Bloc Quebecois, so that the provinces' guidelines are approved by this government. In fact, the amendment provides that, once a province has complied with federal criteria, its own guidelines will automatically replace those of the federal government. This would prevent strange situations where children, whom the act is supposed to protect, would suffer from a measure that would have become unfair.

I will conclude by pointing out that selecting the payer's address as the place of residence, instead of the child's domicile, for support purposes, creates an enormous problem. Those who avoid their responsibilities in this regard often do so simply by virtue of the fact that the payer's place of residence was chosen, instead of the child's domicile.

We have a lot before us. The Bloc Quebecois tabled its amendments. I ask members opposite to carefully review each of the proposed amendments, not in our interests, but in the interests of our children.

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, it is my turn to congratulate you on your appointment, since this is the first time I have risen in this House while you are in the chair.

The public must have realized by now that the official opposition has been spending a lot of time adding subtlety and drawing attention to one important factor: the famous guidelines. Whether they are called guidelines, national standards or national goals, they are all the same to me. They reflect the federal government's intention, its one constant goal, which is to set criteria and to impose them on the provinces. The Reform Party's proposal goes in the same direction. The Reform Party goes even further than the Liberal Party. It wants the guidelines to be tabled in the House of Commons. Therefore, the federal government would reign supreme.

I am not a former history professor like my hon. colleague from Mercier, but I have read a lot of books on this topic, as I imagine many Canadians and Quebecers have done.

Recently, I was rereading Mr. Lacoursière. What is Canada made of? What is Canada? What is the Canadian Confederation? What is the Act of 1867? It was the unification of Upper Canada and Lower Canada to form Confederation. Then two former British colonies joined in, and that gave us the four founding provinces of the Canadian Confederation.

At the time, according to the spirit and the letter of the agreement, there was to have been not only a federal Parliament, but also provinces that would work together to try to forecast and structure the future of the country, its social climate and that of its member states.

• (1605)

But then, we have to recognize that the current government continues a heavy practice. No need to list all the bills that have been passed here, but what do we see in most of them, in the major ones? There were national standards concerning post-secondary education. There were also national standards concerning student loans. Concerning health care, we all know the five famous guidelines which the federal government insists that we follow in spite of cuts in the provincial spending and in the transfers to the provinces.

What is the impact of all these measures? The provinces are obliged to cut health care. Free education and access to education are called into question. Apart from the cuts to unemployment insurance, certain vested rights of the provinces, including Quebec, are called into question.

And always these same guidelines. Sometimes, it is a question of principle, but we must be cautious with matters of principle. The Bloc Quebecois, the official opposition, has a responsibility to criticize, to see to it that words really say what they mean to say in the bill and to anticipate applications down the road.

Obviously, the concept of federalism of the members opposite and the third party is very different from the one Quebecers have always had. The federal government always prevail over the powers and responsibilities of the provinces, while, as I said, there was originally a spirit of equality, a balance of powers.

Unfortunately, this Prime Minister's Liberal government increasingly takes advantage of all opportunities to monitor, limit the powers and dictate the guidelines of the provinces. This touches upon the most distinct elements of the Quebec society, since families and children are its future, because we do not want to remain silent each time the current federal government tries to put the Quebec government in its place.

The hon. member for Berthier—Montcalm rightly reminded us that we get married under the civil code and that Quebec is the only province to have a distinct civil code. And we divorce under the federal system? That is completely nonsensical. However, I can understand why members from other provinces do not see any problem in that. They are not in the same situation as Quebec because they have no civil code, they have the same system as the federal government.

To them, it does not make any difference if you get married under the provincial system and you get divorced under the federal system. I understand. That is one of the problems of federalism as

it exists now. I have travelled a lot outside Quebec, and we are always faced with the same misunderstanding. Even the most fair-minded people do not understand our situation. One day, you will have to recognize that our system in Quebec is different from that of the other provinces. That is what we have been telling you and that is why many of us are taking part in this debate today, to show you once again that we are different. You have to understand that.

We are different and we want to stay that way. We understand what is good and what is not. There are extraordinary principles in this bill, but the problem is in the way they are applied.

● (1610)

That is the area where, suspicious as we are, we are concerned about inequities. And with good reason. Bill after bill, we keep proposing amendments that would help Quebec feel more comfortable in the federal system, but the government keeps rejecting them each and every time. We were showered with love a few days before the referendum, but we can see that, one year later, those sentiments have cooled off somewhat.

So we have to repeat over and over again, as we are doing today, that we are different. From now on, we want laws that reflect our differences, our culture, our special way of doing things. It is as simple as that. It is not an aggressive message. We are not saying that the other provinces are wrong not to attach that much importance to this issue. But, to us, it is very important.

And it is not only for us. Since we are talking about children here, we are talking about the future, and when we talk about the future, we must take all the necessary precautions to make sure that those who will come after us recognize the important work we are doing today. That is why, once again, we must explain to our colleagues from the two other parties in this House that we are indeed different.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, it is important that this amendment not be passed. This amendment was presented by a Reform Party member and says:

> 26.2 (1) The Minister of Justice shall have each proposed guideline laid before the House of Commons.
>
> (2) Each proposed guideline that is laid before the House of Commons shall, on the day it is laid, be referred by the House to an appropriate committee of that House, as determined by the rules of that House, and that committee shall report its findings to that House.
>
> (3) A proposed guideline that has been laid pursuant to subsection (1) may be established on the expiration of thirty day sitting days after it is laid.—

This morning, the members of the Bloc said many times that the law should confirm that Quebec is, in fact, responsible for defining and formulating the guidelines if it meets the conditions stated in clause 26.1.

I would remind the viewers who are watching today's debates that, if the issue of child support and treatment of children in child support is discussed here in the House of Commons even though it seems clearly to be a matter of civil law, it is because there is a strange separation of powers between the provinces and the federal government in the Constitution.

On the one side, marriage is a provincial matter, and divorce, a federal matter. I remind you that in Quebec, the people who separate without divorcing—and there are many of them—or leave one another in some other way represent 40 per cent of those who are involved in the allocation of child support.

Quebec has a distinct civil code. Just as distinct as its society. The Civil Code has been in effect since Quebec was a French colony. It has been revised, but it is still completely different in spirit from British common law.

● (1615)

In this context, Quebec has developed its own family policy and has shown again last week that it intends to apply its own principles in this area. It must be said that Quebec has to have complete control over the guidelines that will apply to the people who decide to separate or to get a divorce to ensure that all children who are affected are treated in the same way.

If it were adopted, this amendment proposed by the members of the third party would force the government to refer to the appropriate committee the guidelines proposed by Quebec to see if they are compatible with the federal guidelines. What we are saying is that this is absolutely not the way to go.

In Quebec, we do not want two kinds of children, that is those whose parents are separated under the provincial system and those whose parents are divorced under the federal system. It would make no sense. It would show that the situation has become unbearable.

We think the government should accept the amendment in which the Bloc proposes that the governor in council recognize the right of a province to formulate and enforce its own guidelines, provided they meet all the necessary requirements.

It is hard to imagine that a committee would study Quebec's or another province's guidelines to compare them to those of the federal government. If my colleague's amendment was to ensure that the federal government would table its own guidelines, which several other provinces would follow since they would not mind having guidelines established by the central government, then I would understand the purpose of this amendment. The committee would study these guidelines that would apply to all provinces except Quebec.

We are often in this situation. Obviously, and this bears repeating, many provinces in Canada do not feel the way Quebec feels about the central government, and that is normal. Canada is one people and one nation, and Quebec is one people and one nation. It

is fine by us if nobody in Canada minds if the central government determines the guidelines, but, if that is the case, we think it only right that the government be required to table its planned guidelines.

But what we simply cannot agree with, and this is important, is that if colleagues do not intend this amendment to include Quebec, then they should spell this out, because otherwise, we are very much against the amendment, which would mean comparing Quebec's guidelines to the federal guidelines, for we know not what purpose.

● (1620)

The draft guidelines tabled on June 28, 1996 give an idea of the major differences between a so-called Quebec model that would be used to determine child support payments and a federal model.

In Quebec, we say that one of the criteria must be that support payments must be based on the real cost of raising a child. The federal government says they should be based on the partial equalization of standards of living. These are two different points of view that can be explained by the fact that in Quebec we are looking at income and standard of living in Quebec, while it is obvious that different standards of living are being considered for the rest of Canada.

This morning, I was recalling that, last week, the federal government decided that the minimum wage for institutions dependent on the federal government would be in line with the provincial minimum wage. The minimum wage is $4.75 in Newfoundland, and $7.00 in British Columbia, which shows the marked difference in the general standard of living. We can understand that the differences are explained by the population, the labour market and the differing social and economic conditions across Canada.

There is another principle as well. Quebec says ''based on both parents' ability to pay''. Financial responsibility is shared between the two parents, prorated according to their resources. We know that the husband often earns more. The federal model assumes that the incomes of both parents are equal, even if in reality this is not the case. Only the gross revenue of the non-custodial parent is considered.

I could continue to show you the significant differences.

With your permission, Mr. Speaker, I would like to propose an amendment to the amendment.

I move:

That the words ''each proposed guideline'' be deleted and replaced by ''every proposed guideline'' and that, at the end of the first sentence, the following be added:

''when subsection 1(3) has not been enforced.''

My speech has addressed the intent of this amendment.

The Acting Speaker (Mr. Milliken): The Chair will consider the motion tabled by the hon. member for Mercier and will render its decision to the House.

● (1625)

The motion by the hon. member for Mercier is in order.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Milliken): The vote is on the amendment to the amendment. Is it the pleasure of the House to adopt the amendment to the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

[*English*]

The Acting Speaker (Mr. Milliken): A recorded division on the proposed motion stands deferred.

Next before the House is report stage Motion No. 14, the next grouping in the debate.

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 14

That Bill C-41, in Clause 22, be amended by replacing line 2 on page 21 with the following:

''fifty days have expired after the notice''

He said: Mr. Speaker, just to clarify, were we to vote on Group No. 3 as well as the Bloc subamendment, in other words, my amendment, Motion No. 13?

The Acting Speaker (Mr. Milliken): The hon. member is quite correct. The question was put to the House on the subamendment. A recorded division was demanded and therefore it was deferred.

At the conclusion of the vote on the subamendment, the question will be put on the amendment that the hon. member has put before the House.

The debate is now on Motion No. 14, Group No. 4.

Mr. Hill (Prince George—Peace River): Mr. Speaker, very simply this amendment extends the period for a non-custodial

spouse to react to the receipt of the notice that their passport may be suspended or a federal licence withdrawn.

• (1630)

This particular clause found on page 21 of Bill C-41 states:

(4) An application may be made only after thirty days have expired after the notice referred to in subsection (3) was received by the debtor.

Basically what this amendment does is extend that notice from 30 days to 50 days. We feel that in some cases where the individual may be out of the country or, goodness knows, we have even seen to get a letter across Canada can take a considerable period of time, it is in the best interests of all concerned to ensure that the individual has sufficient notice in order to respond. We just want to be reasonably sure that will happen.

Basically that clarifies our position for putting this amendment forward. However, I would like to use the remaining time I have to clarify our positions on a number of other issues raised by the hon. Parliament Secretary to the Minister of Justice, the member for Prince Albert—Churchill River, during his intervention.

The points put forward by the hon. parliamentary secretary are absolutely ridiculous. Let us just have a quick look at what exactly he said during his intervention. He said that maintenance payments are not linked to access, custody or mediation issues. I think the statistics prove, as I said during my remarks, that the exact opposite is the case. I do not know what statistics or evidence he has to support that nonsensical response, but I am quite appalled that he says they are not linked. I would suggest that he talk to anyone who has gone through a divorce and who has children involved to see that the two subjects are very clearly linked.

As I pointed out during my remarks, what we have seen is that where access and custody of the children in question by the non-custodial parent was more usual in the arrangement and was quite freely given, what invariably happened was compliance with support payments for those same children also increased in direct proportion to access.

There are clearly enough statistics around to show that. Therefore I would certainly dispute the hon. parliamentary secretary's position that the two things are to be dealt with quite separately and are not linked.

He also asked who suffers. He said, as *Hansard* would clearly show, that it is the women and children. Very clearly the women and children do suffer. We are all well aware of that. However, the fact is that when a marriage breaks down and when some parents are de-parented because of the process there are many people who suffer. Grandparents suffer and fathers suffer as well.

As I said during my remarks and during my speech on Bill C-41 about a month ago, I believe October 3, I very clearly stated that I am not an advocate for non-custodial parents. I am not an advocate for the fathers, nor am I for the mothers in this situation. I am an advocate for the children. I believe it is in the children's best interest to have access to both parents. I have said it before and I will say it again. I do not understand how it is that when a marriage and a relationship is intact both parents are considered good parents, acting in a manner consistent with the best interests of their children, and yet somehow immediately upon the disillusion of their relationship this is no longer the case.

We see time and time again where the non-custodial parent is denied access to their children. If they are considered a good parent when their relationship was intact, why in heaven's name are they not when they are separated? When a relationship ends the fathers, in most cases, still want to be involved and active in performing the role of a parent. In many cases, unfortunately, that is denied.

• (1635)

The other point the parliamentary secretary made was that our amendments would return the system to complete uncertainty. We talk about fear mongering. We talk about the usual Liberal diatribe where they attack Reform every time we try to improve their legislation. He went on to say that our amendments would render guidelines ineffective. That is more fear mongering. It is clearly not the case.

What we have said is that this is a complex issue. We cannot impose arbitrary guidelines and then say to the courts that this is how it is going to be. Even in his intervention what he went on to say was that we need to do it on a case by case basis. That is a clear contradiction. On the one hand he attacks Reform because we say that before the court imposes these arbitrary guidelines, we have agreed there is a need for national consensus, national standards to apply, but before the court looks at that, Reform we would like it to take into consideration mediation. We would like it to take into consideration the best interests of the child, what is in the best interest of the child or the children, and also to take into consideration the non-custodial parent's ability to pay.

As I said earlier during this debate, prior to question period, the reality is it makes absolutely no sense to impose some arbitrary guideline, some arbitrary standard, only to find out later that the non-custodial parent simply cannot afford that and no matter how much he would like to, he cannot pay that amount.

As the parliamentary secretary said very clearly, we have to look at this on a case by case basis. That is the one thing that he said that I heartily agree with. His other points are, as I said, very clearly fear mongering and trying to suggest that Reform is somehow against the women and children who very clearly need more certainty.

We are not denying that something has to be done with the Divorce Act and something has to be done with this subject. What we are saying is we believe we need a comprehensive look at this subject. The hon. justice minister has promised Canadians a comprehensive review of this whole subject matter. Comprehensive to us deals with much more than just the tax implications or getting tough on non-custodial parents' non-payment of support or maintenance.

Comprehensive means looking at the access and custody issues, looking at having mandatory mediation as a necessary step. What may happen with that is that some lawyers would not get as much work as they would like. That is not necessarily a bad thing.

I believe in balance if people will look at what Reform has been doing on this bill, look at the amendments that we have been bringing forward, they will understand that we are trying to address a lot of issues, not just putting blinders on and looking at the maintenance payment issue by itself.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, this amendment, proposed by the hon. member for the Reform Party, deals with the denial of schedule licences to debtors when the latter are in persistent arrears. When we read the definition of this expression, we see that this is about extreme cases where debtors have failed to make in full the payments required in respect of any three payment periods, usually three months, or who owe the child at least $3,000.

• (1640)

The bill is clear, and we agree with what the bill proposes to do. We agree because licence denials are explained in detail in interpretation section 62. So, licence means ''a licence, a permit, a certificate or an authorization of any kind, and includes a passport in the meaning of section 2''; ''schedule licence means a licence of a type or class set out in the schedule''; and ''provincial enforcement service has the meaning assigned by section 2''.

The resources available are clearly defined in this section of the bill. These are means of dealing with debtors who, despite every reasonable attempt to make them do so, will not make their payments to the custodial parent—the wife, in many cases—or to creditors who have a stake in the payment of support payments.

So when the province applies to the federal government, this is after it has made every attempt to force payments. In this case, the Reform proposal would extend the period to 50 days from the prescribed 30 days. So the bill is clear. It provides that a provincial government may ask the federal government to refuse the issue of, suspend or not renew a licence for these debtors, once the provincial government has made every attempt to enforce the support order, but to no avail. To no avail means that every possible measure has been taken by the province. And even if a debtor were to say he had not been contacted by the province, I believe there would be enough evidence to prove that such contacts were made and that the debtor failed to respond to a provincial request.

So I see no need for proposing such an amendment when we realize that the present period provided by the federal government is 30 days after notice was sent by the province to the debtor before an application for licence denial may be filed.

We all know that women are often penalized, when we consider that in 1990, 67 per cent of individuals who received support payments were women.

So we do not think we should support this kind of amendment to the bill. We know very well that huge amounts are often at stake when one is waiting for overdue support payments. For instance, a deadbeat parent is not someone who wakes up one morning thinking he is not going to pay support for a couple of months; we believe that these are people who do it repeatedly, not innocently, over a period of three payments, and that the amounts involved are evaluated at over $3,000. Therefore, the time frame is very realistic and we do not believe that this motion should go ahead.

I am in favour of payments being made as soon as possible, this is desirable. What the bill is proposing is very clear and promises that deadbeat parents be, once and for all, with their back to the wall, and that the government be able to act by way of a piece of legislation making it very clear how to quickly obtain payment of the amounts owed.

To think that Bill C-41 was introduced by the government to really improve the situation for children. This is exactly what we want. This was at our request, we want this bill to be enforceable and we want no more delays, no more wait for the parents owed support, who often must face such delays.

• (1645)

Unfortunately, too often they are women; as we know they hold part time jobs, their job situation is precarious, and often they are the ones who have to provide for their children. We know that more often than not support payments are well below what it takes to raise a child nowadays.

In any case, I believe we have the responsibility to take care of our children, and therefore it is the responsibility of the non custodial parent to make support payments, often to the detriment of the parent who has custody of the child.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, I am pleased to speak to the next batch of amendments. With the indulgence of the members present I will refresh their memories.

When I was speaking on the last batch of amendments I was quoting from an article in the September 28 issue of *The Economist*. It discussed the notion of crime, particularly violent crime, by youth. The article dealt with crime in western Europe and America.

It was interesting to note from the article that 50 per cent of violent crime was caused by males under the age of 24. About 24 per cent was caused by males under the age of 18. Males compared to females are far more involved in crime and in particular violent crime. The article went on to make the case that the one overriding consideration which affects those statistics is the two parent family.

I will read a sentence or two: ''Ask yourself: What restrains such behaviour?'' We are talking about the violent behaviour of adolescents. ''The short answer is a two parent home. Without belabouring the complexity of family policies, two parent families are demonstrably better at raising trouble-free children than one parent homes. Fatherless boys commit more crimes than those with a father at home. A study of repeat juvenile offenders by the Los Angeles probation department found that they were much more likely to come from one parent backgrounds than either the average child or juvenile criminals who offended once only''.

That is a particularly disheartening statistic. The heartening statistic in Canada is that, much to the surprise of many people, according to Statistics Canada only 13 per cent of children are being raised in single parent homes.

The point I am coming to is this: We know statistically that children who come from two parent homes, particularly young males and adolescent males, are at far less risk of misbehaviour and violent behaviour.

I want to make sure that those people who are watching this debate on television do not think I am coming at this from a holier than thou approach. I am not. I am making a statement of fact. The statement of fact is that even if parents divorce, they do not divorce their children.

As a society we must ensure when parents regrettably divorce, that custody does not go to one or the other. They do not stop being parents. There is no magical dissolution of parenthood; it is a dissolution of the marriage. The laws we promulgate have to promote joint custody. They should not promote disassociation. For the Parliamentary Secretary to the Minister of Justice to suggest that there is no link between access to children and maintenance and the continuity of maintenance is so patently absurd that it defies reality. How anyone proposing to represent the government of our country could make such an absurd statement so devoid of reality is mind boggling.

• (1650)

On a more positive note we should be doing something that was suggested at a recent town hall meeting on the Divorce Act which was attended by around 200 people in my constituency of Edmonton Southwest. Perhaps we should be putting far more emphasis on reconciliation. This was the overriding positive theme which came out of that town hall meeting.

We should understand the importance of a two parent home. Even when divorce is the unfortunate final decision in a case of marital unhappiness, we must protect and nurture the child. We do that best by not severing the cord between the mother, father and child.

Through reconciliation and perhaps by carrying reconciliation a step further, we should deal with divorce in a unified family court situation. Rather than involving the adversarial nature of lawyers, one trying to outdo the other, I propose a better idea, although it is not a specific part of this amendment and I appreciate the indulgence of members for allowing me to continue with this thought.

Would we not be better off as a society if we used arbitration in a unified family court as the basis of family law? The purpose would be to deal with this kind of relationship. This involves so many different aspects of law, of contract law and of God knows what comes to the table. We are dealing with people who are at times mad, at times hurt, at times vengeful, at times just brokenhearted. We are dealing with people at a time of marital distress, at a most difficult point in their lives. When people are in this terrible situation, that is the time to bring in mediation. That is the time to bring in arbitration. It is the time potentially to bring reconciliation to the fore.

These suggestions have come from a wide range of people including those people who counsel others who are going through divorce. I recognize it is impossible to legislate common sense. We cannot legislate people to have a sense of responsibility for the children they bring into the world but we can develop the attitude. We can develop the culture that says if their marriage is going to break down and they are going to divorce, they cannot absolve themselves of the responsibility they have as parents to nurture their children. No matter how bad the relationship is between the spouses, the children are the innocent victims. The children have to be accorded the decency of both parents being concerned first for their welfare and then for their own.

I am thankful for the opportunity to put these thoughts into *Hansard* as part of the record of this debate. I cannot think of any single debate that has taken place in this House in the time I have been here that is more important to the future of our nation. I cannot think of anything that is more important to us as a

community of human beings than nurturing the future generations of our country as embodied by our children and their children.

Too often much of what we do here is concerned with the past in that we have our eyes firmly fixed behind us with our feet in the cement of whatever is going on today. We need to look beyond today into tomorrow and we have to do that through the eyes of our children and our grandchildren.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, we must understand what the impact of the Reform Party motion would be. I will not repeat the arguments offered by my colleague, the member for Québec, because she did a very good job of presenting the nuts and bolts of this amendment compared to Bill C-41 in its present form.

• (1655)

However, I would like to give further explanations, so that everybody, including members from the other side, will understand quite well what this is all about. Personally, I would have gone much further than the minister. The person who does his best to avoid paying child support has not earned the right to a further 30 day extension.

I have children for whom I pay daily. I think one should assume one's responsibilities. The father or mother, because the payer can be either one, the person who has to pay child support and who does not should not get any sympathy from the government. Personally, I have no sympathy whatsoever for those people.

Bill C-41 proposes a complete system under which the government can take action. The minister responsible must submit a request, there is a complete process. We must understand the context of what persistent arrears means, under Bill C-41. We find the definition in clause 62, which describes what it means to be in ''persistent arrears''.

What does it mean? According to the legislation, that expression refers to a debtor who has, in respect of a support order or support provision, arrears in any amount due to the failure to make payments for any three payment periods—depending on the order, a period can be a week, a month, two months or six months—or one who has accumulated arrears of $3,000 or more.

Let me give you a very precise example. Let us say the man is paying support. Following a ruling, he must give his child or children the sum of $500 a month. According to C-41, the judgment takes effect on January 1st, 1997. He pays child support in the amount of $500 on January 1st, 1997. In the month of February, he does not pay. In the month of March, he does not pay. In the month of April, he pays $500. Until now, the provisions of the law do not apply because this does not amount to three consecutive periods or a total of $3,000 in non-payments.

He continues. In the month of May, he does not pay. In the month of June, he does not pay. In the month of July, he decides to pay. In such a case, it takes exactly nine months to reach $3,000 in arrears. For nine months, the husband will apply pressure, how could I say, he will annoy his spouse. I think that is the best and the most explicit term. But who suffers? It is the children.

It takes nine months to arrive at the total of $3,000 in unpaid child support. What does Bill C-41 provide for after nine months? It provides that the minister will send the debtor a notice informing him that he is $3,000 in arrears. In law, there is a very clear principle saying that ignorance of the law is no excuse. It is even truer that no one is supposed to ignore a court judgment or order.

The debtor does not pay on purpose and the government will send him a notice informing him that he has not paid child support for X number of months, for a total of $3,000, according to the example I gave. He is given an extra extension of 10 days before the minister files an application to withhold certain licences or freeze certain applications for licences the debtor has made to the federal government. And he is given another 30 day extension.

• (1700)

So, after about 10 to 11 months, sanctions are applied to the debtor. Between you and me, I think this is very permissive. Personally, I would not have given 30 days to this repeat deadbeat father, who does it on purpose.

However, Bill C-41 gives him these 30 days after a 10 day advance notice. We, of the Bloc Quebecois, decided, after examining all this, that we would not put forward an amendment on that. We will accept this approach the government has taken.

You will understand that I do not agree with the motion put forward by the Reform Party to give him 50 days instead of 30. That is 50 days after the 10 days, so that, in the example I gave, it is not after 11 months that sanctions are applied to the debtor, but after 12 months, after one year. The person receiving child support, the $3,000, has been waiting 12 months for it.

You will understand that Motion No. 14 put forward by the Reform Parti is unacceptable to the Bloc Quebecois, and that is why we will vote against it.

[*English*]

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 14. 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: The recorded division on the motion stands deferred.

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 15

That Bill C-41, in Clause 22, be amended by replacing line 6 on page 21 with the following:

''deemed to have been received by a debtor twenty''

He said: Mr. Speaker, it has been a long day. It is a pleasure to rise to speak to the last amendment we put forward to endeavour to improve Bill C-41.

This amendment, like Motion No. 14, or Group No. 4, serves to extend the period of time. The existing clause found on page 21 of the bill states:

(5) A notice referred to in subsection (3) is deemed to have been received by a debtor ten days after it is sent to the debtor.

What we would like to see done with Motion No. 15 is to extend that period from 10 days to 20. It is a relatively simple amendment that would allow for sufficient time to be reasonably assured that the individual in question has time to respond. That is the point of trying to extend that period of time.

Earlier the hon. parliamentary secretary said that a number of our amendments were put forward in the interest of delaying the passage of the bill or to delay the implementation of the guidelines or to delay certain sections of the bill.

I can assure members that is not the case, as I have stated on numerous occasions today. The thrust of why we are bringing forward this number of amendments to this piece of legislation is in the honest hope of improving it and making it work better. I do not see how any of these amendments that the Reform has proposed today will delay the bill or delay certain sections of it or indeed delay the guidelines.

● (1705)

With regard to the Reform amendment that would have the guidelines come back to the House, perhaps it would delay that portion for a certain period of time. I think it is in the best interests of Canadians to ensure that the House or the standing committee have the chance to view the guidelines rather than simply have it shuffled through cabinet and foisted on the Canadian people as a done deal. It is always a concern of opposition parties.

When the Liberals were in opposition in the previous Parliament they spoke out against this type of manoeuvring by a majority government. It did not allow the opposition parties the option or the chance to truly represent their constituents both in the House of Commons and in committee where they would be allowed to put forward some suggestions or at least voice the concerns of certain groups, individuals and constituents who would approach the opposition parties with concerns about the guidelines in question.

If these amendments pass when we vote there may be a minor delay with that process being put in place. It is in the best interests of Canadians to ensure their views can be heard and are represented by their duly elected members of Parliament. After all, that is the whole point of why we are here, to represent their views.

If we are not given an opportunity to view the guidelines and raise concerns, then why do we have Parliament existing as it does today? Is the whole thrust the government seems intent to operate with orders in council and just have the cabinet make those types of decisions as it has on a number of bills? Over the past three years Reform has consistently spoken out against that because we do not believe that is the way a truly democratic government should be operating.

When those people over there were on this side of the House in the 34th Parliament we saw some terrific indignation that the Tories were ramming through legislation, guidelines and regulations with orders in council. Now that the Liberals are ensconced—temporarily I might add—on the other side of the House, they are doing exactly the same thing that they criticised the Conservatives for.

It is no wonder as we travel across the country and throughout our ridings we hear ''Liberal-Tory, same old story''. That chant has been picked up from coast to coast because people are seeing the reality that there is no difference between not only the policies of those two old parties but the way in which they operate as governments as well.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, in short, we are against this amendment because the presumption is that if the debtor says he did not receive the provincial notice, the 30 days the province must wait before submitting the licence denial application to the federal government will start 10 days after the date the notice was actually sent. This just gives the debtor more time. There is really no reason to extend this period by another 10 days.

Mail is no longer delivered on horseback. That is why we oppose this motion.

• (1710)

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I will be very brief since this supports what I said earlier. I gave the example of Reform Motion No. 14, which adds 30 days to the period proposed by the government. This would give a defaulting debtor up to 11 months, plus Reform's 30 days, for a total of 12 months. I am somewhat taken aback by the fact that even this is not enough for the Reform Party.

I do not know what Reform's goal is in favouring defaulting debtors, but it gives 10 days more than the period specified in the notice. According to the legislator, the purpose of the 10-day period provided in Bill C-41 after the notice is sent to the debtor is to prove it has been received. The Reform motion provides for a 20-day period. It gives another 10 days.

Given the reasons I mentioned earlier, I personally would not give a defaulting debtor a single day. After nine months, he must know he owes at least $3,000 in unpaid child support. In any case, his wife and children probably called to remind him to send his cheque for $500, so there is no reason to give him more time. For all these reasons, all members of the Bloc Quebecois will vote against this motion.

[*English*]

Mr. Kirkby: Mr. Speaker, I believe you will find unanimous consent—

The Deputy Speaker: The hon. member and I discussed this matter and I think we agreed that we would wait until we have finished dealing with Group No. 5 and then he will make his point of order then.

Does the hon. parliamentary secretary wish to speak to Motion No. 15?

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Briefly, Mr. Speaker, with respect to Motion No. 15, again this amendment is brought forward for the purpose of extending a time period. As I have indicated on previous occasion with respect to a number of amendments that have been brought forward by the Reform Party, it seems that many of these amendments are designed to delay or put off the remedies which are contained in the bill.

It is our view that we must put in timeframes that are consistent with other provisions within other acts, that is to say, to have time periods which reflect the norm for service, for notice and the like rather than extending them and simply inordinately delaying the remedies that are available to the custodial spouse and children.

We should not support this motion because we need to ensure that delays are not inordinate.

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 15. 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: The recorded division on the motion stands deferred.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I believe you will find unanimous consent, after having consulted with the other parties, to introduce the following motion.

I move:

That Bill C-41, in clause 5(2), be amended by replacing lines 13 to 15 on page 8 with ''judgment or a written agreement respecting the financial obligations of''.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, we will give our consent to this motion, while deploring the fact that the hon. member introduced it at the very last minute, claiming this was an oversight, that it should have been presented in committee.

• (1715)

While we would have liked to subject the proposal made by the hon. member to a comprehensive analysis, among other things, we will nonetheless give our consent.

[*English*]

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, we will give unanimous consent to allow the government this procedure as well. However, like my hon. colleague from the Bloc Quebecois, I do not see the need for this type of shenanigans from the government. If this is how seriously it takes its own legislation, it only points to the reason why Canada is in the shape that it is today.

[*Translation*]

The Deputy Speaker: The House has heard the terms of the motion. The House has also given unanimous consent to this motion. I must point out to my hon. colleagues that this is a debatable motion.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is a pleasure to speak briefly on this amendment, and not on the approach per se, whereby we examine a motion introduced by the government at the very last minute, as the hon.

member for Québec indicated. On the whole, this is an amendment that does not affect the substance of the clause in any real way.

Where I am concerned however is when the parliamentary secretary brings in a motion under such circumstances, claiming this was an oversight on the part of the government. If that is so, how many more oversights have they made in this bill? As far as we in the Bloc Quebecois are concerned, the five or six motions we have put forward also addressed oversights. Why did they not act on these motions?

It is disturbing when the Liberal Party, the overly self-confident governing party that puts forward just about anything and refuses to see reason, because of its arrogance, on very important points made by the official opposition, through its parliamentary secretary, tables a motion in this House at the very last minute, claiming it was an oversight. I think this is an unforgivable oversight, one that we in the Bloc Quebecois cannot forgive, because we are convinced that there are more oversights in this bill and some more striking than those raised today in motions put forward by Bloc members, which the government chose to ignore.

We in the official opposition are quite worried about this government's administration. Bill C-41 is a very important bill in that it affects the future of our children, including children of Quebec, an emerging nation.

[*English*]

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, while the hon. member from the Bloc was making his intervention just now, a couple of my colleagues were bantering back and forth across the House with the hon. parliamentary secretary. They asked him what exactly this 11th hour amendment does to this bill. He said that it does not do anything.

One has to wonder, if it does not do anything, why bother bringing it in and having to run around in the opposition lobby at the last possible moment and approach both the Bloc and Reform to try to get unanimous consent to put it. If the Liberals have an 11th hour amendment it should do something very compelling and comprehensive, instead of bringing forward something that clearly is so inconsequential that it makes one wonder why it was brought forward at all.

To sum up Bill C-41 today, the subject of divorce, support payments, maintenance payments, custody and access to children is of interest to all Canadians.

• (1720)

I have three children and as a parent I cannot foresee anything as horrendous as losing access to my children. For many non-custodial parents the reality is that the de-parenting process of divorce is the same as if the child or the children have died. Every member, regardless of which side of the House they are on, will appreciate that if they are a parent.

I believe this issue has not been adequately dealt with by the government. As I said earlier, it has chosen to deal with one small portion of it.

I would argue with the parliamentary secretary when he said that these issues are not linked. All of these issues are linked together. We cannot possibly tell parents, custodial and non-custodial alike, that we can deal with one section and ignore the rest. That is simply not the case. We must bring forward serious amendments and serious legislation to deal with the subjects of mediation, custody and access to children. That has to be done. Canadians from coast to coast are asking the government to do that.

We have a commitment from the justice minister and the Liberal government that they will bring in comprehensive legislation to deal with all of those issues, but we have yet to see that happen.

Mr. Kirkby: Mr. Speaker, I wish to thank very sincerely members of the two parties opposite for agreeing to the motion and for the grace with which they done that. With respect to the Reform Party, all I can say is that it is not that the amendment does not do anything, it is that its members probably would not understand the amendment if I explained it to them.

In any event, the purpose of the bill is to enhance maintenance for children. We appreciate, once again, the co-operation of the opposition parties in bringing this amendment forward.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I have one question for the parliamentary secretary.

The Deputy Speaker: No questions are permitted at this time unless members wish to give their unanimous consent.

Some hon. members: Agreed.

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, I have a very brief comment that I would like to make.

The parliamentary secretary said that he would not give an explanation why this is necessary because the Reform Party would not understand it. The arrogance displayed by that is unconscionable. The people of Canada deserve an explanation. There has to be something on the record to explain why at the 11th hour the government introduced an amendment without any explanation of why it is necessary. That has to be on the record. Otherwise, why should we approve it?

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I would also like to say that I was insulted by the parliamentary secretary. He asked us for unanimous consent. We have been listening to him all day talking about his position on Reform amendments. He said

that we were trying to slow down the process, that it would be detrimental to the administration of justice and so on.

The amendments which we put before the House were serious, well thought out amendments, which we felt would help improve the bill. That is the spirit in which we enter debate in this House. Then, at the very last minute, as my colleague for Yorkton—Melville said, the Liberals asked for our permission to introduce an amendment. The Liberals knew the bill was being debated in the House. They followed it all the way through committee. It is now back here. We have done our homework and then we get this insult that I would even dare to say is unparliamentary in the terms in which it was presented.

• (1725)

Therefore, I would request a retraction from the parliamentary secretary for insulting the Reform Party by saying that we would not understand his amendment. I felt it was totally unparliamentary and disgraceful.

The Deputy Speaker: The Chair has been put in a very difficult position because a member cannot speak twice to an amendment. In light of what has been said, I wonder if there would be unanimous consent to give the parliamentary secretary the right to explain the purposes of the amendment?

Some hon. members: Agreed.

Mr. Williams: Mr. Speaker, I do not have a problem with giving the parliamentary secretary unanimous consent to explain his motion if at the same time he will withdraw the accusation that he levelled at the Reform Party.

Mr. Kirkby: Mr. Speaker, if I said anything unparliamentary, I withdraw it.

The Deputy Speaker: I understand from comments in the House that there will not be unanimous consent to let the parliamentary secretary speak twice on the bill so he can explain his amendment.

Mrs. Gagnon (Québec): No. No.

The Deputy Speaker: Very well. The question is on the amendment. All those in favour of the amendment will please say yea.

Some hon. members: Yea.

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

Some hon. members: Nay.

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

Some hon. members: On division.

[*Translation*]

(Amendment agreed to.)

The Deputy Speaker: The House will now proceed to the taking of the deferred divisions at the report stage of the bill.

Call in the members.

[*English*]

[*And the bells having rung:*]

The Deputy Speaker: The chief government whip has requested that the vote be deferred until tomorrow at 5.30 p.m.

* * *

• (1730)

[*Translation*]

HUMAN REPRODUCTIVE AND GENETIC TECHNOLOGIES ACT

The House resumed from October 31, 1996 consideration of the motion that Bill C-47, an act respecting human reproductive technologies and commercial transactions relating to human reproduction, be read the second time and referred to a committee.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, Bill C-37, an act respecting human reproductive technologies and commercial transactions relating to human reproduction, is very important.

This bill has been the subject of research and studies which seemed, in a way, to go on forever because for many years women in Canada, in Quebec, have been asking for government action. Unfortunately, the only government that can act in this matter in this country we still are part of is the federal government, because the issue is under federal jurisdiction, matters of life and death, as we know, being under federal jurisdiction.

The very first reaction of the federal government was to create the Baird Commission in 1989. This commission generated some controversy, and so did the fate of some of its conclusions. Its mandate was to review current and anticipated scientific and medical progress regarding reproductive technologies, their repercussions on health and research, as well as their moral, social, economic and legal consequences. The commission also gave the general public an opportunity to recommend policies and safety measures.

Obviously, this was a mandate whose scope was very wide. After four years of review, after hearing 40,000 witnesses, and after spending $28 million, the Baird commission finally tabled its report in November 1993. It must be pointed out that the commission's main conclusions and recommendations were essentially the same as those of other similar bodies abroad.

Let me say from the outset that some of these recommendations went way beyond the initial mandate, which was already very wide in scope, and dealt with issues as varied as the effect of tobacco and drug use, health and safety in the workplace, and family law. In

short, the commission also made recommendations in areas that come under the exclusive jurisdiction of the provinces, namely those relating to health.

The Liberal government, elected on October 25, 1993, was slow to react. By contrast, the minute the Bloc arrived in this House, it repeatedly asked, first through its critic on health and the status of women and then its critic responsible for this specific issue, the tabling of a bill to criminalize certain practices relating to new reproductive technologies, NRTs.

● (1735)

It was not until July 1995 that the Liberals finally took concrete action. However, it was not the measure hoped for, far from it. Indeed, after all this time, the Liberals asked the professionals concerned to comply with a voluntary moratorium that more or less prohibited the use of certain reproductive technologies.

Here are some of these prohibitions: preconception contracts under which a woman is paid to act as a surrogate mother; the sale or purchase of human ova, sperm or embryos; choosing the sex of the child without medical justification; providing free in vitro insemination in exchange for ova from women who cannot afford this service, and so on.

Declaring a voluntary moratorium means that the people and the professionals who did not care about the moral, scientific or largely human aspects of these acts kept doing them. Needless to say, all the groups that had long been clamouring for action in the area have been greatly disappointed and have made it known to the government.

Last January, the government announced the creation of a temporary advisory committee with a mandate to monitor the enforcement of the voluntary moratorium. Can we imagine a policy as flexible or that corresponds so little to what we call a policy? In other words, the government wanted to look like it was doing something whereas in fact it was doing nothing.

A lot of information found in everyday life confirmed that nothing was happening. Whether it was advertisements published in all sorts of ways, and we refer here to the example of advertisements placed in university student newspapers offering to buy ova from young women on behalf of infertile couples, or the fact that institutions keep paying sperm donors, and I could go on. This voluntary moratorium certainly did not change conditions in this regard.

The federal government finally tabled a bill on June 14, 1996. This bill is the one I am addressing today. It bears the number C-47. Once again, the government is planning to act in two steps. First, it wants to pass this Bill C-47, which prohibits certain acts, with the intent of criminalizing them, and I will get back to that. The bill would also provide for a subsequent step: regulations that would be enforced by a national agency whose action we now already feel is not only disturbing but warrants criticism.

Let us talk about Bill C-47, which proposes to criminalize certain action. I will say right away that we are not really talking about criminalization.

● (1740)

If this were an amendment to the Criminal Code, the implementation would be left to the provinces. But that is not what is happening right now. The government is setting up a policy that would criminalize certain arrangements through a separate act which will be enforced by a national agency responsible for the monitoring and enforcing the act. That would be part of a second phase.

This situation is totally unacceptable. We are now in the first phase. We—and I say we meaning women—in Quebec are calling for action in this area because it is not under Quebec's jurisdiction, even though, ultimately, it is Quebec that will be enforcing the act. In this situation, not only is criminalization counterproductive, but we are also quite sure that this new national agency that would control and monitor new reproductive technologies would only be one more jurisdictional encroachment, one more case of duplication with what has already been done by the Quebec government and its health department, which is the agency that should be enforcing this act.

This new federal agency would have to get the resources to be able to deliver licenses, inspect clinics, monitor the enforcement of regulations, and oversee the development of new reproductive technologies—not in itself a trivial scientific undertaking—and give advice to the federal department in this matter.

Do they have any notion of what setting up of such an agency implies? To what end? Take licensing for example. I am just going down the list. As I said before, we have to see what it entails for such an agency to deliver licences, inspect clinics and enforce regulations.

Again, the activities that will be prohibited and criminalized, but not through the regular means, that is not pursuant to the Criminal Code, would include in-vitro fertilization, insemination by a donor, the use of foetal tissue, the preservation, manipulation and donation of ova, sperm and human embryos, research on embryos, pre-implantation diagnostic, and postmenopausal pregnancy. The proposed agency would also set up a data bank on donors and children of donors in order to allow future meetings in certain special cases.

When you think about creating an agency responsible for issuing licences, inspecting clinics, enforcing regulations and also for monitoring scientific developments and advising the minister, you are thinking about something big, very big, that would revamp and reorganize the health assessment systems, instead of integrating

into the assessment and monitoring systems the dimensions we have been criticizing for some time now.

• (1745)

We want some kind of instrument that would let us say: ''This procedure is prohibited''. We want to be able to prohibit these procedures wherever they are performed, in hospitals, in research centres. But for that we need the only instrument the federal government can give us, prohibitions.

However, the federal government had delayed prohibiting and criminalizing such procedures. What would it rather do? It wants to supersede and take the place of the whole health network, the women's network and the conference of health ministers.

This is totally unacceptable and at some level even outrageous. We know how many cuts were made in the Canada social transfer payments, particularly in health care. The federal government has taken means away from the provinces, in particular from Quebec, and now it wants to establish this big national agency to do what would be better done by others who are asking for an instrument that the federal government has been reluctant to give.

The Bloc has repeatedly asked the federal government to do something. And now, three years after a commission finally made recommendations in 1993, we are still studying a bill, which will not solve problems but create new ones.

In every other field, it is said that the players must speak to each other. It is said that one must be efficient and synergistic. But in this field of reproduction, which is most important for the human race, for Quebec and for Canada, which touches upon the very nature of the human being, we cannot act without creating this costly, inefficient, slow and inadequate national agency.

The federal government did not amend the Criminal Code as it should have, and the only action it takes is to try to dictate to the provinces after cutting their Canada social transfer payments. This is enough reason to be furious, because it is an important matter. There are scientists with dubious motives who clone human beings using semen that young people sell to be able to eat. This is a fact, not a bad movie.

It seems to me that in this case the inaction of the central government is tantamount to carelessness. This debate clearly concerns our future and values and it is disturbing to see that instead of deciding in its jurisdiction and providing instruments, the government wants to dictate to the provinces.

• (1750)

It will not even let the provinces do their work as is usually the case with the Criminal Code. Bill C-47 and the inaction of the central government on this dramatic question of new reproductive technologies is a perfect example of the aberration of the Canadian federalism.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I have been listening attentively to the hon. member's remarks. I would like to make some comments and then pose a question. The hon. member of the Bloc speaks passionately and asks the question: ''Has this been thoroughly thought out?''

The government's plan for managing new reproductive and genetic technologies is based not on some kind of whim. It has not drawn something out of the air and created legislation. Its plan is based on extensive research and consultations with the Royal Commission on New Reproductive Technologies and the examination of management practices in other countries around the world. Most important, the government has also consulted with no less than 50 stakeholder groups following the release of the royal commission's report on what direction should be taken.

This is something very big, says the hon. member for the Bloc. Yes, it will be. She questions the federal government's role. She called it ''intervening''. Her concern for parties talking together, as she put it, is being addressed by the federal government.

Given the complexity of these issues, it is inevitable that there will be differences of opinion among the many stakeholder groups involved in these issues. The medical profession will have an opportunity to present its views when Bill C-47 goes before the Standing Committee on Health.

The hon. member for the Bloc says she and her party are angry with the federal government's role in this area. However, let us remind the Bloc that it was her party that demanded not amendments to the Criminal Code but initially demanded legislation. The member cannot deny this. On October 7, 1994 the member for Laval Centre called for the government to table a bill to regulate practices connected with new reproductive technologies. As late as June 5, 1996 the member for Drummond said: ''This area is in urgent need of legislation''. It is legislation Bloc members want, not amendments to the Criminal Code, so it is legislation we produce.

This legislation will have its detractors but they are welcome to come before the Standing Committee on Health. They are welcome to make their presentations and views.

The parliamentary secretary for health and myself are cognizant of the fact that we do not have all the answers. That is why we have a committee system and why we invite members of the Bloc, the Reform and the public at large to come before the committee. The government wants them to examine this bill thoroughly and give their input to ensure its objectives, which are to protect the health and safety of Canadians, to ensure the appropriate use of human reproductive materials outside the body and to protect the dignity

and security of all persons, especially, I say to the hon. member for the Bloc, women and children, are reached.

[*Translation*]

Mrs. Lalonde: Mr. Speaker, there is something I do not understand. I would like the hon. member to tell me how he thinks we can change the Criminal Code other than through legislation.

• (1755)

Members on this side of the House are not that stupid, as my colleague says. When we called for legislation, we were calling for the government to take action. Why did we ask him to take action here in Ottawa, instead of doing something in Quebec? Because the Criminal Code is a federal statute, and because a good federal government should take responsibility for what comes under its jurisdiction. Yes, legislation was required. I think my hon. colleague will agree that the only way to amend the Criminal Code is through legislation. Honestly!

Second, what he did not tell me was why, now that the central government is finally deigning to do its job, it does not occur to it that it must do what it is its job to do, that is make amendments. The provinces, which have jurisdiction over health, will then use this instrument. Subsidiarity is all very interesting, but it seems to me that in this case the government does its job under the Constitution and lets the provinces do their job.

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, listening to the hon. member for Mercier, one can see that she has gotten a reaction from the other side, the government side. When there is that kind of reaction, it is because there is some uncertainty as to what is being advanced.

As a member of the Standing Committee on Health, I am pleased to speak during this debate on the new reproductive technologies, and the commercial operations—I must call them for what they are—commercial operations relating to human reproduction.

Before going any further, I would like to call attention to the work of the two official opposition critics who have spoken out in turn against the Liberal government in this matter. I refer, of course, to the work of the present critic, the hon. member for Drummond, and that of the hon. member for Laval-Centre. Since our arrival here, this has been a part of the debate in the House of Commons.

Let us recall what the hon. member for Mercier has already mentioned: that this amendment to the Criminal Code has been wished for and called for since 1977. There was the Baird Commission, created in 1989. The commission members produced four years worth of studies, deliberations and reports. Perhaps we ought to point out that there were some little problems within this commission, some resignations by commission members. It was pretty costly, I will not say very costly, but pretty costly, at $28 million.

Mind you, the commission heard 40,000 witnesses; there are not a lot of precedents for this. No provincial government, at least none in Quebec, has ever heard so many witnesses. They heard many, many people. The commission eventually delivered close to 300 recommendations and finally, in the fall of 1993, a huge, 1,435-page report.

Two years passed between 1993 and July 1995. The fall of 1993 coincided with the election of the Liberal Party, which now forms the government. During those two years, nothing much happened. Some statements were made but nothing of any consequence happened. In the summer of 1995, there was this so-called voluntary moratorium. A voluntary moratorium.

• (1800)

When a problem is as important as this one, the word ''voluntary'' raises a number of questions.

In fact, a number of questions were raised in the House, and two ministers provided a response. To illustrate what the hon. member for Mercier just mentioned, for a while, it was the Minister of Justice who answered the questions. We know that at the time, the Minister of Justice considered amending the Criminal Code. Opposition members like the hon. member for Drummond and the hon. member for Laval-Centre were in favour of this kind of intervention. They were in favour of a bill that would amend the Criminal Code.

Unfortunately, that did not happen. The government took a different approach, and it was the Minister of Health who introduced the present bill which is legislative in nature but, in addition, creates a federal agency, and I may recall the proceedings of the committee and the debate around these proceedings.

We in the opposition are aware of the importance of the problems affected by this bill. So much so that we wanted a bill that would amend the Criminal Code. We agree there were a lot of problems with this bill. It is a bill that could be very complex because the problems are complex. The bill touches on ethical, moral, medical and scientific considerations. Many other areas are affected by this bill, but there is also the whole question of the problems of infertile couples who want children.

This issue is not trivial; it is extremely important. In spite of a voluntary moratorium, we were still seeing ads in papers, mostly university papers, promoting trading in ova and sperm and dealing with every aspect of human reproduction, which shows that this voluntary moratorium did not work. This is why we, in the opposition, want to see the Criminal Code amended.

When reviewing a bill, each member has his or her way of assessing things. For my part, I always try to answer the following five questions: Does the bill clarify matters? I will answer this later. Second, is the bill all encompassing? Does it cover all the issues? When you first look at a bill with only 13 clauses and a few pages, you might wonder, on a primary level, if it is all encompassing. I will get back to this later.

Third, will this bill be effective? Because a bill which is not effective and is unenforceable is nothing more than wishful thinking. I must certainly ask myself this question.

Fourth, does this bill respect jurisdictions? I will say more on this later. I point out that, under the Constitution, health is an area of exclusive provincial jurisdiction.

Fifth, does the bill respect individual rights? We have a charter of rights and freedoms. It is former Prime Minister Trudeau who developed it and enshrined it in the Constitution. This question must be asked from this perspective.

I will try to answer all five questions.

First, does it clarify matters?

• (1805)

No. On some aspects, yes, on some others, no.

First, let us look at the definitions. Earlier, I did more research in addition to the research I had done previously by looking in the two dictionaries available to us. Some people we consulted, for example, the physicians tell us that some definitions correspond, that they are correct. Others tell us that the definitions used present a problem.

When, at the start of a bill, the definitions are problematic in terms of medical research, of medicine or of sciences, there is a slight problem. This means that it is not very clear.

Another striking problem is the inconsistency between the French and the English titles. In one language, it is called ''manipulation génétique'', in the other, genetic technologies. ''Manipulation'', technologies, in the case of such a crucial subject, I wonder if particular attention should not be paid to those terms. Of course, as members of the Standing Committee on Health, we shall be in a position to ask questions and suggest some clarifications at the proper time. This is not a trivial issue.

Also, there is no distinction made between assisted reproduction and fundamental research. Those are two different things. The first one refers to care and treatment, the second one to medical research in genetics. Those are two distinct areas and to treat them without distinction is dangerous.

Another question is: Is this bill complete? After so much study and so many pages of committee reports, we would think that it should be complete, but it is not because, first, it leaves a lot of room to rules and, second, it also leaves a lot of room for interpretation by the new federal agency that will be created of new rules.

Bill C-47 is an incomplete legislation that is far from meeting the expectations raised by the government. Even in the information paper, the government tried to set limits and protect health.

On page 48 of this document, we see that the government intends to start the third and most complex phase of its plan to manage new reproductive technologies, that is, the development of regulations. This clearly indicates that the biggest part remains to be done, because the 13 clauses of the present bill are not enough to give it its full dimensions.

I have here a letter from the Canadian Fertility and Andrology Society, which wrote to all members of the Standing Committee on Health, to say:

> If this bill is approved without any amendment, it will have very bad consequences for medical and scientific communities—

I can understand its point. It concluded that: ''—this legislation did not receive all the consideration that is usually given to bills as important as this one''.

When a bill is said to be complete, one should feel that opinions have been heard from every angle. I will stop here.

Is the bill in question effective? We answer no. If the government had wanted this bill to be effective, as the hon. member for Mercier said earlier, as the hon. member for Drummond asked for many times, this bill would have had to change the Criminal Code.

This is not what it does. It purports to create an agency and leaves a lot of room for interpretation and for regulations that will elude this House and the legislators.

The bill also brings other legislation that is parallel to the Criminal Code, that is being added to the rest.

• (1810)

Already, it is not simple for the federal government and the provinces to operate together in this country, especially in sometimes shared, sometimes exclusive jurisdictions. The federal government is adding a new dimension, another agency to further complicate things.

We realize the trend is always the same. We saw it in the motions put forward by the hon. member for Mississauga-South today and on many occasions. Essentially, what we feel is a willingness to centralize the federal authority. Speaking about jurisdictions, this perpetuates a federal interference in an area belonging to Quebec and the provinces.

The announced creation of a national agency is unacceptable. Yet another agency. Recently, an agency was created to inspect food. We are talking about all areas. Every time the government has legislated in the past three years, its first reaction was to intervene through national standards or guidelines or, more subtly,

through a federal agency responsible for implementing the rules set by a minister. It does not always do so, but it very often does.

This agency could take advantage of the rather vague provisions and definitions in the bill to extend its activities to areas other than new reproductive technologies. This supposedly independent agency would in fact have to comply with the standards set by the Minister of Health.

Fifth, there are individual rights. In an article published in *Le Devoir*, Josée Legault raised some questions:

> In this context, would it not be preferable to better monitor current practices instead of taking the risk of making them impractical, if not criminal?

She asked this question. It is not necessarily our opinion, but it is an opinion that must be heard.

She went on to say:

> In addition, the first time an infertile woman or couple is fined or sued, Ottawa may well find itself trapped in its own charter of rights.

We on this side of the House are not sure this review was done properly. What Josée Legault says is her own opinion.

In any case, it is about time the Liberal government legislated in this area, although we would have preferred that it do so by amending the Criminal Code. We do not understand why this is not the case and we are very disappointed. This bill, which the Standing Orders prevent me from showing you, is quite thin, only 13 clauses for such an important, multidimensional problem in terms of values.

I do not know if my female colleagues in the official opposition would allow me to use this phrase, but I will take the risk; I feel that, as far as the new reproductive technologies are concerned, the elephant has just given birth to a mouse.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour 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 yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

Pursuant to Standing Order 76(8), the recorded division on the question stands deferred until tomorrow at 5.30 p.m.

* * *

● (1815)

[*English*]

FISHERIES ACT

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.) moved that Bill C-62, an act respecting fisheries, be read the second time and referred to a committee.

He said: Mr. Speaker, in rising to lead off the debate on a completely contemporary and thoroughly new fisheries act, I cannot help but start by reflecting on how profoundly all Canadians have come to appreciate the importance of the issues facing our nation's fishing communities.

[*Translation*]

When I was first elected to the House of Commons eight years ago, those families who depended on the seas for their livelihood clearly understood the major challenges facing our stocks and fleets.

[*English*]

In just a few years, however, the challenges facing Canada's coastal communities have gripped the attention of citizens right across the country. Those of us who come from the communities that dot our coastlines are grateful for the empathy and the collective commitment shown by all Canadians in dealing firmly with foreign overfishing and to rebuilding an essential resource.

It is fair to say that as a nation we have come to realize the need for our fisheries to be economically viable, environmentally sustainable and efficiently managed. There is broad agreement on the outlines of what a viable, sustainable and efficiently managed fishery would look like.

It would include independent, professional owner-operators and employees, men and women who would make a good living year in and year out. It would include economically healthy communities along the country's coastlines. It would include a flexible, versatile and self-reliant industry, largely self-regulating and operating without subsidies.

These are the straightforward principles on which we must build a renewed fishery. These are the values that will allow our fishing communities to flourish in the next century.

This government has articulated its commitment to the pursuit of the economy, environmentalism and efficiency. This government has also pledged to carve out a role for constituents to have a greater say in the policies that affect them. These are in line with our red book objectives.

In proposing a modern fisheries act to Parliament, I would like to build upon these themes and this policy of participation by talking about the equality and the equally vital and related themes of freedom, flexibility, frugality and fairness.

Freedom for individuals and communities to have more say over decisions affecting their lives. Freedom for fishers to become the authors of their own destiny. Freedom from outdated regulations and from plain overregulation.

Flexibility through more self-regulation and local sanction guidelines. Flexibility to form new partnering agreements on research and on methods to achieve conservation objectives. Flexibility to use local knowledge and experience to address local problems. Flexibility through providing expert, local, administrative tribunals for the Atlantic and the Pacific fisheries.

Frugality by having the federal government focus on core responsibilities. Frugality through consolidation of statutes and through caution in setting fish harvesting levels. Frugality through the removal of overlap and duplication. Frugality by cutting cost and complexity.

Fairness in finding the balance between meeting the needs of our generation and the needs of future generations. Fairness in ensuring that everyone plays by the rules. Fairness through an open, decision making process. Fairness in ensuring that all stakeholders have a seat at the decision making table.

The new fisheries act will provide more freedom, offer more flexibility, emphasize more frugality and ensure more fairness. That is why the government is proposing this legislation.

The simple fact is that we have not had a comprehensive overhaul of the fisheries act since 1868 in the days of Queen Victoria. The world has changed dramatically since Canada was one year old.

In 1868 Canadians did not have to worry about the fisheries issues on the Grand Banks since my home province was not then a part of Confederation. Our ancestors did not have to consider the Pacific salmon fishery since British Columbia was not part of Canada in those days.

● (1820)

In 1996 we must adapt to the modern notions of citizens' rights and responsibilities. We must adapt to new wisdom about the importance of sustainable development and about the power of technology. We must adapt to the reality of linking the harvesting capacity to the resources available to be harvested. We must create ways to develop newly emerging species such as skate, monkfish and non-traditional crab species. We must meet the challenges of fiscal realities, federal, provincial and territorial realities and the reality that our natural resources are not inexhaustible as they once may have seemed.

We must create opportunities for tapping the knowledge and the skills and the hopes of all sectors of the Canadian fishing industry. We must guarantee that we will meet global challenges through the development of a professional fishery. We must guarantee that we will meet our stewardship responsibility through effective measures to protect fish habitat.

[*Translation*]

We must simplify, streamline and reinforce the Fisheries Act in order to sustain and strengthen coastal communities and build sustainable fisheries that will see us through this century and the ones to come.

[*English*]

The bill before the House of Commons proposes a new partnering approach to fisheries management, a new system of sanctions, a streamlining of regulations and rules, improved habitat protection and the creation of a single legislative framework for all fishing on coastal and adjacent waters.

I am particularly enthusiastic about this bill because it will allow the Minister of Fisheries and Oceans, whomever he or she may be, to enter into legally binding, long term partnering agreements with commercial licence holders, aboriginal organizations, the recreational fishing sector and other organizations representing the voices of the Canadian fishing industry. Time and time again we have been told to get out of the day to day management of fisheries. Industries large and small have told us they do not need to be led by the hand and that they are ready, indeed eager to row their own boat.

We have listened and we are ready to put in place fisheries management agreements that will provide tangible benefits for the industry's men and women by sharing responsibility with them. The very people who are affected by fisheries and by the management decisions will have a direct say in making those decisions. The fact that these partnering agreements can be valid over the long term will enable fishers and their fishing communities to plan for and to achieve longer term stability. By establishing formal partnering agreements we create this stability.

We also create a level playing field in which everyone is aware of the rules which govern the management of the resource. At present there is far too much of a gold rush mentality in the fishing industry. When all members of a group are involved in making decisions they can stop the beggar thy neighbour mentality which sees people rushing to beat their competitors before a season ends or a quota is reached.

Right now the federal government is micro managing decisions that are best made locally. Clearly the Government of Canada must retain ultimate responsibility for conservation and the proper management of the resource base in so far as those matters affect the national interest, fiduciary rights, international obligation and the preservation of a biologically sustainable resource. We have retained this capacity, make no mistake.

Partnering is not about privatization. Rather it is an opportunity for representative organizations and the industry to have a direct voice in fisheries management, developing ways to manage the fishery more efficiently and providing a more stable climate for long term business planning. It is a process that is open to all sectors of the industry, be they rich or poor, large or small. Fisheries associations too may participate in these agreements where individual fishers are satisfied that they represent their interests.

Partnering will allow the Department of Fisheries and Oceans to concentrate its core responsibilities related to setting policies for fisheries conservation and protection of the resource. I do not pretend that partnering will end all the ups and downs of the fishing industry, but it will be able to ease some of the cyclical pressures. It can permit greater consistency of approach and greater consistency of income. The proof of course is in the pudding.

I am seeking authority from Parliament to enter into long term partnering because of the very real success we have achieved through the limited number of current, short term co-management agreements. These agreements are precursors to partnering. They are not the sweetheart secret deals that some of our friends in the House and elsewhere would make them out to be. They are voluntary public agreements open to all fishers who opt to enter into them in a specific area in relation to a particular stock of fish. In fact this legislation would allow a much more open process with input from a wide range of participants. Let me provide a few concrete examples of how I have seen a better process in effect.

In the snow crab fishery area in Cape Breton, Nova Scotia, fishers have collectively and in a calculated and businesslike manner based on their own experience, judgment, expertise and local knowledge entered into a multi-year co-management agreement. As part of this agreement they have collectively consented to share access to the valuable resource with additional fishers. In short they have decided to become co-managers in setting conservation and management objectives and in sharing the results of those decisions.

Likewise on the Pacific coast fishers in the prawn trap fishery in British Columbia have collectively agreed to limit the number of traps used in their fishery. This decision was taken as a result of a marked increase in the number of traps being used and the recognition that this resulted in a market glut and declining prices while failing to meet conservation objectives.

It is this type of collective work and accountability that I want to build on. It is accountability based on an acknowledgement that given the opportunity, fishers such as those in Nova Scotia and British Columbia will make good and responsible decisions.

Quite frankly though, short term projects do not give the long term assurances that are required for the sound investment of money, commitment to stewardship of the resource and the dedication to self-monitoring. That is why I encourage Parliament to establish the legal basis for long term partnering in passing this bill in due course.

Let me be clear that while partnering makes eminent sense, there is opposition out there. Some think that I am going to give away my constitutionally protected conservation authority. I can assure the House and anybody who wants to talk that way that I am not delegating my statutory responsibility to any private sector group.

The same principles of flexibility, freedom, frugality and fairness are the foundations of this act. Whether we are talking about sanctions to deal with illegal fishing, whether we are talking about tribunals to deal more expeditiously with problems that occur, whether we are talking about fisheries management orders, they are based on those principles.

As the House of Commons commences study on this bill, our challenge is to keep focused on securing an economically strong fishing industry, an ecologically sustainable fishery and an efficient and effective federal law.

As this bill goes through second reading and proceeds to study by the Standing Committee on Fisheries and Oceans, I hope hon. members will help me to make this an even stronger law. Members of the standing committee have made a commitment to give this bill the thorough review complete with the public hearings it deserves. I support them in that task and look forward to hearing their views and through them the views of the stakeholders and all those involved in the industry.

In bringing this bill to Parliament, the government has attempted to meet those ends based upon the shared Canadian values of freedom, flexibility, frugality and fairness. I look forward with all members of the House I am sure to moving this legislation forward guided by those very same principles that have always anchored our real success in Parliament and in our country.

[*Translation*]

The Deputy Speaker: Does the House agree to call it 6.30 p.m.?

Some hon. members: Agreed.

[*English*]

The Deputy Speaker: The House is adjourned until tomorrow at 10 a.m.

(The House adjourned at 6.29 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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