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OFFICIAL REPORT  
(HANSARD)

**Monday, November 17, 1997**

**Speaker: The Honourable Gilbert Parent**

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## HOUSE OF COMMONS

Monday, November 17, 1997

The House met at 11 a.m.

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*Prayers*

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### PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

#### INCOME TAX ACT

**Mr. Jake E. Hoepfner (Portage—Lisgar, Ref.)** moved that Bill C-223, an act to amend the Income Tax Act (deduction of interest on mortgage loans), be read the second time and referred to committee.

He said: Madam Speaker, it is a real pleasure to rise in the House today to address my private members' bill, C-223.

This bill will be supported by a lot of industries right across Canada. I have had contacts from the housing industry and the banking industry, saying that this bill or this type of Income Tax Act change is long overdue.

This bill will make it more feasible for young families to own a home. When we look at the importance of families to a nation, we see that they are the basic building block of a strong nation. We want a good solid family, a family that has some encouragement and desire to put equity into a home or shelter.

We often forget that these young families will be dealing with a taxation burden never before seen in Canadian history. Look at the \$600 billion of debt which is going to be put on their shoulders in the next century, a debt which they will have to service. The way the government has been going the last three and a half or four years will add another \$100 billion to that. We know we have to do something for these young families so that they will have an incentive to continue to pay taxes. Otherwise I think they will feel like giving up and saying "why should I even try to get equity because it is all going to be taxed away from me before I have the interest or the ability to own a home".

I designed this bill so that it would not be an incentive for home owners to upgrade their dwelling or be favourable to the higher

income families. I felt it should address the lower income families, the people who have really been behind the eight ball, giving them a level playing field when it comes to home ownership.

If we look back through history, no matter what happened in the thirties, the twenties and the fifties, home ownership was always something that set the tone for the economy of that decade. When people could afford to buy homes, we had a stronger economy. This is something that was really devastating in the thirties when homes were being vacated and people were moving to lower cost abodes. The country suffered for it. The number of homes built during the last decade was stagnant. A year or two ago home ownership picked up. When I did some research it astounded me that in 1993 there were 350,000 exchanges of home ownership. They were either people who were upgrading to better homes or people who could afford new homes. Out of that 350,000 changes in home ownership 50,000 were new homes. We know there were 50,000 new home owners in 1993. That is when things started looking a little brighter because government was trying to get the deficit under control and people had a little more confidence in the economy.

• (1110)

When we turn that into dollars and cents, it is quite amazing what that does to an economy with 50,000 new homes, plus the furnishings that are put into them, plus the landscaping and whatever that goes with a new home which provides a lot of jobs. That is what this country needs: jobs and the ability to afford to own a home.

This bill also gives these new home owners an incentive to apply their equity which can be used in their retirement. When they have a home to sell when they get to that age where they do not want to take care of it or they are forced into senior housing developments, they at least have some equity to back them up which today is a big problem for a lot of seniors who have never owned a home and have always lived in rental apartments. They find it hard to pay for accommodation later on.

That is another benefit in this bill. It will give people the opportunity to acquire equity that they can in their senior years use as a retirement fund.

For people who have been buying homes lately, who took the gamble because they thought the economy was turning up, I have

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proposed that this bill, if passed, will be applicable to first time home owners who bought their homes after December 31, 1994. Therefore, there is the opportunity for people who took the chance and went out on a limb because they were allowed to use 5% of their RRSPs to invest in a home, to secure their investment by being able to deduct the interest from the time that the bill is passed.

There was a complaint from a number of people who asked why first time home owners should get this tax break when people who rent out their units do not get a tax break. I was astounded when I researched the Income Tax Act to see what kind of tax breaks rental owners do get. There is a lengthy list which I will not take the time to explain in full but for example, any rental investor who owns a rental unit can declare the property taxes as an expense. They can include the insurance on their rental property, maintenance and repairs, heat, light and water, advertising, interest on the money borrowed, as I am proposing in this bill for first time home owners.

We can see that it is really not a level playing field for the home owners at this time.

People who have rental units can even include automobile expenses that they use for servicing the property, advertising and commissions paid to obtain tenants. All these things are tax deductible.

That is why home ownership does not always sound feasible because the rental units can be rented at a fair cost compared to servicing the costs of a home. One needs extra wealth and income to own one's home. The bill, for the first time, would give lower income homeowners a more level playing field even if it is not totally level.

• (1115)

I looked at some legislation passed in the U.S. in the 1940s when all mortgage interest became a taxable expense. We are about 50 years behind in our income tax compared to the U.S. There are certain changes in its program I would not want to have in the Income Tax Act, but the U.S. did not look at the issue of how much revenue government was losing. It looked at the issue of how much more money was put into the economy. When taxes are saved they are invested somewhere else, which was behind the idea of writing that into its income tax act.

I found an article written by Hugh Segal. I do not always like what he says. A lot of people have heard him. We must give credit where credit is due. I thought he made some good comments. This is what he said:

Why should the tax system encourage one activity and discourage the other? Why is the family home a target? Why is it less important than an office, a warehouse or a piece of machinery?

That was the way I looked at it. The home is a basic place of shelter, the place where we raise our families with certain moral character, where we try to teach them what is good for the country, what will be ahead of them, what they will have to do and what their responsibilities will be when they become adults. I thought that was a pretty good argument.

In 1979 the Conservatives introduced a bill very similar to this one. However the government of that day did not last very long, only six months, and the bill died on the order paper.

**An hon. member:** That was too long anyway.

**Mr. Jake E. Hoepfner:** We can debate that argument when we are dealing with some other bill. The government would probably agree with that statement so we will not get into that debate.

Then he went on to say:

Middle income Canadians would also experience an increase in disposable and discretionary income. There would be an easier transition from renting to owning and the family home would for once be the beneficiary of an enlightened tax policy as opposed to the victim.

That is the way I have looked at it. Why should a home be taxed? It is fundamental if one wants to raise a family as a unit. It is a lot better to raise a family under those conditions.

Another point struck me when I read the article by Mr. Segal. Many first time homeowners would also like to go into private business. They may have the intelligence to be an entrepreneur or to develop things. This tax break would let them either save money for some future rainy day, education purposes for their families or to start a small business. If they had a small equity or some money they could put into a small business, that is probably the direction they would take. It is pretty well every family's desire to have a business in the home. We know what that would do for job creation.

It is interesting to see all the benefits. The Toronto-Dominion Bank was referred to in an article in the *Winnipeg Free Press*. I even got some coverage in a paper that really does not want to give Reform too much coverage. There was an article indicating that my bill would help first time home buyers. It made me feel pretty good I got that attention. This is what the article said:

On a typical 25 year mortgage at 6.35% first time home buyers could claim some \$1,700 on their income tax, according to Diane Olivier of the Toronto-Dominion Bank.

• (1120)

Some \$1,700 of extra income is quite a bit to a young family starting up or to first time homeowners. It is super. I did not do the mathematics, but I think the bank has the ability and the research people to put those figures together. The article continued:

"Some people can be scared off by the costs of purchasing a first house" said Rischuk Park Realty owner Rusty Rischuk. The proposed amendment would make Winnipeggers more confident that they can afford a home. I think it is wonderful.

That is from another sector of the economy. People can have confidence in a certain idea or in something that gives them an opportunity to invest. Referring to last summer when the stock market was booming and interest rates were coming down, the article said:

Nearly 60% of the city's homes sold from January to September were bought by first time home buyers.

We know what that does to the building trade, the furniture trade or any business tied to manufacturing these homes.

**An hon. member:** It is a job creation effort.

**Mr. Jake E. Hoepfner:** It is job creation, very true. In addition, it said:

A record high 25,000 Winnipeg renters could afford to purchase a home.

This was an added incentive. It really surprised me this was an impact of the bill. It would increase Winnipeg's job opportunities or the building trade by 25,000 homes. That is quite impressive.

I hope my colleagues on both sides of the House will see the bill as something non-political that will encourage and give our young people the opportunity to invest, to have a home and to build up equity that in future years can be turned over for their retirement or for senior housing.

The bill also refers to co-op housing. If people buy a condominium or an apartment in a co-op housing project they will be eligible under the bill as living in individual dwellings.

The bill is very well designed. It will not reduce government revenue. Rather it will probably increase revenue and be positive for the economy, not negative as some people presume.

This opportunity has provided me with quite a bit of publicity in the papers. My delight in this regard is that it shows Reform has good ideas. People who have never voted Reform say this is a bill thought out by a Reformer that helps everybody, the whole country, not just Liberals, Conservatives, Bloc members or Reformers.

If the House cannot see the light of day on that and support the bill, it will be very discouraging to keep on working. What are we working for? We are working for the country. We are trying to build the country.

We are trying to set up an economy for the 21st century that will be positive, that will give our young people something to dream about, and that will tell our young people we in this generation look after them. We will try to support them in carrying the huge tax burden because of the debt load and other mistakes made by past governments.

When we look at the past mistakes we cannot say it was just the government that made these mistakes. We as individuals, as constituents, allowed it to happen. It should have never happened.

### *Private Members' Business*

We were complacent. We did not pay attention so the problem is there.

• (1125 )

I will just wind up in my remaining minute by saying that I am asking for the support of my colleagues in the House. If there are some amendments that improve the bill, I will not object to them. I hope the bill will do something for young people to encourage them to keep on building the country as did our pioneer forefathers.

**Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.):** Madam Speaker, Bill C-223 proposes to introduce an income tax deduction with respect to the mortgage interest paid on the first \$100,000 of a mortgage loan by individuals purchasing a first home after 1994.

The intent and spirit of the bill is quite laudable, but I would like to make a couple of points with respect to the current Income Tax Act and then move on to some of the other issues this proposal brings forward.

The Income Tax Act presently does not allow for the deductibility of mortgage interest on principal residences. However, capital gains on the sale of a principal residence are not taxable to the owner either. If mortgage interest rates were deductible, capital gains should be made taxable.

The measure, if limited to first time home buyers at maturity, would cost about \$3 billion per year. Limiting the interest deduction to first time home buyers may be somewhat difficult. The proposal would create some significant differences in the tax treatment of qualifying homeowners and would be quite difficult to defend. If mortgage interest deductions were then extended to all homeowners the annual revenue cost would be approximately \$6 billion. Admittedly, if the principal residence were subject to capital gains, the revenue decline would be somewhat less.

A taxpayer's choice of accommodation, owning versus renting, is a personal choice. The hon. member attempted to make the distinction between renters and owners and provided an example of those who own rental units rather than those who live in rental units. He is quite correct. Those who own rental units are entitled to write off property taxes, insurance, heat, light, et cetera. It is a business activity. Those who rent units do not carry on a business.

Let us go back to the point that a choice of accommodation is normally a personal decision and the costs associated with it are personal expenses. The tax system does not allow deductions and credits for personal expenses. Accordingly principal residences are not treated as investments for tax purposes. The mortgage interest paid on a principal residence is not deductible. The capital gains on the sale of a principal residence is also non-taxable to the homeowner.

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The proposed deduction would also be inequitable to taxpayers without a mortgage. Again it is unwarranted because capital gains in principal residences are non-taxable.

Let us look at the present case. First time home buyers already receive tax assistance under the home buyers plan. Under the plan, first time home buyers are allowed to borrow money from the RRSPs without having to include the amount as income.

This proposal would see the deductibility resulting in a net transfer to homeowners with mortgages from other taxpayers who would have either to pay higher taxes or would receive reduced services to finance the deductibility.

In the spirit of reallocation, to which I am sure the Reform Party is quite committed, if there is an expenditure the money has to come from somewhere. It does not come from the sky. There would be an increase in income taxes or a reallocation from income taxes or reduced services. The Reform Party often makes that point. I would just like to make sure that it understands the point.

Furthermore, benefits would not be fairly distributed between groups of taxpayers. Benefits would be earned disproportionately by higher income earners who are more likely to have larger mortgages. Less than 15% of the benefits under the proposal would accrue to families with less than \$50,000 in income.

Quite clearly the proposal would create significant differences in the tax treatment of homeowners, identical in every respect except the timing of their home purchase. For example, a first time home buyer would be able to deduct up to \$6,000 assuming an annual interest rate of 6% on a \$100,000 mortgage annually, while the neighbour carrying an identical mortgage would be denied a deduction because either the residence was not his or her first home or the residence was purchased before the effective date.

• (1130)

The success of the government's work, its deficit reduction strategy which Canadians have been quite supportive, has meant lower interest rates which have reduced the costs of home ownership. One year mortgage rates have declined by more than 400 basis points since January 1995. This has provided savings greater than \$3,000 in terms of lower annual mortgage payments for a \$100,000 mortgage.

I have respect for the hon. member, for his intent with this bill and for the hard work he put into drafting and researching it. All members of this House are quite clearly interested in strengthening the economy, in ensuring our economy continues to grow and that our young people are able to participate. Quite frankly, the expenditure of \$3 billion that is strictly targeted to first time home buyers or, as another hon. member mentioned, an expenditure of

\$6 billion annually across the board would result in some reallocation of services or an increase in taxes in order to maintain a balanced budget, in order to maintain the level of services Canadians expect.

Although the spirit of this bill is one that every member of this House would clearly support, the technical challenges that this bill faces and the requirement—

**An hon. member:** It's too simple.

**Mr. Tony Valeri:** It is not too simple. It is quite difficult to defend the legislation when one neighbour is able to deduct \$6,000 in interest payments and because the other neighbour's home was purchased prior to 1994 and was not a first time purchase, that neighbour would be unable to claim that deduction.

**An hon. member:** Are you going to pay back all the debt you have created?

**Mr. Tony Valeri:** Madam Speaker, we hear heckling from the other side but I am trying to bring some context to the discussion.

At this point the bill is not affordable when we are talking about \$3 billion or \$6 billion of expenditure. It is not necessary from the perspective that the housing industry in this country has continued to soar over this last little while with interest rates being maintained in a certain range. We foresee the housing industry continuing to grow. In essence we feel the bill is unnecessary at this time. A bigger reason is the equity of the bill. We could not discriminate against those Canadians who because they purchased their homes prior to 1994 would be unable to deduct the interest. If we were to extend this proposal to every homeowner it would be a \$6 billion expenditure at a time when we have not yet balanced the budget. Yet we are starting to see these types of proposal coming forward calling for all kinds of expenditure.

As a government we are committed to ensuring we bring forward and support the fiscal policies we have brought forward over the last number of years. We want to ensure a balanced budget. We will ensure that any expenditure of this government is done through a reallocation. We will ensure fairness and equity for all Canadians.

While I urge every member of this House to agree that the intent of the bill is quite laudable, I must ask every member of this House not to support the measure. It is not affordable, necessary or equitable.

• (1135)

[*Translation*]

**Mr. Odina Desrochers (Lotbinière, BQ):** Madam Speaker, the bill tabled by the hon. member for Portage—Lisgar meets an urgent need to revitalize the construction sector. It also represents an

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interesting way of helping future first-time home buyers by giving them a tax break on the first \$100,000.

As we know, the interest on a mortgage costs the average homeowner a bundle, and this is true throughout the country, including in Quebec. Often the interest on a mortgage prevents young families from buying a home. It is therefore time for the federal government to take concrete action to encourage the housing industry, an important lever in the Canadian, Quebec and regional economies.

Interest rates are now within the reach of most people. It is therefore appropriate that the government bring in legislation to encourage young families to buy homes more suited to their needs. If the government were to go ahead with certain tax measures, it could thus lighten the financial burden on future homeowners.

The Reform member from Manitoba mentions that he would like to see tax deductions for future home buyers. The Bloc Québécois has some doubts about the Reform Party's intentions.

This deduction, which would be based on individual income, would help the richer members of society, and once again put the less well off at a serious disadvantage. Here again, we recognize the Reform philosophy lurking behind this bill: protect those with higher incomes and forget about the poorer members of society.

It does not surprise anyone that the Reform Party thinks along these lines, because this clearly right leaning party has frequently had its own contribution to make to the social nightmare created by the Liberals since they came to power in October 1993.

I will, if I may, refresh my colleagues' memory concerning the tax measures that have done great harm to our social climate: unemployment insurance reform, and cuts in provincial transfer payments that have created problems in health services, social programs and education.

What have Reformers done about these destructive Liberal policies? I can think of nothing.

The recent Speech from the Throne and the economic statement by the Minister of Finance show no signs of relief for the less privileged in society, and there again Reform members remain silent. We can get an idea in fact of the Reform Party's social conscience when we look at their position in the current debate on the greenhouse effect throughout Canada. The Reform Party acts as if there were only one province involved in this matter and neglects to propose a comprehensive solution to this global problem.

Let us come back to the bill itself. Although its first objective is to improve the social climate, the Bloc Québécois has serious concerns about the provisions proposed by the Reform Party to

amend the Income Tax Act. We believe these proposals will do nothing to meet the real needs of future home buyers.

In its own income tax policy, the Bloc Québécois is very clear on the issue of tax deductions versus tax credits. In its policy statement, it makes the following distinctions, which I would like now to examine with you.

There is a difference between a tax credit and a tax deduction. Tax expenditures can take the form of tax deductions or tax credits. Tax deductions are taken into account in the calculation of the taxpayer's net income. They are factored in before the amount of tax payable is determined and they therefore reduce the taxpayer's taxable income. They allow him to benefit from tax savings. These can vary according to the tax rate for that income bracket. Tax deductions are regressive, because the higher the taxable revenue, the higher the savings. In the present system, the higher the tax rates, the greater the tax savings provided by tax deductions.

On the other hand, tax credits are subtracted from the amount of tax payable. They are used to determine the net amount of tax payable. Tax credits are neutral. Tax savings through tax credits are the same for every taxpayer, whatever his or her taxable income.

• (1140)

Let us take the example of three incomes: one less than \$29,590, one in the range between \$29,590 and \$59,180 and one more than \$59,180. For each \$1,000, a taxpayer with an income of less than \$29,590 would benefit from an identical tax saving, whether in the form of a tax deduction or a tax credit.

A taxpayer with a taxable income in the \$29,590 to \$59,180 range would save \$260 in taxes if he takes advantage of a tax deduction, whereas he would receive only \$170 in the form of a tax credit for each \$1,000.

A taxpayer with an income in excess of \$59,180 would save \$290 in tax if he was entitled to a tax deduction, whereas he would receive only \$170 in the form of a tax credit.

It can be seen, then, that federal assistance to individuals via a tax deduction can vary enormously according to the individual's taxable income. A person earning less than \$30,000 would receive \$170 in assistance per \$1,000 of tax deduction, while one earning \$60,000 receives \$290 in assistance for the same deduction.

The better off therefore receive \$120 more in assistance per \$1,000 in deduction, when their tax savings are compared to those of people with a taxable income of less than \$29,590. There is, therefore, a flagrant injustice.

Our party therefore approves of the principle set out in Bill C-223, but we intend to call for a major amendment. We would like

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to see the proposed tax deductions changed to tax credits, which would, in our opinion, be fairer for all those affected by this bill.

[English]

**Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP):** Madam Speaker, I am happy to rise to speak to Bill C-223 moved by the member for Portage—Lisgar which sets out to provide mortgage interest tax reliefs to first time home buyers, up to a maximum of \$100,000.

It is important that we all recognize the importance of encouraging home ownership. We know that not only a house but a home is an important part of how we provide a good start for our kids and for our families in general. We all share in the concern and the concept that we need to do everything we can to encourage home ownership.

The question is how we go about doing this, in a fair, equitable and affordable way. It is not surprising that the Reform Party would take an issue of some complexity and present a simplistic and unworkable solution to it.

The Reform Party constantly sees complex things as simple. In fact, it consider everything to be simple. Some things are not quite as simple as they appear. Some things require more sophisticated responses than that put forward.

We need to ensure that families can find affordable and good quality homes. The question is how to do that. We know that over the years one of the main disincentives, especially to young families trying to afford homes, has been a high interest rate policy. We now find this reduced. Consequently one of the pressures on home ownership has been reduced.

Let us talk about what this bill does or perhaps what it does not do. First, it does not recognize regional disparities across the country. A \$100,000 home in one part of the country may be a mansion whereas in another part of the country may not be much of a house at all. Why treat those who in one part of the country can buy a huge home for \$100,000 the same as those who cannot find a very large place in a more expensive community? To treat different circumstances the same way is simplistic and simply will not work.

• (1145)

What about the way in which the bill works? The Reform Party would like to suggest that this is not terribly expensive, that it will encourage growth in the home building market. No doubt it will. We need to cost these issues out. As the parliamentary secretary indicated, this measure would cost \$3 billion a year.

As he indicated, and even the Reform Party must know, that money has to come from somewhere. It would come from taxes paid by those who are not covered by this benefit, and I suppose those who are covered by the benefit might have to pay taxes on other things in order to make up that \$3 billion difference, or a

reduction in services provided to society as a whole through government programs.

That is money provided then by those who do not benefit from this particular provision. I ask why is it fair, why is it acceptable, why is it desirable to have those who cannot afford to have a home subsidize those who can. When was that fair? When was that acceptable? It is clearly simplistic, but when was it acceptable?

What would happen if mortgage rates increased? That is not beyond the realm of possibility. Then the cost would increase even further.

The point has been made that there is no horizontal equity here. What about the person who bought a house some time before 1994 who is struggling to keep that home together and provide a good family life for their children? They will not benefit from this program, even though they may live right next door to somebody who will. One family will benefit to the extent perhaps of \$6,000, \$7,000 or \$8,000 a year in mortgage payment tax credits, tax reductions or tax expenses, whereas the family next door will not. That seems to me to be not only patently unfair but patently absurd as well.

We have a situation which is not fair across groups. It is not fair across families in similar circumstances and it represents a significant tax break to some Canadians who are rather better off than others. We have to ask where would that money come from and how much is involved.

The member who proposed the bill mentioned the United States situation. Some mention has been made of capital gains on principal residences in the United States as a part of that total tax package. I wonder whether the Reform Party through this bill is suggesting that indeed we should have capital gains taxes on principal residences because I am sure Canadians would be interested to learn that.

It is important to recognize the validity of encouraging home ownership. We need to do that, but we need to do it in a fair, equitable and relatively inexpensive way. This bill is an expensive and unfair way and as a result I think will not see the light of day.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Madam Speaker, I am pleased to rise today in support of Bill C-223 and commend my colleague, the member for Portage—Lisgar, for his foresight in introducing such a bill. I think it is worthy of debate and certainly worthy of the Liberal side to examine this whole issue of tax relief on mortgage interest.

I again would like to thank the member for Portage—Lisgar for introducing the bill. It is certainly open for broader reference too, not only for first time home buyers but also for everyone who may own a home.

Since this is my first formal speech in the House, Madam Speaker, during this 36th Parliament, I would like to take this opportunity to congratulate you on your appointment and also the Speaker of the House on his election to the chair. I have a great deal



of regard for both the Speaker's position, the Chair, and the office. I can assure you that you will have my full co-operation and respect throughout this Parliament.

I would like to thank too my constituents for once again placing their faith in me. I am extremely grateful for the trust they have given to me. I want to assure them publicly that I will represent their viewpoints and wishes as best I can. I will certainly keep them uppermost in my mind as I carry out my duties here in the House.

• (1150)

Canadians have recently suffered through what I would call a terrible recession when we look at the unemployment rates sitting around the double digits over the last little while and now just a little below 10%, 9% approximately. However, the most devastating aspect of all is youth unemployment which is in the neighbourhood of 17%. That is not acceptable.

We as parliamentarians should all be doing everything possible to change that and drive this economy with every means possible to make sure our young people, the future of our country, are working and feel positive about what this country has to offer them in the future. Unfortunately many of them do not feel that their future is all that bright.

Besides the unemployed there are the under employed. Hundreds of thousands of working individuals are under employed. They are barely getting by and most of the time on two incomes and still barely scraping by. I think it is time for the government to take some urgent action to ensure that all Canadians enjoy the rich potential of this country.

As far as I am concerned, this private member's bill is a step in the right direction. Taken in a broad context, if everyone were to be given that relief, it would certainly be a real boon to the economy when one thinks about how many dollars are going to be thrown back into the economy. A dollar in the hands of an employer, an employee or a consumer is much better handled than a dollar in the hands of any bureaucrat, any government official or any parliamentarian.

As the House knows, this bill would provide for the deduction of interest paid by a taxpayer on the first \$100,000 of the mortgage on his or her first home. This bill has several advantages which the government would be hard pressed to deny. I would just like to list some of those advantages.

First is a considerably lower tax burden on Canadian families. The member who introduced the bill certainly mentioned families a lot in his presentation. It is very important to recognize the strengthening of the family, the desire that they not be subject to someone else's whims in a way like rental or leasing property but they would actually be able to own their own home.

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Second, it would make home ownership accessible to more Canadians. I had a chance to speak to people in the United States who have the advantage of this deduction. It offers them more amenities. One can actually buy a piece of property and be able to afford a few more items that they would not normally be able to afford because of that particular deduction.

Third, it would level the playing field between Canada and the United States. It would make Canada's tax regime more competitive.

People in this country are crying out for tax relief and yet it is falling on deaf ears. Those who are able to do something about it are not doing anything about it. In fact, they are taxaholics on that side. There is no question about that. Taxaholic is a term that our finance critic issued toward the finance minister and I think it is quite acceptable because every time there is a dollar loose somewhere it has to be grabbed. They have to grab as many dollars as they can from those hard working people out there across the country. I do not think that is acceptable especially when it is clear that the people in this country are fed up with taxes. They want relief.

• (1155)

Going on to some of the advantages, again it would increase equity between home owners with mortgages who must pay interest charges with after tax money and those without mortgages.

Most important, here is where my colleague from the NDP falls short. This money placed into the hands of the individual would actually stimulate the economy and create jobs. There is the key to this whole affair.

It is not the tax dollars that have to be replaced. Those tax dollars will not be replaced just by the mere fact that people out there have more money in their pockets and they will do something much more beneficial with it which will generate revenue into the coffers of any government. That is a well known fact.

This government spends precious little time doing anything that would support Canadian families in that regard. This bill would allow the Liberals to have something concrete to demonstrate that their grandiose rhetoric has a bit of substance. There is a dreadful lack of substance opposite.

Owning a home is of great importance to families. Unfortunately it is becoming increasingly difficult for many Canadian families to realize their dreams and own their own homes.

Bill C-223 would give many lower income Canadians that extra bit of cash necessary to allow them to afford that dream. It gives that extra little bit of room. It would give first time home owners the breathing room necessary for them to pay down their other debts, to set aside moneys for saving or to spend more on their families and their needs in that regard.

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How can the government possibly object to allowing Canadians the opportunity to spend more of their hard earned dollars on their families? I do not think when it comes right down to it that it can legitimately object, although I listened to the parliamentary secretary who made it very clear that it is not acceptable.

Accessibility to home ownership is particularly important to our young Canadians. They need a break and they have been hit especially hard by tough economic times. They suffer from higher unemployment rates on average and they report a terrible rate of under employment.

Again, I know the parliamentary secretary spoke about the shortfall in the tax system, but it is not acceptable. I think many of these adjustments can be made incrementally but unfortunately the Liberal side is not even willing to entertain some of those very significant changes in the tax structure to offer some relief.

Our generation of young people is the first in Canadian history who will likely not enjoy the economic benefits that this generation has, our parents have. If we are not careful, home ownership will be another example.

I can relate what policies like this have done to other countries but I know I do not have enough time to really get into it. It is unfortunate because I think this is a very key issue.

I can only urge the Liberals to recognize a good idea when they see it. They have a habit of stealing good ideas and I think this is one they could steal. I hope in the end they will support Bill C-223.

**Mr. John Maloney (Erie—Lincoln, Lib.):** Mr. Speaker, in the short time we have left I would like to make a few remarks on this bill.

This private member's bill proposes to introduce an income tax deduction for interest payments for first time home buyers on the first \$100,000 of a mortgage loan where the residence was purchased in 1995 or later.

The intent behind this proposal is certainly laudable. The intent is to make it easier for young Canadians to finance the purchase of their first home. However, we should not allow our sympathy in this regard to interfere with what I consider a sound judgment.

I put it to you, Mr. Speaker, and to my friends opposite that it is possible to laud the intent of an idea without supporting the idea itself. This proposal, despite its worthy aims, has flaws.

Let me begin by noting that the Income Tax Act already provides generous incentives for the prospective home buyer. The capital gains from the sale of a principal residence are not taxable to the home owner. In addition, the home buyers plan allows first time home buyers to withdraw up to \$20,000 from registered retirement savings plans to use toward the purchase of a principal residence.

These withdrawals are not subject to tax as long as the money is returned to the plan within a period of 15 years.

● (1200)

Another consideration crucial to sound tax policy is that taxpayers be treated fairly. This proposal would confer significant tax benefits upon Canadians purchasing a first home in 1995 or later. This proposal, however, would confer nothing upon Canadians who are renting or who purchased a first home in an earlier year. This proposal would also confer nothing upon young Canadians moving into another residence because their family is growing or because a change of employment requires them to move to another location.

I would find it difficult explaining to these taxpayers why they are not as deserving of tax relief as others.

The taxpayer's choice of accommodation is really a personal decision and the costs associated with it are personal expenses. The Canadian income tax system in general does not allow deductions or credits for personal expenses, and properly so. Personal expenses reflect to a great extent the pace and income levels of individuals. It is not fair for taxpayers at large to subsidize the personal expenditures of others.

Should this proposal be adopted, non-homeowners would find themselves subsidizing the home purchasing decisions of others.

The change proposed by the member of Parliament for Portage—Lisgar would primarily benefit higher income Canadians. Approximately 50% of families with over \$80,000 of income have mortgages in Canada today. Compare this with only 10% of families with incomes under \$30,000.

The great majority of benefits under the proposal would naturally accrue to higher income earners who are more likely to have larger mortgages. The result would be an increased taxation of all Canadians to pay for the accommodation of the more fortunate. I do not find this prospect a pleasing one.

I also feel this proposal would be sending out the wrong message by providing an incentive to enter into debt and maintain indebtedness. A rational homeowner benefiting from a tax deduction for mortgage interest would see little need to pay down the outstanding principal. By encouraging Canadians to carry larger mortgages for longer periods of time, we would be discouraging saving and financial independence. Surely, this is not the lesson we wish to pass on to young members of our society.

Finally, we come to the issue of cost. The Department of Finance estimates that the federal revenue loss associated with this proposal could reach \$150 million in the year of introduction. Moreover, the cost would escalate in future years as more and more home buyers enter the market. Under a mature system the cost to the federal government could exceed \$3 billion annually. If deductibility were extended to all homeowners, the cost would reach \$6 billion

annually. The provinces would also experience a substantial reduction in revenues. This is a very hefty price tag by any standard.

I also wish to emphasize that the lower interest rates resulting from the government's deficit reduction strategy have significantly reduced the cost of home ownership. One year mortgage rates today have declined by more than 400 basis points since January 1995, providing savings greater than \$3,000 in terms of lower annual mortgage payments for a \$100,000 mortgage.

In conclusion, I am sure that those present here today would join me in improving the spirit of this proposal. I would urge, however, that this spirit not sweep them along into supporting a measure that is not affordable, necessary or fair.

**The Deputy Speaker:** Order. The time provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

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## GOVERNMENT ORDERS

[*Translation*]

### AMENDMENT TO THE CONSTITUTION OF CANADA (QUEBEC)

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

WHEREAS the Government of Quebec has indicated that it intends to establish French and English linguistic school boards in Quebec;

AND WHEREAS the National Assembly of Quebec has passed a resolution authorizing an amendment to the Constitution of Canada;

AND WHEREAS the National Assembly of Quebec has reaffirmed the established rights of the English-speaking community of Quebec, specifically the right, in accordance with the law of Quebec, of members of that community to have their children receive their instruction in English language educational facilities that are under the management and control of that community and are financed through public funds;

AND WHEREAS section 23 of the Canadian Charter of Rights and Freedoms guarantees to citizens throughout Canada rights to minority language instruction and minority language educational facilities under the management and control of linguistic minorities and provided out of public funds;

AND WHEREAS section 43 of the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

### *Government Orders*

NOW THEREFORE the House of Commons resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

#### SCHEDULE

#### AMENDMENT TO THE CONSTITUTION OF CANADA CONSTITUTION ACT, 1867.

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

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

#### CITATION

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

He said: “Mr. Speaker, on April 15, 1997, the Quebec National Assembly voted unanimously in favour of a resolution to amend the constitution and exempt Quebec from the application of paragraphs (1) to (4) of section 93 of the Constitution Act, 1867.

This amendment would essentially put an end to the educational rights and privileges enjoyed by that province's Catholics and Protestants. It would mean that Quebec could reorganize its school board system along linguistic rather than denominational lines.

On October 1, the government tabled in the House of Commons and in the Senate a resolution to amend the Constitution similar to that put forward by Quebec. However, before proceeding with the debate, the government wanted to clarify the issue and allow interested groups to be heard. This is why we decided to task a joint Senate and House of Commons committee with examining the various aspects of the proposed resolution.

• (1205)

[*English*]

The committee thus held public consultations during which about 60 groups and individuals were heard. In the report it submitted on November 7, it recommended that both Houses of Parliament adopt the resolution to amend section 93 of the Constitution Act, 1867, as tabled in the House of Commons on October 1, 1997, and in the Senate on October 9.

[*Translation*]

Before I go any further, I would like to congratulate the committee members on the exemplary work they have done. Because of their efforts, it has been possible for many citizens and groups who so wished to express their points of view. It has also been possible for parliamentarians to examine this highly complex issue from all angles.

I urge the House to follow the committee's recommendation and support the resolution to amend the constitution.

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Since parliamentarians have had an opportunity to consult the committee's report, I will merely go over the main points, with particular emphasis on the concerns identified by committee members and possible responses to those concerns.

First, there is the issue of the amending formula. In its report, the committee began by looking at the applicable amendment procedure. Backed by legal advice, the Government of Canada held that section 93 could be amended bilaterally, in accordance with section 43 of the Constitution Act, 1982.

Most of the experts on constitutional law that the committee heard confirmed the government's position. As stated in the committee report, "these experts maintained that the amendment requested affects only the province of Quebec, and they therefore concluded that the procedure involved could only be bilateral and required only a resolution by the Quebec National Assembly, the province concerned, and a resolution by the two Houses of the Canadian Parliament".

The work of the committee will therefore have been useful in dispelling any doubts that some people may have had on the appropriate amending procedure. But what about the purpose of the resolution itself?

Some witnesses wondered whether it was appropriate to do away at this time with the safeguards provided under section 93. Some people disagreed with the amendment on purely religious grounds. They claimed that the right to receive Catholic or Protestant religious education for those who want it should be maintained, without however imposing such education on those who do not want it. Others argued that the creation of linguistic school boards did not require the amendment of section 93. Based on Supreme Court decisions, they claimed that linguistic and denominational school boards could coexist.

Although that last statement is basically true, the committee concluded it was not very realistic to keep a system of denominational school boards together with a system of linguistic school boards. In fact, over the last 15 years, successive governments in Quebec have considered such an approach, and legislation to that effect was even adopted in 1988. All these governments ultimately backed down because of the tremendous difficulties that the implementation of such legislation would have created.

In fact, this would have created six school systems in Montreal and Quebec City, and greatly increased the number of religious schools, resulting in the scattering of resources. This is why the representatives of the Quebec federation of school boards stated, and I quote, "By stacking the linguistic and denominational structures, it would become much more complicated and burdensome to carry out yearly activities related to student enrolment,

assignment of personnel, distribution of resources, establishing voting lists and sharing the tax base".

That being said however, we must admit that the non-application to Quebec of subsections (1) to (4) of section 93 will result in the withdrawal of constitutional safeguards presently provided to Catholics and Protestants in that province. There are however a number of considerations that soften the impact of this change.

• (1210)

[*English*]

The committee's work first allowed a number of experts to explain the extent to which the scope of the protections under section 93 had been reduced by successive judgments of the Supreme Court.

It appears that, for all intents and purposes, the right of dissent is limited to the right to determine the religious dimensions of the curriculum. Moreover, it is solely in the territory of the cities of Montreal and Quebec City that section 93 guarantees Catholics and Protestants the right to school boards. In short, the rights and privileges enjoyed by Catholics and Protestants now are as much as, if not more, from legislation than from the constitution.

[*Translation*]

In this connection, it must not be lost sight of either that the objective of the Government of Quebec is not to make the Quebec school system a lay system, but rather to make school structures non-denominational. As Quebec's Minister of Education, Mrs. Marois, explained in her testimony before the joint committee, the constitutional amendment will have no immediate repercussions whatsoever on the place of religion in the schools. That issue will be addressed in a separate public debate. In the immediate future, therefore, the schools will retain their denominational orientation, and parents or children can continue to request religious or moral education in keeping with their convictions in the public educational facilities, as guaranteed in section 41 of the Quebec Charter of Human Rights and Freedoms.

These considerations have certainly not convinced francophone protestants. A number of members of that community came to the committee to state that protections of a legislative nature can never replace constitutional guarantees. They indicated as well that, not only can the lawmakers modify the clauses currently authorizing religious teaching in the schools, they could also be forced to do so if the courts were to reach the conclusion that such teaching contravenes the rights and freedoms guaranteed by the charters as soon as section 93 ceases to be in effect.

Without wishing to minimize the importance of this problem, we must place it in its proper perspective. First of all, a court would have to reach the conclusion that the solutions opted for by Quebec lawmakers in this connection infringe upon religious freedom and

equality rights, and would also have to conclude that these restrictions are not reasonable within a free and democratic society.

In such a case, the supreme court could indicate the type of arrangement that was likely to meet the requirements of the Canadian and Quebec charters. Quebec lawmakers might also want to consider various legislative arrangements in place in other provinces to deal with this thorny issue.

A hypothetical consideration arises. The highest court has often indicated that it did not intend to take the place of the lawmakers in arbitrating between the interests of the various groups in the community. There are, therefore, grounds to believe that elected representatives retain a certain degree of flexibility in adjudicating between various individuals' rights.

As a last resort, the Government of Quebec could invoke the notwithstanding clause. I was obviously very pleased to hear my counterpart, the Quebec minister of Canadian intergovernmental affairs, Jacques Brassard, say that "the notwithstanding clause would be invoked only as a last resort and with great care and diplomacy". He is perfectly right. It is a band-aid solution and should be used only exceptionally. The joint committee shares our opinion on this.

The fears expressed by the French speaking Protestants are understandable, but the rights and privileges in section 93 apply to all Protestants and not just to those who speak French. Attention must not be paid to a minority within a minority to a point where the growth of society as a whole is paralyzed.

Other groups told the committee that the guarantees accorded under section 93 to Catholics and Protestants are at odds with Quebec's modern pluralistic society. Representatives of the Jewish and Arab communities in particular have pointed out that this section contains a form of discrimination. This point too warrants consideration.

By passing the amendment proposed by Quebec's National Assembly, Parliament will permit an open and full debate on the whole question, which is what the Quebec minister of education promised, in fact, when she appeared before the committee.

• (1215)

[*English*]

In quite another vein, members of Quebec's anglophone community appeared before the committee to call for section 23 to be applied in its entirety so that individuals, whose first language learned and still understood is English but who did not receive their primary education in English in Canada, can send their children to English schools. That was fair enough but the committee concluded that was another debate.

In that connection I reiterate that Quebec's anglophone minority, which has traditionally controlled and managed its own school

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system, thanks to protections granted to Protestants under section 93, can support amending that provision in all confidence. That is because its rights have been better protected since the coming into force of the Constitution Act, 1982, specifically section 23 of the Canadian charter.

Unlike section 93, section 23 of the Canadian charter has the specific objective of providing francophone and anglophone minorities with linguistic guarantees with respect to education. It has been interpreted progressively and generously by the courts. In effect, section 23 guarantees official language minorities the right to manage and control their own schools and even their own school boards. A number of groups and experts confirmed that during their testimony to the committee.

In that respect the establishment of linguistic school board will enable the anglophone community to consolidate its school population of and gain the maximum benefit from the guarantees under section 23.

[*Translation*]

I must also mention the concerns of the Native peoples living in Quebec. Two aboriginal groups representing the Metis and Indians living off the reserve have expressed concern over the possible effects of the proposed constitutional amendment. They claim that their rights could be affected to the extent that this section protects the pre-Confederation laws governing instruction for Native peoples.

The Government of Canada is sensitive to their claims and it is certainly a legitimate concern for Native peoples to want to ensure the development of their culture through education. However, we must recognize that this was not the intent given section 93. On a number of occasions, the courts have determined that section 93 provides constitutional guarantees based solely on religious belief. There is no provision for language or race. Section 93 offers no special guarantee to Native peoples, except if they are Protestant or Catholic. The committee shares our opinion in this regard.

Consensus. When I first raised the possibility of amending section 93 with Quebec intergovernmental affairs minister Jacques Brassard, I clearly indicated that the Government of Canada would support an amendment proposal if a reasonable consensus existed in Quebec and if the affected minority agreed.

This consensus was expressed in two unanimous votes in the National Assembly. Indeed, the Government of Quebec and official opposition members testified to this consensus during the joint committee hearings.

Regardless, the fact that no public consultations dealing specifically with the constitutional amendment took place in Quebec raised doubts as to this consensus. That is why the government insisted that interested groups and individuals be heard. In fact, the joint committee said this was one of its primary concerns. These

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groups and individuals came in large numbers and were given the opportunity to express their views.

[*English*]

The committee noted that the Assembly of Quebec Bishops is not opposed to the amendment. The Quebec Federation of School Boards which represents all Catholic school boards in the province also supports the amendment. The same is true for the Provincial Association of Catholic Teachers and the Centrale de l'enseignement du Québec.

On the whole there is every indication that the vast majority of Catholics are open to the proposed change. That support is not unanimous, as evidenced by the opposition of the Coalition of Denominational Schools. However, it could not be expected that the challenging of the rights and privileges entrenched in the constitution for 130 years would be supported by all.

• (1220)

Nevertheless the government and the committee believe that a broad consensus exists among Catholics who are not in any case a minority in Quebec and will still be able to express their opinion through democratic means.

[*Translation*]

A substantial consensus seems to exist among Protestants too. Since this will be the most directly affected group, it is important to ensure that a majority of the members of this group support the amendment's objective. The Anglican Church came out in favour of the amendment, as did the Provincial Association of Protestant Teachers.

Protestants are not speaking with a single voice. Objections raised by French speaking Protestants must be noted. Testimonies heard by the committee do show however that a reasonable consensus in favour of the amendment exists in this community and that is what the committee concluded.

Many other groups testified before the committee. The vast majority of these groups supported the constitutional amendment proposal. To name a few: the Fédération des comités de parents, which is the largest parents' group in the province, the Coalition pour la déconfessionnalisation scolaire, which is comprised of 40 organizations and claims to represent more than 2 million people, every central labour body in Quebec and representatives from the Jewish and Arab communities.

To conclude, based on the foregoing, there is no doubt that the consensus required to amend section 93 of the Constitution does exist. And that is what the joint committee concluded in its report following these consultations. It reads: "Based upon the evidence received by this committee, there appears to be a consensus amongst Quebec Protestants and amongst Quebec Roman Catho-

lics in favour of the amendment. Overall, it appears that, although some witnesses expressed their concerns with respect to the proposed amendment, there is a consensus in Quebec society supporting this change".

It is now up to us to act on the joint committee's recommendation and adopt the resolution to amend section 93 of the Constitution Act, 1867, as proposed in the House of Commons on October 1, 1997.

[*English*]

**Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.):** Mr. Speaker, I will not be using my entire allotted time because I feel that the issue has been given a fair amount of attention and that many of the key issues have been explored in depth. I would suggest that all members of the House read the majority and minority reports put forward by the joint committee addressing the issue. In these reports my colleagues will find arguments both for and against the proposed amendment.

I support the proposed amendment to section 93 created and passed unanimously by the Quebec National Assembly. I will ultimately be voting in favour of the amendment as recommended by the Special Joint Committee on Quebec Schools.

The Reform caucus believes in free votes when it comes to matters that involve certain moral considerations. While I believe the issue is primarily a legal one, I appreciate the opportunity to be able to respectfully disagree with some of my colleagues.

While I have not polled my constituents directly on the issue, it is my belief that our party's commitment to returning education to the exclusive domain of the provinces would move all of them to support the amendment as well. Furthermore the amendment affects only the province of Quebec in any direct and meaningful way, which is why I believe the constituents of Edmonton—Strathcona have shown little interest in the matter.

The message I have heard is that what Quebec does with its schools should be its own business, provided fundamental rights are not violated.

Putting aside the issue of provincial jurisdiction before making my decision on the matter, I asked myself three questions which I believe are fundamental to the proposal.

The first question I asked was of a legal nature. Is section 43 the right way to approach the amendment, or should the general amending formula be used in the matter?

The second question I asked was political. Is there some evidence that the elimination of section 93 as it applies to Quebec has broad based support?

I also asked a related question. Is there support for the establishment of linguistic school boards in Quebec?

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The final question I asked was a moral one. Does section 93 protect religious freedoms, and would these freedoms suffer in Quebec with the passing of the proposed amendment?

• (1225)

I would like to address the use of the section 43 amending formula. There is some concern it is inappropriate when applied to the proposed amendment to section 93. Instead it is argued that a general amending formula, or the 7 and 50 formula, should be used to facilitate the changes to denominational schools.

It is not only argued that this would be more appropriate, but also that it is the only legal approach to the proposed constitutional change.

Ideally the question should have been put to the supreme court as was called for by the Leader of the Official Opposition. However it did not happen and we must now deal with the question in the House.

From the perspective of a constitutional layman it would seem that section 43 is appropriate in this matter. The section 43 amending formula is used for constitutional amendments that apply only to a single province. In this case the single province is Quebec.

The counter argument has been made that the elimination of section 93 will lead to the elimination of denominational schools across Canada because section 2 of the Canadian Charter of Rights and Freedoms will prevent public funding for these schools. Because of this, it is argued that the general amending formula involving all provinces should be used.

However the amendment to section 93 is not the removal of section 93 from the Constitution. It is an amendment that affects only Quebec in any direct and meaningful way. It may admittedly create a precedent for other provinces, but whether or not the other provinces choose to act on this precedent is entirely their choice. Therefore the specific proposed amendment cannot be said to affect religious educational freedom in the rest of Canada.

For this reason I believe that section 43 is applicable in this case.

[*Translation*]

On the matter of consensus, Quebec seems strongly in favour of setting up linguistic school boards. Even if it seems less likely that it supports the proposed amendment to section 93, such support probably exists.

I am pleased consultations were held in Quebec on establishing linguistic school boards. I was disappointed, however, that they were not held specifically on the proposal to eliminate section 93 as it applies to Quebec. My question to my colleagues is as follows, however: Since it is clear that most Quebeckers are in favour of establishing linguistic school boards, why are they so concerned about how the end they also want is achieved? In other words, I do

not think it really matters to most Quebeckers just how the linguistic school boards are set up, as long as they are.

To get back to the matter of consensus, many groups stated that section 93 protects minority rights. They said, on the one hand, that most Quebeckers object to the proposed amendment and, on the other, that the amendment is an example of a majority oppressing a minority. We could say that minority rights are an issue here, but this argument cannot be used in conjunction with the argument that there is no consensus on the amendment.

To put the matter of consensus to rest, I would point out that the unanimous consent the National Assembly accorded the proposed resolution indicates that there is vast support for it. It is unlikely that all politicians from all parties would ignore public opinion. Every time parties agree on an issue, I think it is because the issue raises little controversy. That may not always be true, but I think it is in the present case.

Let us move on to another point. If the proposed amendment is passed, I fear Quebec and the rest of Canada will lose the right to freedom of religion.

• (1230)

That is really the crux of the matter. If freedom of religion were infringed on, a consensus among Quebeckers would not be justified at all.

Having heard the testimony received by the committee, I believe that section 93 is not essential to protect freedom of religion. In fact, it could run counter to this objective.

In a pluralistic society like ours, should the government collect money from Muslims, for instance, in support of Catholic religious teaching? I think not. Under section 93, however, the government could continue to support Christian religious teaching at the expense of other faiths. Is that how we want to promote freedom of religion in our schools?

Our party is often cautioned against using hypothetical cases to make a point. I will make an exception today.

Let us say that section 93 is designed to protect the freedom of speech instead of denominational education. If section 93 protected freedom of speech, but this right was granted only to Protestants and Catholics, one could argue that it recognizes a privilege, not a right, enjoyed only by these two groups. Rights must be universal, otherwise they cannot be considered as rights. Therefore, the exclusive right conferred by section 93 is prejudicial in that it actually impinges on the right to religious teaching.

In addition, sections 21 and 36 of Bill 109 in Quebec provide for religious teaching where numbers warrant. It appears to be necessary to carry out reforms to ensure that the wish to receive religious teaching is duly recognized and taken into account. However, this

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seems to be another administrative problem that could easily be resolved at the public's request.

A provincial campaign to promote the right to choose among schools whose funding is prorated, or chartered schools, is the only way to help ensure that religious teaching remains an option and this can only be achieved by repealing section 93.

To conclude, I think that matters relating to education should be exclusively under provincial jurisdiction. I think that the amending formula used to expedite the adoption of this bill is a lawful one. I believe there is in Quebec a political will to establish linguistic school boards. And I know that religious freedom in Quebec will not be threatened if section 93 is repealed. I am therefore in favour of this amendment.

I strongly recommend that my colleagues, the hon. members of this House, respect the wish of the Quebec National Assembly and heed the advice of the joint committee. I urge them to vote for the proposed amendment.

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Madam Speaker, first I want to thank the previous speaker and I hope his voice will be heard by his fellow party members, so as to create a movement which, hopefully, will reach the Reform Party's top level. Who knows, maybe the leader of the official opposition will surprise us by supporting the constitutional amendment.

This amendment was the subject of numerous debates. The issue before us is deeply rooted in Quebec—I believe the minister said it six times in his speech—since the Parent report was released. Indeed, since the mid-sixties, all Quebec governments, regardless of their political colours, have tried to modernize the province's education system, and this is what we are talking about.

• (1235)

I am grateful to the minister for emphasizing—as he did throughout his speech—that the issue does not concern linguistic rights. Those interested in linguistic rights should read chapter 8 of Bill 101, which contains the information relating to the language of access for the majority and the minority.

The fact is that a majority of Quebecers feel that school boards should be structured along linguistic rather than religious lines. We could not overemphasize the fact that, unfortunately, some people tried to muddle the real issue, for example by comparing the situation of francophones outside Quebec with that of anglophones in Quebec. I believe that all committee members clearly realized that, as parliamentarians, our duty was to understand the objective sought by the National Assembly.

This is somewhat of a precedent since the National Assembly, which is the only authority that can speak on behalf of Quebecers,

was unanimous on this issue. And all of us here should understand the meaning of the term “unanimous”. It means that when Pauline Marois, the member for Taillon, rose in the National Assembly to vote in favour of the motion, so did the member for Marquette. When parliamentarians vote this unanimously, you can be sure we are on solid ground.

There were, it will be recalled, consultations in Quebec City, because the very purpose of the parliamentary committee on Bill 109, which was also unanimously approved, was to look at the establishment of linguistic school boards. If we were to go a step further, and compare all the witnesses who were heard in the Quebec National Assembly with those who appeared before the joint parliamentary committee, it would be seen that there were, to all intents and purposes, no witnesses who were not heard either in Quebec City or here in Ottawa. So those people who thought there had been no consultation must think again and acknowledge that there was extensive consultation in Quebec.

Therefore, it is clear that there are two aspects to the motion now before us. First, the preamble to section 93 says that education comes under provincial jurisdiction. Everyone, of course, understands that Quebec does not want this preamble revoked since, as far back as 1953, the Tremblay Commission pointed out in no uncertain terms how essential it is for Quebec to have full and complete jurisdiction over the education sector, education being obviously linked, as we know, to identity.

Second, paragraphs (1) to (4), which are based in history, will no longer apply to the territory of Quebec. What this therefore means is that Quebec will simply no longer have a constitutional obligation, particularly with respect to the cities of Montreal and Quebec, to maintain denominational structures based on numbers—I would remind members that, when we have denominational structures in Montreal and Quebec City, there is no numerical criterion, and the right to disagree exists outside these cities—if we as parliamentarians approve the resolution before us.

Why do we think this is important? Why did a man like Claude Ryan, when he was Minister of Education and the MNA for Argenteuil, finally try to modernize the Quebec school system? Claude Ryan is a respected intellectual in Quebec society. Of course, he is no sovereigntist, everyone knows that and I must say that, personally, I do not have much hope in that regard. Everyone knows that Claude Ryan is a respected and respectable individual. He even submitted the issue to the Supreme Court. He was constantly faced with this challenge, with the overbearing presence of section 93, especially subsections (1) to (4).

• (1240)

What this means is that when we vote today, and I think it is important to make this clear, it will be so that school boards can be organized along linguistic lines.



I insisted strongly in the joint committee on what this means for Montreal. We all know that Montreal is in a very particular situation. Montreal is where immigrants go; 80% of the immigrants that come to Quebec settle in Montreal. Every year Montreal welcomes close to 35,000 immigrants, or 15% of Canada's total immigration. Close to 225,000 immigrants come to Canada each year. Quebec has traditionally been open to immigrants, a tradition that is based of course on a low birth rate, but there is also a fundamental belief—and this is what the Bloc has been saying since it arrived in this House—that immigration is a force that contributes to the renewal of a society.

About 80% of immigrants settle in Montreal. For both historical and contemporary reasons, the majority of these immigrants enrol their children in English and Protestant schools. What is good about the amendment on which we will be voting is that French schools will truly become public schools, especially in Montreal. This is an objective that must be clearly understood.

Again this will change nothing as far as admission requirements for the anglophone minority are concerned. Bill 101 provide for some very clear rules on which we did not always agree. In the early 1980s, the Supreme Court of Canada issued a ruling requiring the Quebec legislator—and I am sure the Minister for Intergovernmental Affairs will remember this—to replace the Quebec clause with the Canada clause. Recognizing this legal obligation, the Quebec legislator agreed to amend Bill 101, even though the National Assembly was not enthusiastic about it.

So today it is the Canada clause that applies in Quebec. This means that children whose parents received their primary education in English in Canada can enrol their children in English schools in Quebec.

It is very important to understand why this amendment we will be adopting, I hope, will help not only to modernize Quebec schools but also to strike a better balance in the greater Montreal area.

One of the arguments that was repeated again and again in our debate, but to which no one could reply adequately, concerned the principle under which the legislator could guarantee constitutional rights to two religious denominations. Why should Catholics and Protestants, in 1997-98 and in the year 2000, benefit from a form of favouritism? Both the Canadian and the Quebec charter mention the freedom to worship. In a law-abiding society with charters that are constitutional or quasi-constitutional obligations requiring Quebec to guarantee certain rights, one must ask under what principle Catholics and Protestants should be treated with favouritism.

For example, some witnesses reminded us that there were close to 80,000 Muslims in Montreal, and that they are required to enrol

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their children in a Catholic or a Protestant school, which is contrary to their religious beliefs and I think this is wrong.

• (1245)

It must, of course, also be kept in mind—and it is important that this point be made perfectly clear—that what we are talking about is taking religion out of administrative structures, out of the school boards. It is a good thing to debate the place of religion in the schools and I have some very definite ideas on the subject, but this Parliament is not the one to deal with that.

The Minister of Education, Mrs. Marois, a most extraordinary woman, has mandated a task force headed by Professor Proulx to report to the National Assembly on the place of religion in Quebec in the year 2000. When that report is tabled there will be public hearings, the holding of which is a tradition in Quebec, and the stakeholders will have an opportunity to be heard. At that time, there will be a debate within Quebec society on the place people want religion to have.

What we are speaking of is the end of denominational school boards. We are very optimistic on all sides that the amendment on which we will be voting in a couple of hours will be passed with a strong majority.

The next stage will be that, next year, parents such as those with children in Sainte-Jeanne-d'Arc school in Hochelaga—Maison-neuve, will be given the opportunity at the beginning of the school year to choose between religion and ethics, and that will remain unchanged. Where the place of religion in the schools is concerned, parents will fully retain their right to demand a Catholic education for their children. This is a right which is, as we know, also given in section 41 of the Quebec Charter of Rights, which has quasi-constitutional value. In due course, the issue will be debated in the National Assembly.

We have also received all possible representations by eminent constitutional experts. As you know, constitutionalists have done roaring business of late in Canada. They came to us with the opinion that the vehicle was appropriate, for there had been some doubt on this. I know that the official opposition had been assailed by doubts at a certain point, but no constitutional expert could be found to state that section 43 was not the right vehicle.

We know that the 1982 Constitution is complex, hair-splitting even, concerning amendment formulas, since there are five possibilities. We have gone from one extreme to the other, because there was no amending formula for over 100 years. Canada was one of the few countries that had a written Constitution but no amending formula. And now we have a complex and convoluted amending formula offering five options, but, in this case, I think we are making no mistake. We made no mistake as members of Parliament or as members of the committee in stating that, following the

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representations made before us, the amending formula was the right one.

I also want to stress the fact that a debate was held in Quebec society and that there is a coalition representing some two million people. That is not insignificant in a democracy. There are not too many issues in which a group may come before a committee and say "I am speaking on behalf of 43 organizations", including school administrations, unions, the CEQ and parents' committees. All of them share the same vision for things and want us to pass the amendment before us. These people are speaking for their individual organizations, and together represent two million people.

That is something pretty important and should move all those members who doubt a debate was held and think that the amendment has garnered little support in Quebec society. I hope they will be convinced, because there is obviously a lot of public reaction on this issue in Quebec.

The other thing that must be taken into consideration is the anglophone community. It represents first of all Quebec's national minority and that will be the case in a sovereign Quebec. I am among those in my party who think that the constitution of Quebec must make more provision for the rights of the anglophone community than was made in 1995.

• (1250)

The minister was very eloquent and I was really pleased when he made the following statement before the parliamentary committee. Of course, political reality will prevail, but the minister was right when he said very eloquently that, from kindergarten to university, the speaking community has access to an integrated school system and control over its structures and institutions.

It comes as no surprise—and it must be pointed out—that, generally speaking, the English speaking community strongly supports the amendment, for two reasons. First, because it provides increased access for that community and, from a management perspective, it means more control than the English speaking community currently has. This is very important. Moreover, it will put an end to the rivalry between the anglophones enrolled in Protestant schools and those enrolled in Catholic schools. It will allow them to consolidate their network and, of course, the teaching resources involved.

What did Mrs. Chambers tell us? In case you do not know her, Mrs. Chambers is the sister of philosopher Charles Taylor. In 1992, the Quebec government approached Mrs. Chambers and asked her to head a working group on access to the school system for anglophones. Something stands out very clearly when you read the Chambers report. The report says that Quebec's school system is not integrated, that there are a number of English language schools,

but that the coherence the amendment will provide if it is passed is lacking at present. The Chambers report also asks for the so-called universal clause, but this is a different issue which is outside the scope of this debate.

So, there was a debate on this issue, which has deep roots in Quebec. Senator Thérèse Lavoie-Roux, a woman who speaks her mind, as members of the parliamentary committee noted—some parliamentarians, though not I, even compared her to Tatïe Danielle—told us that the issue of linguistic school boards had already been raised in the early sixties. She reminded us about the Pagé report and the unified school boards, which are related to the issue before us today.

If there are people in this House, particularly Reformers or members who were not here during the last Parliament, who think the issue was not debated in Quebec, they are mistaken, in my opinion. The amendment was adopted unanimously, which is something quite rare in politics.

We also have to act quickly, since the measure will have a concrete impact on the Quebec school system. While there were 158 school boards before, there will now only be 75, which means that these school boards' boundaries will have to be redefined. The change also involves a different registration process and the redistribution of buildings between school boards. Therefore, it is important to act as quickly as possible, so that by July of next year the registration process and organizational restructuring can have been completed and that by next September linguistic school boards can be in place.

I thank all members of the House, beginning with the minister, for their real co-operation. I do hope the same spirit of co-operation will prevail when dealing with other issues.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Madam Speaker, I rise today in support of the amendment to section 93 of the Constitution Act, 1867.

This motion is particularly important because it proposes a constitutional amendment. We must always proceed with great caution when amending provisions of our Constitution, for the impact will be felt for generations to come.

I had the pleasure of sitting on the committee responsible for studying the constitutional amendment. It was my first experience on a parliamentary committee and I must say how much I appreciated the cordial atmosphere that characterized the committee's proceedings. As a rookie in the House of Commons, I found it an excellent opportunity to learn from senators and members with many years' experience. The committee's work was truly motivated by a desire to arrive at a solution that would best serve the interests of Quebecers and of Canadians.

• (1255)

I would like to thank my colleagues, who spent much time and effort during these three weeks in order to ensure that the groups affected by this amendment could be heard.

During the three weeks the committee sat, we had a chance to meet with a broad range of groups both in support of and opposed to the proposed constitutional amendment. There was not complete consensus, as the Quebec government had led us to believe. A number of religious communities and linguistic groups are opposed to the amendment to section 93 because they are afraid that the rights they have acquired will disappear.

The special joint committee on the Quebec school system therefore had an important job: to consult the people of Quebec and of Canada in order to ensure that all points of view were expressed and heard.

Before looking at all those in favour of the constitutional amendment, I would first of all like to speak about those groups that are opposed. Numerous religious and linguistic groups travelled to Ottawa in order to make their concerns known.

The groups opposed to the amendment to section 93 expressed serious concerns about the status of minority rights in our Canadian society if the amendment is passed. If these rights to education can be constantly revisited with very little public consultation, other minority rights are also vulnerable. They argue that there is a great danger that minority rights will be withdrawn based simply on the will of the majority. This is why it is important to hold public hearings where all sides of the issue can be heard. The Government of Quebec refused to hold public hearings on this issue and the minority concerned hardly had the opportunity to make its views known.

The minorities in question are the Protestants. In Quebec, there are the Protestants and the Catholics. In Quebec, Protestants were the minority. Those groups I heard in committee were minorities of minorities.

As legislators, we often forget that we represent the people. We should never be afraid to consult the people. They put us here and they can take us out.

I realize that the Government of Quebec had a strict timetable to follow, but it has no excuse for not setting up public hearings where people could have expressed their views, especially when the issue is the amendment of our Constitution. Lack of consultation is harmful not only to those groups who cannot have a voice, but also to the health of democracy in our country.

By consultation, I mean consultations through public meetings prior to the implementation of such changes or requests for change.

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Despite these difficulties, it is important to note that minority rights in Canada are not being compromised. Amending section 93 of the Constitution is a specific issue that affects Quebec only. It has no impact on the rights of other minority communities in Quebec or elsewhere in Canada.

Groups opposed to the amendment also told us of their concern about losing their denominational schools. It should be noted that the purpose of amending section 93 is the abolition of denominational school boards in the cities of Quebec and Montreal. The proposed changes do not prohibit Catholic or Protestant schools. Rather they affect how schools are managed.

I am concerned that acquired rights are being withdrawn to please the majority. In my riding of Acadie—Bathurst, people fought long and hard to ensure that francophone schools in the communities of Saint-Sauveur, Saint-Simon et Sainte-Rose remain open.

Let us not forget that people took to the streets in protest when the government attempted to close the schools. This is why I say that I am very concerned whenever changes are proposed to the Constitution. We must keep in mind that the RCMP used dogs, tear gas and nightsticks against children and parents. This is why I feel so strongly about constitutional changes affecting schools.

• (1300)

Our children's education is a very sensitive issue. When new strategies on the management of our school systems are put forward, we should make sure that all aspects have been examined, hence the importance of consulting the public through public hearings.

I believe that the present situation in Quebec is one of the very few exceptions allowing us to question the privileges granted Protestant and Catholic communities. Let us not forget that section 93 protects only two denominational groups in two cities. This means that people in the Gaspé Peninsula, for example, enjoy no protection at all under section 93 as pertains to denominational education. Furthermore, all other denominational groups have no protection under section 93. The cultural context of 1867 may have justified the protection of only two denominational communities but the multicultural character of Quebec in 1997 could hardly justify protecting some communities and not the others.

There may not be unanimity in Quebec about section 93 but there is nonetheless a large consensus. Even the denominational groups that are affected support the amendment of section 93 because an amended section would better reflect Quebec's cultural and linguistic reality.

The Provincial Association of Catholic Teachers, which represents 3,000 teachers from 25 school boards in Quebec, supports the constitutional amendment because, under the current system, the English community is divided between two school systems.

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It argues that religious education and denominational schools are still possible if the parents request it. Amending section 93 and setting up linguistic school boards will meet the needs of both the and the French community. Most groups that came before us believed linguistic school boards were a must.

If the Protestants and Catholics who are affected are in favour of amending section 93, it would be irresponsible on our part to ignore such a consensus.

In spite of this fairly obvious consensus, our Reform friends would like a referendum. Do they not realize that a referendum cannot reflect the minority's interests? We are talking about minority rights here; the will of the majority is only part of what we have to consider.

I would be more concerned about supporting the amendment to section 93 if all the political parties in Quebec were not in agreement. However, when the National Assembly debated this issue, it was passed not only by a majority vote, but unanimously: 103 to zero. We all know in this House how difficult it is to achieve unanimity on a particular issue. If the National Assembly succeeded in securing unanimous consent on such controversial issues as language and religion, it must be recognized that voters as a whole had to be in agreement too.

I had another concern during committee hearings. When we speak about denominational schools, we are speaking about the importance of communicating, through the school system, values that are fundamental to us. However, we often forget that children are caught in difficult situations when religion is taught in schools.

I have a hard time admitting that Pierre will have to leave the classroom whenever the teacher speaks about Jesus because Pierre is a Jehovah's Witness. We must think very carefully about what it means to teach religion in schools given our present cultural reality. We must respect all the children attending our schools.

I pondered carefully over what was said in committee. I even spoke with several priests in my riding and they think that religious education should be the responsibility of parents and not that of the schools.

The school should definitely convey fundamental values, but the true transmission of values should be done by the family and the church.

• (1305)

One of the most important roles we have as parents is to communicate to our children the beliefs and values that we consider as important. To abandon this responsibility by relying on school teachers to do this job will clearly harm our children.

The amendment to section 93 shows how the federal government can serve Quebec's interests. This situation shows how our country

can be flexible in certain circumstances to put forward policies that reflect the specific needs of a province. This co-operation between the provinces and the federal government is the foundation of the Canadian federation and, as a result, Canadians and Quebecers come out of this as winners.

Even though I support the proposed amendment, I still have concerns about the process that has led us to debate this issue. I have indicated earlier and I will repeat that the Quebec government should have consulted the people of Quebec through public hearings.

The special joint committee, here in the federal Parliament, only had two weeks to hear witnesses. Because of the deadline that had been set, some groups had some difficulty coming to tell us about their concerns. Amending the Constitution should not be an exercise to be taken lightly and two weeks are not enough to go around such an issue.

Despite these problems, I put my trust in the people of Quebec. If there are concerns that have not been expressed through our committee, I hope the population of Quebec will be listened to.

Fundamentally, the New Democratic Party respects Quebec's autonomy to establish linguistic school boards. The amendment to section 93 will allow the Quebec school system to better respond to the needs of the population of Quebec. We now trust that the Quebec government will establish the new linguistic school boards with all due consideration of the electorate's concerns.

**Mr. David Price (Compton—Stanstead, PC):** Madam Speaker, I would like to share my experience as a member of the special joint committee charged with examining the resolution to amend section 93 of the Constitution Act, 1867.

I believe we have no choice but to pass the resolution as tabled in the House of Commons on October 1, 1997.

The committee heard over 60 groups and individuals and, in my opinion, the message was clear.

As I said in the House at the beginning of this debate, as a member of Parliament from the Eastern Townships, I have some experience of the issue before us today.

The Eastern Townships have been a lead region with regard to linguistic school boards in Quebec for more than 15 years and, I want to say it again, the experiment was a success. It is a good system that works well.

This has not always been the case, however. I remember, when I was young, the priests used to rule people's lives. When, as a young anglophone, I was going to school, I was not called an anglophone because it was understood that all anglophones were Protestants and all francophones were Catholics. I was simply called a Protestant. My French speaking friends were not allowed to enter a Protestant church, under penalty of eternal damnation.

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However, I used to go to the francophone church, the Catholic church, and I realized there were more similarities than differences between us. But the priests kept the anglophones and the francophones, the Protestants and the Catholics, apart.

The Catholic Church put religion into the hands of the schools, into the hands of the State. In my opinion, it has been a bad decision. Why? Because most of the teachers used to be brothers or nuns and Quebecers were already beginning to move away from the Church, a big issue in terms of family values.

Fortunately, things have progressed. Canadian history is a succession of negotiations and partnerships. These negotiations are still going on nowadays.

• (1310)

Just like what made up the 18th century was taken into account when the Quebec Act was negotiated, what makes up the Canadian and the Quebec societies must be taken into consideration as Canada heads into the 21st century.

In fact, the Quebec society is not made up only of French speaking Catholics and English speaking Protestants. The Quebec society is like the Canadian society, but with a little something extra.

Bearing this reality in mind, the Quebec National Assembly overwhelmingly voted in favour of linguistic school boards. A lot was said about protecting the rights of English speaking Quebecers. In fact, English will be better protected with linguistic school boards.

I would like to come back to one of the most crucial issues I have addressed before, because it deals with what remains a major concern, which is the fact that the Quebec government is dedicating itself to the independence of Quebec. It is important that decisions made on this issue be based on reasonable grounds, and not made only to assuage the provincial government or because we feel threatened by this separatist government in Quebec.

Also, we should not be making any decision only to frustrate the Government of Quebec. This is an important decision that will affect the children and their parents as much as schools and communities.

I am very pleased to have had the opportunity to sit on this committee and to learn a lot about the Constitution of my country. The House must vote in favour of amending section 93 to make all of this possible.

[*English*]

I want to take some time now to address the dissenting opinion from the Reform Party.

When parliamentary debate began on this subject on October 1, I admitted quite candidly that I had much to learn about the

constitutional nuances of my country. Today I can say that I learned quite a lot while I sat with the committee, both from my colleagues and about my colleagues on the opposition side and the government side and, of course, from the witnesses who appeared before the committee. However, I will say again that I have much to learn.

I do not want to say outright that the Reform Party has no feel for my country's history. I do not relish telling the House that the Reform Party has no sense of what Canada is and how Canada came to be. I have gone through the Reform Party's dissenting opinion and I feel that it is my obligation to the House and to my constituents to share my findings.

First, the Reform Party writes "the proposed amendment will eliminate the right to denominational schools, a right that has been protected since 1867". I expect that Reform members will not know about how that great event in 1867 came to pass. Accommodation and recognition of the need for accommodation predates 1867. In fact, the Quebec Act of 1774 provided accommodation between the partners of what we now call Canada. There has always been negotiation in Canada. Indeed, that is what Canada is all about. Of course, I am no expert so I do not think it is my job to say that the Reform Party does not know what it is to be Canada.

Second, the Reform Party writes that changing the constitution should never be done lightly or in haste. This puzzles me. Is this the same party that when addressing the issue of changing the constitution to address Newfoundland schools in this House just over a year ago led the chorus of "dispense, dispense"? The Reform Party and, in all fairness, the government were in a rush to change the constitution then. As an opposition party, the Reform Party did nothing.

Third, the Reform Party mentions the need for democratic consent to protect minority rights. Does its version of democratic consent not mean majority rule? Is it not the party of referenda?

Must I remind the Reform Party that there was democratic consent in the national assembly, and for this to pass there will be democratic consent in this House and in the other place. I was quite sure this must have slipped in there by mistake. Those things happen. But then I started to think that maybe what the Reform was trying to say was assent of the minority. This, of course, is not the same thing as its version of democratic consent at all.

However, defending minority rights is not what the Reform Party is known for. In fact, I do not think it is an exaggeration to say the Reform Party has a bad reputation with minority groups right across Canada. Of course, defending minority rights cannot be the message Reform wants to send out. That leads me to number four.

• (1315)

Reform says that it would prefer a provincial referendum. Having just defended minority rights, this one is difficult to figure

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out. In the same dissenting opinion it defends minority rights and then calls for a referendum.

Of course, I am no expert but does the majority not always win referendums? Is this some sort of joke? Of course, the leader of the Reform Party is not known for his rapier like wit but more his rapier like logic. I think his party has written an illogical dissenting opinion and I do not think it is very funny.

To continue with number five, "It is incumbent on its proponents to show beyond a reasonable doubt that an informed majority of the people of Quebec approve the amendment". Until this point, the Reform Party's dissenting opinion was just a series of contradictions and a little sloppiness.

I am sad to say that this is where the Reform Party becomes insulting. Is the Reform Party suggesting that officials elected to the national assembly cannot represent informed opinion in Quebec? If this is what the Reform Party is saying, I find it insulting and inappropriate.

I am no expert but I believe it is my job to represent the people of my riding in Quebec just as it is the Reform members' job to represent their constituents.

My constituents are informed. They inform me. I inform the House of their concerns. During the last federal election, the Reform party insulted Quebecers and politicians from Quebec. Is that the pot it is trying to stir now?

Number six, Reform says that those who oppose should be given a clear opportunity to express their view. This is new for Reform. I am curious to know if the new Reform principle extends to aboriginal people, visible minorities and homosexuals.

This new Reform principle allows minorities not only to express their point of view but to be heard in a proper forum. Not being an expert but knowing the Reform Party as I do, I wonder if this too slipped in here by mistake.

If it is meant to be there, I am happy to hear this and I will be watching to ensure the Reform Party upholds its new values.

Number seven, Reform says that the committee should not be expected to decide this matter in haste. I am in complete agreement with that statement. I am happy to see the Reform Party finally sees merit in considering important matters fully.

I wonder if now it has changed its position on the necessity of the Senate of Canada and the sober second thought it brings to parliamentary matters.

The other place has what is called a suspensive veto. This provides for the opportunity for revisiting constitutional endeavours. As long as there is a Senate there are no artificial deadlines.

Thank goodness for the Senate of Canada. I am thankful that the Reform Party sees eye to eye with me on this.

Number eight, the Reform Party complains that there was not enough time to study this matter, that it was done lightly and in haste. It suggests that a court decision would have settled the legal issue.

Again, I am no expert but I do not want to unfairly criticize anybody. It is becoming obvious that the Reform Party does not understand the role of Parliament. Parliament makes law. That is what it means to be a legislator.

It seems to me that the call for a court to decide on this issue is a complete abdication of governance and a complete abdication of leadership.

Number nine, in addition to number eight, Reform calls for the best legal advice available. I am sorry to hear that the Reform Party leadership is not confident in its ability to obtain or produce good legal advice.

In our caucus we have good legal advice. We have parliamentarians who meet their responsibilities head on. I am personally grateful to Senator Gerald Beaudoin, a noted constitutional expert who has been most helpful on the committee, helping everyone better understand the issues.

The Reform Party should have listened to him more closely. However, if the Reform Party is looking for the best legal advice available, I invite it to call on our House leader or even our party leader.

Number 10, the Reform Party mentioned guarantees that were vital to the passage of the British North America Act. Again, I do not want to point out Reform's complete misunderstanding of Canadian history, but as far as I know the passage of the BNA act took place at Westminster and quite frankly there were very few people there.

Perhaps what the Reform Party means is that it was vital to the negotiation of the BNA act, but if that is what the Reform Party meant to say, then why did it not say that?

• (1320)

Number eleven, I do not mean to tell the Reform Party what it surely already knows. Although if the Reform Party was aware of this, I do not know how the following got in here. Maybe just another error. These things happen. Once again I quote "provincial statutes are clearly inferior to constitutional provisions protecting minority rights". It obviously should not be me informing the Reform Party of this.

Less than two weeks ago the Supreme Court of Canada listened to a case, *Vriend v Alberta*. In this case the province of Alberta, and if I am not mistaken the Reform Party draws much of its strength from there, stood before the Supreme Court of Canada to

defend its refusal to extend protection against discrimination in its human rights legislation. In short, the province of Alberta is arguing that its provincial statute is clearly superior to constitutional provisions protecting minority rights, prohibiting discrimination.

Either there is a blatant error in this dissenting opinion or the Reform Party is in direct opposition to the province of Alberta. In one two-page document the Reform Party insults Quebec and contradicts Alberta.

Number twelve, the Reform Party says compelling reasons for amending the constitution have to be made and then adds no such case was made to committee. Again, I am no expert but I do recognize when a two page document contracts itself over and over.

Earlier in the same document the Reform Party says “we do not question that an overwhelming consensus has been shown”. I do not want to say that the Reform Party does not know what it is talking about, so I put the question forward. Which one is it, an overwhelming consensus has been shown or no such case was made? Surely the Reform Party understands that it cannot be both.

It is not my place to say that Canadians are used to the Reform Party’s contradicting itself, but in a two page document you would think that it could get it straight.

It appears its left hand—no, let me get this straight—its right hand has no idea of what the other right hand is doing. The committee heard from more than 60 organizations and individuals, anglophones, francophones, Protestants, Catholics, Jews and aboriginals. There was a strong case made to amend section 93. I suppose the Reform Party was not watching. Maybe it was not listening. Maybe the translation was not working.

I am still learning in Ottawa. It seems to me that Canada is not some box, all segmented, neat and tidy. Canada is messy, Canada is confusing. We are all here to better understand Canada and to make Canada better.

I do not want to say the Reform Party does not understand Canada, but the Reform Party’s dissenting opinion is contradictory, uninformed and without merit.

I hope this helps the Reform Party reflect on its dissenting opinion. I invite the Reform Party to reconsider its position and make the recommendations of the committee unanimous.

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Madam Speaker, I was disappointed that the hon. member spent half the time of his speech on this important historic constitutional amendment making cheap, sarcastic, partisan remarks which were entirely out of place in this debate.

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There is a time for that kind of thing in this House but this is not one of those times. This hon. member stooped to pretty low levels in his comments.

One of his first comments was that the Reform Party does not understand his Canada. It is not just his country, it is mine as well. It is our country. I understand this history pretty darn well. Before this debate started I read the Confederation debates from cover to cover. I challenge the member or any one of his caucus to go up in a history test anytime with the hon. Leader of the Opposition who probably knows more about the history of this country in the compact of Confederation than virtually any member of this place.

Sir Charles Tupper said in 1896 that without the guarantee of section 93 for the rights of minorities being embodied in the new constitution, we should have been unable to have obtained any confederation whatever.

● (1325)

What the hon. member is seeking to remove from the constitution today in terms of its application to Quebec is the basic compact of Confederation in the words of the supreme court, in the words of Peter Hogg, our pre-eminent constitutional authority. Part of my objection to this amendment is predicated on our history, on our historical recognition of the rights of minorities and the confessional rights of parents to send their children to the educational institution of their choice.

The hon. member talked about consensus. He said that the members of the national assembly were acting responsibly and demonstrating democratic consent. What about the quarter of a million Quebecers who signed a petition objecting to this amendment? What about the coalition that represents 600,000 Quebecers that came before the committee objecting to this amendment? What about half the witnesses, francophone witnesses, Catholic witnesses, Protestant witnesses, witnesses with many different backgrounds who are opposed to this amendment because it removes and extinguishes forever a basic constitutional right and a basic civil right, the right of parents to choose the education of their children? What about those witnesses?

They were not represented at the national assembly because it did not have hearings. It would not know what they had to say about this. There has been no debate about the confessional implications of the removal of section 93. And this member preens on members of Parliament acting responsibly.

I sat as an associate on the committee and I recall this member hardly being at even half the hearings. I do not recall him being at the clause by clause review where we wrote the majority report, where Reform made many positive and constructive amendments which found their way into the majority report. I do not recall that member asking a single question of a witness before that commit-

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tee, so I do not need to be lectured by that hon. member when it comes to the responsible exercise of our parliamentary responsibilities.

I will ask this member a question. With all partisan nonsense aside, does he not recognize that when we remove section 93, the full force of the charter will apply to the Quebec education system and that if we are to take the judicial precedents in Ontario as a guide we will see that the confessional education elements of the Quebec education act will be found unconstitutional? Does he not recognize the almost unanimous legal opinions brought before the committee that the confessional elements of the Quebec school system will be threatened by the charter if section 93 is removed? Forget the partisan stuff. Does he recognize that or not? If he does recognize it, why is he prepared to undermine the confessionnalité of the Quebec schools that the vast majority of Quebecers wants to maintain?

**Mr. David Price:** Madam Speaker, I will first answer a couple of quick questions to be clear. I was there when the bill was drafted. I think the member saw me there. I do not understand—

**Mr. Jason Kenney:** I never heard you, that's why.

**Mr. David Price:** Do not forget I was last on the list. We had three senators there. I was taking my information from them. The member does not really understand. That is why I will go back to the basics.

What I am looking for here is the best for our kids in Quebec. I am a Quebecker. I go back seven generations in Quebec and I am looking for the best we can get for our kids. Our school system right now in my area is linguistic. It works well. I know it is going to work. It is giving the minorities a chance. That is why the minorities were going there.

We did not see minorities coming out of areas like Montreal where they do not have it right now. They do have it in our area and it works. That is the bottom line as far as I am concerned. I want something that works that will be the best for the kids.

The hon. member's stuff is in here. I do not know why he is complaining about it. He wrote it down. This is dissenting opinion.

**Mr. Roy Bailey (Souris—Moose Mountain, Ref.):** Madam Speaker, I was not going to speak on this but I decided to when the hon. member got up. This is very close to my work throughout my entire life. He suggests we do not know anything about this problem we have.

I suggest to him that the word conservative in the histories of Saskatchewan, Manitoba and Alberta as it relates to the school system is a bad word. It is a bad word. So any time a Conservative stands up and tries to tell me that Reform does not know anything about this country I will tell him this. We know a whole lot about the country that he has forgotten or he never knew.

• (1330)

I have in my possession petitions signed by constituents who know what their forefathers went through in the formation of the province of Saskatchewan. There are some from Manitoba as well who say that we should take great care preserving that section. They do not want a repeat of history. They do not want a repeat of Conservative governments in the provincial house in Saskatchewan ordering minorities to close their doors or to take out certain textbooks. Alberta does not want it and certainly Manitoba does not want it.

The three prairie provinces are satisfied with their school systems. Even the slightest minorities are given an opportunity. I want to preserve that. Saskatchewan in total wants to preserve it. We do not want somebody messing around, providing a little break in the armour so that minorities could some day be challenged by another Conservative Party. God forbid that.

I am saying clearly that I have looked at the matter and taken the advice of my people, the people whom I represent. They are worried about the toe getting in the door once more. The minority rights they have enjoyed for three generations could conceivably go out the window. It is not just a one province debate. It covers all of Canada.

**Mr. David Price:** Madam Speaker, we are really talking about Quebec. We are not talking about the other provinces. We are only speaking about section 93 and how it affects Quebec.

The member's party wrote the dissenting opinion. It really does not make any sense. We are protecting minority rights in Quebec. It is the only way we can do it. We cannot do it with section 93 in place. We cannot do it.

**Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Madam Speaker, I am pleased to be able to speak to the resolution today. I feel it represents a positive step for Canadians in many ways.

As a member of the joint committee that considered the resolution to amend section 93 of the Constitution I had the opportunity to listen first hand to the concerns of the Quebecois and Canadians. I found this personal testimony on the realities of Quebec society at the end of the 20th century to be very instructive. As a result of 30 years of discussion the amendment will reflect the pluralism of Quebec society.

Many of my colleagues will be discussing the substantive and emotive elements of the proposed resolution. I would like to speak on the procedural elements of the resolution as I feel they explain many of the questions surrounding the change. Finally I would like to add some personal reflections on the issue.



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Let me begin my presentation with a discussion on the bilateral nature of the proposed amendment. The Constitution Act, 1982, provides for amendments in section 43 “in relation to any provision that applies to one or more but not all provinces”. Procedurally such an amendment requires the resolution of three bodies: the Senate, the House of Commons and the provincial legislative assembly requesting the amendment. We are in the process of ensuring those basic procedural requirements.

Let us go beyond the basics of the procedural elements. The joint committee heard that the political validity of the resolution of any of these three bodies depended on the evidence of consensus. The Quebec legislative assembly passed its resolutions unanimously. This may be evidence of some consensus, as the legislative assembly includes members of minority communities in Quebec.

• (1335)

However, I feel we must look further for evidence of consensus. Particularly when a legislature is considering changes to constitutional guarantees of rights, it is critical that the minority affected by the change be aware of the proposal. Further I believe it is critical that a majority of the minority affected be supportive of the proposal.

In the case of the amendment to section 93 of the Constitution Act I believe that a majority of the minority affected support the amendment. This conclusion is based on evidence I heard during the committee hearings. Anglophones, Catholics, Protestants and non-denominational groups were in support of the change.

I draw the attention of the House particularly to the support of the Anglican bishops and the Canadian Jewish Congress for the amendment. The Catholic bishops were not opposed. The Right Reverend Andrew Hutchison, Bishop of Montreal for the Anglican Church of Canada, stated in his letter attached to the report tabled in the House:

Our conviction is that the state must exemplify and uphold the principle of equality before the law in dealing with the major religious traditions that have long been part of our Quebec community.

Therefore not only does the Anglican church support the resolution on the basis of religious education being a family matter, but it feels that all major religious traditions must be treated equally in Quebec.

I am proud the government decided to hold committee hearings and invite testimony about the resolution. After having attended all the hearings I am personally satisfied there is a consensus on the amendment. I am satisfied a majority of the minority affected by the change support it. As a franco-Ontarian the support of the majority of the minority is what I expect from any province that intends to change its minority rights guarantees in any area.

Before I move to the next section of my presentation I invite my Reform colleagues to consider the following. The Right Reverend Andrew Hutchison of the Anglican church stated that its support of the amendment was based on its firm conviction that religious education of children was primarily a family responsibility.

Given the Reform stand on the importance of traditional families and family values, why is it not supporting the amendment? The amendment is an opportunity to reinforce the role of the family in the moral and religious education of children.

[*Translation*]

I would like to mention here the impact of this discussion on my own riding. Anybody familiar with Ontario history knows the Penetanguishene area has been troubled by school issues in the 1960s and 1970s. To give you an idea of the situation in my own region, let me remind you we have seven schools in Penetanguishene. Just imagine. Seven schools for a population of 7,000. We have English and French public schools, English and French Catholic schools, and one English Protestant school and school board.

I am well aware of the divisions this plethora of school boards can create in a minority community. That is why I understand and support this initiative that will allow the minority community in Quebec to unite. I think this amendment will help minority communities in Quebec to consolidate and benefit from it.

Members in several parties in the House are afraid that this will create a legal and political precedent for the abolition of the rights of official language and religious minorities. I would like to address this concern if I may.

I agree that this will create a political precedent in amending official language and religious minority rights, but I think it will be a good precedent. Any other government—and I am thinking of Ontario premier Mike Harris who would like to somehow amend the rights of Franco-Ontarians and Catholics—would have to meet the same criteria. It will have to demonstrate that the proposed amendment is supported by a majority of the members of the minority affected.

• (1340)

Furthermore, this support should be confirmed not only by a vote of the provincial legislature but also by witnesses before a Canadian parliamentary committee. This is another reason why I am proud of the decision by this government to conduct hearings. It created a precedent for any future government which could be less vigilant than this one.

Finally, this constitutional amendment proves beyond any doubt that a people's needs and desires can be accommodated within the federal system. I am glad we can show Quebecers how the Canadian Parliament has played a productive role in this amendment. After a 30-year-old debate in Quebec society, this amend-

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ment will soon be a reality. Can we learn from this in the debate on national unity? I hope so.

After 30 years of debate on national unity we could perhaps solve the problem through a constitutional amendment or some other means. Federalists and Quebec separatists will perhaps finally opt for a unanimous vote on a resolution proposal. Perhaps the other provinces will see this amendment as the result of co-operation.

If this could be a side effect of this amendment, we would have done a good job. For all these reasons, I urge my colleagues in this House to support this resolution.

[English]

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Madam Speaker, I commend the hon. member for his remarks and diligent participation in committee. He is undoubtedly sincere.

I have a couple of questions for him. He and his minister both mentioned a number of groups in favour of the amendment that appeared before the joint committee. I notice, however, that neither he nor his minister mentioned the several groups against the amendment that appeared before the committee. I am afraid this rather unbalanced presentation of the committee's hearings may mislead some members of the House with respect to the lack of consensus in committee. Could he elucidate for his colleagues some of the groups against the amendment that appeared before the committee?

He said there had been a 30 year debate about the question in Quebec society, an assertion repeated by several speakers this morning. The hon. member knows that the debate over the past three decades in Quebec society has dealt with the establishment of linguistic school boards and not with the extinguishment of confessional school guarantees provided for in section 93.

He will know that this matter was not dealt with seriously in the report of the estates general a couple of years ago. He will know that this is a relatively recent proposal, one which passed through the Quebec National Assembly without public hearings.

Will he admit that there has not in fact been 30 years of debate about the amendment to section 93 before us today but that the debate pertained to the establishment of linguistic school boards?

My final question relates to the position of the Quebec Catholic bishops. The hon. member said, as did his minister, that the Quebec bishops were not opposed to the amendment. Will the hon. member admit the bishops have made very clear that they oppose any changes that would remove provisions for confessional schooling in Quebec? Will he not admit that is the actual position of the

bishops? Will he not put it in its full nuance on the record of this debate?

• (1345)

**Mr. Paul DeVillers:** Madam Speaker, the member asked why in my speech and in the minister's speech we did not list the witnesses who were opposed. I think the report of the committee which was tabled in the House goes through that very, very clearly and in much detail.

No one is suggesting that the consensus was unanimous. The committee heard that it is pretty well unanimous on the question of moving to a linguistic school system. But the consensus is far from unanimous on whether it should be accomplished by the proposed amendments to section 93. There is no question and nobody was trying to mislead any member or the House. There were a lot of witnesses who gave testimony that they were not in favour of the amendment that we are debating here today proceeding.

However, from evidence I heard and from weighing the representations of the various witnesses, there is no question in my mind that there is a very strong consensus that the amendment proceed. Members of the committee asked witnesses specifically, given the fact that we are removing entrenched rights, did they still favour it being proceeded with. In my opinion and in the opinion of the majority of the committee, that consensus was very clearly demonstrated.

If the member feels that I was misleading anyone, I certainly wish to assure him that is not the case. There is no question of attempting to mislead anyone. It is still my very strong opinion that there is a strong consensus in the Province of Quebec that we proceed with this amendment.

The member says that reference has been made to this being a 30-year old debate. He is partly correct. We have not necessarily been talking about amending section 43 of the Constitutional Act of 1982 for 30 years. The process is not 30 years old, so we obviously were not talking about using section 43 of the Constitution Act of 1982 for 30 years. However, the whole question of managing the school system in Quebec is a debate that has been going on for approximately 30 years.

The issue has been studied by commission after commission, all of which is referred to in the report dealing with going from a denominational to a linguistic school system. In recent years the question of the process of using section 93 has been reviewed and proposed. There were committee hearings and the Quebec legislature has dealt with it.

In his final question the hon. member asked me about the position of the Catholic Bishops. I think I quite correctly stated in my comment that the Catholic Bishops were not opposed to the amendment. They did not appear before the committee but there was correspondence filed which set out their position which

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simply stated is that they are not opposed to the amendment. The amendment removes denominational school boards. However, they still favour denominational schools.

I have tabled an excerpt from an interview with a Quebec Bishop saying that he was satisfied to leave it to the state to decide how to implement the required changes and he was satisfied that there were measures in Quebec law, the Quebec Charter of Rights and the Quebec Education Act that would ensure their conditions were met and that there would be denominational schools.

The committee heard evidence that it is a very strong position in Quebec society that people want to retain denominational schools. I think the political realities will ensure that.

• (1350)

**Mrs. Elsie Wayne (Saint John, PC):** Madam Speaker, the hon. member on the government side said that the Catholic bishops were in favour of this change. No. I want to say to him that on March 6, 1996, 15 members of the permanent council of the Canadian Conference of Catholic Bishops, of which six bishops were from Quebec, agreed to the following recommendation.

The Canadian Conference of Catholic Bishops asked the members of the House of Commons and the members of the Senate of Canada to weigh carefully the implications of this proposal and to indicate that they cannot associate themselves with the passage of legislation that would deprive minorities of religious and educational rights.

As well, when this was first discussed about linguistic school boards, the protection of section 93 was not even being considered at that time. Therefore I have a major concern. I want to ask the hon. member, abrogating the constitutional rights of a minority without their consent is a terrible precedent in our country, I cannot imagine that this government or this member would be part of that—

**Some hon. members:** Hear, hear.

**Mr. Paul DeVillers:** Madam Speaker, the hon. member says I indicated that the Catholic bishops were in favour. I did not say that. I said that they were not opposed and I am going from the evidence that was before the committee, letters that were filed before the committee. I think I very accurately stated what their position was as it was presented to the committee.

However, I am not saying that at any time did they say they were in favour of it. They were saying that they were leaving that to the state to deal with.

With respect to the member's final point dealing with minority rights, I very clearly stated in my presentation that I believe constitutionally entrenched minority rights can only be dealt with

when there is a very clear demonstration that the majority of the minority who are affected are in favour of it. I believe that is what we are dealing with in this case.

[*Translation*]

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Madam Speaker, I rise on behalf of the official opposition to speak to the proposed changes to the Constitution Act, 1867, to amend paragraphs (1) to (4) of section 93, which provide for the creation of denominational school boards in the provinces of Quebec and Ontario.

The proposed change to the Constitution Act follows a resolution adopted by the National Assembly of Quebec, asking the federal government to amend section 93 of the act to facilitate the establishment of linguistic school boards.

I want to be clear: the official opposition supports the idea of linguistic school boards. We are not opposed to the creation of a better school system or a school system where groups are formed on the basis of language. However, this amendment is neither about linguistic school boards, nor about modernizing the school system in Quebec, nor about giving parents more power in choosing an education system for their children. This amendment is about taking away minority rights which are guaranteed in the Constitution and protected by the federal government.

I will repeat: the Reform Party is not opposed to the establishment of linguistic school boards. However, it cannot condone the abrogation of vested rights without the consent of those directly affected.

[*English*]

We have outlined in our debate in the House three tests for amendments of this nature. The first is a test of democratic consent and by this we mean not only the consent of the majority but as the parliamentary secretary says, the majority of the minority and the majority of the groups directly affected.

• (1355)

Parliament must be satisfied that Quebec citizens were well informed about the proposed amendment and its implications radically consulted by the government and that a majority of those affected are in favour of the amendment.

The second test that we have outlined is that the change must respect the rule of law and that it must not prejudicially affect minority rights. In other words, the correct amending formula must be used and we must be certain that we are not offending the very right guaranteed in section 93, not to prejudicially affect the rights of professional groups.

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The Quebec National Assembly suggests that section 43 of the Constitution Act specifies the applicable amending formula but we do not believe it has made a case that this does not prejudicially affect minority rights.

The third test is that the amendment must be in the national interest. Parliament must determine whether the actions of one province affecting education rights may create a significant precedent regarding the educational rights of Canadians in other provinces.

With respect to the first test, the committee was informed that the national assembly and the public have addressed the issue of linguistic school boards for the past three decades. We just heard from the parliamentary secretary that this is not the case. What has been debated in the past is the establishment of linguistic school boards. There seems to be a unanimous consensus in favour in Quebec from all quarters.

However, the proposed amendment before us today has not had that kind of rigorous discussion. The parliamentary secretary just said that in the past few years it has had some public scrutiny. I suggest that what he really means to say is in the past year. The implications of this amendment have really not been seriously debated.

The problem here is that we are talking about extinguishing a right which was central to the compact of Confederation. The Supreme Court of Canada has said that section 93 represents a central part of that compact. Peter Hogg, one of our leading constitutional experts, says that it is in itself a miniature bill of rights, that section 93 was that important to the heart of Confederation.

What we are discussing here is not some administrative realignment of the Quebec school system. As I have said, that is something that we support. Education administration is a provincial responsibility and we do not object to that. However, what the Constitution does is to vest in this Parliament the power to protect the rights of minority groups and groups empowered with educational rights at the time of Confederation. Those Fathers of Confederation put that amendment in place in 1867 because they anticipated a debate like this might happen today in this House.

Many groups appeared before the committee. As the government has said, some 60 witnesses. By my count, roughly half of those witnesses opposed the proposed amendment. Most interesting is that the only groups that I recall—ordinary parents, people who were the most directly affected and who came before the committee to ask that this Parliament not approve the amendment—were those opposed to the amendment.

On the first days of the hearings we had a room full of parents opposed to the amendment. These people were not lawyers, education bureaucrats or politicians. They were parents concerned about how this would affect their educational rights. Many other groups appeared before the committee, including constitutional law experts, who indicated that this amendment would threaten and eventually extinguish confessional school rights in Quebec.

I see I am out of time. I will continue my comments after question period.

**The Speaker:** Of course. You still have approximately 13 minutes and the floor will still be yours when we resume debate after the question period.

[Translation]

It being almost 2 p.m., we will now proceed to statements by members.

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## STATEMENTS BY MEMBERS

[English]

### LIVING ART CENTRE

**Ms. Carolyn Parrish (Mississauga Centre, Lib.):** Mr. Speaker, I rise in the House today to note the successful official opening of the Living Art Centre in Mississauga.

• (1400)

It is a unique multi-purpose facility combining traditional art forms and leading edge technology. The centre will broadcast and receive worldwide transmissions of voice and video data and will utilize three performing areas, meeting, conference, studio and instructional facilities.

The \$68 million project was completed under the Canada-Ontario infrastructure works program with the federal and provincial partners each contributing \$13 million, the region of Peel \$5 million, the city of Mississauga \$20 million and a further \$30 million being provided by the private sector.

The infrastructure works program is not only about bricks and mortar. It is also about people. The Living Arts Centre is a perfect illustration of the government's commitment to the enhancement of cultural life everywhere in Canada.

I am proud to see that arts, technology and community efforts work hand in hand in Mississauga.

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### VETERANS

**Mr. Gary Lunn (Saanich—Gulf Islands, Ref.):** Mr. Speaker, I rise today on behalf of the veterans of Canada, particularly the Koncentration Lager Buchenwald Club.

Remembrance Day is not yet a week old and the government has apparently forgotten the sacrifices of Canadian airmen wrongfully imprisoned in Buchenwald concentration camp during the second world war.

I call on the Minister of Foreign Affairs and the Liberal government to turn up the political pressure on Germany to ensure the few remaining veterans of this horrible experience receive their long overdue compensation for the atrocities committed against them at that time.

Now is not the time to weigh trade treaties against what is right and wrong. Of 15 countries affected, 11 have achieved satisfaction from the Germans, 2 have acted unilaterally and the fourteenth, the U.S., is pressing the matter vigorously. Canada is dead last, 15 out of 15, in getting the matter resolved. We must act now.

\* \* \*

### HEALTH

**Ms. Sophia Leung (Vancouver Kingsway, Lib.):** Mr. Speaker, last week the Minister of Health announced \$1 million of federal funding for Vancouver's downtown east side. The funding will go toward fighting the HIV epidemic among drug users in Vancouver East.

The spread of AIDS is alarming. It has been described as an epidemic. Thankfully the government has recognized the gravity of the problem and has taken action.

I applaud the minister for allocating funds to the crisis and I thank all my colleagues in the House who promoted the intervention of Health Canada.

\* \* \*

[Translation]

### BOULANGERIE SAINT-MÉTHODE

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Mr. Speaker, I would like to acknowledge in this House the determination of the Faucher family, of Saint-Méthode, and its concern for a job well done.

Their family operation was granted the prestigious ISO-9002 standard of total quality. This is a first in Quebec, as Boulangerie Saint-Méthode will become the first such business to achieve this high standard of quality.

This bakery's outstanding products are the pride of the asbestos producing region. Every day for the past 50 years, our community has been able to literally taste the care the Faucher family puts into baking quality products.

I for one believe that the main ingredient in the Faucher family's winning recipe remains its great respect for its employees and their expertise.

*S. O. 31*

Long live Boulangerie Saint-Méthode.

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### FRANCOPHONE SUMMIT

**Mr. Guy Saint-Julien (Abitibi, Lib.):** Mr. Speaker, the next Francophone Summit, whose theme will be youth, will be held in Moncton, New Brunswick, in September 1999.

This will be yet another occasion for French speaking countries to gather to sign cultural and economic agreements, which will further strengthen ties between participants. It will provide an opportunity to review action taken to carry out commitments made recently at the Hanoi summit.

We are happy for the Acadian community, which will seize this unique opportunity to sign agreements and establish relationships with other French speaking countries around the world.

Our congratulations to New Brunswick and the best of luck to the Acadian community in preparing to host this summit.

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[English]

### REFORM PARTY OF CANADA

**Mr. Joe Jordan (Leeds—Grenville, Lib.):** Mr. Speaker, I rise today to bring to the attention of the House an impending tragedy.

The grassroots movement known to us affectionately as the Reform Party is undergoing a major transition. Armed with a newly renovated house, designer suits and hair styles that change shade more often than mood rings, the Reform Party is quickly becoming the very demon it was created to slay.

The Reform leader now has an insulated work boot planted firmly in the oil patch and is attempting to stretch a Gucci shoe to the boardrooms of Toronto.

● (1405)

I suggest that we put the Commons health services on full alert because there is not enough A535 on the planet to soothe the ideological groin pull that is going to result from this, not to mention the ankle sprain as they fall off their soap box.

\* \* \*

### HEALTH

**Mr. Roy Bailey (Souris—Moose Mountain, Ref.):** Mr. Speaker, I rise today to bring attention to a small town in southeast Saskatchewan by the name of Redvers. It is a recipient of the prestigious five star award from the Federation of Canadian Municipalities awarded to communities that excel in providing access to persons with disabilities.

*S. O. 31*

The new health care centre which is under construction will contain space for laboratory, radiology, community health services, a medical clinic, emergency, observation and maternity rooms as well as six acute care beds.

The Redvers and District Community Health Foundation Inc. is building the centre without one cent of provincial money and without one cent of federal money. Once again local initiative leads the people in my constituency.

\* \* \*

**INTERNATIONAL TRADE**

**Ms. Susan Whelan (Essex, Lib.):** Mr. Speaker, this past week, November 11 to November 15, 1997, the Minister for International Trade led a very successful and ground breaking team Canada trade mission including 120 business women from across Canada, members of Parliament from Parkdale—High Park, Barrie—Simcoe—Bradford, Kitchener Centre, Senator Céline Hervieux-Payette and me to Washington in an effort to increase the number of firms led by women exporting to the lucrative U.S. market.

The three day Canadian business women's international trade mission was designed to introduce potential exporters to the U.S. market and specifically to export business opportunities and form partnerships in the the mid-Atlantic states.

Canada's exports to that region amounted to \$11.5 million in 1996. The program enables Canadian participants to pursue business opportunities with U.S. firms through mentoring, networking and partnering activities. The participants attended a series of export development workshops on topics ranging from export strategies to marketing and international business financing.

Our team Canada trade missions are the type of leadership the government provides to ensure that Canada continues to prosper into the new century.

\* \* \*

[*Translation*]**DRINKING WATER**

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, is Canada truly the "best country in the world to live in"?

Two weeks ago, the Minister of Health told us that drinking water comes under provincial jurisdiction, while the equipment used to transport it is the federal government's responsibility.

Nothing surprises us any longer, since we already know that in Quebec the bottom of the St. Lawrence River comes under federal jurisdiction, while the water itself is the responsibility of the province. Fish is a federal responsibility but, once out of the water, it becomes a provincial one. Fishers' boats are registered under

federal laws, but their construction is subject to provincial standards and, of course, federal safety regulations. The shores of the St. Lawrence come under provincial jurisdiction, but ports belong to the federal government.

And now the health minister is proud to add to the "best mess in the world to live in" with Bill C-14.

Sovereignty cannot be achieved too soon. We have to get out of this mess.

\* \* \*

**BLOC QUEBECOIS**

**Ms. Raymonde Folco (Laval West, Lib.):** Mr. Speaker, last week, the former Bloc Quebecois leader said his party should leave the scene.

At last, a sovereignist has suddenly realized that the Bloc Quebecois was taking root, in spite of claiming to be a temporary party. It is the first time that a Bloc Quebecois official alludes so openly to the possibility of a defeat of the yes side in a future referendum.

The former leader also feels that, win or lose, the Bloc Quebecois should leave after the next referendum.

Under the circumstances, and until its demise, the Bloc Quebecois should work much more seriously to try to improve Canadian federalism. It is time for the Bloc to take on this task.

\* \* \*

[*English*]**IMMIGRATION**

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, once again I must outline an excellent example of the inability of the Liberal government to deport illegal immigrants.

The Baljinder Dhillon family of Abbotsford was ordered removed from Canada in 1993 but never left the country. The family merely waited for three years to go by before applying under the DROC, that is the deferred removal order class program, to be allowed to stay because during these three years they had established ties in Canada.

I contacted Immigration Canada to check on the removal order and was told that the family's case was not even on the list to force a removal, meaning the family could conceivably stay forever without Immigration Canada ever pursuing the deportation.

● (1410)

I continue to be amazed that Immigration Canada has neither the physical ability nor the desire to deport people who have been under removal for more than four years. In this instance I wonder why Immigration Canada bothered to order the family removed in

the first place. Why carry the ball all the way down the field only to drop it?

\* \* \*

#### ASIA-PACIFIC

**Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.):** Mr. Speaker, this week and next the eyes of the world will be fixed upon Canada when it hosts the Asia-Pacific Economic Co-operation forum, the culmination of Canada's year of Asia-Pacific.

The forum is a golden opportunity for Canada to help APEC move in a direction which reflects the needs and values of Canadians and to expand its influence in the region.

APEC members have a combined gross national product of \$16 trillion U.S., which is about half the world's annual trade. Last year Canada's trade with APEC members, excluding the United States, reached \$58.6 billion.

The Prime Minister has underlined the importance to Canada's economic future of bringing APEC to Canada for developments in Asia-Pacific touch the lives of Canadians more and more as a result of growing business, immigration and cultural ties.

Canada must commit itself, in addition to continued economic engagement, to learning more about the cultures of our neighbours thereby reinforcing economic co-operation in the Asia-Pacific region on the basis of shared partnership, shared responsibility and common good.

\* \* \*

#### LOUIS RIEL

**Mr. Gordon Earle (Halifax West, NDP):** Mr. Speaker, the anniversary of the death of Louis Riel was yesterday. I know I speak on behalf of my colleague, the hon. member for Churchill River in Saskatchewan, who is Metis, and the rest of the New Democratic caucus when I call upon the government to correct horrible historic injustices.

Now is the time to officially exonerate Louis Riel and with it the dark cloud that hangs over the federal government. Now is the time to go beyond recognizing Riel as a founder of Manitoba and officially recognize him as a Father of Confederation.

The refusal of the federal government to acknowledge that the Metis fall under subsection 91(24) of the constitution is one of the worst forms of official federal discrimination according to the Royal Commission on Aboriginal Peoples.

The anniversary of the death of Louis Riel would be a very fitting time to correct these injustices.

[Translation]

*S. O. 31*

#### REGIONAL DEVELOPMENT

**Mr. Claude Drouin (Beauce, Lib.):** Mr. Speaker, I would like to repeat in this House a piece of excellent news for the great Québec-Chaudière-Appalaches region.

On November 7, the hon. secretary of state responsible for the Federal Office of Regional Development gave a highly positive report on the regional technology fund. After a mere year of existence, thanks to contributions totalling \$3.3 million, this fund has made ten high-tech projects possible. These projects, in which close to \$17 million will be invested, will create 187 jobs in the greater Québec-Chaudière-Appalaches region.

This initiative, undertaken by the government in partnership with Gatiq-Technorégion, will help make this region a centre of excellence for the companies involved in the new economy.

This is once again proof of the important role played by the Canadian government, via FORDQ and its secretary of state.

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[English]

#### INTERNATIONAL DEVELOPMENT

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, I rise today to congratulate the University of New Brunswick, Saint John campus, for acquiring the support of CIDA for a major international project.

The project entitled "Community based conservation management: China and Vietnam" will support a five year project that will respond to major gaps that exist in species conservation and habitat protection for China and Vietnam.

Through community oriented field training activities the project will develop institutional expertise in ecosystem health and conservation management and enhance linkages between the two countries.

This is the third international development project the university has received funding for. With the help of CIDA and the leadership of Dr. Rick Meiner, vice-president of UNBSJ, our university is emerging as the leader in the maritimes in the field of international development.

I say congratulations to UNBSJ and good luck with its new project.

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#### PEACEKEEPING

**Mr. John Richardson (Perth—Middlesex, Lib.):** Mr. Speaker, it is with great pleasure that I rise in the House today to pay tribute to our peacekeepers in Bosnia.

*Oral Questions*

I had the opportunity to visit some of our peacekeepers last week where I saw first hand their efforts to keep peace in that unfortunate country, enabling its people to rebuild their lives after years of war.

• (1415)

I observed significant progress in making it safer by ridding the country of the scourge of land mines. I met with pilots and the support staff of the CF-18 squadron based at Aviano, Italy, whose task was to enforce the no fly zone over Bosnia. I had the pleasure once again of meeting them as they return today after doing a job well done in Bosnia.

The peacekeepers in Bosnia are fine examples of dedicated, courageous professionals of the Canadian forces who have placed themselves at risk to help nations and peoples to find peaceful solutions to their disagreements. I am proud of these men and women, as are all Canadians.

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## ORAL QUESTION PERIOD

[English]

### FOREIGN AFFAIRS

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, while our two great allies, Britain and the U.S., are mobilizing warships this Prime Minister is mobilizing cocktail receptions with Iraqi officials. Last week our Prime Minister was actually defending Canadian business invitations to Saddam. He said "If you want to sell you have to have contact first".

Contact? Who wants contact with a man who gassed thousands of Kurdish dissidents with chemical weapons? What kind of contact with the butcher of Baghdad would the government find acceptable?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the government finds completely unacceptable the conduct of Saddam Hussein and his regime. We insist that the Iraqi regime allow the UN inspectors back, including those of American origin, to carry out their job pursuant to the UN resolutions without reservation.

In so far as there is any matter of exports to Iraq, the government's position, as is the Prime Minister's position, is that these must meet completely Canadian law and UN resolutions. How can the Reform Party object to that?

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, the Reform Party objects to that because it completely sends the wrong signal to our allies. That is what we are talking about right now.

Any business deal with Iraq, even under the name of so-called non-military business, undermines any allied action.

The UN weapons inspectors must have full access in Iraq and Saddam's bullying must end, but our government is actually helping Saddam's image and harming our allied cause. Again, why on earth is the Prime Minister supporting trade with the likes of Saddam Hussein?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the Prime Minister is not supporting trade. All he said was that our rules and the UN rules have to be respected. I do not see why the Reform Party would oppose that.

Furthermore, if the Reform Party is saying that the UN inspectors must be allowed in, all it is doing is agreeing with what we have already said, and it is about time.

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, this is unbelievable. In defiance of UN sanctions, Saddam continues to develop chemical and biological weapons, nuclear weapons and missile technology. Yet the government says that it is okay, that it does not have a problem with that.

Our Prime Minister said that these acceptable trade items are okay because they are okay with the UN. Let us talk about trucks and medical supplies. They can be used for military purposes and military personnel as well. Our government knows it; Saddam Hussein knows it.

Is there no dictator too dirty for the government to do business with?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the hon. member completely misstates the government's position. The government has never said that it supports Iraq's development of biological weapons. It totally rejects that. It stands firm with the other countries of the UN in saying that Iraq must back down and accept UN inspection without reservation.

I say to the hon. member that type of misleading comment, perhaps not intentional, totally weakens the ability of this Parliament to send a strong signal to Saddam Hussein that his misdeeds are unacceptable. It is about time that she supported our position against Saddam Hussein.

\* \* \*

### AIRBUS

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, the Liberal government desperately wants the Airbus scandal to go away but is unable to sweep it under the rug.

Yesterday former Prime Minister Brian Mulroney accused the government of a high level cover-up. In the face of this very serious accusation, will the Prime Minister stand and state today unequivocally that former Prime Minister Brian Mulroney is lying?



• (1420)

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I have more respect for Parliament and the institution of prime minister than to use the language suggested by the hon. member.

I do want to say that the minutes of settlement signed on behalf of Brian Mulroney say that the parties accept that the RCMP, on its own, initiated the Airbus investigation. The parties have always acknowledged that the RCMP must continue investigating any allegations of illegality or wrongdoing brought to its attention.

This is what Brian Mulroney's lawyers signed for him. These words—

**The Speaker:** The hon. member for Crowfoot.

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, everyone from the prime minister to the former justice minister to the commissioner of the RCMP has told Canadians that Staff Sergeant Fiegenwald is the only individual responsible for the Airbus scandal.

Yet they allowed him to walk away without a hearing and without the determination of guilt. I ask the prime minister is this because it forms part of a high level government cover-up?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, there is no cover-up here. The arrangement between Mr. Fiegenwald and the RCMP was, as far as I am aware, entered into voluntarily by Mr. Fiegenwald with the RCMP.

That is something involving the internal disciplinary process of the RCMP under the RCMP Act. As far as I am aware, ministers have no role in that process.

\* \* \*

[Translation]

## IRAQ

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, over the past few days, a potential conflict has been growing in the Persian Gulf between Iraq and the international community.

The Prime Minister said in Hanoi last week on this matter that he was not ruling out support for the American option, that is, armed intervention.

Could the Deputy Prime Minister clarify the remarks of the Prime Minister and tell us clearly the government's position on the growing conflict between Iraq and the United States?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, according to my information, the conflict is between Iraq and all of

## Oral Questions

the UN countries, including Canada. We totally oppose Iraq's position, and demand that Iraq again allow United Nations' inspectors into the country to do their work.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, we agree the inspectors should be able to do their work. That goes without saying.

But I would like the Deputy Prime Minister to tell us whether he agrees with the more radical approach of armed intervention advocated by the United States or supports finding a peaceful solution, such as increased economic sanctions against Iraq?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, at this point, according to my sources, the issue of an armed intervention is hypothetical. We have joined with the other UN countries in demanding that Iraq allow the inspectors back into the country to carry out their work according to the UN resolutions.

\* \* \*

## CANADA POST

**Mr. Réjean Lefebvre (Champlain, BQ):** Mr. Speaker, my question is for the Minister of Labour.

Last Thursday, the Postal Workers Union presented Canada Post with a new offer in which they reduced their wage claims. In response, Canada Post representatives left the bargaining table.

Could the Minister of Labour remind Canada Post that such actions are in no one's interest and that they must return immediately to the bargaining table to come to an agreement with the union?

[English]

**Hon. Lawrence MacAulay (Minister of Labour, Lib.):** Mr. Speaker, I can assure my hon. colleague that is exactly what we do want, a collective agreement. We want both sides to go back to the table, as I understand they are now at the table.

I encourage them to work together for a collective agreement that will be better for Canada Post, CUPW and the people of Canada.

[Translation]

**Mr. Réjean Lefebvre (Champlain, BQ):** Mr. Speaker, I would like to remind the Minister that the same bargaining agents were there in 1995 and that an agreement was reached. In 1995, a negotiated agreement was signed.

Why are Canada Post representatives leaving the bargaining table this time around when an agreement is still possible? Is it because they are sure that the government will intervene and legislate them back to work?

*Oral Questions*

• (1425)

*[English]*

**Hon. Lawrence MacAulay (Minister of Labour, Lib.):** Mr. Speaker, as I indicated, we have used every process possible in order to make sure that we would come up with a collective agreement.

This government wants an agreement that will be better for the post office, for the union and for the people of Canada.

\* \* \*

**THE ENVIRONMENT**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, my question is for the Minister of the Environment.

Canadians have watched this federal Liberal government shift its ground again and again on greenhouse gas emissions. Now we finally know where the prime minister stands, peering out from behind Bill Clinton.

The government's latest Kyoto position is not good enough. It is not good enough for the Canadians who have written letters and petitions and it is not good enough for the future of the planet.

My question to the Minister of the Environment is simple. Is this pathetic Kyoto position good enough for her?

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, at this point the federal government has not announced targets and time lines because we are playing a very important role in Canada and internationally to bring together parties so that we can achieve a success in Kyoto.

As a matter of fact, we have worked as no other government before has worked with all parties, all partners, provinces, territories, business and municipalities to try to come to a consensus about what our Canadian position should be.

We had significant success at our meeting with environment and energy ministers in Regina last week.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, it does not take an atmospheric researcher to know the difference between a 13% increase and a 20% decrease in greenhouse gas emissions.

It is this Liberal government that has failed to live up to the Rio agreement. It is this Liberal government that has failed to live up to its own red book promise and now it cannot even live up to the commitment made by the prime minister less than a month ago.

Canadians are proud to be ranked on most matters among the best in the world. On this issue they are ranked among the worst in the world. Is that good enough for this energy minister?

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, this government is committed to a successful agreement in Kyoto in order to reduce greenhouse gasses. The environment and the issue of climate change are extremely important to the government and we are working nationally and internationally to have a good agreement.

There are other parties in this country who have not contributed in a positive way to make sure that we deal with the fundamental problem of climate change in Canada and around the world.

\* \* \*

**CANADA PENSION PLAN**

**Hon. Jean J. Charest (Sherbrooke, PC):** Mr. Speaker, we have been told by the office of the information commissioner that Bill C-2, the legislation setting up the Canada pension plan investment board, does not subject the board to the Access to Information Act.

I would like to know from the Minister of Finance whether this is an oversight in the legislation or whether this is a deliberate decision taken from the government to avoid the board's having to put up with the scrutiny of the Canadian public.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I want to congratulate the leader of the Conservative Party for having raised this issue which was discussed in the House almost a month ago.

The fact is the CPP investment board will operate as any other pension fund. It will be totally transparent, reports will be made on a regular basis. As the hon. member knows, certain of its deliberations will be in secret. Obviously there will be confidential matters and because we want it to operate as regular pension fund—

**The Speaker:** The hon. member for Sherbrooke.

**Hon. Jean J. Charest (Sherbrooke, PC):** Mr. Speaker, I would like to congratulate the minister for his answer today. However, I am sorry to say that it is as bad today as it was a month ago.

I would like to follow up with another question about the way this board will operate and ask him why the Auditor General of Canada is not going to examine the board's operation and make a value judgment. Why is it that the auditor general will not report on this board's operations to the House of Commons?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, this is a board which is set up by the federal and provincial governments. In fact, there is joint stewardship. It is going to be independently operated in the same way that any other pension plan would be. It will invest in order to earn the highest returns, but it will be totally transparent. All its operations will be available for public scrutiny.

*Oral Questions*

• (1430)

I really think that what the hon. member ought to do is join with the vast majority of Canadians and congratulate the government on what is a very innovative position.

\* \* \*

**AIRBUS**

**Mr. Jim Hart (Okanagan—Coquihalla, Ref.):** Mr. Speaker, let us get this straight. When it comes to Airbus Canadians are supposed to believe from the government that Brian Mulroney was lying and that a lowly sergeant in the RCMP is responsible for this entire Airbus fiasco.

Will the government please clarify its position once again on this matter? Is it a lowly sergeant who is responsible or is this government responsible for the Airbus fiasco?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I do not accept the premise of the hon. member's question. The use of the word lying is not one with which we associate ourselves in the context of the question. There is no cover-up.

Brian Mulroney himself in the minutes of settlement ending the litigation said that the subject of the litigation was not Sergeant Fiegenwald but the request for assistance that was sent to the Swiss. He further said that the parties have always acknowledged that the RCMP must continue investigating any allegations of illegality or wrongdoing brought to its attention. These are the words—

**The Speaker:** The hon. member for Okanagan—Coquihalla.

**Mr. Jim Hart (Okanagan—Coquihalla, Ref.):** Mr. Speaker, I am sure the minister will be happy to table those documents in the House.

Again, let us get this straight. The government has spent about a million dollars on Brian Mulroney's legal costs. There is another \$2 million for the lawsuit. Now there has been another \$35 million lawsuit launched by Karlheinz Schreiber.

How much more are Canadian taxpayers going to have to pay for this Liberal cover-up?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I reject the premise of the hon. member's question. There is no cover-up. If the hon. member had his way the Canadian taxpayer would have paid Brian Mulroney \$50 million. Because of our negotiations that claim was dropped and that money saved to the Canadian taxpayer.

[Translation]

**THE ENVIRONMENT**

**Mr. Bernard Bigras (Rosemont, BQ):** Mr. Speaker, my question is for the Minister of Environment.

Ever since the Canadian position on greenhouse gases has been raised, the government has repeatedly accused the Reform Party of disregarding environmental matters and of lacking the courage to take a stand on such matters.

After the meeting in Regina, does the federal government realize that it has assumed the Reform Party's position, based on the lowest common denominator?

[English]

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, we had a very successful meeting in Regina last week, as I said, with environment and energy ministers in which we recognized that climate change is a real and serious issue that all of us in Canada must confront. We had a significant agreement about this and the fact that we will define implementation strategy post-Kyoto. They gave us the flexibility as an international negotiator to work with the international community for success in Kyoto.

[Translation]

**Mr. Bernard Bigras (Rosemont, BQ):** Mr. Speaker, considering the weakness of the federal government's position, did the minister at least obtain assurances from the provinces that they will accept to ratify the agreement that will be reached in Kyoto?

[English]

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, I have to repeat that what came out of our meeting in Regina last week was not a definitive position of the federal government with regard to the meeting in Kyoto. We did agree with our provincial environment and energy counterparts to flexible ideas of what targets we might put in place. However, the provinces recognize the important and significant role that the Government of Canada plays in negotiating international agreements.

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**CANADA PENSION PLAN**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Mr. Speaker, the Association of Canadian Pension Management released a report today on Canada's retirement income system. Its report states that the current system is fundamentally unfair to future generations.

*Oral Questions*

Why is the finance minister so willing to sacrifice the best interests of our children to paper over the cracks of his CPP pyramid scheme?

• (1435)

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, over 75% of Canadians support the Canada pension plan.

The basic difference of opinion that has existed between ourselves and the Reformers has to do with the unfunded liability.

The hon. member in a statement on the weekend that I would like to quote for the first time has announced what Reform would do in terms of the unfunded liability. She said “we need to look at paying this unfunded liability out of general tax revenues”.

I would like to simply tell her that it would require a 25% increase in personal income tax to pay for that unfunded liability.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Mr. Speaker, it is probably because of the finance minister’s continued bogus numbers that the Association of Canadian Pension Management recommended today that education about pensions should start in high school. Of course, this means that our kids would be sure to find out that their return on a lifetime CPP investment will be less than 2%.

Is not the finance minister in such a hurry to push through this CPP tax grab just so Canadians—

**The Speaker:** The hon. Minister of Finance.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, if you want to know the definition of a tax grab it is the 25% personal income tax increase recommended by the Reform Party or it is the doubling of the GST recommended by the Reform Party as a means of paying the unfunded liability.

That is the basic difference between the Reform Party and us, and we are not prepared to engage in a smash and grab tax program like the Reform Party.

\* \* \*

[Translation]

**CALGARY DECLARATION**

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

It is becoming obvious that the increasing dislike the Reformers are showing for the Calgary declaration makes its acceptance very unlikely.

What is the government’s reaction to the fact that overall support for the Calgary declaration seems to be dissolving into thin air,

especially since the Prime Minister had promoted the leader of the official opposition as a key player in this issue?

**Hon. Stéphane Dion (President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, I believe this is wishful thinking on the part of the member.

Basically, the Calgary declaration reflects great Canadian values, a profound respect for diversity and support for equality. Except for the separatist party, all parties in this House have agreed to it. It has support from across the country, and what the member has just said about wishing there were none is even more reason for supporting it.

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, if I were him I would not be so quick to rejoice at Reform’s support.

Does he not realize that the statement made in Calgary by the provincial premiers is déjà vu, in other words what is definitely not enough for Quebec is quickly becoming too much for the rest of Canada?

**Hon. Stéphane Dion (President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, what is definitely not enough for Quebec is this narrow minded plan to split Quebec from Canada. Quebecers want to stay in Canada and they are quite right.

\* \* \*

[English]

**THE ENVIRONMENT**

**Mr. David Chatters (Athabasca, Ref.):** Mr. Speaker, for weeks now we have been asking this government for details on its position going into Kyoto and for weeks now the ministers have refused to discuss either how we achieve those targets or the cost to Canadians of that achievement. Over and over all we hear, and we heard it again today, is “we take this very seriously and it is a serious matter”.

If the government takes it seriously why are we the only country in the G-7 that has yet to announce a position going into Kyoto?

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, this government would love the Reform Party to announce its position about whether or not it considers this to be a serious issue.

So far we hear nothing but scaremongering, fear, denial. What does this party represent?

We had a successful meeting in Regina with environment and energy ministers from all provinces and all territories who agreed that this is a serious issue and wanted the federal government to negotiate an international success for Kyoto.

• (1440)

We are working with all partners in this country toward implementing a strategy that will reduce emissions.

**Mr. David Chatters (Athabasca, Ref.):** Mr. Speaker, our position is not important. You are the government. It is your position.

**Some hon. members:** Oh, oh.

**Mr. David Chatters:** Mr. Speaker, if you in fact have consulted and made progress—

**Some hon. members:** Oh, oh.

**The Speaker:** Put your question please.

**Mr. David Chatters:** Mr. Speaker, this is an outrage. If you have made progress in Regina, if you have business on side, why in the world can you not announce the government's position going to Kyoto?

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, we suddenly do have an issue upon which we can agree: that the opinion of the Reform Party does not matter.

Our Canadian partners recognize the importance of Canada playing a role to make sure that we have a success in Kyoto. Therefore, we have to negotiate in the international forum to make sure we have a success in Kyoto.

Other parties in this country, provinces, territories and municipalities recognize the important role that—

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[Translation]

#### TRANSFER PAYMENTS

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I do not know why Reformers and Liberals argue with each other. They have the same position, the same reduced Kyoto position.

The federal government drastically reduced its social transfer payments to the provinces. For each dollar cut from federal expenditures between 1994 and 1998, 54 cents, or more than half, were taken out of social transfers to the provinces, that is to say out of the health, education and social assistance budgets.

Now that he knows for sure that the budget will be balanced this year, does the Minister of Finance intend to return to the provinces at least part of what he stole from them instead of taking this money—

**The Speaker:** The Hon. Minister of Finance.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the hon. member knows full well that these figures are wrong. Tax points must also be taken into consideration.

#### Oral Questions

That being said, the Prime Minister himself answered the hon. member last June when he increased transfers to the provinces by \$6 billion over five years.

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[English]

#### OAS FIREARMS CONVENTION

**Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.):** Mr. Speaker, on Friday, November 14 in Washington, Canada signed the OAS firearms convention. Can the Parliamentary Secretary to the Minister of Foreign Affairs tell me how this agreement will help to control the international trade in arms?

**Mr. Ted McWhinney (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, this OAS convention addresses longstanding concerns about the free flow of illicit firearms, ammunition and explosives in this hemisphere. The convention will reduce the illicit trafficking of firearms, ammunition and explosives across our borders. It will assist our police and law enforcement officials in the fight against violent crime, illegal drugs and terrorism in Canada and in the United States.

\* \* \*

#### PRISONS

**Mr. Chuck Cadman (Surrey North, Ref.):** Mr. Speaker, this past weekend a supervisor at Milton's Maplehurst jail condemned the prison system as being rife with illegal drugs. He said that inmates have easy access to "heroin, cocaine, crack, marijuana, hash, hash oil, Valium, pills and steroids".

All our government appears to be doing is providing bleach to clean needles to reduce the risk of HIV.

Will the solicitor general please explain to Canadians why he will not or why he cannot eliminate illegal drugs from our prisons?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, first of all I would remind the hon. member that the jail in question is provincial.

Secondly, since we introduced urine analysis in the penitentiary system the incidents of drug usage have diminished from 39% to 12%.

• (1445)

**Mr. Chuck Cadman (Surrey North, Ref.):** Mr. Speaker, drugs have been a problem in every jail and prison across this country for years.

In Mountain federal prison in my province of British Columbia, significant quantities of heroin, marijuana, cocaine and prescription drugs were reported smuggled in over a 46 day period in 1996.

I ask the solicitor general to please tell Canadians how, with crime this rampant inside our penitentiaries, they can be expected to feel safe in their own communities.

*Oral Questions*

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I can only repeat the fact that the correctional service has taken action very successfully over the last two years.

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**CANADA POST**

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, according to a leaked memo by the President of the Canadian Direct Marketing Association last August, the Minister of Public Works indicated to the CDMA that a national postal stoppage would be very short and back to work legislation would be quickly introduced.

My question for the minister is what will the position of the government be if Canada Post locks out its CUPW employees this evening?

**Hon. Lawrence MacAulay (Minister of Labour, Lib.):** Mr. Speaker, I have indicated previously what the government supports and what the government wants is a collective agreement.

We urge both sides to get back to the table and I understand they are. If we have an agreement it is much better for CUPW, the post office and for the people of Canada.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, the threat of back to work legislation is the reason the parties are no longer talking. We are in this fix because the government refuses to confirm or deny that it is going to introduce back to work legislation.

For the sake of all Canadians, will the minister withdraw the threat of back to work legislation and allow the union and management to sit down and seriously negotiate the collective agreement that he seriously talks about?

**Hon. Lawrence MacAulay (Minister of Labour, Lib.):** Mr. Speaker, that is what I have indicated. That is what the government wants. I am not going to speculate on what might happen or what is going to happen.

The parties, I understand, are meeting today. What we want is a collective agreement. I urge you to urge your colleagues to sit at the table and come up with an agreement that will be better for the people of Canada.

**The Speaker:** My colleagues, I would encourage you to address all of your questions and answers through the Chair.

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**AIRBUS**

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, in light of the millions of dollars and the forced

red faced apology of the Liberal government for the mishandling of the Airbus affair, will the Deputy Prime Minister, in keeping with his promise and his government's promise of accountability and openness, tell this House who exactly is responsible for this debacle and what does it plan to do short of waiting for the lawsuits to roll in and then say it is saving us millions of dollars?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I think that my hon. friend should read Brian Mulroney's explanation. He signed it, he knows what is going on. Therefore, I think you ought to take what he says in the signed minutes of settlement seriously.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, my supplementary. You ask a simple question, you get a convoluted answer.

Can the Deputy Prime Minister tell us in a straightforward way who is responsible, who is at the bottom of this and, speaking of letters, when is the government going to withdraw the accusation it made and sent to the Swiss authorities?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, in the minutes of settlement signed on behalf of Brian Mulroney he says "the parties acknowledge that the procedure used in sending the request for assistance to the Swiss in this case was the same as that which was followed in numerous previous requests for mutual assistance under both the current and previous administrations".

I think my hon. friend ought to study these minutes of settlement. It will help him in phrasing his questions in future.

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**TECHNOLOGIES PARTNERSHIPS CANADA**

**Mr. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, Technologies Partnerships Canada or TPC is a vehicle for our government to invest in Canada's high technology industries.

Firms in my riding have praised TPC and have urged me to support additional funding for this program.

Can the Minister of Industry please explain to this House how TPC benefits Canada or is it just another handout to business?

**Hon. John Manley (Minister of Industry, Lib.):** Mr. Speaker, TPC is anything but a handout. It is a risk sharing investment that the government makes to support the development of new technology and products that are sold and exported throughout the world.

So far, the \$491 million that the Government of Canada has committed in TPC investments has leveraged \$2.17 billion in private sector investments, generating up to \$52 billion in sales of Canadian goods and has created or maintained over 11,500 jobs in the Canadian economy.

• (1450)

## FISHERIES

**Mr. Gary Lunn (Saanich—Gulf Islands, Ref.):** Mr. Speaker, when the federal Treasury Board writes a paper called “Getting Science Right in the Public Sector”, one can only assume something is wrong. It is this. When science conflicts with politics in the fisheries department, politics rules. We know that Liberals ignore Canadian fishermen. We know the minister ignores his own scientists. Will the minister listen to his own Treasury Board and take the politics out of science?

**Hon. David Anderson (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, if the hon. member wished, he could look at the decisions for the fisheries department since I became minister. They are in full conformity with the fisheries research board. We have followed science in all the decisions made.

In a large department with many scientists there will inevitably be divisions between scientists but the practice of using science to guide management decisions is well established. It is there and the hon. member has only to look at it to find out that it is—

**The Speaker:** The hon. member for Hochelaga—Maisonneuve.

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[Translation]

## IMMIGRATION

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

According to a report presented to the minister on October 2, there are currently some 270 refugee claimants in Canada who have been declared war criminals by the Immigration and Refugee Board. The same report states that the government has been much too permissive in this respect.

What action has the minister taken so far to ensure that Canada does not become a haven for war criminals?

**Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the hon. member is referring to an internal report produced by one of our immigration officers working in the war crimes division. This is one of the actions we have taken. We have established a special division within the Department of Citizenship and Immigration to closely monitor the situation and first try to determine whether we have, in this country, individuals who could be suspected of relatively recent war crimes. We did that and, second, we have taken action against those individuals who were identified. Several cases were investi-

## Oral Questions

gated. More than 70 claimants were returned to their country of origin and more than 270—

**The Speaker:** I am sorry to interrupt the hon. minister. The hon. member for Palliser.

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[English]

## AGRICULTURE

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, my question is for the minister of agriculture. The minister will know that B.C. farmers have been hurt by extremely poor harvest conditions about the Okanagan and the Peace River districts this year. The B.C. government wants to help out the area farmers affected by this disaster by developing cost shared responses to these huge crop losses, losses which far exceed existing crop insurance and NISA programs.

Why will the federal government not do its share and help out B.C. farmers?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the government will do its share and help B.C. farmers. I have had a discussion with the minister of agriculture from the province of British Columbia. We have discussed the way in which the NISA program and the crop insurance programs, which are ongoing programs, available to farmers across Canada can assist. I have also instructed staff members to work with the Government of British Columbia to do all we can within existing programs that are available in both the province of British Columbia and the rest of Canada to assist these farmers.

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## CANADA POST

**Mr. Jean Dubé (Madawaska—Restigouche, PC):** Mr. Speaker, the Minister of Labour has known for two and a half weeks that Canada Post and the Canadian Union of Postal Workers would be in a position for a strike or lockout this week. A work stoppage at Canada Post will hurt thousands of Canadian charities and businesses at their busiest time of the season.

Does the Minister of Labour intend to introduce pre-emptive back to work legislation today or does he have his heart set on shutting down Canada Post for Christmas?

**Hon. Lawrence MacAulay (Minister of Labour, Lib.):** Mr. Speaker, I wish my hon. colleague would concentrate on what is happening and not on what might happen or what will happen. I understand the parties have met today. This government wants a collective agreement. We want an agreement that will be better for the people of Canada. We urge the parties to get back to the table to come up with a collective agreement that will be better for all.

*Oral Questions*

● (1455)

**TRADE**

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Mr. Speaker, U.S. President Bill Clinton recently failed to get backing from Congress to give him fast track authority to negotiate expansion of the North American Free Trade Agreement.

My question is for the Parliamentary Secretary responsible for International Trade. Is Canada now in a position to move forward and have its own trade deals with Latin American countries? If so, does he plan to do this?

**Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, I would like to thank the hon. member for his question. It shows great insight into this issue.

Canada does not intend to allow a U.S. delay in the fast tracking process to interfere with Canada's own progress in this matter. There is a tremendous growth in the region with a population of over 500 million people and a gross domestic product of over \$2 trillion. We are pursuing it with vigour.

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**FISHERIES**

**Mr. John Duncan (Vancouver Island North, Ref.):** Mr. Speaker, the Saint John River in New Brunswick has a catch and release sports fishery for conservation reasons. Recently the DFO closed the river to catch and release fishing and then proceeded to kill fish to give to the local aboriginal communities.

The local native communities never asked for those fish. They are not surplus fish and they are not necessary for science. Why did the DFO close the river for conservation reasons and then proceed to kill fish?

**Hon. David Anderson (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, the hon. member is obviously unaware that the 22 fish that he is talking about were in fact male hatchery grilse that had been at sea for one winter only.

They were turned over to the aboriginal community which is appropriate because the aboriginal community's quota for ceremonial and food purposes had not been met. These were hatchery fish and it is important for genetic reasons, to protect genetic stocks of salmon to make sure that the number of hatchery fish are reduced.

In addition, in that very river the number of male fish was double the number of female and that is an imbalance that we wanted to correct.

[Translation]

**INDIAN AFFAIRS**

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, my question is for the Minister of Indian Affairs and Northern Development.

Recently, several people have condemned the tragic story of native boarding schools set up to destroy their culture. These boarding schools nearly wiped out a generation of natives in Canada.

Do the minister and her government recognize the federal government's responsibility in this human tragedy?

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, I missed the first part of the question that dealt with a specific case, but I can assure my colleague that we take very seriously our responsibilities with regard to the rights of Canadian natives. We hope to have the response to the RCAP report by the end of this year.

\* \* \*

[English]

**CANADA POST**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, Canada Post continues to try to negotiate through the media using fearmongering and misinformation to hide the real issues surrounding this round of bargaining.

Those real issues are the protection of thousands of good full time jobs and the struggle to make poor paying part-time jobs into real jobs that Canadians can live on.

This round of bargaining could be settled if the government would stop threatening to throw 4,000 Canadians out on the street. Will the Minister of Public Works speak out on behalf of Canadian workers and direct Canada Post to withdraw its proposals which would eliminate Canadian jobs?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, let me say that first of all while Canada Post loses money because of the strike threats, Canadian postal workers risk losing their jobs.

I want to remind the hon. member that it was Canada Post that last week called the president of the union to say "Let's go back to the table and start negotiating". That is what they are doing today.

They continue to negotiate. If he has any say with his friends in the union, maybe he should talk them into staying at the table and coming up with a reasonable proposal so that we can have a settlement agreement.



• (1500)

### SHIPBUILDING

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, three weeks ago information was forwarded to the Minister of Industry regarding a new shipbuilding policy for Canada.

My question, based on this new information showing that we are not asking for any subsidies whatsoever, is will the Minister of Industry tell the House of Commons if he is looking at a new shipbuilding policy for the whole of Canada?

**Hon. John Manley (Minister of Industry, Lib.):** Mr. Speaker, as I assured the member privately, if she sent me information we would look at it carefully. I do need to tell her, however, that special tax breaks are a form of subsidy.

\* \* \*

### PRESENCE IN GALLERY

**The Speaker:** I would like to draw the attention of hon. members to the presence in the gallery of a delegation from the Bahamas, led by the hon. Frank Watson, Deputy Prime Minister and Minister of National Security of the Bahamas.

**Some hon. members:** Hear, hear.

\* \* \*

### POINTS OF ORDER

#### COMMENTS DURING QUESTION PERIOD

**Hon. Jean J. Charest (Sherbrooke, PC):** Mr. Speaker, I rise on a point of order. You will remember that in the exchange I had with the Minister of Finance during question period the Minister of Finance stated that the question I raised had been raised a month before in the House of Commons.

I have checked the record of *Hansard* and found this not to be the case.

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, on a point of order.

**The Speaker:** Is it on the same point of order? I am not sure it is a point of order, but go ahead.

**Mr. Randy White:** Mr. Speaker, I just want to clarify the fact that the hon. member from the Conservative Party should perhaps listen a little more. It was asked in the House. I was in the House and I know when it was asked. Maybe he should listen a little more.

**The Speaker:** I am going to give the minister one kick at the can.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I certainly understand your desire to arbitrate. It is not the decision of any Liberal to want to arbitrate between the Tories and the Reform.

### Routine Proceedings

**The Speaker:** I think I will rule that it is not a point of order, but good luck.

## ROUTINE PROCEEDINGS

• (1505)

[English]

### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have the honour to present the 11th report of the Standing Committee on Procedure and House Affairs regarding the associate membership of some committees.

If the House gives its consent, I intend to move concurrence in the 11th report later this day.

\* \* \*

### CANADA ELECTIONS ACT

**Mr. Ted White (North Vancouver, Ref.)** moved for leave to introduce Bill C-280, an act to amend the Canada Elections Act (registration of political parties).

He said: Mr. Speaker, this bill, when passed, will correct an appalling anomaly in the elections act which permits the government to confiscate the assets of a party incapable of running 50 candidates in a general election.

The amendment to the act was passed by the Mulroney government just prior to the 1993 election. It was aimed at Reform but it caught the Communist Party and it had its assets seized and sold by this government.

We may not support the Communist Party but this is an anti-democratic law and has to be fixed. My private member's bill would remove that terrible part of the elections act.

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

\* \* \*

### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if the House gives its consent, I move that the 11th report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to)

*Routine Proceedings***PETITIONS**

## THE ENVIRONMENT

**Mr. Rick Laliberte (Churchill River, NDP):** Mr. Speaker, I am pleased to present a petition signed by citizens from Ontario, Nova Scotia, British Columbia, Manitoba, Quebec, Alberta and Saskatchewan.

Over 2,000 petitioners call on Parliament to sign legally binding targets and timetables at the United Nations conference of parties in Kyoto, Japan this December 1997.

Further, these petitioners believe that Canada should commit to the substantial reduction in greenhouse gas emissions.

## NATIONAL HIGHWAY SYSTEM

**Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, I have several petitioners who urge the federal government to join with the provincial governments to make the national highway system upgrading possible beginning in 1997.

## TAXATION

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have two petitions today. The first petition has to do with the family.

The petitioners 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.

They also state that the Income Tax Act does not take into account the real cost of raising children. The petitioners therefore pray and call on Parliament to pursue tax initiatives for those families that choose to provide direct parental care in the home.

• (1510)

## ALCOHOL CONSUMPTION

**Mr. Paul Szabo (Mississauga South, Lib.):** The second petition, Mr. Speaker, has to do with the misuse of alcohol. The petitioners draw to the attention of the House that the consumption of alcoholic beverages may cause health problems and particularly that fetal alcohol syndrome and other alcohol related birth defects are preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call upon Parliament to mandate the labelling of alcoholic products to warn expectant mothers and others of the risks associated with alcohol consumption.

**QUESTIONS ON THE ORDER PAPER**

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the following questions will be answered today: Nos. 15 and 17.

[Text]

**Question No. 15—Ms. Judy Wasylycia-Leis:**

Since the coming into force of the Tobacco Act, (a) how many complaints or allegations of infractions has the government received, (b) how many complaints has it investigated, (c) how many verbal or written warnings or requests for compliance have been issued, (d) how many charges have been laid?

**Hon. Allan Rock (Minister of Health, Lib.):** Since the Tobacco Act came into force, the federal government has received 160 complaints or allegations of infractions, of which 111 were for the sales to minors and 49 for promotion, advertising, self-service, displays, signs, rebate, mail order, labelling or standard of fabrication. Eighty-four of these complaints were investigated. Three-hundred and forty-nine verbal or written warnings or requests for compliance were issued. Fifty-nine charges were laid, of which 57 were for sales to minors violations and 2 were for mail order.

**Question No. 17—Ms. Judy Wasylycia-Leis:**

For public servants employed in the Health Protection Branch, (a) were performance bonuses granted in fiscal year 1996-97 or in fiscal year 1997-98 to date; and if so (b) for what categories of employees, including the Assistant Deputy Minister and scientists employed in in-house food and drug labs, (c) how many employees were in each category, (d) how much was each performance bonus, (e) when was it paid, and (f) for what reason was each bonus given?

**Hon. Allan Rock (Minister of Health, Lib.):** (a) Performance pay covering the fiscal years of 1996-97 and 1997-98 has not been awarded. However, in the course of the 1996-97 fiscal year and in accordance with the Treasury Board secretariat instructions issued in August 1996, performance pay was awarded to eligible staff in the health protection branch for the 1995-96 review period.

(b) The following categories in the health protection branch are subject to performance pay:

1. The executive group
2. Scientific and professional category, medicine officer subgroup\*
3. Administration and foreign service category.

\* Other members of the scientific and professional category are not subject to performance pay. They receive increments up to the applicable maximum based on the relevant collective agreement.

(c) Health protection branch employees subject to performance pay: 29 executive level employees; 7 science and professional category, medicine subgroup; 4 administrative and foreign service.

(d) See appendix A for details on performance pay awarded.

(e) In accordance with the Treasury Board guidelines for performance pay, lump sum payments were paid in October 1996, and in-range increases for eligible staff were authorized January 1, 1997.

(f) Performance pay is awarded in accordance with the Treasury Board performance pay plans and is based on the employee's overall performance.

Appendix A

Performance Pay	
Lump Sum Payment	In-Range Increase (1.1.97)
\$5,171	\$0
\$7,216	\$0
\$4,578	\$0
\$6,640	\$0
\$3,553	\$1,000
\$2,330	\$0
\$4,595	\$1,997
\$6,694	\$0
\$1,858	\$1,858
\$1,858	\$1,858
\$3,600	\$0
\$3,100	\$0
\$6,194	\$0
\$3,830	\$0
\$6,195	\$2,065
\$3,830	\$0
\$1,858	\$1,858
\$2,996	\$1,995
\$2,158	\$2,158
\$2,290	\$1,620
\$3,100	\$0
\$1,818	1,818
\$4,569	\$1,983
\$4,599	\$2,103
\$1,858	\$1,858
\$4,529	\$2,238
\$2,858	\$1,858
\$7,171	\$0
\$3,373	\$0
\$1,588	\$2,588
\$2,588	\$2,588
\$1,606	\$2,606
\$2,606	\$2,606
\$2,606	\$2,606
\$0	\$1,240
\$2,465	\$112
\$0	\$113

*Points of Order*

Lump Sum Payment	In-Range Increase (1.1.97)
\$0	\$0
\$0	\$0
\$0	\$0

- . Three of the forty employees did not receive a lump sum or in-range increase.
- . Seventeen employees did not receive an in-range increase as they were at the maximum of the applicable pay range.
- . Five employees were not awarded lump sum payments.

\* \* \*

[English]

**QUESTIONS PASSED AS ORDERS FOR RETURNS**

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if Question No. 11 could be made an order for return, the return would be tabled immediately.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 11—**Mr. Ted White:**

What was the total number of full time employees at each job classification in the respective federal departments for fiscal year 1996 and fiscal year 1997?

Return tabled.

[English]

**Mr. Peter Adams:** Mr. Speaker, I ask that the remaining questions be allowed to stand.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**The Deputy Speaker:** The hon. member for Elk Island on a point of order.

\* \* \*

**POINTS OF ORDER**

QUESTION PERIOD

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, I am probably out of sequence time wise on this, but during question period the Deputy Prime Minister referred to and read from a document. I believe under the standing orders he is required to table that document. We request that he do so.

**The Deputy Speaker:** If the Deputy Prime Minister read from a document in the House, being an experienced member, I am sure he would know that there would be a requirement to table it. I am sure the request will be drawn to the attention of the Deputy Prime Minister and if a tabling is to follow I suspect that he will return to the House and table the document.

Given the hour and the fact that question period has been over for a few minutes, perhaps it would be appropriate to deal with this at a later time if a tabling does not follow.

*Government Orders***GOVERNMENT ORDERS**

• (1515)

*[English]***AMENDMENT TO THE CONSTITUTION OF CANADA  
(QUEBEC)**

The House resumed consideration of the motion.

**The Deputy Speaker:** The hon. member for Calgary Southeast had the floor and I should advise the hon. member that he has 14 minutes remaining in his participation in this debate.

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, before question period in addressing the proposed amendment to section 93 of the British North America Act I was discussing the lack of consensus that exists in Quebec, in particular among the groups most directly affected.

I want to reiterate for the record that prior to tabling this resolution in the national assembly the Quebec government held no hearings on the amendment. Parents, school boards and others were not able to present their positions to the national assembly on the amendment. The assembly voted on the matter under party discipline rather than under a free vote and had no clear evidence in favour of a consensus.

The Quebec national assembly chose not to consult Quebec citizens by holding a referendum on the proposed amendment and finally the current Quebec government did not propose this amendment during the last provincial election and consequently, I submit, has no democratic mandate to make this application.

Instead, the Government of Quebec passed a resolution stipulating that the federal government should amend the constitution with undue haste which was rushed through the joint committee in about two weeks time for an amendment that will forever extinguish minority rights. I think undue haste is the operative term.

Yet the parliamentary special joint committee heard from groups representing hundreds of thousands of Quebecers objecting to the amendment over the course of our two weeks of hearings. For example, la Coalition pour la confessionnalité scolaire collected 235,000 signatures of Quebec citizens who opposed the amendment. These groups testified that the possibility of this constitutional amendment had never been discussed with them. They questioned why the Quebec government would abolish the rights of religious minorities when this was unnecessary to establish linguistic school boards, a point defined as such by the Supreme Court of Canada in a 1993 reference.

It is a longstanding convention not only in Canada but in other liberal democracies that acquired rights cannot be abrogated without the consent of those affected, and that consent does not demonstrably exist in this case. Parliament therefore has a responsibility to ensure the democratic consent includes a demonstrated assent of the minority.

As indicated by the Protestant communities in Quebec, for instance, who were most vocal in their opposition to the amendment, there is a demonstrated dissent or disagreement of the minority groups most directly affected. As a minority within a minority, the French Protestant community will suffer the most from the negative effects of this amendment. It will be amalgamated with the majority of francophone schools, but those wishing Protestant education may be lumped into the few Protestant schools permitted under the new system, most of which will be English speaking.

The Minister of Intergovernmental Affairs justifies the proposed amendment by stating that it will improve the situation of Quebec's anglophone community. He says essentially that the linguistic educational rights of that community will continue to be protected under section 23 of the charter.

The minister knows that the Quebec government has failed to apply subsection 23(1)(a), which is the only real protection the charter affords linguistic education. It is insufficient protection for the anglophone community and hardly justifies removing rights from the Protestant and Catholic communities.

Let me move on to the question of whether this is in the national interest and whether or not it prejudicially affects minority rights.

The amendment will replace constitutional guarantees with inferior statutory guarantees. Repeatedly witnesses testified to the effect that the repeal of section 93 will lead to the deep confessionalization of education in Quebec. Numerous constitutional experts stated that sufficient precedents exist to nullify the right to religious instruction once the application of section 93 is removed from the province of Quebec. Virtually every major constitutional expert who appeared as a witness before the committee confirmed that the charter of rights poses a threat to the continued access in Quebec to confessional education under the Quebec education act.

This is because precedents exist in law such as the Canadian Civil Liberties Association v Minister of Education decision where the Ontario Court of Appeal addressed the issue of indoctrinational education. The case established that religious curricula denominational in nature could not be endorsed by the provincial ministry of education or be created by school boards because to do so would be to offend sections 2 and 15 of the charter.

*Government Orders*

In *Zylberberg v Sudbury Board of Education*, a 1988 case, the supreme court ruled that opening or morning exercises in religious observances in public schools were not permitted under the charter for the same reasons.

The legal precedents these two rulings provide will impact on the decision making of Quebec courts. They are bound to these precedents, as is the Supreme Court of Canada. It is unlikely, in fact inconceivable, that a Quebec court would not find in a way consistent with the precedents which threaten confessional education.

This is a very important point. With all due respect I do not think some of the members who have spoken to the resolution and sat in committee fully appreciate the threat it poses. Essentially when we take away the protection afforded by section 93 the charter in toto it applies to the Quebec education system. The judicial precedents are quite clear. The charter does not tolerate sectarian confessional education in the school system.

Provisions for that kind of education allowed for in the Quebec education act and Bill 107 which is now Bill 109 will eventually be nullified as being inconsistent with the charter by the courts. The Quebec government said this would not happen because the Quebec education act is protected from the secularizing effect of the charter by its invocation of the notwithstanding clause.

Section 33, the notwithstanding clause, has to be reinvoked every five years. It is subject to the political will of the Quebec legislature at any given time. Section 33 protection is not constitutional protection. It is merely short term political protection. When the public consensus in Quebec begins to change with respect to the right of confessional education, there is no doubt a future Quebec legislature will fail to invoke the coverage of section 33 and the confessional education provisions in the Quebec education act will be found null and void by the courts. This is very troubling.

• (1520)

Canadian constitutional history is premised on building minority rights and not on repealing them. Peter Hogg, Canada's renowned constitutional scholar, has described section 93 as "a small bill of rights for the protection of minority religious groups".

In its reference decision in 1993 on Bill 107 the Supreme Court of Canada declared that section 93 is the "basic compact of confederation". Never in Canadian constitutional history has an amendment to eliminate constitutionally protected minority rights been passed. A newspaper's headline read today that it will be history if this legislature tomorrow passes this amendment. For the first time we will have taken the very troubling step of extinguishing minority rights.

With the passage of the amendment to section 93, freedom of religion will become freedom from religious education eventually

in Quebec. The concern is this will be a precedent that will be established for Ontario, Alberta, Saskatchewan and other provinces that rely on the protection of section 93 for minority sectarian education.

It is an illusion that parents will have the opportunity to choose the religious education they desire for their children when a single decision by the courts will easily render the provision of public denominational schools unconstitutional. This seems to be the desire of the Quebec government which no longer wishes to fund religious education in public schools. At least that is a position one can draw from some public comments of the Quebec minister of education.

On the first day of hearings two constitutional authorities from McGill University appeared before the joint committee. In response to my questioning they agreed, according to an article in the *Montreal Gazette*, that Protestant and Catholic instruction have no place in the school system and that the charter through court cases will bring an end to religion being taught in the schools. That is what the constitutional experts said before the committee.

Minister Marois and Minister Brassard, the Quebec ministers of education and intergovernmental affairs, appeared before the committee. On questioning they refused to provide any guarantee that the confessional elements of the Quebec education act would be preserved by invoking the section 33 notwithstanding protection. They cannot provide that assurance because we do not know what future legislatures will do.

I do not accept that legislative guarantees of access to religious instruction in secular schools are of comparable quality to the guarantees under the constitution. Previously the Leader of the Opposition stated in debate:

—this interest in the religious orientation in the education of children is broader and deeper than the mere provision of non-denominational religious courses in secular schools and the permitting of religious observances supervised by a secular authority. It includes the right to have those courses and observance provided in an environment that truly reflects spiritual values. It is this broader right that many parents would like to see safeguarded.

That right was safeguarded at confederation which is imperilled by the amendment today.

Confessional education teaches a way of life, not merely a history of a religion. Religious instruction provided in secular schools cannot approximate the experience of religious education in confessional schools. Abrogation of section 93 will prevent future generations of Catholic and Protestant citizens in Quebec, and potentially in other provinces, from studying and adopting that way of life.

This creates a worrisome precedent for other provinces such as Ontario. It is a political precedent, not a legal one, for the extinguishment of minority rights which other provinces will no

*Government Orders*

doubt take up. We will be studying a similar application from Newfoundland this week at a joint committee.

I reiterate one very important point. Some people have suggested that in a modern pluralistic society it is no longer appropriate to provide denominational publicly funded education to particular sectarian groups. That is a sentiment I can understand, but we do not serve pluralism or minority rights by extinguishing rights that exist for some groups. If we object to the exclusive coverage of section 93 to Catholics and Protestants, instead of extinguishing the section we ought to broaden it so that it includes all groups of all religious backgrounds. Then they would all have access to the same rights. A modern, liberal, pluralistic democracy ought to stand for the expansion of rights, not their diminishment. We do not equalize the playing field by levelling rights for some. We build a real democracy respectful of human rights by expanding them for all.

• (1525)

Parliament should return this application to the Quebec government and propose that it come back to this place with an amendment to section 93, which would broaden the confessional guarantees which the Fathers of Confederation in their wisdom decided to pass on to us through the generations.

Some will say that the compact of confederation, the small bill of rights which is section 93, was merely a political arrangement designed for a particular time in the mid-19th century and no longer applicable. It was just the result of horse trading between Catholics and Protestants in Ontario and Quebec respectively.

I disagree. Section 93 does not state explicitly but implicitly speaks to a fundamental right recognized by all liberal democracies, the right to publicly funded and publicly supported education. It is a critical social right that can only be exercised legitimately at the direction of parents.

Inevitably the amendment will lead to the removal of access to publicly funded education in Quebec. That will undermine the basic rights implicit in section 93. It was not a political compromise for one time in our history. It was the recognition of a fundamental right which it is our duty today and forever to protect and maintain, not to diminish and extinguish.

I call on my colleagues on both sides of the House to think very seriously and soberly about the issue. We should not let the politics of separatism lead us to the diminishment of a fundamental right and the protection of a minority group in Canada.

**Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Mr. Speaker, I sat on the committee with the hon. member for almost three weeks. There is a premise that no consensus has been established in Quebec.

I listened very intently to the member's speech. He failed to mention that debate on the creation of linguistic school boards has been ongoing in Quebec upward of 30 years. He also failed to mention there is a quasi-unanimity on the creation of linguistic school boards.

I will grant him one thing. There is no consensus on how to go about creating linguistic school boards. The role our committee undertook was to determine the appropriateness of the Quebec request under section 93 and the bilateral amending formula for section 43.

It behoves me to hear the Reform Party time and time again refuse categorically to accept the fact that there is a consensus. The consensus is large. Other than, as the Reform has always called for, holding another referendum on the issue I do not see how Reformers can ignore it.

I have a duty as a member of Parliament to make sure there is a consensus among the minority that is affected. Let us be clear what we are talking about. We are talking about removing the application of articles 1 through 4 in section 93 in Quebec.

I will be even more specific. Section 93 protects Catholic and Protestant education in the city of Montreal but not the island of Montreal and in the city of Quebec proper but not the region of Quebec. That is the protection it gives.

We talk about consensus. The provincial Protestant Association of Teachers represents approximately 6,500 teachers. The non-denominationalists came to us and said they were in favour. La Fédération des comités des parents de la province de Québec is made up of over 40,000 parents, French and English speaking, Catholic and Protestant. It represents 172 parents' committees.

• (1530)

La Centrale de l'enseignement du Québec, the largest group of 130,000 members, and la Coalition pour la déconfessionnalisation du système scolaire—I can cite survey after survey—all called on the government to acquiesce to Quebec's demands because that province in its infinite wisdom sought for almost 30 years to find a solution to modernizing the school system.

I ask the hon. member, is it appropriate in a modern society such as Canada today to provide for the constitutional protection of just two classes of religions, Protestants and Catholics, or should we not let each province decide what is best, in its own interests, in its own regions and in its own communities?

**Mr. Jason Kenney:** Mr. Speaker, first of all I made it very clear at the outset of my remarks, as did the Reform Party, in its dissenting opinion that we recognize there is virtually unanimous consensus in Quebec for the creation of linguistic school boards.

*Government Orders*

I said that half a dozen times in my speech. I agreed to that statement being included in the majority report. The evidence is clear. There is virtually a unanimous consensus in favour of linguistic school boards.

However, that has nothing to do with section 93. This is, frankly, the unintentional duplicity of the proponents of this amendment failing to recognize that linguistic school boards is one question and section 93 is an entirely different question.

Does the hon. member opposite not recognize that in 1993 the Supreme Court of Canada ruled in a reference from the Quebec government that then Bill 107, substantially the same as Bill 109, the now Quebec education act which established linguistic school boards, was completely consistent with the protections afforded by section 93.

In fact, the Quebec government is already establishing these linguistic school boards. Witnesses from Alliance Quebec, from Catholic groups, from Protestant groups who appeared before us said that they do not object to linguistic school boards. The government is implementing them. That is fine, but that has nothing to do with section 93.

Why can we not maintain the protections afforded by section 93 given to us by our ancestors and, at the same time, modernize the school system by consolidating linguistic groups into linguistic boards?

That is the challenge that this government has not answered. It is possible to do both. Given a choice, this Parliament ought to opt for protecting minority rights when other policy objectives like the establishment of linguistic school boards can be achieved at the same time.

In response to the member's last question, I said at the end of my remarks that I would strongly support, as virtually every group that appeared before the committee in opposition to the amendment would support, an amendment to section 93 which would broaden the constitutional rights guaranteed therein to all denominational and religious groups.

The point is that no minority's interests are served, no one's rights are protected by removing rights from some people. Instead of crushing section 93 and the rights that exist for the large majority of Quebecers to access confessional education, why not broaden it so that yes, people of other faiths have a constitutional guarantee to publicly funded religious education that does not depend on the political whim of the legislature at any given moment.

[*Translation*]

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, I would like to rise in this debate because I also was a member of the special joint committee on linguistic school boards.

What the Reform member seems to be saying is that the witnesses who appeared before the committee did not have a good understanding of the issue. Bill 109 on public education also had to do with the repeal of section 93. The people who came to testify knew that the creation of linguistic school boards also entailed debating the abrogation of section 93. So he should not be saying such things about the witnesses who came to testify in Quebec before the various committees. People have been talking about this issue for 30 years, and what is at the heart of this debate is the amendment to section 93. So I cannot understand why someone would rise and say that people are being tricked.

• (1535)

When Minister Marois came to testify in committee, I asked her the same question, because consensus and consultation were always concerns of the committee. It was important to ensure that people knew exactly where we were heading with this. Repeal of section 93 is an issue that people have been talking about for 30 years. A dozen consultations and legal procedures went nowhere or were declared unconstitutional.

So I have difficulty understanding how my colleague from the Reform Party who has just spoken can question all this process that was undertaken in Quebec. This is the only way to ensure that the Quebec school system is properly managed and can deal with the reality of an English- and a French-speaking people. Also, children should not be penalized by a cumbersome and complicated administrative system.

[*English*]

**Mr. Jason Kenney:** Mr. Speaker, there seems to be this impenetrable refusal to listen to what I am saying. I am not denying the consensus in favour of establishing linguistic school boards. I literally said that six times in my main remarks. We make that clear two or three times in our dissenting report. Every witness who opposed the amendment made that clear in their submissions.

However, that debate which has gone on for 30 years is not what we are discussing today. We do not have the authority to establish linguistic school boards in Quebec. Fortunately, that is a right exercised by the national assembly.

What this Parliament has been given in section 93 is the responsibility to guarantee confessional education rights. That is what this debate is about, a debate which has hardly even begun in the province of Quebec. Nevertheless, it is a right that we seem prepared to take away, but that has not been discussed in the debate over the past 30 years in Quebec.

Let me just make it clear for the member. I said it in French twice and I will now say it in English. I am in favour of the establishment of linguistic school boards in Quebec. The Reform Party is in favour of the establishment of linguistic school boards in Quebec. There is unanimous consensus in Quebec to this effect.

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The Quebec bishops agree with it. However, that does not mean we have to extinguish confessional school rights. This is what the supreme court said in its 1993 reference on bill 107. It said we could have both. We do not have to take away section 93 confessional school rights in order to establish linguistic boards. We can do both.

The challenge to us again is to let the Quebec government do what it wants, establish those boards but do what the Fathers of Confederation expected us to do in 1867, and maintain that constitutional protection for those minorities. We can do both at the same time. At the same time, why not do it?

[*Translation*]

**Mr. Jacques Saada (Brossard—La Prairie, Lib.):** Mr. Speaker, although I have spoken several times in this House, this is still my maiden speech. I would therefore like to take advantage of this opportunity to say a few words about my riding of Brossard—La Prairie. This is a riding inhabited by some of the old Quebec families whose roots in North America go back to the 16th century, in Saint-Philippe and La Prairie for instance. As well, the first railway in Canada was at La Prairie.

This is a riding which includes the municipality of Candiac, a quiet little suburb of Montreal, and the city of Brossard, which is listed year after year as one of the best administered cities in Quebec, and where people from a multitude of backgrounds and cultures co-exist.

I would, moreover, like to point out with humility that I had the honour to head a municipal committee which worked out what was to be a first in Quebec, the official proclamation of Brossard as a multicultural city, in 1986.

The municipal government, community organizations and the people of Brossard as a whole have all made an effort to ensure that we would become a model of togetherness in a world so often torn apart by dogmatic ideologies.

[*English*]

All members of Parliament claim that their riding is the best and the truth of the matter is they are most probably right.

[*Translation*]

But come and experience our down-home hospitality, come visit our schools, our community centres, come talk to our people, the Vaillancourts, the Héberts, the Delisles, the Savards and Guyots, to our citizens with names like Lam, Tsim, Ho, Kurien, Chhatwal, Singh, Batagan, Villafranca, Koufalis, Pattichis, Mayers, Waide, Lewis and all the rest.

• (1540)

Come talk to them, and you will see the harmony that exists among us, and you will understand why I hold such affection for the people of this riding. All of Canada can be proud of them.

[*English*]

My riding is located on the South Shore of Montreal. In 1965 English speaking parents, parents of the area with a tremendous vision and sense of future, brought the South Shore Protestant School Board to task. They wanted their children to learn French using a pilot method developed by McGill University, a method that eventually gained world renown, a method used today by 300,000 young Canadians to learn French.

In 1965, at the time when there were no language laws in Quebec, these tenacious and foresighted parents put French immersion on the world map.

[*Translation*]

It was my honour and my pleasure to be a commissioner and the chairman of this local school board in our area. It is said, and it gives me great pleasure, that I was the first francophone chairman of a Protestant school board in Quebec.

As part of my duties, some 10 years ago I presented a brief to the National Assembly committee on education. Claude Ryan was the minister at the time. In the brief, I opposed the proposal for linguistic school boards.

Today, I announce my intention to vote in favour of the constitutional amendment before us, and I would like to explain why my position has changed.

On the subject of protecting official language minorities, we have long held that section 93 of the Constitution was a solid bulwark. However, since that time, the end of the 1980s, many Supreme Court decisions have weakened the thrust of section 93, which concerns sectarian guarantees obviously, but strengthened the protection provided under section 23, which concerns linguistic guarantees.

I have three examples. In 1990, the Supreme Court of Canada, in the matter of Mahé versus Alberta, confirmed the official language minority rights provided in section 23, as it did as well in 1993 in a reference in Manitoba. Again in 1993, the Supreme Court of Canada confirmed that section 93 protected denominational school boards in Montreal and Quebec City only. This protection does not apply in my riding.

So, the safeguards provided in section 23 are much greater than those in section 93.

Allow me to deal with certain concerns expressed by Mr. Kamel, who represents the linguistic minority on the South Shore school board, which covers my riding.

First, I want to say that I have a great deal of respect for Mr. Kamel and for the people whom he represents. I personally know a



number of them and they are moderate people. Therefore, I take their concerns all the more seriously. These parents deplore the fact that minority rights other than those of anglophones or Protestants are not addressed.

I must point out that section 93 does not deal with these other minority rights. Whether section 93 is amended or not, nothing will change in this regard. Given the demographic evolution of the Quebec society, the provincial government will not always be able to avoid dealing with these rights. Therefore, the debate will have to take place in another forum.

[*English*]

In this letter these parents state their fear that linguistic boards could become a tool in the hands of the separatists. It is a fear that I want to encourage them not to have. If this fear was founded it would mean that Claude Ryan and Robert Bourassa, the Canadian Jewish Congress, le Rassemblement arabe de Montreal, the Quebec Board of Black Educators, the Provincial Association of Protestant Teachers, the Provincial Association of Catholic Teachers, Alliance Quebec and the Gazette, among so many others, would be separatists simply having in common that they have endorsed the principle of linguistic school boards.

[*Translation*]

One can see the absurdity of the situation.

[*English*]

In our determined fight against the separation of Quebec, the problem is not section 93 or its amendment. The problem is the separatist government in Quebec. Therefore the solution is not to fight against the amendment before us. The solution is to elect a federalist government in Quebec as soon as possible.

• (1545)

[*Translation*]

In short, a government with good intentions regarding Quebec's place in the Canadian federation could promote Quebec's situation within Canada by relying on school structures, whether denominational or linguistic. Similarly, a government with bad intentions can do just the opposite by using the same structures.

One cannot prevent the modernization of Quebec's school system by imputing motives, particularly if Canada understands the need of Quebecers to be recognized as different but equal members of the Canadian federation. I am confident that if this recognition takes place, then the separatist threat will truly be marginalized.

Another concern expressed by these parents is that the creation of linguistic school boards could adversely impact on an essential element of harmonious integration, namely the presence in the

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same schools of francophones, anglophones and allophones who, by living together, learn to know each other, which results in a better integration of these various groups.

[*English*]

I sincerely believe that our diversity is a source of tremendous wealth and pride, the very foundation on which to build a remarkable future for our country.

One of the characteristics of this diversity is its attachment to its roots, traditions and identity so the people who make up this diversity understand even better the need and will for French Quebecers to promote their roots and traditions and secure their language, culture and identity. The people who make up this diversity can be tremendously credible ambassadors of Quebec's unique character in an effort of inclusion and respect.

[*Translation*]

I believe that this harmony comes not from the denominational or linguistic features of our school structures, but from the political will that, with a very few exceptions that need to be marginalized, is characteristic of all our people and our authorities. The schools and the communities complement each other remarkably well. They have done and will continue to do a very good job within this diversity that we like so much, in order to promote dignity, respect and the sensible inclusion of each and every member of our community. I am putting all my faith in this and I know time will prove me right.

Besides, if we were to vote against this amendment to section 93 before us today, we would be keeping in place, especially in Montreal and Quebec City, such a burdensome school system that the administration costs would bring about a decrease in the budget for direct services to our children. Under these circumstances, I think it would be totally unacceptable.

This brings me to some issues that, as far as I know, have yet to be addressed during this debate. As adults, we argue about the law, the management issues, the Constitution, the system's efficiency, and so on. But let us take the time to consider what our children are going through, especially but not only the younger ones.

They attend a school they identify with, in an environment they are familiar with, a reassuring environment that gives them a sense of stability. The name or the affiliation of their school board does not matter to them at all. What does matter to them is how nice their teacher is, a teacher they often idolize. What does matter to them is their school friends, their classroom, which they have a hand in decorating, their principal, who is sometimes an authority figure when their behaviour leaves something to be desired, and sometimes a source of pride when they are able to come and sign the principal's book of honour.

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What matters to them is the school secretary, who also wears the hats of nurse and second mother, the custodian, who helps them share his respect and pride in their school, the crossing guard, who makes sure they are safe in fair weather or foul. In short, this is such an essential human context.

This human context can be preserved within the contemplated reform. I do, however, see two conditions required: first, that school boards can share the same buildings, at least for a while, to avoid wholesale transfers of children from one school to another. This is perfectly feasible, provided there is a willingness to put the interest of the children first.

Second: to allow transitional periods that vary according to the circumstances. A few days ago, the hon. member for Brome—Missisquoi gave us an example of successful integration in the eastern townships. At the secondary school level at Châteauguay, linguistic integration is, to all intents and purposes, already a fait accompli, because English speaking Catholics and English speaking Protestants attend the same school. In such cases, the transition period could therefore be shorter than in certain schools in my riding, for example, where the change to language-based schools might be translated into the transfer of hundreds of students, teachers, school administrators and so on, with all of the uncertainties and upheavals that go with this for all involved.

Let us try imagine the feelings of our administrators and teachers, for example, when they do not have the slightest idea what they will be doing tomorrow, with whom, where, or how.

• (1550)

Progress must not mean dehumanization. The Quebec government has a golden opportunity to combine the restructuring of the school system with the humanism that implementing a project of such scope requires. It is a real challenge, and I put it to the government.

In conclusion, with the overwhelming majority of Quebecers, regardless of their language or their origin, I invite this House to confirm that the Constitution of Canada serves Quebec and that it gives Quebec every means to progress and to grow.

As member for Brossard—La Prairie, I will vote in favour of the proposed constitutional amendment. I know that all the representatives of the Du Goëland, Brossard and South Shore school boards will take up the challenge to ensure that no minority will feel like one. I know that the people of Brossard—La Prairie will rise to the challenge.

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, with the support of a strong majority of Quebecers, the Government of Quebec plans to set up linguistic school systems to replace

denominational systems, which were defensible in 1867, but are discriminatory at the dawn of the 21st century.

In order to carry out such a reorganization of the Quebec school system, the National Assembly voted unanimously in favour of a resolution to amend the Constitution by eliminating the application of subsections (1) to (4) of section 93 of the Constitution Act, 1867.

In response to this change so long desired in Quebec—for over 30 years—the Government of Quebec has sought this amendment from Parliament. Before making its request, Quebec received a commitment from the federal government that it would not oppose it. That is the context in which Quebec initiated the current process.

The Constitution Act of 1982 provides several possible amending formulas. Section 43 is almost unanimously recognized as the most appropriate with respect to Quebec's request. Selecting this method would not set a precedent, as three other provinces have done the same since 1987. Using section 43 was required to meet the challenges some provinces were facing. Some may argue that the issues were different, but, in each case, it was a matter of adjusting to new realities.

Quebec did not see anything threatening in requesting these constitutional changes, since they applied only to the affected provinces. It is in the same spirit of openmindedness and understanding that Quebec sought approval for the proposed amendment. More than 60 organizations and individuals testified before the committee and expressed their views on various aspects of the Quebec school system issue.

In spite of the concerns raised by some witnesses, there appears to be a very clear consensus about the need to make such an amendment so that Quebec can set up a modern school system that is more open and in line with today's pluralistic society. In this context, the National Assembly's action is legitimate and is part of a long process that had started and stopped over the years as governments changed.

The will of the people of Quebec to replace the denominational system with a linguistic school system has nothing to do with the place religion should have in schools, but rather with how school boards should be organized in Quebec.

As for the place of religion in schools, the debate on this issue has been ongoing for decades and is likely to continue into the future, given our tradition of tolerance. For the time being, like all players in the system, Minister Marois is aware of the major changes the school system is about to undergo.

To fully grasp what Quebec's request entails, some clarification is required. Here are a few of the issues that were raised in committee. A number of questions dealt with the consensus issue, consensus often being confused with unanimity.

• (1555)

Second, there is the issue of consultations: were they sufficient or not? Third, there is the place of instruction in the schools: what guarantees are given? Will they be adequate? Will amending section 93 affect Quebec's anglophone minorities? And, finally, there is the use of the Constitution Act, 1982, if I have time left, to which Quebec was not a signatory.

These are the five points I felt it most important to raise here today. But before doing so, I would first like to describe the historical context in which section 93 was passed and try to explain why this provision no longer corresponds to today's reality.

The preamble to section 93 gives full and complete jurisdiction to the provinces in matters of education. Paragraphs 1 and 2 of this section essentially give educational guarantees and privileges to Roman Catholic and Protestant minorities. This went without saying in 1867. Why? Because in the 19th century, denomination and language were practically interchangeable. The very great majority of francophones were Catholic and, generally speaking, the majority of anglophones were Protestant. But this constitutional arrangement no longer corresponds to the reality in Quebec at the close of the 20th century. There are no longer any sociological correlations between Quebec's anglophone and Protestant minorities. The numbers speak for themselves.

Of students whose mother tongue is English enrolled in public primary or secondary schools in Quebec as a whole, 34% are Catholic, 33% give another religion or none at all, and 32% are Protestant.

If we take Montreal Island, the situation is even more illuminating: 43% are Catholic, 46% give another religion or none at all, and only 10% are Protestant.

The numbers speak for themselves. Look at the situation in Montreal: 46% of students give another religion.

Another thing that should be known about paragraphs 1 and 2 of section 93 is that they represent a form of discrimination that is contrary to the Quebec and Canadian charters of rights and freedoms. Sections 3 and 4 also allow the federal government to step in in order to remedy an action taken or not taken by provincial authorities. In fact, the first of these powers was used only once in 1896, and the second was never used.

So these various points can illustrate how a situation where certain privileges are granted, in Montreal and in Quebec City in school boards because of denominational structures, how people who belong to a religion other than the Catholic or the Protestant religion are being assigned in a manner that makes them feel discriminated against in their choice to go to a denominational school.

I would like now to deal with the issue of consensus. We will hear what four major stakeholders had to say and listen to what the

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people had to say through public hearings. The Coalition pour la déconfessionnalisation du système scolaire, a coalition for the support of a non-denominational school system representing 43 organizations and close to two million people, including students, teachers, managers, school principals, support personnel, popular, political and national interest associations and others, this is not an insignificant body. This coalition came forward to tell us that the constitutional amendment requested by Quebec reflects a very large consensus in Quebec society.

This group goes even further and states that the constraints of Section 93 must stop applying to Quebec so that our school system can be reformed to adjust to the modern and pluralistic society we live in.

In their brief presented to the Commission des états généraux sur l'éducation, on August 8, 1995, the bishops also supported Quebec's initiative.

• (1600)

They stated:

With the redesign of the Public Education Act and considering the judicial perspective provided by the supreme court in 1993, we feel that this change is desirable throughout Quebec, including in the cities of Montreal and Quebec.

I would like to add that the Right Reverend Andrew S. Hutchison, Bishop of Montreal, in a letter to Minister Dion, stated:

The changes to section 93 proposed by the Government of Quebec, by which it would no longer be required to maintain denominational school boards, appear reasonable and in compliance with the positions traditionally adopted by the Anglican Church.

Furthermore, the Jewish Congress for the Quebec City region stated:

It is the responsibility of the government to adjust the school system to the realities of Quebec society by applying the principle of equality of religions in its policies. To do so, it must have the necessary tools to implement such changes.

The average citizen was also able to express his or her views on this issue. Several public hearings were held over the last ten years in Quebec. A recent poll has shown that slightly more than 58% of the people are in favour of substituting linguistic boards for the existing Catholic and Protestant school boards in Quebec.

Something even more eloquent is that 77.8% of respondents think that the school system should be the same throughout Quebec, instead of having something different in Montreal and Quebec City. These figures speak for themselves. Unanimity has not been achieved, but there is a clear consensus in Quebec.

Let me turn to the consultation process. Some people claim that there has been little or no consultation in Quebec. As has been said several times in the House today, the discussion on linguistic school boards has been going on in Quebec for almost 40 years. A

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number of legal initiatives and consultations have been undertaken in order to deal with the matter.

I would like to review the main steps of the consultation process in Quebec.

First of all, we have had the royal commission of inquiry on education in 1961. The Parent report tabled in 1963 recommended that the legislation not recognize denominational school boards.

We also had Bill 3, an act respecting public primary and secondary education, which was passed by the National Assembly in December 1984, but was in force only for a few months, because it was declared unconstitutional by Justice Brossard in June 1985 on the grounds that it was prejudicial to the religious rights protected under section 93 of the Canadian Constitution.

Then came a period of fastidious and exhausting exercises that, despite feats of ingenuity, failed to deal effectively with the constraints of subsections 93(1) to (4).

The most recent reform exercise took place in 1988, when the National Assembly passed Bill 107. If it had been put in force, we would have had something similar to what Reform is suggesting here, namely that we should accept linguistic school boards, but without repealing subsections 1 to 4. Here is what we would end up with.

Bill 107 would have superimposed linguistic boards on top of the religious boards in Montreal and Quebec City for the sake of the religious rights protected under section 93. In the rest of the province, we would have had linguistic school boards only.

For the benefit of the House, I will take a few moments to try to explain the concrete impact of the reform that was proposed. Under Bill 107, in Quebec City and in Montreal, there would have been six overlapping school boards: a French Catholic school board, a French Protestant school board, an English Catholic school board, an English Protestant school board, a French non-denominational school board and an English non-denominational school board.

Elsewhere in Quebec, there would have been four overlapping school boards: a French Protestant school board, and so on. The same situation would have occurred. I cannot make head or tail of it. In the real world, people in their everyday lives do not want to subject their children to this.

Can you imagine what would happen: children who play in the same parks, who live on the same street, would be separated and sent to different schools because their parents are not of the same denomination. That is what would happen.

• (1605)

So, the chairperson of the Centrale de l'enseignement du Québec, Lorraine Pagé, was very clear on this. She said that a true

pluralistic society is a society where people of different denominations learn to live together, learn to respect each other, learn to understand each other by sending their children to the same school, whatever their religious denomination, but with separate administrative systems for the English minority and for the French majority.

This is, once again, reaffirmed in the Sondagem poll: 88.3% of Quebecers are in favour of sending all children to the same school, regardless of the religious faith of their parents. Quebecers had another opportunity to express their views through these polls, which clearly show that we should be more open to allow this type of integration.

To finish the list of consultations, there was the Kenniff report and the Proulx-Woehrling proposal, the education summit in 1996 and a parliamentary committee on Bill 109. So to deny the request made by the National Assembly of Quebec would postpone indefinitely a true reform of the Quebec school system. I think we must agree to Quebec's request and respect the kind of reform it wants.

I would also like to address the issue of language rights because it came up in committee. In terms of language rights, a few witnesses claimed that the amendment to section 93 would affect anglophone minorities in Quebec. This is absolutely false. Section 93 has nothing to do with language rights in Quebec. Everybody knows that, since 1982, the anglophone community benefits from the guarantees provided for in section 23. As a matter of fact, the member for Brossard—La Prairie mentioned a few moments ago that it is not section 93 which guarantees the rights of the anglophone community, but it is section 23 of the Canadian Charter of Rights and Freedoms which guarantees the right of the francophone and anglophone minorities to receive instruction in their own language. It is not section 93.

The jurisprudence is clear and generous with regard to minority language educational rights under section 23 of the Canadian charter, contrary to what some people are trying to convey as a message from Quebec.

Moreover, people must not be overly suspicious of the way Quebec treats its anglophone minority. Anglophones in Quebec manage their own educational institutions and benefit from a complete school system from junior kindergarten to university. They also manage their health and social service networks, and they have numerous means of communication in their own language. This is a far cry from what is going on at Montfort hospital.

The proverbial generosity of Quebecers is recognized all over the world. On April 10, the parliamentary assembly of the Council of Europe said that "the situation of Quebec's English speaking minority is an excellent example of the protection of a linguistic minority's rights".

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I know that other issues were raised by various witnesses. Some thought schools would no longer provide religious instruction and wondered about what would happen to religion in schools. We listened with great respect and attention to those concerned about preserving religious instruction in schools.

We remind them that section 41 of the Canadian Charter of Rights and Freedoms guarantees parents the right to demand that their children receive a religious or moral education according to their beliefs.

Moreover, the Education Act clearly states that Catholics and Protestants can both exercise this right, regardless of their numbers. Second, the act creates duties and obligations for school organizations as regards denominational provisions. Third, the Education Act provides that a school board can organize moral or religious instruction for a denomination other than Catholic or Protestant.

Some said that these were not constitutional guarantees, but the safeguards provided in section 41 of the charter are quasi-constitutional. Quebecers as a whole are very respectful of the choice parents would make as to whether or not they want to keep a denominational school, or want religious instruction in schools.

• (1610)

I think there will be such a debate in Quebec and that it will be carried out democratically with all the tolerance that Quebecers are known for.

If there are still members in this House who hesitate to support the unanimous request by the Quebec National Assembly, I ask them to listen to this call coming from all parts of Quebec, from the Magdalen Islands to Abitibi, from the Gaspé region to Ungava, from Quebec City, Lévis, Granby, Baie-Comeau, Saint-Henri and the greater Montreal area. Quebecers are appealing to you and are asking you to support them in their efforts to provide their children with a modern school system that is responsive to the realities of modern Quebec.

With one voice, in a spirit of openness and pride, let us applaud the National Assembly's initiative and join with their institutions in providing Quebec with a modern school system that can provide a model for today's world.

I will be voting yes.

**Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Mr. Speaker, the amendment we are being asked to support is the repeal of subsections 1 to 4 of Section 93 of the Constitution Act, 1867.

Since the beginning, in the National Assembly, the Government of Quebec and the Parti Québécois have taken it upon themselves to include in the preamble to their request that they do not recognize the Constitution of 1982. It is odd that the Government

of Quebec has taken such a decision. It is odder still that Bloc Québécois members have taken the same position.

It is because of section 43 of the Constitution of 1982, which the Bloc Québécois and the Parti Québécois refuse to accept or to recognize as being relevant, that we can now discuss this amendment; in fact, it is Section 43 that provides for the right of the province of Quebec, with a simple resolution from the National Assembly, to request a bilateral constitutional amendment, without the consent of the other provinces.

Furthermore, subsection 33.1 of the 1982 Constitution, which, again, Quebec has not accepted, allows Bill 107 on public education and the amendment proposed in Bill 109 to override the unconstitutional aspect by using the notwithstanding clause.

I was wondering if the member from Quebec could answer two questions. If the English community had not felt that its access to linguistic schools was protected under section 23, if the anglophone community was not convinced that the 1982 Constitution provided some protection, does the member really believe that we would have had such a consensus in Quebec?

Can she admit in this House, just as the Quebec intergovernmental affairs minister himself admitted, that one would indeed have to be naive to think that the Constitution of 1982 does not apply everywhere in the country? Can the member answer these two questions?

**Mrs. Christiane Gagnon:** Mr. Speaker, I do not think there is any justification for trying to use the action taken by the National Assembly to offer thinly veiled praise for the unilateral patriation in 1982, of which the Prime Minister was one of the main architects.

• (1615)

**Mr. Nick Discepola:** Thanks to him—

**Mrs. Christiane Gagnon:** You asked me to answer your question, sir. I can tell you, on the subject of the resolution of Quebec's National Assembly to not recognize the Constitution of 1982, that there is a difference between "to not recognize" and "to be subject to". We are still part of Canada. We may not recognize it, but we are subject to it. Let us not mix debates. I will stop here on that matter.

Your second question on guarantees on teaching in English under section 23 was not the one raised in committee. That question concerned section 93. Here again, a number of debates are being mixed up. The subject is the suspension of subsections 1 to 4 of section 93, which people do not want applied in Quebec. Section 23 has nothing to do with the debate. It will be debated at some other time, in Quebec and not here.

Section 93 does not guarantee the protection of anglophone minorities in Quebec and francophone minorities elsewhere. The member for Bourassa put it very well earlier, when he said that

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section 93 had nothing to do with protecting language rights in Quebec.

This is the sort of debate they wanted to get us involved in, but this debate and the committee's mandate concern the repeal of subsections 1 to 4 so that denominational school boards may be replaced by linguistic school boards.

I hope I have answered succinctly, because the member wanted to drag me into a much broader debate.

[English]

**Mr. Roy Bailey (Souris—Moose Mountain, Ref.):** Mr. Speaker, I have some questions I would like the hon. member for Quebec to address.

During the course of her deliberation, and I must say she did a good job, she mentioned that all of Quebec, and she named the different geographical areas, were all very much in support of this resolution. I do not doubt that it is the majority. On my desk in my office are a number of letters from the Province of Quebec wishing that I should speak against this proposal for various reasons, so she does not have 100% support. I have two questions.

First, have you ever considered that, by deleting sections 1 to 4—

**The Deputy Speaker:** The hon. member will please address the Chair rather than the hon. member.

**Mr. Roy Bailey:** I am sorry, Mr. Speaker. If you delete sections 1 to 4 from section 93, has the hon. member given any consideration to what danger that may create in other provinces which are watching this debate extremely close?

I know in my province there are three minority boards. They all have a petition. They are all very much concerned about deleting sections 1 to 4 from section 93 in the hope that somehow the Charter of Rights will protect those things once they are extracted. That is the concern in western Canada. If the Charter of Rights will protect them after they have disappeared, why will the Charter of Rights not protect them when it is there? My constituents are extremely interested in this.

Second, I heard, and I would like the hon. member to address this, at least twice in the debate today that somehow there was something wrong about religion being taught in school. I hope I am hearing that incorrectly. In the history of our country we have had religion taught in the schools. Those people who want religion in the school should have that right under our constitution.

I would like the hon. member to address those two questions.

[Translation]

**Mrs. Christiane Gagnon:** Mr. Speaker, I would like to remind the hon. member of the Reform Party that I never spoke of unanimity; we are talking about consensus. In fact, that is the

problem we encountered in committee, where consensus was sometimes understood to mean unanimous consent.

• (1620)

There are certainly people who are not pleased with these decisions, but the vast majority, or 88% of those who participated in a public poll, and those who have young children in particular, said they were in favour of greater freedom, especially in Montreal. Such rights were granted on very different bases in Montreal and in Quebec City. For other regions, it was a matter of dissent.

We know full well that children from several denominations already study in this kind of system. Witnesses have explained the situation and how this would not be a problem. On the contrary, this is a proposal to open up structures, so that, in Montreal, where a sort of rigidity has been observed, the debate can focus on school structures, either denominational or linguistic, instead of on what place religion should occupy in schools.

With all due respect, I never said, and far be it from me not to want religious education to continue in schools, quite the contrary, and this is a debate that we will be having in Quebec. I would point out that this matter will be debated in Quebec, and the proposed amendment is designed to satisfy Quebec's wishes. So, if the same kind of debate were held in other parts of Canada, in other provinces, perhaps you could examine a variety of possible amendments, that you would approve or dismiss as the case may be. In Quebec, however, there is consensus on this matter.

**The Deputy Speaker:** I am sorry, but the time allowed for questions and comments has run out. The hon. parliamentary secretary on a point of order.

**Mr. Nick Discepola:** I rise on a point of order, Mr. Speaker.

In responding to two questions, the hon. member for Quebec mentioned the hon. member for Bourassa when in fact referring to the hon. member for Brossard—La Prairie. It was simply a point of clarification.

[English]

**Mr. Ted McWhinney (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, it is in response to the widespread interest in this subject, in the constituent power, the constitutional amending power not only in Quebec but also in other parts of the country, that I rise to speak in this debate.

Chapter 5 of the Constitution Act of 1982 established, as it was intended, an all Canadian base for constitutional amendment in place of the pre-existing made-in-Britain style of constitutional amendment.

We are still working out the precedents or the ground rules regarding how that should operate. Our working out of the ground rules is influenced in considerable part by practice and there is

already some practice, but also rules of good sense and good federalism.

I think we are at the point where we can enunciate a principle that a request by a province for a constitutional amendment under section 43 of the Constitution Act of 1982 that such a request, if it does not run counter to the Canadian Charter of Rights and Freedoms, and if it is not the product of a casual or factitious majority in a provincial legislature, should normally be honoured by the federal parliament as a matter of good federalism, what is known in technical terms as the principle of federal comity, la courtoisie fédérale, which is an inexact French language translation.

In the case of Newfoundland, we have looked at this issue twice. The first time was when the House supported the proposal but it was held up in the Senate and the second time when it came again but this time after a 73% popular approval by the people of Newfoundland, by 47 out of 48 electoral districts, and with strong majorities in those sections of Newfoundland that have significant religious groups within them.

In the case of Quebec, we have here a resolution passed by unanimous vote of the provincial legislature. This is not the first time that this issue has been raised in Quebec. In fact, if I can take members back in history, I remember examining this issue professionally a quarter of a century ago when the issue was the language in Quebec; the issue of an official language, the language of work and the language of education.

• (1625)

Members will recall that this issue was entrusted to a royal commission of the Quebec government, la commission sur la situation de la langue française et les droits linguistiques à Québec, which reported in 1972, the Commission Gendron. One of the proposals considered by the commission was simply how to apply the issue of language of education having regard in Quebec to the existence and operation of section 93 of the then British North America Act of 1867, the Constitution Act.

The issue raised then was whether it could be done because we did not have the 1982 Constitution Act nor these all-Canadian self-operating amending machineries. The suggestion which was advanced, which I think is an interesting one, was that it could be achieved by ordinary legislation. That is to say one could achieve a system of institutional language based schools in replacement of the old system of religious division, and this as a matter of ordinary interpretation in section 93.

The key is of course in the words of section 93 which are rooted in 19th century history and, to some extent of course, in 18th century history because that is where these particular provisions flowed from, the capitulations of 1759, the Treaty of Paris of 1763 and the Quebec Act of 1774.

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The essence of these provisions, however, is that they do not in terms guarantee, or even necessarily in the spirit, the continuance for all time of a system of religiously based determination of allocation of children to the school system. This is a gloss which has emerged in some minds because of a lack of reading of the provisions of section 93 and also because of a static, mechanical and unimaginative approach to constitutions and constitutional interpretation.

Constitutions are not fixed once and for all in time as frozen cakes of doctrine that cannot stand the test of progressive generic interpretation. Constitutions, as the Privy Council reminded us, are living trees that grow with the times. It was on this basis that the issue was examined, whether section 93 could allow a replacement of a religious based classification and allocation of students by a language based one. I think an interesting answer then was, yes.

However, this is a different situation now because we have the 1982 Constitution Act in effect and the 1982 Constitution Act allows for amendment of the Constitution under various categories. One of the interesting things here is that we are applying section 43 of the 1982 Constitution Act to the amendment of section 93 of the Constitution Act of 1867.

The essence of section 43 is that it allows for a bilateral process of amendment of the constitution on the initiative of a single province and with the concurrence of the federal government. The effect of course of this as a matter of constitutional application is that a constitutional amendment so adopted is limited in its constitutional force to the particular, one might say, consenting province and no more.

Therefore, I think this is a very important point to raise for persons in provinces other than Quebec. There is no consequence of the adoption of the proposed amendment here for the school situation such as it might be now or in the future in Ontario or in British Columbia or in other provinces.

Insofar as section 93 is amended by section 43, it is a Quebec-only amendment.

• (1630)

One interesting point in the particular amendment, and why it achieves much of what was discussed as a theoretical concept by the Gendron commission in the late 1960s and early 1970s, is that it leaves open the effectuation of the principles of the capitulations of 1759, the Treaty of Paris, the Quebec Act and section 93. It leaves open the issue of effectuation of those principles again by other legislative provisions.

In the debate on Newfoundland amendment term 17, which is a special case in that it is limited to term 17 of the Act of Union, 1791, between Newfoundland and Canada, there were some inter-

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esting exchanges across the House. We should stress that often the truth is found in these exchanges. It is a dialectical give and take. There were two interesting questions from the official opposition. I will simply repeat what was said on that occasion.

Unlike a number of other countries including Great Britain, there is no official state religion in Canada. The system is neutral on that point.

However, unlike the United States there is no constitutional separation of church and state. Therefore it is perfectly open for any province in Canada to introduce its own system of religious instruction or provision of religious facilities in school education. That is a matter for the ordinary political processes of each province. It is limited by the Canadian charter of rights, but the Canadian charter is not pre-emptive here. It may be limited by provincial charters of rights as to which we would remind ourselves that Quebec has certainly a most impressive Quebec provincial charter of rights.

It would be open within the political processes of any province to provide a form of religious instruction. As is proposed in Newfoundland parents may ask for religious instruction, but the children or parents may opt out of that religious instruction. There is nothing to prevent the introduction of what is called in Great Britain and some states in the United States a system of state or public aid to so-called charter schools, which could be purely private and non-denominational or could be denominational. That is a matter for the provincial political processes. It is left open under both the Newfoundland amendment and the Quebec amendment.

Let me come back to the particular issue. If the approach to section 93 had been its removal altogether, it would have required clearly 7 out of 10 provincial legislatures to assent to it. Since the Parliament of Canada is being approached under section 43 of the Constitution, not section 38(1) which is the larger provision I just mentioned, it requires the assent only of the Quebec legislature and the Parliament of Canada. It is very clear that the constitutional amendment now proposed is limited by virtue of the constitutional amendment route chosen to Quebec and the Parliament of Canada so far as it operates in this respect in Quebec.

We have an approach to constitutional amendment that is limited to Quebec, that follows upon the unanimous vote of the Quebec legislature and that does not according to ordinary rules of interpretation offend the Quebec charter of rights or our own constitutional charter of rights. That is in accord with the expressed opinion of Quebec persons who testified before various parliamentary groups that it changes a burdensome system of administration which is excessively costly and no longer corresponds to widespread Quebec views as to classification and categorization of students and education.

If the Gendron commission had adopted a proposal in 1972 to replace the religious based categorization by language based categorization, there would have possibly been a situation somewhat like the present situation.

• (1635 )

Instead, in developing French as the language of education in Quebec compatibly with rights of minorities, it superimposes a very cumbersome system of language approach to education on a church based system, an immense proliferation of administrative authorities. The nearest analogy I can find is the Belgian approach to the solution of the linguistic problem, which is an administrative constitutional nightmare.

On the basis that this is a request, freely made by the legislature of Quebec with a unanimous vote preceding it, an issue considered for over more than a quarter of a century in Quebec on which a consensus has clearly emerged, there is no reason in principle why following good principles of federalism the federal Parliament can or should refuse the particular request.

In my view it could have been met by interpretation of section 93 without an amendment, but since we have the Constitution Act, 1982, it is proper that it should follow that particular route.

I commend this to those who have raised the question as to whether it will automatically determine solutions that we would like to educational problems in our own province. The answer is that it has no implications for that at all. It is open to the political processes within the province.

My expectation, since Canada is a plural country, is that individual provinces will answer differently. There is widespread interest throughout Canada in new, more plural approaches to education. It is very clear the financial burden of education is spread unevenly and in many respects unfairly over many taxpayers and the correction should come at the provincial level. That is a legitimate issue of concern for provincial voters and each province will make its own decision.

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Madam Speaker, congratulations on your elevation to the chair. I commend the learned and honourable member for his presentation. He is a distinguished constitutional authority and an asset to this place as such an authority. I would however take issue with some of his conclusions.

The hon. member suggested the amendment would not create a precedent for other provinces. I agree this will not create a legal or constitutional precedent but it will create a political precedent. It is for that reason organizations such as the Canadian Catholic School Trustees Association, the Ontario Catholic School Trustees Asso-



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ciation and dissentient separate school boards across the country are opposed to the amendment.

What they see is not a legal precedent that affects them directly but a dangerous political precedent which they feel will affect them in the future, that precedent being the willingness of this place to give up its constitutional role to protect minority confessional educational rights.

I have several questions for the hon. member in that respect. He said the matter had been considered for nearly 30 years in Quebec. Given that virtually every witness before the committee agreed the amendment to section 93 is a relatively recent proposal, what evidence does he have to support the contention that it has been considered for 30 years?

What does he mean when he says there is now a movement toward "new, more plural approaches to education?" Does he mean by that approaches to education which preclude confessional education? Does he mean more secular approaches to education?

Given his understanding of constitutional issues, will he admit that without the protection of section 93 the charter of rights and freedoms will apply in toto to the Quebec education system; that given the precedents in the Ontario courts, namely the Zylberberg and the Civil Liberties Association cases, the charter has been proven to be rather unfriendly to public funding of sectarian education; and that without the protection of section 93 it is likely, as virtually every constitutional expert appearing before the joint committee suggested, that Quebec's confessional education system as guaranteed in various statutes the Quebec charter and the Quebec education act would be found to contravene the Canadian charter and would be snuffed out?

• (1640)

Does he not agree this is a very real threat of removing the constitutional protection of section 93, that the charter poses the ultimate threat to the confessional school system which Quebecers still support, by a very large margin?

**Mr. Ted McWhinney:** Madam Speaker, I thank the hon. member for his thoughtful series of questions. I could say as to when and how this has been discussed I was a member of the commission Gendron. I spent four years hearing representations throughout Quebec on the educational system, among other things.

There were very learned studies. Since I also taught in Quebec over a period of five years including at one French language university, it was very much a subject of discussion. Although it may appear strange outside Quebec, as something new and different, it has been very much a part of Quebec thinking.

**Mr. Jason Kenney:** Section 93.

**Mr. Ted McWhinney:** Section 93 has to be considered by any commission or any group considering language and education as the criterion for allocation of students.

The second issue the hon. member raised has implications essentially for other provinces. He raised the issue of what I referred to as new plural trends in education. Every province obviously is different from the other. This is one of the nice things about Canada today. I would think that there are more indications outside Quebec and outside Ontario of experimentation with religion and education and religious based schools. The thing that is becoming interesting is the suggestion that it should be accompanied by at least partial funding from state, from public authority.

My point was simply that there is nothing in the constitution that prevents that. We do not have the absolute separation of church and state that they have in the United States which positively prevents that.

I taught constitutional law in the United States and it was a constitutional absolute, the absolute separation. It even chased out of the American school system voluntary religious classes given on the school premises outside school times. There was a series of decisions in the fifties, sixties and seventies.

This is perhaps a correct judgment by the United States supreme court of the American ethos but it is not necessarily applicable in Canada.

One issue at the core of the third question of the hon. member was the issue of the courts and the constitution. I would be the last to say I am always happy with the development of the jurisprudence of courts.

When the charter of rights was adopted I suggested to the then prime minister that a logical concomitant of the change to a charter based system of constitutional jurisprudence was reform of the supreme court. I and some others recommended unsuccessfully the establishment of a special constitutional court with the European system of election of judges for a term of years. The European courts have a strong cross-section of political and general philosophical opinion on the courts.

I do not think it is a necessary consequence of the role of the courts today, even under the system that now exists, that they apply American jurisprudence. Mechanically applied, I think those would be wrong decisions.

**Mr. Jason Kenney:** They are precedents.

**Mr. Ted McWhinney:** Precedents can be changed because perhaps they have not been argued well enough. You must not be too optimistic about the level of constitutional argument that we—

**The Deputy Speaker:** The hon. member should address the Chair.

**Mr. Ted McWhinney:** Mr. Speaker, I would be the last person to ignore the Chair consciously and the last person to ignore the Chair

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when it is occupied by its very distinguished present incumbent. ou fill the role admirably in a very real corporeal sense.

• (1645)

However, I would encourage the hon. member who has shown that he has a litigious attitude in areas other than what we are now discussing not to give up hope on the court. He should try right reason, try his arguments and argue the new pluralism and he might find he can win. But it is certainly an incorrect application of the Canadian charter to assume that American judgments in the area of the charter of freedoms are automatically the law of the land here.

We are a different society. I would have thought the great charm of our society is that we are a plural society. We have rejected the melting pot concept of total assimilation. We encourage diversity. We try to build co-operation based on those integral elements that each culture has and this demands a jurisprudence that reflects that.

I rest optimistic that with future education by this House including by the hon. member that the courts will move more in this direction. I do not think they have shown the imagination they could have.

**Mr. Roy Bailey (Souris—Moose Mountain, Ref.):** Mr. Speaker, I thank the hon. member for the recollections as he went historically through what has brought us up to where we are today. I must commend him because I appreciated it. It was like sitting at university again and scribbling down some notes.

I am not here to quarrel with anything said by the hon. gentleman. Historically I believe he is most accurate. The question in my mind is not one of checking the dates but rather it is this. Is there any other way Quebec could receive everything that has the obvious support of its majority? Is there any other legal way this could take place without touching that part of section 93 of the BNA act? If there were a way, if the charter could do it, for the sake of the rest of the provinces I would encourage the member with his wisdom, knowledge and background to lend more support to that. Let us not tear away at something the rest of the provinces feel is valuable.

**Mr. Ted McWhinney:** Mr. Speaker, as I mentioned, it would have been possible in 1968 and 1970—before 1982—to try to reach the same result by interpretation to demonstrate that the particular measure proposed is compatible as legislation with section 93 as fairly read in its general intent and purpose. But once you replace the old British style of constitution amending process by the charter of rights, the ordinary principles of federalism say that you follow that route.

I can reassure the hon. member on this point. I have made a point in my interventions on the Newfoundland school issue and on this issue today of stating that this is an amendment limited to Quebec

and that in voting on this issue I do so on the basis that it is limited to Quebec.

The member may ask me what the relevance of that is. A constitutional interpretation by courts, the decisions of Parliament, the travaux préparatoires, carry their own authority. If the member himself or other members would like to indicate that in voting on this issue their vote is given on the basis that this is an amendment that applies to Quebec and only Quebec, that itself carries heavy artillery with it. It is something that in my view a court would be unwise to try to overrule.

As far as other provinces are concerned, my recommendation to them is to fight it out within the new political processes. There is no reason why British Columbia should have an identical rule to Quebec or Ontario, or Alberta to British Columbia. It is a matter for the political processes. There are no constitutional barriers other than the charter of rights which on this issue is not pre-emptive.

The interesting thing I cited for the last hon. member who questioned me is there is a mood for re-examination of education. There is a feeling that too much uniformity or a monolithic approach to education is not the best thing for suiting our children for the next century.

• (1650)

Therefore the new pluralism, the new ways, including the possibility of public aid, partial at least to new schools trying new approaches, would include religious schools. This is very much a matter that individual provinces can and should be able to reach within ordinary political processes.

I say to the hon. member and others that if this is your view, indicate that you wish your vote on this to be an issue limited to a constitutional amendment affecting Quebec just, as more strictly, for the one in Newfoundland.

**Mr. Peter Goldring (Edmonton East, Ref.):** Mr. Speaker, I am pleased to have this opportunity to speak on this motion to amend section 93 of the Constitution Act, 1867 concerning the Quebec school system. I feel, however, that amendment is understating the issue. It is in fact an extinguishment of sections 93, 1 to 4, for Quebec.

As a freshman member of Parliament, a member of the class of '97, I am particularly honoured to be speaking on such an important subject as amending the Canadian constitution. Such weighty matters have a tendency to give members of Parliament an exaggerated sense of their own importance. They can start to see themselves in terms of their own place in history.

Amending the constitution is a serious exercise, one that should not be done lightly or in haste. In Canada it is something not done

with ease. It took Canada 115 years to bring home the British North America Act and create a Canadian constitution that could be amended at home. Lest we forget, the clock is still running on its ratification by the province of Quebec.

Here we are in 1997, 130 years since Confederation, and the process has still not been completed. That is not such a bad thing. There are countries in the world which have gone through a dozen constitutions in the same amount of time. They tend to be places where such documents are often not worth the paper on which they are printed.

In Canada our constitutional process seems to move at a pace that we could describe as glacial. We have a document of which we all can be proud, a statement of our individual and collective rights and responsibilities. It represents a careful balancing of individual rights and collective responsibility to protect the rights of minorities. As such it is an important part of our identity as a caring and compassionate people.

I have good reason to be concerned when the government of the day pulls out all the stops to accelerate the constitutional process. I have good reason to be uncomfortable when the amendment in question is being proposed by a provincial government that has not ratified the constitution. I have good reason to seek greater clarity on the process when there are legitimate questions being asked about the legality of the amending process being used. I have good reason to listen carefully to thousands of Quebecers who asked us not to ratify the amendment.

There are times when the glacial pace of constitutional change makes sense. I find it worrisome that the Liberal members of the special joint committee from the other place, who are required to provide sober second thought, would be in such a hurry. As a member of the special joint committee, I have listened closely to the witnesses who have appeared before the committee. I have considered carefully the opinions and views they have expressed and those expressed by the hundreds of people who have written letters and signed petitions on the subject.

I am not persuaded that this amendment must be ratified now. Let me give my reasons. They stem from a simple test consisting of three questions.

First, does the constitutional amendment have the democratic agreement of the people? Second, does it conform to the rule of the law? Third, are the rights of minorities protected?

On the first the answer is quite clear. There has been no public consultation in Quebec. In contrast to Newfoundland, which is also pursuing constitutional reform with regard to its educational system, there has been no referendum.

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• (1655)

Unanimous consent to a request for the school board amendment by the Quebec national assembly does not in turn reflect unanimous consent by the people of Quebec.

The hundreds and thousands of Quebecers who signed petitions opposing this amendment are proof of that. I cite as an example the petition of the coalition for denominational schools, a petition signed by 235,000 people.

It is shameful that some members of the government have been questioning the validity of this petition. The people of Quebec who signed this petition cannot be ignored because they demonstrate that there is no consensus in Quebec for an amendment to section 93 of the 1967 constitution.

The solution to this is reasonably straightforward. The Government of Quebec must do a better job consulting with the people of Quebec. It has a model to study in Newfoundland. It needs to present clearly the implications of the amendment.

I would not doubt that greater understanding would reduce the level of distrust and fear. Among other avenues, the Government of Quebec could have had its ministers involved in the process earlier rather than relying on quiet passage.

The answer to the second question of whether it conforms to the rule of law is less straightforward. The committee should be certain that what is being proposed respects the rule of law.

Are we using the appropriate amending formula? The Government of Canada and some legal scholars say yes. Other voices have challenged the bilateral process. The committee should not be expected to decide this question in haste under an artificial deadline. I would like to point out that the ink is not even dry on this motion and I have been made aware of a court challenge already.

This court challenge asserts that the legislature of Quebec and the Parliament of Canada do not have the authority, acting pursuant to the bilateral amendment procedure foreseen by section 43 of the Constitution Act, 1982, to proceed to amend section 93 of the Constitution Act, 1867 by repealing subsections 93(1) to (4) as they apply to Quebec.

The petitioners assert that they are persons directly concerned by the repeal of section 93 and invoke their individual right to and interest in the integrity of the process to amend section 93 of the Constitution Act, 1867.

A court decision could settle the legal issue. Without such a decision, the committee should at least have received a full legal brief on the issue so it could consider the matter in the light of the best legal advice available.

The answer to the third question is crucial. The question of minority rights has been at the soul of Canada for its entire history

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and the rights of minorities to control their own education have been established in province after province.

How well a country protects its citizens from the tyranny of the majority is a measure of its democracy. I think we all can be proud of how far we have progressed since the Manitoba schools debate of 100 years ago.

When the dividing line is language, emotions tend to run high. This is one reason why the protections in the constitution are so clear about the education rights of linguistic minorities.

Of course, this brings to mind one concern. It is not clear that the Government of Quebec believes section 23 to be in force in that province, as that province has not ratified the constitution.

This puts a much greater burden of proof on those who want to fast track this amendment but, to add to this burden, it is not just linguistic minority rights that are in question, it is religious minority rights.

The Government of Quebec wants an amendment to Canada's constitution so that Quebec can rearrange its school board system from one based on religious denomination to one based on language.

Although there does seem to be a consensus for linguistic school boards, there is an equally strong voice contending that rights to have religious schools would be violated with the abolition of the denominational school provisions in section 93.

• (1700)

Quebec wants to change the school board structure next year once the existing guarantees for Protestant and Catholic boards in Montreal and Quebec City are removed. Many people would agree that boards organized along denominational lines may not make a lot of sense. They need only to look a little farther west to the province of Ontario to see a system where boards organized along both linguistic and denominational lines seem to work.

Is it not strange how much more sense things make the farther west we go?

The guarantees provided are far from perfect, but unless they are replaced by some other form of constitutional protection removing them would erode the education rights of the English speaking minority. The move to linguistic boards should not be used to weaken minority rights. Does the amendment risk leaving Quebec's English minority with less protection than it has now? I think it does and I am not alone.

To sum up, I asked three questions. I was hoping for three yes answers but I received two noes and a maybe. It was hardly a passing grade. Let me be more generous and propose an easier

question. What harm would be done if the amendment were not passed by the House today? We all know the answer. None. The children of Quebec would still receive an education. The circumstances that have prevailed for 130 years would prevail a few more years and the sky would not fall.

About the worst thing that can be said about the clause in section 93 is that it is anachronistic and inconvenient. It is unfortunate the constitutional chess game and the government's strategy of appeasement will continue.

Let me be clear. Returning the process of constitutional change to its normal pace does not mean that change is not possible. Let me make it clear that the Reform Party supports the appropriate use of the amending formula if it is supported by an expression of the will of the people. The constitutional process has to come out of the back rooms and the realm of the power brokers and deal makers. Surely we learned this from Meech and Charlottetown. There is nothing stopping a reconsideration of the amendment in a few months time under only slightly different conditions.

Let me suggest the following to the Government of Quebec to improve its chances next time around. It can consult its citizens. It can hold a referendum with a clearly worded question. It can state clearly in writing that minority protections of section 23 are in place. May I suggest that the easiest way of doing that would be to ratify the Constitution of Canada.

[*Translation*]

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Madam Speaker, I have, as you can imagine, listened carefully to the speech by the hon. colleague from the Reform Party. I can see, without any ill will, that our colleague is obviously very ignorant of the Quebec reality. It would have been interesting if he had been able to come in person for a visit to Quebec, because the understanding he has could be compared to a Flintstone style of understanding, that is to say a pretty basic one.

I have three pieces of information I want to give him. The first is that the hon. colleague should know that the debate in Quebec is a longstanding one, not a recent development but one that goes back to the early 1960s. In other words, when he was still quite young, the debate was already going on in Quebec on the necessity to reorganize the school system on a linguistic basis.

I also want to refer to the parliamentary aspect, and I hope he will reply to me on this. In Quebec there was a parliamentary committee similar to the one in which we MPs and senators have been involved on the joint committee, and it was focussed on the very subject of creating linguistic school boards.

If the hon. member wants to count heads, he can look at the list I have already tabled at the parliamentary committee.

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• (1705)

All the groups that voiced their opinions on Bill 109 which, as you know, only dealt with the establishment of linguistic school boards, also came to Ottawa to be heard.

Therefore, my first comment is that the hon. member should be much more careful when he is suggesting that no consultations took place.

Second, I realize the hon. member is a new member here, but it takes some nerve to say he is worried about guarantees for the minority. So, the hon. member, whose party is the only one in this House with no members from Quebec—and this will not change in the foreseeable future—is worried about how Quebec's English-speaking minority is treated.

We should remind the hon. member that, in Quebec, it is possible for anglophones to go to English schools from kindergarten to university, to have access to education services in English, to have control over their own mass media—newspapers, radio, television—and to have access to health services in English. Myself and all Bloc Québécois members would not have it any other way. The hon. member should be pleased to see how Quebec has so generously, and for so many years, been treating its English-speaking minority. And it will continue to do so. No Bloc Québécois member thinks it should be otherwise.

The fact is that no one is in favour of the status quo. I ask the hon. member this: Why, as we are about to enter the new millennium, should we specifically provide preferential treatment for Catholics and Protestants? I agree that it is positive discrimination, but it is still discriminatory.

To the extent that we are a law-abiding society—and the hon. member alluded to this several times—we have two charters: the Canadian charter and the Quebec charter. Both of them include the right to freedom of religion. While in 1867 Quebec was a relatively monolithic society as regards religion, it is no longer the case now. There are 108 cultural communities in Montreal which profess religions other than Catholicism or Protestantism.

By passing the resolution—and I hope it will be passed despite the Reform Party's opposition—we will pave the way for greater pluralism in the public forum that schools represent. I therefore ask the member why this kind of discrimination he is urging us to perpetuate should be maintained.

Second, I ask him if he will agree that the treatment of the anglophone minority in Quebec is exemplary, that we are giving him every guarantee that as far as we are concerned, as members of the Bloc Québécois, we wish this to continue.

I urge him to be extremely careful when he talks of the petition, because that is not what the majority of Québeckers want. This is what the polls and consultations show and I would remind the member that we have been discussing this issue since 1963. The

member would do well to improve his knowledge of Quebec, and I would be pleased to serve as his guide, perhaps even his spiritual guide, whenever he would like to meet with concerned groups. It would be my great pleasure to show him the situation in Quebec, because I regret to say that his understanding is based on stereotypes.

[*English*]

**Mr. Peter Goldring:** Madam Speaker, I will answer a couple of the hon. member's concerns. Flintstone, maybe, but I believe one thing that has not been addressed quite properly is that the request to amend the constitution is really an extinguishment of sections 1 to 4.

Having been in the construction industry for years I always believed that we should build on to our constitution, moulding and improving it, not ripping it down. That is the direction that should be taken.

• (1710)

Certainly sections 1 to 4 need some improvement to better represent today's society in Quebec and in other parts of Canada, but I do not believe the way to do that is by extinguishing it and removing it for all time. I believe we can make those improvements to the constitution.

Let me speak to the consensus reached at the meetings. One group represented two million people and there were eight more groups represented in the two million people. They are also individually represented in the group. Out of 60 groups represented, eight of them were contained in the one group which represented two million people. When I questioned one of the groups which represented some 180,000 members on whether it had polled its membership the answer was no. Clearly some of these groups which were claiming to represent their members were representing themselves. They had not polled their members.

I agree the question of reform in the education system has been going on for 30 years, but there has not been a discussion about removing section 93 to do it. There has been a discussion on reforming the education system along linguistic lines. There has not been a discussion of extinguishing sections 1 to 4 of the constitution. That has been a very recent phenomenon. It is not well understood by a large number of Québeckers that the intent of the motion is to remove these rights.

There is consensus for reforming the school system along linguistic lines, but I do not believe there is consensus for the method proposed, which is to extinguish the constitution to get to that end.

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Madam Speaker, my question is for my colleague in the Reform Party.

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They keep making comments and I simply cannot wait to rise and make certain comments and ask questions.

First, I take discussion of a matter such as this seriously. The Reform Party is suggesting that it is the separatists who want this. I find this a bit offensive. Does this mean the bishops of Quebec are separatists? Does this mean that priests or Pentecostal pastors are separatists as well?

I think that there is consensus among religions, and it must not be forgotten that this was a minority of minorities. The Anglican religion, or those religions, were in agreement. So perhaps it was their minority that was against.

I would just like to ask him this question: Is the Reform Party not afraid of a referendum when it comes to minorities? What would happen if there were a referendum in Quebec on the school issue and 80% of people wanted a change, but a 20% minority did not? Would they go along with the 20%?

[English]

**Mr. Peter Goldring:** Madam Speaker, in answer to the hon. member's question I want to raise another group named as somewhat supporting the motion, Alliance Quebec. When Alliance Quebec was questioned about it, it was clearly against the extinguishment of the constitutional provisions. It was in favour of reforming schools along linguistic lines.

That is the consensus in Quebec. There is no doubt about it. There is no question that in Quebec there is a strong consensus to reform the educational system along linguistic school lines.

One group the committee heard from had a membership of 235,000 French Catholics who were against it. Some 50% of the number of applicants on the application were against school reform by extinguishing the constitution.

• (1715)

Therefore, there is strong feeling that there is not full consensus for proceeding in that manner. When I see the signatures of 235,000 people I really have a feeling that perhaps the people of Quebec should be asked this question directly, not through their associations.

**Mr. Ted White (North Vancouver, Ref.):** Madam Speaker, this is a debate on a complex issue for those of us who have not had the benefit of 30 years of debate in Quebec. I must admit that for the first time since my election in 1993, I am at a point in the debate, this close to a vote, and I really do not know yet whether I am in the yea or nay position.

I would just like to clarify an impression that has been coming from the last few speakers, that the Reform Party is opposed to this.

That is not actually correct. The decision has been made by our caucus that we will be voting the way we determine to be the best option. As a consequence, this has become one of the most interesting debates in the House in the last four years.

I have paid a lot of attention to the speakers today and there are a lot of reasons for my indecision. I would just like to go through them. The first speaker today for Reform actually presented a very good argument in favour of the change and made it quite clear that he would be voting for this. Later in the day there were some very good arguments against that from other colleagues in the Reform Party.

However, for me there are several key issues here. The first one is the issue of provincial responsibility. The text of section 93 begins: "In and for each province the legislature may exclusively make laws in relation to education". When I look at Reform policy on this issue, it is very clear. Reform policy states clearly that we believe that the provinces should have more powers and we support very strongly the idea that education should be a domain of the province.

To me that is a point that is very much in favour of supporting this amendment because I have no business as a federal legislator interfering in the business of the province. It is my feeling that if there are problems at the provincial level which need addressing, it is up to the people of the province to deal with that with their own government, to have marches in the streets, to have the protests, to take the court challenges. As my colleague has mentioned, there is already a court challenge under way. That is the responsibility of the people to challenge the government closest to them. To me that is a very powerful argument in favour.

Second is one against. Reform policy says that for changes that affect the fabric of our society, things that are major changes, we truly believe they should be subjected to the democratic process of referendum. Members may know that I am the direct democracy critic for the Reform Party and I therefore take a lot of interest in these issues and study the direct democracy questions. I am a firm believer in this. I would feel a lot more comfortable if the situation had been, indeed, submitted to a referendum.

However, I spoke with the member for Portneuf for a short time and had an interesting discussion with him about this whole situation. He mentioned something that I had not realized. It is that section 93 really applies only to Montreal and Quebec City. This answered a question that I had as to why I was not receiving any letters from people in Quebec. If there was this tremendous objection to what was going on, why was I not being bombarded with letters such as I got from Newfoundland about the situation there? I was really puzzled by this. It was clarified for me by the member for Portneuf because he explained that the people outside of Montreal and Quebec City are covered under the provincial legislation and do very well, thank you. In fact, in his riding which

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is predominantly Catholic, very close to 100%, there is still a Protestant school there which is protected by provincial legislation.

• (1720)

Even my colleague from Edmonton East conceded that perhaps the provincial legislation is a better model but his concern is that is not entrenched in a constitutional form and therefore is subject to possible change.

The member for Portneuf in my discussion with him says that this has been around since 1867, so we have to have some faith that it will be there. Again, that brings us back full circle again to this argument about provincial involvement and whether or not the people of the province should have to deal with that issue with their own provincial government and that we should not be interfering in that aspect of it.

As I mentioned, I appreciated the eloquent arguments from members of my own side. The member for Calgary Southeast made wonderfully eloquent arguments, but I have also appreciated the eloquence from some members of the Bloc on this issue. I could hear the frustration also in their voices as they were frustrated to hear that some Reform members were speaking in opposition to this.

I hope that what I am saying is helping to clarify why some are against and some are for without getting too emotionally involved in this.

As I mentioned, my colleague from Edmonton East revealed that there is a court challenge already under way for what is happening here and I am very supportive of that. As I said, the people of the province should be involved in dealing with this if they feel they have been wronged. At the moment the evidence to me as a member of Parliament is that the majority do not feel they have been wronged. I have the confidence that if it were to go to a referendum it would pass handily based on the information I have gathered this afternoon.

A member from the NDP made the point that this change is affecting the minorities. I think that seems to be what is happening here and the larger part of the minority if we can call it that is actually quite happy with the changes that are being proposed. It is kind of ironic in a way, though, that we find ourselves in this position that the Reform Party is doing all the arguments in favour of minorities when we have always been labelled as this anti-minority party and we are the only ones who are arguing that way in this debate, which is quite interesting.

Notwithstanding that fact I think that may be the wrong approach. I have said over and over that at the provincial level that should be resolved, not in this place.

My tendency is to lean toward voting for this amendment but I will listen to the remaining debates before we actually get to the vote.

The only other point that I did want to mention here is that in the minister's speech in October on this issue he mentioned that he felt there was good consensus. Actually I was a bit disturbed by his words because it was not very firm. It was more that he feels that there is probably consensus. I do not have his exact words in front of me. That disturbed me a bit at the time. But in light of other discussions that I have had today, as I mentioned, I think it probably would pass in a referendum. I look forward to having that clarified perhaps by subsequent speakers who come from the Quebec area.

I guess that is all I have to say on the issue. I will listen with interest to the rest of the debate and hopefully will have made up my mind by tomorrow. I certainly never abstained from a vote in this House and I hate to think that I would be put in that position by the time the vote comes tomorrow afternoon.

[Translation]

**Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Madam Speaker, I was almost angered by what the hon. member for Edmonton East had to say despite the fact that he has been on the joint committee with us for two full weeks. I was surprised, because I finally understood why the Reform Party is not comfortable with the amendment. It still confuses minority language rights with the amendment to clause 93 of the Constitution on which we will vote tomorrow and which concerns only denominational rights.

Reformers seem to give much weight to a petition signed by 235,000 people. I even asked in committee how many persons on that petition were from Quebec. I could not get an answer. Nonetheless they exclude all alternative measures.

• (1725)

The fact that there has been a debate going on for 30 years in Quebec does not strike them. The fact that Anglican and Catholic bishops supported the resolution has no effect on them. Even the fact that there was a unanimous vote at the National Assembly, where we find democratically elected members, does not trouble them. Since they seem so difficult to convince, I will try one last time to remind the Reform Party members what we will be asked to vote on tomorrow.

They must know that clause 93 of the Constitution Act, 1867 does not in any way protect school board structures as such. Clause 93 does not protect language rights either. It protects access to denominational schools. Minority language rights are not protected under clause 93. They are protected by other sections in the Constitution, more particularly section 23. Section 93 does not protect the right of minorities to manage their schools and school boards, religion education in schools, or even Protestant and Catholic schools. Is that clear enough now?

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The right to levy taxes through school boards on Montreal Island, for example, or to have a say on the curriculum is not protected either.

Section 93 guarantees only two things: the right of dissent for the Catholic or Protestant minority and certain rights for Protestant and Catholic minorities, as the previous speaker clearly explained, not on Montreal Island, but in the city of Montreal and in Quebec City.

Reform members are suggesting that, if a referendum had been held, they may have been able to go along. But their support now depends on a petition signed by 235,000 people.

I would like to ask the hon. member a question concerning the holding of a referendum on this issue.

[*English*]

How would that help him as a member of Parliament to better determine whether there is a consensus? What would he use? Would it be like his leader during the 1995 referendum with 50% plus 1? What factor is he going to use? The debate here is not on trying to establish that 78% of the people are in favour. The debate here is to ensure the majority of the minority affected is well represented and has given its consent. I think that has been demonstrated time and time again. How will the holding of a referendum notwithstanding its costs help to ensure the member's making his decision?

**Mr. Ted White:** Madam Speaker, I recognize the member would have preferred to have addressed his question to my colleague, and so I will make a suggestion in that regard in a moment. First I will address the question of referendums.

Referendums cost money of course. There is a cost to democracy. It is a matter of how much cost we are willing to accept in order to have democracy.

On the specific issue of what percentage should be accepted in a referendum, that is established before the question is put. For me to give a broad brush answer that it should be 50% plus 1 would not be fair. It depends on the issue and the agreement beforehand as to what would be an appropriate percentage. There are different rules depending on what is perceived by society to be the seriousness of the question.

As I recognize that the majority of the content of the hon. member's question was really for my colleague, I would like to ask the unanimous consent of the House to allow my colleague to answer.

**The Acting Speaker (Ms. Thibeault):** Does the member have the unanimous consent of the House to proceed in such a way?

**Some hon. members:** No.

**The Acting Speaker (Ms. Thibeault):** Questions and comments, the hon. member for Acadie—Bathurst.

• (1730)

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NPD):** Madam Speaker, if my colleague from the Reform Party changes his vote only because I rose in this House, I will do so a lot more often.

What I have been trying to say is that we have a problem with a referendum. Whatever the percentage in favour of a change, be it 51%, 52% or even 60% or 80%, will they side with the 80% majority who want the change or with the 20% minority who are opposed? That is what I was driving at.

We were talking about minorities a minute ago. When the Constitution was adopted in 1867, Protestants were a minority. I was on the committee that studied school reform to make schools non-denominational. I did not receive any letters from the bishops of Quebec saying that they were concerned about changes to section 93.

I did not receive any letters from Protestant leaders either, even though, being on the committee, I was close to the situation. This issue did not arise only three weeks ago. It was debated in the National Assembly in April 1997 by the PQ government and the Liberal opposition. I think it was the best time for a party to score political points. But even the Liberal opposition was in favour.

That is why I was saying earlier that people must be careful when they say that it is the separatists who want this change. I think there is a consensus among Quebeckers on this issue. We are adding fuel to the fire if, every time Quebeckers make a request, we are unwilling to listen and unable to work with them only because they are separatists. We are suggesting to them that they do not need to stay in Canada since they cannot be heard anyway.

I may have a problem with separatists, but it is my problem. Every time Quebeckers ask something of us, I think it is wrong to pin the separatist label on them, especially when we see that there is a consensus among bishops, parents, school boards and all the people of Quebec on this issue. There may not have been public hearings just before the change, but there was a consensus in most groups.

So I think we must be careful with this. This is a warning. We must also be careful with what we say in this House. If we want to keep Quebec in Canada, we must treat it with respect.

[*English*]

**Mr. Ted White:** Mr. Speaker, I must apologize to the hon. member because I did not realize I was still on questions and answers. I was having a discussion about the petition with my colleague. I caught the end of the comments and I will do my best to respond.



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I would like to say first of all, although he is mentioning that it is being portrayed that the separatists want this, it is certainly not what I have felt or portrayed.

It is very obvious that the opposition voted with the government in Quebec City unanimously. It is obvious then that there is a very high level of consent and it certainly gives a high comfort level for the result there.

Certainly I would never say that it is something the separatists want, however I would just like to make the point here that I am sorry that members did not allow my colleague to answer the last question because I believe the quality of the debate would have been improved by allowing more of the interaction that was going on.

If the hon. member wishes to speak to me afterward, that is fine.

• (1735)

**Mr. John Cummins (Delta—South Richmond, Ref.):** Mr. Speaker, I want to bring forward some concerns I have about this resolution. With this resolution Parliament has been asked to amend the constitution in order to eliminate rights that have been expressly guaranteed in the constitution.

Since this is a resolution that deals with denominational or confessional rights, Parliament has an even greater role to play because of the existing wording of the constitution. Parliament has, according to sections 93(3) and 93(4), a guardian kind of role to play in the protection of minority denominational rights.

Parliament is the guarantor of minority denominational rights and the guarantor of denominational education rights. We have an awesome responsibility when we are asked to extinguish those rights. Yet we are being asked to expropriate without compensation the rights enjoyed by certain Quebecers. I am concerned that we are not taking seriously our constitutionally mandated role as a guarantor of denominational education rights.

Much of the debate surrounding this resolution has assumed that Parliament can pass a resolution because it complies with the requirements of the amending provisions of the constitution, in particular section 43 of the Constitution Act, 1982. This is not so.

We must first ask ourselves, as guarantor of denominational education rights, if this resolution affects or diminishes a right that we are obligated to protect. Furthermore, where a legislature or Parliament seeks to amend the constitution to eliminate expressly guaranteed minority rights, I would submit that mere compliance with the formal requirements of the amending formula is insufficient. Any such amendment must also satisfy a constitutional convention that prevents the alteration of expressly guaranteed constitutional minority rights without the consent of the affected minority.

This House should recall the political and legal events which preceded the passage of the Constitution Act of 1982. On October 2, 1980 the federal government proposed presenting to Her Majesty the Queen in right of the United Kingdom a resolution to patriate the Canadian constitution. Eight of the provinces opposed this unilateral action by Parliament on the basis that the patriation resolution would affect provincial powers.

Several provinces submitted references to their courts of appeal on the question as to whether Parliament could seek the amendment of the constitution without the consent of the provinces. The Supreme Court of Canada ultimately considered the provincial references and in 1981 released its decision. The court held that although as a matter of law the agreement of the provinces was not required for amendments to the Constitution of Canada, the court decided there existed the constitutional convention that Parliament would not seek to amend the constitution affecting provincial powers without first obtaining the agreement of the provinces.

As a result of this decision the federal government commenced a series of constitutional consultations which culminated in the agreement of nine of the provinces to what we now know as the Constitution Act, 1982.

If a constitutional convention exists in the case of amendments which affect provincial powers, it has been suggested to the joint committee by the Catholic Civil Rights League that a constitutional convention exists in the case of an amendment to the constitution which would eliminate expressly guaranteed minority rights.

First, the history of our constitution displays a commitment to the preservation and expansion of denominational minority rights, not their elimination.

Professor Peter Hogg, a renowned constitutional scholar, has described section 93 of the Constitution Act, 1982 as a small bill of rights for the protection of minority religious groups. When the Canadian Charter of Rights and Freedoms was enacted in 1982, a special section, section 92, was included to ensure that the charter did not derogate from constitutionally guaranteed denominational schools rights.

Second, Canadian constitutional history has not witnessed an amendment which eliminated constitutionally protected minority rights. On the contrary, the enactment of the charter in 1982 was thought to herald an era of increased protection of minority rights. The government has acknowledged the existence of this constitutional convention.

In introducing this resolution, the government stressed that Parliament must satisfy itself that a consensus exists among the affected parties in Quebec in favour of repealing the protections contained in sections 93(1) to (4) of the Constitution Act of 1867. In other words, those prejudicially affected by the resolution must consent to its passage. It should be clear to this House that the persons who will be prejudicially affected by a repeal of the

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protections guaranteed in Quebec under section 93 are the parents who send their children to denominational schools.

• (1740)

For many months, associations of Quebec parents have voiced their rigorous opposition to the resolution. The requirements of the constitutional convention that the consent of the affected minority be obtained has not been satisfied. It is not enough to point to the support for the resolution from some unions, school board organizations or clerical groups.

The rights guaranteed under section 93 are the rights of the parents and the parents have not been consulted by the Quebec or federal governments, nor has their consent been secured.

I want to remind Parliament of the constitutional history of minority rights in Canada and to recommend that Parliament not pass the resolution. To do so would run counter to our constitutional convention that minority rights cannot be restricted by amendment unless the proper governmental parties obtain the agreement of the affected minority groups and would run counter to our responsibility to protect denominational school rights.

Minority rights enshrined in the Constitution should not be subject to limitation or elimination by a majority, otherwise the constitution affords no meaningful protection for minority rights.

The preamble to our charter of rights and freedoms identifies one of the two fundamental principles of our country as the rule of law. Where a majority can abrogate constitutional rights expressly granted to minority groups, the rule of law no longer operates but has been replaced by the simple naked rule of the will of the majority. For this fundamental reason this House should not pass the resolution.

Furthermore, the Government of Quebec has not demonstrated any legislative necessity for the proposed constitutional amendment. Section 1 of the Canadian Charter of Rights and Freedoms stresses that a legislature cannot violate charter guaranteed rights unless it can demonstrate that the violation is reasonably justifiable.

Surely where a legislature seeks a constitutional amendment to eliminate minority rights, the legislature must clearly show that it cannot achieve a pressing and substantial legislative objective without eliminating minority rights. In this case, the province of Quebec has not demonstrated that the repeal of section 93 rights is necessary to achieve its objective of restructuring its school boards without eliminating confessional dissension guarantees.

This Parliament should not agree to repeal constitutionally guaranteed minority rights where the highest court in the land has shown how a provincial government can pursue its legislative objective without requiring any constitutional amendment.

In addition to establishing dangerous precedents regarding the erosion or elimination of rights expressly guaranteed in our constitution, I think that passage of the resolution will have serious, long term effects on the ability of parents to secure an education for their children in accordance with their religious beliefs.

Although the Quebec government has given assurances that it will maintain some confessional schools in the province, prior court decisions under the Canadian Charter of Rights and Freedoms clearly show that such confessional schools will collapse under the first charter challenge brought against them.

Decisions under the charter have made it clear that neither religious observances nor religious education are permitted in publicly funded schools unless those schools are protected by section 93 of the Constitution Act, 1867.

The Supreme Court of Canada has recognized the right of parents to educate their children according to their beliefs as an integral element of the guarantee of freedom of religion contained in section 2(a) of the charter.

In the Richard B. case, Mr. Justice LaForest, speaking for the majority, stated:

It seems to me that the right of parents to rear their children according to their religious beliefs is an equally fundamental aspect of freedom of religion.

The court went on to hold:

That constitutional freedom includes the right to educate and rear their child in the tenets of their faith.

In effect, until the child reaches an age where she can make an independent decision regarding her own religious beliefs, her parents may decide on her religion for her and raise her in accordance with that religion.

International conventions have enshrined education as a basic human right.

• (1745)

The European Convention for the Protection of Human Rights and Fundamental Freedoms, one of the sources of our charter of rights and freedoms, states:

No person shall be denied the right of education.

In the exercise of any function which it assumes in relation to education and to teaching the State shall respect the right of parents to ensure that such education and teaching in conformity with their own religious and philosophical convictions.

Many parents seek to educate their children in accordance with their religion by sending their children to private or independent schools.

In the 1986 Jones case decision the Supreme Court of Canada strongly suggested that if a province's education legislation did not permit parents to send their children to religious private schools,

then the legislation would infringe on the parents' freedom of religion.

However, if a province can secure a constitutional amendment which eliminates expressly guaranteed denominational education rights, what obligation would a province have to parents of different faiths to allow them to educate their children in private religious schools?

The answer to this question is clear. I therefore have grave concerns that the passage of this resolution would create a climate in which provinces can act more readily to restrict the ability of parents to raise and educate their children in accordance with their religious beliefs.

This resolution marks the first time in Canadian history that Parliament has been asked to amend the constitution in order to eliminate rights which have been expressly guaranteed in the constitution. Because of that it is very important that Parliament formulate a very clear test which it will apply to determine whether it should accept the resolution before it.

Since this is a resolution that deals with denominational rights, Parliament has an even greater role to play because of the existing wording of the constitution. Sections 93(3) and 93(4) indicate that Parliament has a guardian role to play in the protection of minority denominational rights. Parliament is the guarantor of minority denominational rights. As guarantor it has an awesome responsibility when asked to extinguish those rights.

It is very important that the consent or the consensus be from those whose rights are affected. The people whose rights are affected when dealing with section 93(1) in Quebec are the parents who are part of that class of protected persons who have the opportunity under the current constitution to gain confessional education for their children. That is the group to which I submit this House should look in determining whether a consensus exists. The parents are the holders of the right.

I would recommend to the House that any proposed constitutional amendment should impair the guaranteed constitutional rights only to the minimum extent required to achieve the legislative objective. There is no novelty in this test. The Supreme Court of Canada has formulated the minimal impairment test to use whenever it analyses whether legislation infringes on rights guaranteed under the charter. This House should insist on a similar demonstration of minimal impairment where a resolution to amend the constitution will infringe on rights guaranteed by the constitution.

The second point is what will the impact of the passage of this resolution be on denominational or confessional schools in Quebec. Some have suggested that confessional schools legally can exist without the need for protection under section 93(1). With all due respect to those who advance that idea, it is my submission that this suggestion is without legal foundation for three reasons.

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First, the Supreme Court of Canada in the Ontario Bill 30 case back in 1988 clearly indicated that denominational or confessional rights are grounded solely in section 93(1) of the constitution. There is no other place in the constitution that protects them.

Second, if denominational schools lack constitutional protection and are then exposed to scrutiny under the charter they will be struck down. They will fall within the next day. I can say that with some assurance because of the evidence presented before the joint committee. In an Ontario case, the Elgin County case, which is a leading case in the area, a religious education program was struck down as being in violation of the religious provisions of the charter. The same thing will happen if Quebec denominational schools are exposed to charter scrutiny without the protection of section 93(1).

Whenever a province submits a request for a constitutional resolution or a constitutional amendment, it is a very serious proposition and requires due consideration but it does not require Parliament to immediately accept or reject the resolution.

The hearings of the special joint committee have established that there are deep reservations among a number of groups in Quebec as to the loss of their rights and as to the status of their rights for confessional schools in the event section 93(1) is repealed. I would propose that the House not act on the resolution at the present time in light of those concerns.

• (1750)

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, I commend the hon. member for his very thoughtful remarks. Although he was not a member of the committee it seems he has paid very close attention to the evidence presented to it.

Could the hon. member comment on the argument that predicates this application to extinguish subsections 1 through 4 of section 93. That argument is that in order to establish linguistic school boards in Quebec, in order to modernize the Quebec school system so that it more clearly reflects the pluralistic nature of Quebec society, it is necessary to repeal the application of section 93 to Quebec. The hon. member addressed this in his speech.

On further reflection I will quote from the judgment rendered by the Supreme Court of Canada in 1993 on the reference regarding the Quebec education act to further elucidate the point he made. In that judgment the learned justices said that what section 93 guarantees is the right to dissent per se, not the right to certain legal institutions through which it may be exercised, i.e. school boards.

They furthermore say that there is thus no objection to the principle of redistributing the patrimony of the existing school

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boards for Protestants and Catholics among the linguistic boards provided the new institutions and their establishment maintain the right to dissent and to denominational schools.

Finally they go on to say at page 39 of their judgment that the framers of the constitution were wise enough not to determine finally the form of institutions as it is those very institutions which must be capable of change in order to adapt to the varying social and economic conditions of society.

In other words, our highest court said that we do not have to maintain denominational school boards in order to establish linguistic school boards. We do not have to eliminate section 93 to establish linguistic school boards. We do not have to abolish these confessional rights in order to do what the Quebec government chooses to do.

Could the hon. member comment on this decision which was rendered at the request of the Quebec government. Does it support his contention that it can make the administrative changes it hopes to without extinguishing the confessional rights guaranteed in the constitution?

**Mr. John Cummins:** Mr. Speaker, my understanding is that the Quebec government has the ability to legislate whatever changes it wants in the administration of the schools to allow for linguistic guarantees and so on. Section 93 of the Constitution Act would not impair that ability whatsoever. In my view the key issue is who is going to be responsible for educating our children.

This whole debate reminds me so much of the debate on the Newfoundland schools act. The question there was again who is going to define the kinds of schools that I send my children to. It comes back down to my way of thinking as an attempt by the provincial governments in both cases to gain ultimate control over their school systems so they can define clearly what is taught and how it will be taught.

It is clear that those school boards have difficulty accepting the notion that some parents may want to educate their children based on certain religious principles. I think that is wrong. Education of children ultimately lies with the parents. It should be their choice on the types of schools their children attend. We should be broadening the notion of access to different types of schools rather than restricting it.

We are much more of a multicultural nation than we were have been in years gone by. Our school systems should reflect that. Our school systems should teach the fact that Canada is a great place to live, that we are a tolerant nation and that we can be that by still subscribing to the basic religious beliefs we have. Those religious beliefs should not be undermined at all by the school systems to which we send our children.

• (1755)

Clearly to me the issue is who is going to control the education for our children and what guarantees are there that I am going to have or that the people of Quebec in this instance are going to have to educate their children in the religious schools that they have been guaranteed since Confederation in 1867.

[*Translation*]

**Mr. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, I am outraged and embarrassed to hear people so closed to what is truly going on in Quebec.

We are talking about consensus; not unanimity, but consensus. All political parties have supported it through a unanimous resolution in the National Assembly, the bishops have approved it, and now the member wants to tell us how to run the school system in Quebec and elsewhere.

This is 1997. There is a situation that must be corrected, an error that must be put right to end a debate that has gone on for 30 years. These dinosaurs across the floor are no help to me in Quebec in selling the system I want to live in. This is why I am happy to say in the House that this amendment will be passed because it is important that it be passed. It will be passed because we are going to show, despite what the Reform members are saying—and that is why they will always be in the opposition—that this is a flexible system. There is accommodation, and a Constitution is a fundamental law of a country that must represent all its citizens.

When we see what is now happening with the Reform Party, we may again ask ourselves what planet they are living on. I ask the member and all Reform Party members to listen to what Quebec has said and to take a stand once and for all in order to resolve this problem and to help a people improve its situation.

[*English*]

**Mr. John Cummins:** Mr. Speaker, we had unanimous consent from the political elites in this country on the Charlottetown accord and we all know what happened when that went to the vote of the people. It was rejected.

I suggest to my friend across the way that we have a similar situation. If there was that kind of support that he talks about in the province of Quebec for this change, why is it that consent from the people was not sought by the legislature in Quebec? Why is it that the legislature in Quebec cannot demonstrate quite clearly that there is broad based support for this issue?

At the same time as it does that, why can the legislature of Quebec not guarantee that the minority which will be affected by the elimination of this right is in agreement with this principle? If

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we do not protect the rights of the minority, if we cannot demonstrate that we have a clear consensus from the minority in favour of this legislation, then we should not move ahead. If we do move ahead, what guarantee is there for any of us in our constitution? There is simply none. The constitution is not worth the paper it is written on if it will not protect the rights of the minority.

We should not be flippantly changing the constitution just to meet the whim of the day. The constitution certainly is a living, breathing document but it must guarantee rights for all times and not just when it meets with our pleasure.

[*Translation*]

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, my question will be a very short one. I would like, however, to remind my hon. colleague from the Reform Party that what is going on here is not a debate on the place of religion in the schools. I can understand the concerns of those who want religious teaching to continue in the schools.

But in Bill 109 on public education, Minister Marois set out guarantees which protect the wishes of parents. My hon. colleague from the Reform Party seems to be concerned about parental desire to keep religious schools. These rights are guaranteed by the bill on public education and by section 41 of the Charter. It is a matter of administration.

• (1800)

I would like to provide a few clarifications, in order to disabuse those listening to us who may think we are discussing the place of religion. Denominational school boards are no longer adapted to the reality of what is going on in Quebec.

[*English*]

**Mr. John Cummins:** Mr. Speaker, in my remarks I indicated quite clearly and I acknowledge the fact that the Quebec government has given assurances that it will maintain confessional schools in the provinces.

As I said, prior to court decisions, challenges under the Canadian Charter of Rights and Freedoms have clearly shown that such confessional schools will collapse under the first charter challenge if this act passes this House.

[*Translation*]

**Mr. Denis Coderre:** Mr. Speaker, on a point of order. I would ask for the unanimous consent of the House for you to call it 6.30 p.m. and adjourn the debate.

[*English*]

**The Deputy Speaker:** I think the hon. member is premature. The Chair has no alternative. The debate is concluded if no member is rising to speak. I will put the question but I must deal with this. No dilatory motion is permitted until the matter has been disposed of in the House.

Is the House ready for the question?

**Some hon. members:** Question.

[*Translation*]

**The Deputy Speaker:** Pursuant to the order made Thursday, November 6, 1997, the motion is deemed to have been put and a recorded division deemed demanded and deferred until Tuesday, November 18, 1997 at the expiry of the time provided for government orders.

(Division deemed demanded and deferred)

**The Deputy Speaker:** Is there unanimous consent, as suggested by the hon. member for Bourassa, to call it 6.30 p.m.?

**Some hon. members:** Agreed.

[*English*]

**The Deputy Speaker:** Accordingly, it being 6.30 p.m., the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.02 p.m.)



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