



CANADA

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(HANSARD)

Wednesday, April 9, 1997

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Wednesday, April 9, 1997

The House met at 2 p.m.

Prayers

The Speaker: As is our practice on Wednesdays, we will now sing O Canada. We will be led by the hon. member for Gatineau—La Lièvre.

[*Editor's Note: Whereupon members sang the national anthem.*]

STATEMENTS BY MEMBERS

[*English*]

AWARD OF MERIT

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, on behalf of the people of Cambridge, I am delighted to congratulate Cambridge lawyers Milena Protich and Robert Pettitt, recent recipients of the Law Society of Upper Canada's 1997 Bicentennial Award of Merit. To celebrate its 200th anniversary, the Law Society of Upper Canada introduced this special award which recognizes the incredible contribution lawyers make to their towns and cities through community work. This award of merit was bestowed on Ms. Protich and Mr. Pettitt for their powerful sense of community giving and exemplary dedication to public service.

Again, I congratulate these two community spirited lawyers for their ongoing voluntarism.

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[*Translation*]

GUIDE DE MONTRÉAL-NORD

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I am pleased to have the opportunity to call attention to the 40th anniversary of the *Guide de Montréal-Nord*, which was founded on January 1, 1957 by publicist Paul Trudeau and journalist Yves Ryan, the present mayor of Montréal-Nord.

This weekly, delivered to every home in Montréal-Nord, is part of the Groupe Transcontinental, which owns some 100 weeklies in

eastern Montreal and the lower Laurentians region. It has been edited for some years now by Jean-Claude Banville, a man with a great commitment to his community. I will be attending the gala evening event which will mark the start of these celebrations on May 23.

My congratulations to the management, the journalists, the support staff and all of the readers of the *Guide de Montréal-Nord*, a weekly with an essential role in the social, cultural and community life of my riding of Bourassa.

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[*English*]

JUSTICE

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, two years ago a young woman from my riding named Tammy Fee was brutally assaulted, raped and threatened with death in her own home after being stalked for weeks.

The man who perpetrated this vicious attack, Rick White, was immediately apprehended, charged and convicted. Now, after only two years of incarceration, he is scheduled for parole on May 23.

Tammy Fee is so afraid that this man is going to come after her that she is seriously planning to change her name and identity and relocate somewhere else in Canada so that Rick White cannot find her. In other words, she fears for her life so much that she is going underground to hide.

Surely this is appalling testimony to the lack of concern the criminal justice system and this Parliament have shown for the rights of victims in this country.

Tammy Fee is not just a victim of violence, she is now also a victim of this justice minister's policies.

* * *

VIA RAIL

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, VIA Rail is reducing the level of maintenance on railway passenger cars assigned to service in northern Manitoba.

VIA bulletin C-100 makes it very clear that the company has approved "a reduction of the level of preventive maintenance" on cars used in northern Manitoba. These cars "will not be allowed to run in any other service".

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The creation of such a second class passenger rail service in northern Manitoba is ridiculous and unacceptable. The highest standards are required, given the adverse track conditions, greater distances and cold weather.

• (1405)

Canadians do not want a two-tier passenger rail system any more than they want a two-tier health care system. The NDP calls on the Liberal government to tell VIA Rail to reverse this decision.

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COMMUNITY EXCHANGE

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, my riding is being honoured by the visit of a municipal delegation from the city of Rafah in the Gaza strip headed by Mayor Saied Zourab. They are returning the visit to Rafah by Waterloo Mayor Brian Turnbull and city official Paul Eichinger.

During their stay they are doing as our delegation did in Rafah: observing the operation of water and landfill facilities, social services and civic administration.

Through this exchange we can learn from one another ways of improving life in our respective communities. The ties of friendship that are established between our communities so far apart will contribute to peace and understanding.

This exchange is jointly sponsored by the Federation of Canadian Municipalities and the Canadian International Development Agency. As Canadians we can be rightly proud of our role in participation and in the promotion of understanding and co-operation between ourselves and other countries on a community to community basis.

* * *

NAVY LEAGUE CADET CORPS

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I am proud to rise in the House today to praise the navy cadets and seamanship drill teams of the Navy League Cadet Corps Glorious in London, Ontario.

Both the navy and seamanship cadet drill teams won their area drill competition and will be heading to the provincial competition in London on April 26 and 27.

For the past six months these young people, aged 10 to 13, have given up their Saturdays and Sundays to train for these competitions. Through hard work and dedication they have made their city and their corps proud.

At a time when we hear many negative things about young people, it is encouraging to hear of young people with commitment, fervour and honour for the country's military heritage.

To the cadets and their officers, I offer my heartfelt congratulations and best wishes as they prepare for the finals. I encourage all of my colleagues in the House to do so also.

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UNIVERSITY OF MANITOBA

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, great universities are a reflection of the communities from which they come, the faculty that teaches there and the students that attend them.

As I have often said in the House, the University of Manitoba is one of the greatest universities in the country, if not the world.

I rise today to honour two students, Claudia Hudspeth and Lisa Smirl who were recently awarded Rhodes scholarships. Claudia Hudspeth is a third year medical student who plans to pursue a program in developmental studies while at Oxford. Lisa Smirl is now a fourth year honour student in political studies and will study international relations at Oxford.

I wish to congratulate the two of them, their families, the faculty that taught them and the people of Manitoba.

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[*Translation*]

LIBERAL PARTY OF CANADA

Mrs. Monique Guay (Laurentides): Mr. Speaker, the last Liberal Party of Canada publication, *Women Working to Win*, leads us to make the following remark.

What is the difference between men and women candidates for the Liberal Party of Canada? For women, the package is as important as the contents. For men, neither has any importance.

Who will go and pick up the kids from daycare during the campaign? Nobody, because the Liberals have not created the 150,000 daycare places promised in 1993.

What will the theme song of the ideal Liberal female candidate be? "Do my laundry for me now, honey, and I promise to do yours after the election".

It is all very fine to laugh at these funny remarks, but it is sad, and annoying most of all, to see the lack of confidence this party has in the political potential of women, whom they consider as either Superwoman or Miss Universe. With the year 2000 less than 1,000 days away, there is still work to be done on the situation of women in Canada, particularly where the Liberal Party of Canada is concerned.

[English]

PRINCE GEORGE COUGARS

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, Prince George, B.C. is the greatest hockey town in Canada, maybe the whole world.

I would like to draw the attention of the House to the Prince George Cougars of the Western Hockey League. A second miracle on ice is happening and it is happening in Prince George. It is not the result of divine intervention but the result of the heart, the determination and the drive of the players of the Prince George Cougars as they have success after success in the Western Hockey League's divisional playoffs.

After grabbing the last spot they have just smoked the other teams as they passed through the second round of playoffs, heading for the top.

Here's to the Cougars and the great hockey mecca of Prince George. I want to congratulate the Cougars organization, the players, the coaches and the fans of Prince George.

Look out, Memorial Cup, here we come.

* * *

• (1410)

VICTORIA CROSS

Ms. Mary Clancy (Halifax, Lib.): Mr. Speaker, four Canadians won the Victoria Cross at Vimy, three on the first day of battle 80 years ago today.

Private William Milne crawled on his hands and knees to reach an enemy gun and took the post out. He then located a machine gun in the support line and put the enemy out of action again. He saved the lives of many of his comrades, but he was killed shortly thereafter.

Sergeant Ellis Sifton charged a machine gun post single-handed. Met by a small party of enemy soldiers, he held them off until our men had secured the spot. He was shot moments after his relief arrived.

Captain Thain MacDowell of Lachute, Quebec, entered an enemy dugout and tricked 77 Germans into surrendering by pretending he had a large force behind him. This force consisted of two soldiers. Wounded, he held the position in heavy shell fire for five days.

Private John Pattison jumped from shell hole to shell hole to hurl bombs at an enemy machine gun. He then rushed forward and overpowered his opponents. Pattison was killed two months later.

These are the brave Canadians of Vimy. We will remember them always.

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CANADIAN CANCER SOCIETY

Mr. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, it is my pleasure to remind the House that April is the Canadian Cancer Society's fundraising campaign month.

The mission of the Canadian Cancer Society is to eradicate cancer and to enhance the quality of life of people living with cancer. The society, in collaboration with its research affiliate, the National Cancer Institute of Canada, achieves its mission through research, education, patient services and advocacy of health public policy. These efforts are supported by volunteers in communities across Canada.

Cancer takes an enormous toll and most Canadians have been touched by cancer in some way. 1997 will see an estimated 130,800 new cases of cancer and 60,700 deaths from cancer this year. The most frequently diagnosed cancers will continue to be breast cancer for women and prostate cancer for men. Lung cancer remains the leading cause of cancer death for both sexes.

Please join me in wishing the Canadian Cancer Society and its many volunteers success in fundraising activities during the April campaign month.

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[Translation]

BATTLE OF VIMY RIDGE

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, today we commemorate the 80th anniversary of the Battle of Vimy Ridge. This battle, involving over 97,000 Canadian volunteers, was a turning point in the 1914-18 war and left an indelible mark on Canada's history.

This, the first battle in Canada's military history, took the lives of over 11,000 of our valiant soldiers. However, it served to instill in Canada the notions of pride and belonging previously unknown to it.

English and French Canadians discovered what bound them together as they offered up their youth and their courage in the Battle of Vimy Ridge. Neither time nor the vagaries of politics will change the love they discovered for their country on the other side of the Atlantic.

On behalf of the people of Brome—Missisquoi, I thank them for what they did for our country, Canada.

* * *

CANADA

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, fate is always kind, especially when it is given a helping hand. Thus the polling firm of Angus Reid released on Monday, a few weeks before an election is called, the results of a survey on Canada's

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image abroad commissioned by the government and paid for out of the public purse.

Over the course of the election, the Liberal Party of Canada will present this idyllic portrait to screen out Canada's reality: 1.4 million children living below the poverty line, 5 million poor people, 1.4 million unemployed, native populations living in squalor, francophones outside Quebec being assimilated by the majority at a phenomenal rate, and the people of Quebec living under constitutional law that was never approved by their National Assembly.

This is the Canada the Bloc Quebecois will describe to Quebecers during the election campaign.

* * *

[English]

AGRICULTURE

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, the Liberals say they are going to win the election on their record. Let us see how their record has served farmers.

When farmers and Reform MPs proposed amendments to the Canada Transportation Act, the CN privatization act and the bill eliminating the Crow benefit, all which affect grain movement, the Liberals said no.

These amendments would have built a more competitive rail system which would deliver on time. Reform amendments would have put in place a system of incentives and penalties to encourage on time delivery and a final offer arbitration process to give grain shippers some clout. The Liberals said no.

• (1415)

As a result, little grain has been sold. Ships are waiting and farmers are paying demurrage. Customers have been kept waiting and Canada's reputation as an unreliable shipper is being reinforced.

Sales lag as prices drop. Farmers are squeezed once again as they go hat in hand to bankers to get a loan to seed this year's crop. When Liberal candidates ask farmers for their vote, farmers should say no.

ORAL QUESTION PERIOD

[Translation]

ZAIRE

Mr. Gilles Duceppe (Leader of the Opposition, BQ): Mr. Speaker, every day, we get distressing news from Zaire. Because of the civil war, the country is now cut in two, and thousands of

refugees continue to flee as the troops advance. The Zairian state is on the brink of chaos.

This morning, for instance, we heard that President Mobutu just fired his newly appointed Prime Minister, Étienne Tshisekedi, and appointed a general in his place. Martial law has been proclaimed throughout the country. In other words, Africa's largest country is on the brink of anarchy.

Could the Acting Prime Minister tell us the official position of the Canadian government on the situation prevailing in Zaire?

[English]

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, Canada is very concerned about the situation in Zaire today, as it has been in the past months and years. The situation has deteriorated even further today.

Canada believes that there has to be a peaceful resolution to the chaos which exists in Zaire at this time, a situation which puts in jeopardy the security of so many Zaireans and others.

We are asking for all parties to sit down and discuss a peacefully negotiated resolution to this. We believe that the Africans themselves must find a solution to this problem.

[Translation]

Mr. Gilles Duceppe (Leader of the Opposition, BQ): Mr. Speaker, this morning we heard that the White House was urging President Mobutu to relinquish his post and go into exile. This would be essential to guarantee stability in Zaire.

Does the Canadian government also intend to ask President Mobutu to leave his post and his country for the sake of his people?

[English]

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, the Government of Canada is not asking the president to leave the country at this time.

Canada believes that Africans have to resolve their problems. Obviously western imposed solutions in this area of the world have not succeeded in the past. We are trying to urge not just the Zaireans to resolve the problem but with the help of regional Africans to resolve this very serious problem.

[Translation]

Mr. Gilles Duceppe (Leader of the Opposition, BQ): Mr. Speaker, everyone agrees that the country is on the brink of anarchy, and every day at least 120 refugees are dying in the camps.

Still on the subject of Zaire, my question is directed to the Minister of Citizenship and Immigration. Considering that a number of Zairian nationals have been ordered deported to that country and that this may happen very shortly, will the minister

declare a moratorium and suspend deportations to Zaire, considering the situation prevailing in that country?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the Leader of the Official Opposition must have missed the news. Deportations to Zaire have been suspended.

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LINGUISTIC SCHOOL BOARDS

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, my question is directed to the Minister of Intergovernmental Affairs.

Yesterday, the Minister of Intergovernmental Affairs continued to deny the democratic legitimacy of Quebec's National Assembly, which was elected by the people of Quebec, anglophones and francophones, and to require the agreement of certain pressure groups before taking any action with respect to the linguistic school boards issue.

Does the minister realize that, by setting himself up as the sole judge of what constitutes a consensus in Quebec, he is confirming that the 1982 Constitution did indeed undermine the authority of Quebec's National Assembly and that it allows Ottawa to deny the collective will of the people, as expressed by their government?

• (1420)

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, first of all, it is because of section 43 of the 1982 Constitution that it is even possible to make such an amendment bilaterally.

Second, I am in complete agreement with the statement made by my counterpart, Mr. Brassard, last February 12, and I quote: "The unanimity of the National Assembly in itself is not proof of consensus, but it is certainly of more than passing interest".

And he added: "Consensus does not mean unanimity, I agree, but it is obvious that the consensus must include the anglophone community".

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, I would remind the minister that it is the Government of Quebec that is responsible for finding a common ground with all stakeholders in the education sector.

Why does the minister continue to refuse to recognize that the only judge of what constitutes a consensus in Quebec is and must be the National Assembly of Quebec?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Because, Mr. Speaker, it happens that we too are elected representatives of Quebec, because all elected representatives in this House

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consider Quebec part of their country, and because this is therefore a matter of concern to all Canadians and to all Quebecers.

I believe I am defending a value of great importance to Quebecers when I say that there should be no constitutional amendment until we can be sure that there is a consensus that includes the minority concerned, when the amendment concerns the minority in question.

* * *

[English]

RIGHTS OF VICTIMS

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, all week we have been listening to the justice minister try to explain why he cannot enact the victims bill of rights. "We have already taken care of victims", he said. "It is a provincial jurisdiction", he said.

These excuses do not sit well with victims like Theresa McCuaig or Debbie Mahaffy. They say the only thing that is holding up the victims bill of rights is the minister's lack of political will.

Why will the justice minister not muster up the political will to bring forward the victims bill of rights and let the House pass it before the next election?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to make clear to the hon. member opposite the government fully agrees that everything that can be done should be done to improve the system to make it more sensitive to the interests of victims.

It is for that very reason I voted in favour of the resolution to send to the committee the suggestion that a committee of the House look at a victims bill of rights. I voted in favour of that. Members of the Reform Party on that committee know the committee has been busy with work and is now addressing the issue.

I want to make it very clear that I am in full agreement with anyone who says the system can be improved and should be improved for the benefit of victims. That is what we are in business to do.

The hon. member will find in this government people who are prepared to make every effort to make the system more responsive to the needs of victims.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the House will have noticed over the last three years that this minister can handle academic questions on jurisprudence but when the question calls for feeling and for practical action on behalf of victims the minister does not have it.

If the justice minister were a man of action, if he believed in his heart that victims need their rights respected, he would bring forward the victims bill of rights for passage now before the next federal election.

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When will the justice minister stop giving unfeeling, academic answers to this question and bring forward a victims bill of rights to the House?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member must not mistake dispassionate reasoned analysis for an unfeeling approach to these issues.

The hon. member will find that this Minister of Justice more than any other in the past has spent time with victims of crime, has made it his business to meet with victims of crime, has listened directly to their stories of tragedy, and as a result has acted to improve the law of the country.

I have already made clear that in its dedication to improving the system for victims the government takes a back seat to no one. We are in favour of looking at a bill of rights. The committee is doing that now at our request.

• (1425)

We intend to build on what we have done through legislation so far to improve the system of justice for the interests of victims of crimes.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, victims do not want time with the minister. They want a victims bill of rights.

A right is a right is a right. Victims have a right to be informed about the judicial process. They have a right to have their voices heard at all stages of that process and at parole hearings. They have a right to know about potential plea bargains and other backroom deals between lawyers. They have the right to be protected from intimidation, harassment and interference.

Why does the justice minister not simply recognize these fundamental rights now and bring forward a victims bill of rights before the federal election?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we will await the report of the committee which is hard at work on that subject now.

Yesterday the committee heard moving and important testimony from victims on what is needed. Let the committee report and then the government will respond.

I will not allow the hon. member to challenge my commitment or the commitment of the government to the interests of victims. We sit in the House every day, most of us, and watch members of the Reform Party shamelessly exploit the tragedy of others, shamelessly exploit the sadness of victims. It is a sad and frankly a disgusting spectacle.

We have shown by action over the last 3.5 years that we are prepared to step up and act where necessary to improve through legislation the justice system for victims.

Members opposite should bear in mind that we take a back seat to no one when it comes to commitment to victims.

* * *

[Translation]

CONSTITUTION

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, in 1993, New Brunswick asked the Canadian government to proceed with a constitutional amendment. At the time, the official opposition in the New Brunswick legislature had voted against the application. Nevertheless, the federal government acceded to New Brunswick's request.

Does the Minister of Intergovernmental Affairs realize that, by requesting legal or regulatory guarantees for Quebec's anglophone minority, he is not treating Quebec the same as the other provinces, as he knows perfectly well that the others would refuse to consider such guarantees for the francophone minority? Does the minister have the courage to rise in the House and admit that he is setting a different standard for Quebec, yes or no?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the hon. member should be ashamed to rise in this House.

Some hon. members: Oh, oh.

Mr. Dion: In the case of New Brunswick, it was very obviously an amendment that would expand the rights of the minority. All parties in the provincial legislature were in favour: the Liberals, the Conservatives and the NDP. The only party not in favour was the COR, a party created especially to fight bilingualism. It is a sorry sight to see the Leader of the Official Opposition rise in the House as he did yesterday, and again today, to use COR as an argument in this debate.

The Speaker: My dear colleagues, we do not talk about courage or shame in this House. I would ask you not to use those words.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, apparently, the Minister of Intergovernmental Affairs is continuing the work of his mentor, Pierre Elliott Trudeau. He keeps trying to diminish the powers of the National Assembly by giving the federal government the power to intervene directly in the case of a reform made by Quebecers for Quebecers.

Does the minister agree that his approach, actions and words are such that he is giving the anglophone minority in Quebec a right of veto?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, did I understand correctly? Would Quebecers draft a constitutional amendment affecting a minority on such serious

issues as language, religion and schools without the support of that minority? They would not.

• (1430)

It is very sad to see the Bloc Quebecois make such statements on behalf of Quebecers. Quebecers are tolerant. They will never go along with this.

* * *

[English]

RIGHTS OF VICTIMS

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I have been asking the Minister of Justice all week about victims rights. He said that bills like Bill C-41, which introduced conditional sentences, help victims.

Darren Ursel in my riding trapped a young single mother of two in a car and took a racquetball racket handle to her after ripping her clothes off. Luckily she escaped after 90 minutes of torture. The judge said Ursel was tender at times and was sorry, so he gave Ursel a two-year conditional sentence with no time in jail.

Does the justice minister think there is any time in Canada where a female can be raped and sodomized and the perpetrator should not receive time in prison?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the member is doing what he does best, which is to take fact out of context, exploit the pain and suffering of others, politicize personal and difficult events, and wrap it in some sense of self-righteousness in an effort to persuade others that he really cares.

Day after day the people of Canada must watch the spectacle of this hon. member and his colleagues wringing the pain out of the justice system and putting it in front of the House for cheap political points. The hon. member ought to be ashamed of himself.

The Speaker: I would urge members to be very judicious in their choice of words, as I mentioned a little earlier. Just go nice and easy.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, that was a disgrace we heard in the House of Commons.

That young lady lives in my riding. The Minister of Justice tells us he cares about victims. The victim of Darren Ursel was sexually abused beyond anyone's understanding in this room and Darren Ursel got no time in jail, thanks to the government's Bill C-41 and conditional sentencing.

Again, does the Minister of Justice and the Liberal government believe it acceptable that any female in Canada can be raped,

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beaten, humiliated, and the criminal receive no time in jail? Is this what he calls victims rights?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, for as long as there has been a justice system and for as long as we have had politics there have been people like the hon. member who is prepared to do what he is doing. The responsibility of those in government is to rise above this sort of ploy, to remember what is in the public interest and to remember what is responsible government.

The hon. member did not tell the House that the case in issue has gone to the British Columbia Court of Appeal which will have an opportunity to consider all the circumstances of that case, and it ought not be discussed here.

I want the House to note that the hon. member and his colleagues pretend to have a monopoly on concern about victims. The reality is that they talk and we act. We have done more for victims over the last 3.5 years through solid legislation than any other government in history.

* * *

• (1435)

[Translation]

LINGUISTIC SCHOOL BOARDS

Mr. Gilles Duceppe (Leader of the Opposition, BQ): Mr. Speaker, in the exchanges that often follow questions and answers during this period, the Minister of Human Resources Development said that it was wrong that the Quebec government was getting ready to take away rights, this was very definitely what he said, from the anglo-Quebec minority.

I ask him what rights, in his view, the Government of Quebec is getting ready to take away from the anglo-Quebec minority in the reform of school boards? And if that is not what he is saying, then he should tell us that the Quebec government is not taking any rights away from the anglo-Quebec minority in its planned school board reform, because it is one or the other.

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I will have to repeat what my counterpart, Mr. Brassard, said about the consensus having to include Quebec's anglophone community.

With a bit of good will on both sides, if the Government of Quebec made a few conciliatory gestures toward the anglophone community, a consensus could undoubtedly be arrived at, and in very short order this amendment could be supported, so that Quebecers could organize their school system. That is the objective of this government.

Mr. Gilles Duceppe (Leader of the Opposition, BQ): Mr. Speaker, knowing that the Government of Quebec's plan respects section 23 of the Constitution and that Quebec's anglophones have many more rights than francophones living outside Quebec, some-

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thing the Minister of Intergovernmental Affairs is aware of, I imagine, I ask him to tell us whether, in his view, anglo-Quebecers are represented neither by the Parti Québécois nor by the Liberal Party of Quebec, and whether only the federal Liberals are in a position to represent Quebecers? Is that his version, as it was for Pierre Elliott Trudeau in the past?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, when a constitutional amendment is being contemplated that clearly concerns a minority, I think everyone will agree that two fundamental questions must be asked.

First: Is the objective a valid one? As the century comes to a close, the Government of Canada has said that, yes, linguistic school boards are entirely valid.

Second: Is there sufficient support in the society in question, including within the community? That is what must be determined, and it is up to the Government of Quebec to do so because this is its law and its jurisdiction and it is the one in a position to make amendments and provide assurances that will make it possible, in effect, to modernize Quebec's school system. That is everyone's objective.

* * *

[English]

GOVERNMENT EXPENDITURES

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, on Monday I pointed out that the chairman of the Labour Relations Board had been abusing his expense account. On Tuesday I pointed out that he was in a conflict of interest by wining and dining executives of CN and CP while adjudicating on an issue involving the railroads.

The government has referred the issue to the auditor general who will not be able to report back to the House until the fall.

Does the Minister of Labour think that Mr. Weatherill's ethics are higher than the government's, which is why he has not been fired yet, or will the minister stand in the House now to tell us that person is gone today?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, from the first moment that we read the article in the *Citizen* we acted and we asked the auditor general to look at those claims.

We are also looking at whether there was any bias according to what the member reported yesterday and what was in the newspaper this morning before the government took any action. We cannot

only act on information that we see in the newspaper. We have to make sure that all the facts are clear and checked and then we act.

We are not a lynching party like the Reform would like to be. We will take the necessary time to make sure all the facts are there and are real. Then we will act.

• (1440)

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, we thought this government was in charge; not waiting until it reads it in the newspaper to find out what it should be doing.

The government has had this guy's expense accounts on its desk for years and it has done nothing until it showed up in the newspaper. Now it says it has to check it out. This guy has to go, and I want to know if he is going today.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the hon. member is interested and he really wants to have this gentleman go, why does he not support Bill C-66, probably this afternoon, so that we can have a new board as soon possible?

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[Translation]

TRANSITION JOB FUND

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

Recently, Pierre Dagenais, the Director of the Société de développement économique de la région de Sherbrooke, condemned the federal government because its transition job fund was available only to regions with more than 12 per cent unemployment. It seems that the Sherbrooke region, with its 11.5 per cent unemployment rate, is not entitled to this form of federal assistance.

Can the Minister of Human Resources Development explain to us how the Sherbrooke region can be excluded from such a job creation program, when it ranks fourth poorest of 25 major Canadian cities?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I greatly appreciate the question from the hon. member for Mégantic—Compton—Stanstead. The transition job fund is, of course, one of the accomplishments of which this government is very proud. It is part of the employment insurance reform.

What we are doing is this: to assist people who are without jobs, in areas where there is more than 12 per cent unemployment, we help people create jobs. We are partners with other levels of government or with the private sector who are prepared to create jobs.

Oral Questions

We have put \$300 million into this fund. More than 30 per cent of it will, moreover, be invested in Quebec businesses in the years to come in order to create jobs. I admit, the 12 per cent criterion is merely an arbitrary figure. The main thing was to invest these funds in regions with the greatest need. We chose 12 per cent as the cut-off level.

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, the minister will be in Sherbrooke tomorrow. I am anxious to hear what he will have to say in response to the questions from stakeholders in the region who want to know why the Sherbrooke region is disadvantaged by this program, and is placed in direct competition with all of the cities in Canada, and of course all of Quebec.

Is the Minister of Human Resources Development telling us with this response that the Sherbrooke region ought to import unemployed people from elsewhere in order to be eligible for some consideration by this government?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I think the hon. member had better stay on the opposition side; he would have a lot of trouble on the government side, because with economic judgment like that, one does not go very far.

The Eastern Townships are divided into two zones: in one, unemployment exceeds 12 per cent, in the other, it does not. What I would like to tell the hon. member is that the Quebec Minister of Employment is so proud and enthusiastic about this program that only yesterday she announced six job creation projects with which my department will be involved in the coming weeks—for, as you know, we hold consultations with the Government of Quebec for each Government of Canada transition fund in Quebec, in order to respect its priorities.

I would like to say that I shall be in Coaticook in the riding of Mégantic—Compton—Stanstead tomorrow, where I shall have the pleasure of announcing an investment by my department of \$250,000 in the hon. member's region, which will make it possible to create 100 jobs in the Eastern Townships.

* * *

[*English*]

TAXATION

Ms. Susan Whelan (Essex—Windsor, Lib.): Mr. Speaker, thousands of Canadians who worked in the United States and are now retired were shocked to find over a year ago that the United States government was deducting a 24.5 per cent non-refundable tax from their social security cheques.

The Minister of Finance promised constituents in Windsor and Essex country that he would fix this problem.

• (1445)

What has the minister done so these Canadians are not subject to this American tax grab?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, this is a question that has been of considerable concern to the members from Windsor and to members in a great number of communities right across Canada.

As the House knows, we have been deep in discussion with the United States on this matter for some time now. When I was in the Philippines this past weekend for a meeting of APEC I discussed the issue again with my counterpart, U.S. Secretary of the Treasury Robert Rubin.

I am pleased to say that the Prime Minister announced today that Canadian and United States officials have today initialled an agreement to modify the Canada-U.S. tax treaty.

Once it is formally signed and ratified, today's agreement will bring much needed tax relief to thousands of Canadian seniors and persons with disabilities. Because at modest levels of income Canadian tax rates are much lower than the withholding tax the U.S. could apply, thousands of Canadians—

Some hon. members: Order.

Mr. Martin (LaSalle—Émard): Mr. Speaker, this is something that is of considerable importance to a lot of Canadians. The Bloc has supported it. The Liberals have supported it. The least they can do is be happy for a lot of Canadians.

The Speaker: I know the Minister of Finance is going to wrap up.

[*Translation*]

Mr. Martin (LaSalle—Émard): Mr. Speaker, once the agreement reached today has been formally signed and ratified, Canadians will no longer be obliged to pay American income tax on their social security benefits.

[*English*]

Let me be very clear. Under this agreement Canadians will not be liable for U.S. social security tax payments.

I would like to thank the members of the House on this side and on that side for the support they have given.

* * *

HEALTH

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, Canada's health police are taking away many Canadians' opportunities for natural herbs and vitamins without any evidence of their harm.

I would like to ask the health minister if he could reverse the onus so that his health police would have to produce evidence of harm before they take away those products that Canadians want.

Oral Questions

Hon. David Dingwall (Minister of Health, Lib.): No, Mr. Speaker.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, a typical flippant answer from this minister, but let us talk about melatonin. This is a natural hormone produced by the body. The health police have decided it is to be banned in Canada. Here is the interesting part. We can still buy it for personal use from the U.S. Strange, is it not?

• (1450)

If melatonin is harmful, produce the evidence and it should be banned. However, if there is no evidence, why not let well informed consumers decide for themselves here in Canada?

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, through you to the hon. member, if my answer appeared to be flippant, I wish to apologize to the House and to the hon. member. I clearly tried to say no.

I think the member has the answer backwards that I provided in view of the suggestion by the hon. member. The onus is on the importer and on the manufacturer of the product to prove to Canadians and to the regulator beyond a shadow of a doubt that the product to come on the market is safe.

That is the fundamental *raison d'être* of Health Canada, to ensure that all products that come on the market are safe for Canadians.

* * *

[Translation]

CRUISE SHIP GAMBLING

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

In light of the statements by the Parliamentary Secretary to the Minister of Justice the day before yesterday on Bill C-369 respecting casinos on international cruise ships on the St. Lawrence, it seems that, once again, the Liberal government has decided to go against the wishes of the Government of Quebec, the municipalities in the Quebec City region, the Montreal region and the Bloc Québécois.

Nearly two months ago, the minister said he was discussing the matter. Could he himself today confirm his refusal to amend the Criminal Code to permit cruise ship gambling on the St. Lawrence?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): No, Mr. Speaker. Consultations are continuing. We have to consult everyone affected by the issue, that is, the provinces, the industry and business people in order to establish the merits of such a program. We have a consultation document that we will soon be releasing and we intend to look at the whole issue in order to determine the best approach to take.

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, while the Bloc Québécois succeeds in introducing a bill to amend the Criminal Code, does the minister not recognize that, with the resources available to him in his department—hundreds of lawyers and tens of millions of dollars—he should have tabled amendments, or at least, revealed his intentions in this matter. What are his intentions?

[English]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I know of the hon. member's interest in this subject. There are many members on this side of the House who are just as interested who see in cruise ship gambling the opportunity for employment and for economic activity in a variety of places throughout Canada.

I want to assure the hon. member and all members of the House that we are looking seriously at the prospect. We have a consultation document that is about to be published to go to the industry, to the governments involved and to other stakeholders to see their views.

We believe, unlike the Reform Party, that we should take into account the views of others before acting. That is exactly what we are going to do.

I assure the member that we are treating it seriously and I will keep him abreast of developments as consultations go forward.

* * *

BILL C-216

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, Bill C-216, a private member's bill to outlaw negative option billing, has now completed study in the other place and will be reported back to this House shortly.

As it is the heritage minister's area of responsibility, could she advise the House whether she is in favour of this bill, yes or no?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Absolutely, Mr. Speaker.

* * *

• (1455)

SOCIAL SERVICES

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, my question is for the Minister of Finance.

The United Way in Winnipeg released a study the other day which shows the incredible pressure that social agencies are under as a result of government cutbacks at various levels and the deteriorating social conditions that are also a result of many of these government cutbacks.

Oral Questions

Does the Minister of Finance not realize the incredible position these various social agencies are being put in by government cutbacks and the incredible burden they are having to bear? Does he really think that these voluntary and in many cases charitable organizations, whether churches or other groups, can pick up the slack which is being created by government cutbacks? They cannot. What does the government intend to do about this very disturbing fact?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, there is no doubt that as a result of government cutbacks at all levels, federal, provincial and even municipal budgets, social or voluntary agencies have had to pick up a lot of the slack. One certainly understands the pressure they are under.

In the last budget, in order to enable them to raise money, we provided a number of tax credits so that they would be able to bear a bit more of the burden.

Nonetheless, I think the member's question is very much to the point. That is why right from the very beginning when we proceeded to do the necessary clean-up of the nation's finances we approached it in as humane a way as possible. In other words, we left as much money in the hands of those government departments that were helping people. The Minister of Human Resources Development has brought in a number of programs to help poorer children, and that is what the whole new child tax benefit is all about.

I can assure the hon. member that this government will continue to put its money where the greatest impact will be felt, the most vulnerable in our society.

* * *

RESEARCH LABORATORIES

Ms. Bonnie Brown (Oakville—Milton, Lib.): Mr. Speaker, we all know that pure research is the foundation of the innovation necessary for knowledge based economic activity, the kind of activity we want here in Canada. We also know that pure research takes place in laboratories.

What is the Minister of Industry doing to address the serious problem of deterioration in our university laboratories?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, going into this year's budget I would have said that one priority we had for investing in science and technology which, as the question indicates, is crucial to building a knowledge based economy in the 21st century is the renewal of the networks of centres of excellence, a unique Canadian program that has benefited universities in every province and region of Canada. That

program was not only renewed but it was made a permanent program at over \$47 million a year.

Another thing we had to address was the deteriorating conditions in research infrastructure in our universities, a responsibility primarily of the provincial governments. We have created the Canada Foundation for Innovation, the largest such foundation in Canada and one of the 10 largest in the world, with \$800 million of federal government money to invest in a partnership basis in the building and restoration of R and D infrastructure which will ensure that Canada not only holds and attracts the best researchers but builds the kind of economic growth that will create jobs in the 21st century.

* * *

[*Translation*]

PEARSON AIRPORT

Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ): Mr. Speaker, my one and only question is directed to the Minister of Transport.

Yesterday, in his answer to a question asked by the Bloc Quebecois, the Minister of Transport said, and I quote:

The decision made by the local authority in Toronto, the Greater Toronto Airport Authority, to purchase the T-3 terminal was its decision. It will be funding that through a bond issue. This is not a government decision but one of the authority itself.

However, on March 25, a cabinet decision stated that the Minister of Transport wished to provide financial assistance to the Greater Toronto Airport Authority for carrying out a number of projects designed to expand the airport's capacity.

Who is telling the truth? The minister in his answer yesterday or the cabinet decision made on March 25?

• (1500)

[*English*]

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the response I gave to the hon. member yesterday was entirely accurate. There is an agreement between the T-3 consortium and the Greater Toronto Airport Authority to purchase the T-3 building and ancillary services for a total of \$719 million. That was a decision made by the parties.

If I could quote Mr. Turpen, the chief executive officer of the Greater Toronto Airport Authority: "Purely and simply, this was my deal and this was a deal I wanted badly. The government was not involved, didn't encourage, didn't cheer lead". That was a quote from the *Globe and Mail*, April 2, 1997.

The hon. member raised another matter, the forgone rent over the next nine years for the Toronto authority. We have put that in place, in keeping with the policy for all the other local airport authorities which was set up by the previous government. Therefore, we put it in to assist them in rebuilding the two firehalls and creating a new

Points of Order

\$40 million de-icing facility, completing the second north-south runway, the cross wind runway—

* * *

FISHERIES

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

The minister and his department knew or should have known that the Digby scallop fleet could not possibly survive on the scallop beds in the Bay of Fundy alone. Corraling the inshore fleet into this confined area would result in over harvesting and depleted scallop beds. Atlantic groundfish, Pacific salmon and now scallops—DFO's management record is a litany of failure.

Will the minister take immediate steps to ensure that a proper management plan is put in place which will provide a long term, sustainable fishery for the inshore scallop fleet.

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, there are two scallop fleets in the area of which he talks in the Bay of Fundy, inshore and offshore.

An hon. member: He would know them well.

Mr. Mifflin: Yes, he would know them well. In 1986 an arrangement was made and negotiated between these two fleets that a line would be drawn from Yarmouth across the Bay of Fundy. Each fleet would fish inside or outside the line, produce their own conservation harvesting plan and their own fleet rationalization, which was basically to have the right number of resources to match the fish that are there and the boats.

This was actually held by the federal court 10 years later, last year, to be legitimate when the inshore made an application to fish offshore.

He spoke about the management plan. Last year, as a result of the condition of the inshore fishermen, the management plan made an allocation of 100 tonnes outside the line for inshore scallop fishery on the basis that it was a one-time agreement and that the two fleets would get together and sort it out in the future.

As we speak, the inshore scallop advisory committee is meeting this week with a hope of perhaps meeting with the offshore fishermen to come up with a plan that has always been good and will continue to be good in the future.

* * *

POINTS OF ORDER

COMMENTS DURING QUESTION PERIOD

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, my point of order is with respect to an answer given by the Minister of Finance to a question.

I draw your attention to citations 348 to 352 of Beaudesne which has to do with statements by ministers. What he gave was primarily a statement by a minister and should have been so directed.

Second, I draw to your attention citation 408 of Beaudesne in which it states explicitly that questions should not require a lengthy and detailed answer. Answers to questions should be as brief as possible. Citation 410 states: "Time is scarce" and "Brevity both in questions and answers is of great importance".

• (1505)

It is quite obvious that the member asking the question and the minister had communicated beforehand. This could have been done in another venue and I object strongly to this.

The Speaker: Your objection is noted. I try as best I can in question period to keep both the questions and the answers to a reasonable length of time. I am sure all hon. members will want to do that in the future.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, my point of order is somewhat similar to the point of order by the member for Elk Island.

My reference is to Beaudesne citations 348 to 350 as well. There is no opportunity during question period for either a House leader or a member of this assembly to stand on a point of order or raise a question at the point of time when what we felt was a violation of principle occurred. That was very difficult. We were in your hands at that point in time. We felt that the Minister of Finance may have had a very important answer.

I know some of my colleagues reacted very strenuously and we are not in character when doing that kind of thing. But under the circumstances there was no other way that we could react to the situation than to—

The Speaker: What am I going to say, that the answer was too short? It was not. It got away and that is my fault. It was your Speaker's fault. I am going to try to keep those questions and the answers a bit shorter.

I would remind all hon. members that the question is the question, whatever way you want to put it. As long as it is in order, of course we are going to let the minister answer. But I would ask you again, please, when you are putting the question, in the preamble and in the question itself and also in the giving of the answer that you give some consideration to the length of the questions and the answers and I will try to be more vigilant. Today it got away from me and that is the way it is. I am sorry.

*Routine Proceedings***ROUTINE PROCEEDINGS**

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

[Translation]

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 34 petitions.

* * *

[English]

INTERPARLIAMENTARY DELEGATIONS

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the fifth report of the Canadian NATO Parliamentary Association which represented Canada at the joint meeting of the North Atlantic Assembly's Defence, Security, Economic and Political Committees held in Brussels, Belgium, February 16 to 18, 1997.

Mr. Speaker, I have another report. Pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the fourth report of the Canadian NATO Parliamentary Association which represented Canada at the 1996 annual session of the North Atlantic Assembly of NATO Parliamentarians held in Paris, France, November 17 to 21, 1996.

* * *

COMMITTEES OF THE HOUSE

JUSTICE AND LEGAL AFFAIRS

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Justice and Legal Affairs.

Pursuant to the order of reference of Tuesday, September 24, 1996, your committee has considered Bill C-205, an act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime) and your committee has agreed to report it with amendments.

* * *

• (1510)

INCOME TAX BUDGET AMENDMENTS ACT, 1996

Hon. Douglas Peters (for Minister of Finance, Lib.) moved for leave to introduce Bill C-92, an act to amend the Income Tax Act, the Income Tax Application Rules and another act related to the Income Tax Act.

BUDGET IMPLEMENTATION ACT, 1997

Hon. Douglas Peters (for Minister of Finance, Lib.) moved for leave to introduce Bill C-93, an act to implement certain provisions of the budget tabled in Parliament on February 18, 1997.

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

Mr. Peters: I wish to advise the House that the government intends to move that both of the bills just introduced be referred to committee before second reading, pursuant to Standing Order 73(1).

Mr. Speaker, I move:

That the House do now proceed to the Orders of Day.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I rise on a point of order. I thought I heard two motions by the minister. First he said that the government was going to move that the two bills that have just been introduced be referred to committee before second reading. Then he went into the second motion which you have just read. Can you give us some clarification on the disposition of the first motion that he read?

• (1515)

The Deputy Speaker: The hon. member for St. Albert has raised the question of what happened to the first motion put by the minister. The minister was just expressing an intent to refer the bill to committee. If I heard correctly it was not a motion.

The second point raised by the member by implication was why he was raising it here rather than as some other matter under the daily routine. I am informed that this can be done. It has been done in the past under all sorts of rubrics including the tabling of documents and statements by ministers. There is no difficulty with that.

Mr. Williams: It is not often that I am confused but I am confused now. I recall the minister's words quite clearly. He moved that the two bills be referred to committee under a section of the standing orders. I want to ask a question of clarification.

Were the words of the minister an actual motion, or was he just saying that under the standing orders the bill would be automatically referred? I just did not quite understand. Perhaps, Mr. Speaker, you could clarify that for me.

The Deputy Speaker: When the minister stood after the other motions were dealt with, he indicated he had an intent to refer them to the committee. Therefore it was not a second motion. It was a notice of motion.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, it was my understanding the wording that the hon. member from the government side used was that he moved

Routine Proceedings

seconded by, which made it in the form of a motion whether appropriate or not.

The Deputy Speaker: The hon. member is essentially repeating the point made by his colleague. If the member does not approve of the matter he is certainly at liberty to vote against it.

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

• (1555)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 290)

YEAS

Members

Adams	Alcock
Anderson	Assad
Augustine	Bachand
Baker	Bakopanos
Barnes	Bélaire
Bélanger	Bellehumeur
Bellemare	Bernier (Mégantic—Compton—Stanstead)
Bertrand	Bethel
Bevilacqua	Blondin-Andrew
Bodnar	Brien
Brown (Oakville—Milton)	Brushett
Byrne	Calder
Campbell	Cannis
Canuel	Catterall
Chamberlain	Chan
Chrétien (Frontenac)	Clancy
Cohen	Collenette
Collins	Copps
Cowling	Crawford
Crête	Culbert
Cullen	Daviault
de Savoye	Debien
Deshais	DeVillers
Dhaliwal	Dion
Discepola	Duceppe
Dupuy	Easter
English	Fewchuk
Flis	Fontana
Gagliano	Gagnon (Québec)
Galloway	Gauthier
Godfrey	Godin
Goodale	Graham
Gray (Windsor West/Ouest)	Guarnieri
Guimond	Harb
Hickey	Hubbard
Ianno	Ifody
Irwin	Jackson
Jacob	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Landry
Langlois	Lastewka
Laurin	LeBlanc (Cape/Cap-Breton Highlands—Canso)

Lee	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Loney
MacLellan (Cape/Cap-Breton—The Sydneys)	Manley
Marchand	Marleau
Martin (LaSalle—Émard)	McCormick
McGuire	McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)	McTeague
McWhinney	Ménard
Mifflin	Mitchell
Murray	Nault
Nunez	O'Brien (Labrador)
Pagtakhan	Paré
Parrish	Patry
Peric	Peters
Peterson	Pettigrew
Phinney	Picard (Drummond)
Pickard (Essex—Kent)	Pillitteri
Plamondon	Pomerleau
Proud	Reed
Regan	Richardson
Rideout	Robichaud
Robillard	Rocheleau
Scott (Fredericton—York—Sunbury)	Shepherd
Sheridan	Speller
St. Denis	Steckle
Stewart (Northumberland)	Szabo
Telegdi	Terrana
Torsney	Valeri
Vanclief	Verran
Walker	Wappel
Wells	Whelan
Wood	Zed —148

NAYS

Members

Ablonczy	Benoit
Breitkreuz (Yellowhead)	Bridgman
Chatters	Cummins
Epp	Gouk
Grubel	Hanger
Hanrahan	Harper (Simcoe Centre)
Harris	Hayes
Hill (Prince George—Peace River)	Hoepfner
Jennings	Johnston
Kerpan	Martin (Esquimalt—Juan de Fuca)
Mayfield	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Penson
Ramsay	Ringma
Schmidt	Scott (Skeena)
Silye	Solberg
Speaker	Stinson
Strahl	White (Fraser Valley West/Ouest)
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PAIRED MEMBERS

Asselin	Axworthy (Winnipeg South Centre/Sud-Centre)
Bergeron	Bonin
Caccia	Dalphondu-Guiral
Daviault	Dubé
Dumas	Dupuy
Fewchuk	Fillion
Finestone	Gaffney
Harvard	Hopkins
Lalonde	Lefebvre
Loubier	MacAulay
Murphy	O'Reilly
Sauvageau	Tremblay (Rimouski—Témiscouata)
Venne	Young

Government Orders

The Deputy Speaker: I declare the motion carried.

GOVERNMENT ORDERS

• (1600)

[*English*]

CANADA LABOUR CODE

The House resumed from March 11 consideration of the motion that Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, be read the third time and passed; and of the amendment.

Ms. Meredith: Mr. Speaker, I rise on a point of order. I would like to know if my right as a member of Parliament to present petitions has been taken away from me today?

The Deputy Speaker: The hon. member will realize that the effect of the vote is that petitions are not heard today.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, it is a pleasure to speak on Bill C-66 again, a revision to part I of the Canada Labour Code.

Certainly revisions to the Canada Labour Code are past due because there have not been any revisions to this part of the code in the last 20 years. It makes one wonder why the government is in such a hurry where this bill is concerned.

For the record I would like to clarify some allegations put forward by the Minister of Labour in answer to my colleague from St. Albert earlier today in question period.

When my colleague asked the minister why he was not removing the chairman of the CLRB for his alleged extravagances on his expense account, the minister asked why the Reform Party was not co-operating and was filibustering this bill. I believe the record should be set straight.

When this bill was brought to the House, the government asked if the Reform Party would concur to send it straight to committee before second reading. The Reform Party said it would be glad to oblige. We went directly to committee, heard witnesses and applied for some witnesses. We did not get every witness we would have liked but we understood that it went with the territory of being the third party in the House. However, we said that we would be constructive rather than obstructive, but the minister says we were filibustering.

Yesterday the minister alleged that we were actually filibustering. I cannot understand how in the world agreeing on our part to

go directly to committee before second reading would be filibustering. That is rather a leap of logic.

When the bill came back to the House at report stage, the chief government whip asked if I would agree to extending the hours on this bill. I asked him how long that extension would be. He said that it would not be very long and so I and my party agreed. Again, how can this possibly be construed as filibustering the minister's bill? This is the second time we have bent over backwards to accommodate the minister. Filibustering, my foot. Accommodation.

The record will show that six members of the Reform Party have spoken to this bill. This is an extremely important bill particularly to western Canadians and to grain farmers in our area. It is not exclusive to grain farmers but it is definitely an area in which grain farmers are affected. Six of our members to this date have spoken to this bill. This is hardly a filibuster, even by Liberal standards.

I find the comments by the minister irresponsible and flippant. The comments by the minister have been extremely irrational. How can the minister say they read all about this in the newspaper and now they are going to check it out? Correct me if I am wrong but is it not the minister's responsibility to check these things out on an ongoing basis? Or does he not monitor the operations of his department and the boards that operate in that purview?

• (1605)

I certainly hope Canadians are paying attention today, the same Canadians who watched the irresponsible display from the minister during question period. I believe I have done my part to set the record straight.

The bill we are talking about has no provisions for final offer selection arbitration. True, it does have some provision for loading the grain products that reach the coast on to the ships once they are in the terminal elevator, but there is no dispute settlement mechanism. If there is a work stoppage, whether a strike or a lockout, in the grain handling system anywhere between the farm gate and the terminal in the next week or so, the government's reaction will be to enact back to work legislation. Part of that back to work legislation would be the use of final offer selection arbitration to bring the two sides together to solve the impasse.

If this tool is good enough to use in an emergency, on an ad hoc, piecemeal basis, which seems to be the way the government likes to run all its operations, why would it not be a good tool to have in place at all times?

An hon. member: It makes too much sense.

Mr. Johnston: Far too much sense. With this bill the government and the minister have tried to placate the labour movement and the labour representatives in the Bloc and the NDP by bringing in back door anti-replacement worker legislation. It is neither fish nor fowl. It does not allow replacement workers and it does not

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disallow replacement workers. It left to the discretion of the board; discretionary powers again.

Every piece of legislation we have seen in the House allows the minister and the governor in council discretionary powers. Here is a piece of legislation that allows the Canadian industrial relations board the discretionary power to rule whether replacement workers are an undermining factor to the existence of the union or whether they will be allowed and in what situations. Here we have another piecemeal situation where neither labour nor management has a clear cut definition of the status on replacement workers.

It has been pointed out many times before that we are talking about roughly 700,000 employees who come under the jurisdiction of the federal government, people in the transportation, telecommunications and banking industries primarily.

It should be noted that this is not legislation that covers all other organized labour in Canada. There are roughly 700,000 people employed in Canada who will be affected by this bill.

Final offer selection arbitration is the one tool that we feel is very useful to both management and labour. It can be equally used. I have explained the mechanism in the House before but I do not mind doing it one more time for clarity. Anything this good bears repetition.

• (1610)

The bargaining process would go on as usual. We all know that in the transportation sector, in particular the railroads, the grain handling industry and the longshoring industry, labour and management do not seem to have much incentive to come to an agreement expediently. I say that because if there is an impasse both labour and management seem to take the position that it does not really matter how earnestly they bargain because if they come to an impasse the government will legislate them back to work. The stoppage, whether a strike or a lockout, will be of short duration. Where is the incentive for them to bargain in earnest?

I believe final offer selection arbitration would encourage them to go through the bargaining process. If they could not find a solution the onus would be on them to name a mutually agreed upon arbitrator, to list the areas in which they agree, to list the areas still in dispute and to present their final positions on those items still in dispute to the arbitrator for a decision. The arbitrator would not say that these are the two positions and he will make his judgment somewhere in the centre. His obligation would be to take all of one position or all of the other position; final offer selection. That is an incentive. That is the incentive for them to say they do not really want to use an arbitrator and get down to brass tacks and settle this thing themselves.

I am not singling out labour and I am not singling out management as being at fault. We have seen as many lockouts disrupt

grain shipments as we have seen strikes disrupt the grain industry. This is not simply a plea for the farmers in my area. We are talking about a lot of other goods like potash, coal and even iron ore.

Speaking strictly for the farmers, not only is it an economic hardship to the farmers but it is an economic hardship to the entire country. When we cannot ship our grain to the west coast, get it on the ship and get it to our customers, not only are the farmers the losers but Canadians in general are the losers.

I talked to one of our colleagues the other day who said that while in China they were asked if Canada still produced grain. This was a shocking question. Of course we produce grain. We do not produce enormous quantities but we produce excellent quality grain in malting varieties, milling varieties, pasta varieties; all kinds of grains and oilseeds. The retort was "you would never know it because nobody comes over here to sell the stuff to us".

Canada has a lot of work to do as far as its reputation as an international reliable supplier of a quality product. We have no problem whatsoever with the production of grain. We could produce more grain if there were a market for it. Profit is not a four-letter word. Profit is what among other things keeps this place operating. It is what greases the wheels of industry. It is what puts people to work. It is what pays taxes.

• (1615)

If we cannot continue to be a reliable supplier of products, if our reputation is damaged to the point that buyers of grain in China think that Canada no longer supplies the stuff, our credibility as an international supplier is severely damaged. It is high time we did something about it.

Bill C-66 has provided us with one study after another. We had the west coast ports inquiry. We had the Sims report. I was fortunate to make presentations to both those task forces. I recommended to the Sims inquiry that the final offer selection arbitration be included in the recommendations to be included in the bill. During the Sims inquiry hearings I suggested that the 10-year appointment of the chairman of the CLRB was too long and should be reduced to five years. Perhaps, as it is coming to light, even five years is too long.

I return to my original point. I am appalled at the position the minister takes when he is questioned by my colleague with regard to what he will do about the chairman of the CLRB and his ridiculous expense accounts.

The most recent west coast ports strike in 1994 was estimated to cost around \$125 million just in port costs. The indirect costs were said to be in excess of \$250 million. Perhaps we have threatened as much as a half a billion dollars in future grain sales.

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I have quite forcefully made the point that harmonious labour relations in Canada are certainly important. The bill does not do a lot to improve labour relations in Canada. It might do something to improve relations between the government and the Bloc Québécois. I am not sure of that but it might. I do not think it gives labour and management the tools they need to resolve their differences.

Perhaps I should make it perfectly clear that we are not advocating government interference should be a factor in settling labour disputes.

• (1620)

We are making the point that final offer selection arbitration used to the ultimate would be not used at all. In other words, if labour and management did not reach an agreement among ourselves, they would say final offer selection is what the legislation obliges them to do. Therefore the onus would be entirely on us and agreement would be achieved between the two parties. That is always the best deal. A negotiated deal is always better than an imposed deal. The ultimate winners in this entire scenario would be the Canadian people.

We are considering the bill at a time when the Canadian economy can ill afford any more blows. We are considering it at a time when there is a high unemployment rate. Unemployment has been in the double digit range for the last 75 or 76 months. It is almost impossible to compare today's situation with what it was in the 1930s. I hope that we never get to that situation again. What is comparable is that at no other time in Canada's history other than the great depression in the thirties did unemployment remain at such unacceptably high levels for such a long period of time.

Anything this place can do to ensure that labour and management are a bit more harmonious or a lot more harmonious would certainly be welcome in the Canadian economy.

I see that my time is quickly drawing to close. I appreciate the opportunity of speaking once again to this important piece of legislation. It has a couple of redeeming factors, but it would have been nice if more members of my caucus could have had an opportunity to express their views.

I conclude by saying once more the co-operation we have shown to the minister in the processing of the bill can hardly be construed as filibustering.

Mr. Allan Kerpan (Moose Jaw—Lake Centre, Ref.): Mr. Speaker, I listened with a great deal of interest to my colleague. He brought forward his ideas on how labour disruptions could occur much less often and be solved much more quickly. I agree with his ideas about final offer arbitration.

As I was listening to his speech I recalled a couple of years ago in the House at the time of the last major work disruption in grain

shipments on the prairies. In my riding and province farming or agriculture is huge. It is the biggest industry in Moose Jaw—Lake Centre.

In thinking back to how the government handled the disruption at that time, I remember the government bringing in back to work legislation which the House was called back on a Sunday to pass. Since then I have been on radio shows a couple of times with the member for Saskatoon—Dundurn who accused the Reform Party of not caring about western farmers because we did not show up on a Sunday to support the back to work legislation.

• (1625)

First, we supported the legislation because it was the best thing we had at that time.

Second, we asked for pre-emptive legislation prior to the strike so that it could not happen. Of course the government in its wisdom saw fit not to do it.

Third, the member for Lethbridge put forward a private member's bill on final offer arbitration, which was not passed, shortly before the strike.

On three occasions the government had the opportunity to stop a major labour disruption but saw fit to do nothing and to let it run its course.

There are something like 27 unions between the farm gate and the ports. Any one of the unions or any one of the management companies could either strike or lock out its workers. Something like 54 organizations could disrupt grain movement from Saskatchewan, from the farm gate to the ports. It is unacceptable that 54 groups could tie up the whole agriculture industry. When the big boys play, the farmers pay. That always happens.

Is my colleague convinced that final offer arbitration would solve and put an end to these labour disruptions in the future?

Mr. Johnston: Mr. Speaker, I appreciate my colleague's question.

I do not know that any legislation could be a 100 per cent cure. There may still be some margin for error. However this will go a long way to settle the disputes my colleague talked about.

To put it in the farming vernacular, owners of livestock are obliged to keep them off the road so the public can travel without fear of running into livestock. They are supposed to use reasonable care and precautions to keep livestock from getting on to public highways. They put up fences which 99 per cent of the time keep the livestock in. There is no way under the sun they can ensure livestock will be in all the time. There is no way under the sun they can satisfy all demands of labour and management at all times.

Labour and management would be far better served by final offer selection arbitration than by back to work legislation after a work disruption takes place. That is basically equivalent, to use the farm

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analogy again, to maintaining a proper fence or chasing livestock up and down the road trying to get them back in.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, it is interesting the government claims Reform was not here on that weekend to support its back to work legislation. I was here. I spoke for the full time I was allotted by the government. Many of my colleagues were here as well, notwithstanding the fact that we came from the farthest part of this great country to make our speeches. It was a very catastrophic time for a lot of people: for the rail companies, the farmers, the grain people and everyone else.

The member from Moose Jaw previously questioned my colleague. He pointed out that we tried to bring in pre-emptive legislation which would have prevented the strike but the government refused to it. We tried to get something done when CP Rail went on strike. Again the government did not do anything. It did not do anything until CN Rail went on strike.

There is a well substantiated rumour that the government was intentionally waiting until CN went on strike so that it could bring in legislation with a different type of arbitrated settlement and impose the kind of settlement that would enhance the viability of selling CN Rail so the government could look good. If something like final offer selection arbitration had been brought in, the government would have lost an opportunity.

• (1630)

Has the hon. member heard such rumours? Does he put any stock in them? Would he like to see something put in place to protect the workers of the rail companies with grain handling, all the people who are involved in such a nefarious plot by this government?

Mr. Johnston: Mr. Speaker, certainly my learned colleague, the transportation critic, has had his ear to the ground. Far be it from me to impugn the motives of the government but at the same time, I take great stock in the advice of my colleague, the transportation critic.

He asked specifically whether I would like to see protection in place for the workers. Absolutely. Protection is of ultimate importance. Workers have rights and they should have protection against such alleged manipulation for the sake of creating a certain political climate or saleability or non-saleability.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I would like to speak to Bill C-66 and put a few things straight on the record.

First, as members may recall, the Minister of Labour at least twice this week has accused the Reform Party of filibustering this bill. I do not know whether it is because spring is coming or an election is coming, but the accusation by the government that

Reformers are filibustering the bill is absolutely false and cannot be justified under any circumstances whatsoever.

This bill has been around for a long time. The hours of the House were extended one day so that the bill could be debated. The minister twists the record, falsifies the record of the Reform Party which has been willing to work with the government to ensure that legislation is passed.

The House did not start until two o'clock this afternoon. We have a short day on Wednesdays because the House is only open in the afternoon but under the House rules. This is deemed to be a whole day's debate even though it is only an afternoon's debate.

The government, for about the 38th or 39th time or whatever number of times it is, introduced time allocation and shut down debate on the bill. Not only that, but it had the gall to bypass part of routine proceedings so that the member for Surrey—White Rock—South Langley could not present her petitions.

Canadians cannot be heard. Private Members' Business, if there was any to be presented, was bypassed so that other members, apart from government members, could not be heard.

The minister of state for financial institutions got his motions on the books. He was able to refer his ways and means motions to committee. From that point on, when it came to the opportunity for the rest of the members, indeed the rest of the people in the country, to be heard the Liberals moved to government orders of the day, wasting time and preventing the Reform Party and the other parties from debating this bill.

Where are they? They are sitting quietly hoping that we will walk away and let this issue die. Then they can get on with the business and get it through the House. They can be off to an election a year and a half before they are supposed to go.

These are rather unusual times. The Minister of Labour is making these types of accusations. Today during question period, the Minister of Finance was up making a ministerial statement, taking away time from question period.

• (1635)

The Prime Minister is in Washington visiting our neighbours. When he was asked a question on illegal drugs, he thought it was good for trade. He has to pay attention. Not only should he be paying attention down there, he should start paying attention to what is going on in here. If he is out talking to the people around the country pretty soon at election time, he may find out what he thinks he is going to hear is going to be totally different to what he actually will hear on election day.

Bill C-66 deals with the labour code and the Canada Labour Relations Board. I have been having a debate with the Minister of

Labour during question period about the chairman of that board who I have said, on more than two occasions in the House this week, has to go. The Minister of Labour has said we should pass Bill C-66 in order for him to do his job and get rid of this fellow as the chairman of the board.

I cannot imagine why the minister would want to wait until Bill C-66 is passed. As we know, it is going to pass today because time allocation states "that is it, it is a done deal, stop, no more, vote". Since the Liberals have a majority it is a done deal.

I do not know what his excuse is going to be tomorrow when Bill C-66 is passed, because they have used the government majority, and Mr. Ted Weatherill is still chairman of the board. The minister will not be able to stand up in this House and tell us: "If we pass Bill C-66 I will be able to get rid of the chairman". By that time Bill C-66 will be passed.

I was reading in the *Ottawa Citizen* today on the front page "Weatherill accused of bias in dispute. Reform charge comes on top of expenses saga". As members know, this person who has gone into the public trough in excess. He is in over his head. He has jumped in all the way. He is swimming in it. This is a guy who spent \$148,000 wining and dining around the world the last eight years. This is a guy who spent \$440,000 of Canadians' money on an expense account because he did not really have to account for it.

He was given the privilege of having an open-ended expense account and said: "Boy, am I going to have a good time". He did have a good time: \$733 dinners for two in Paris. That is more than the average family spends on groceries and more than many Canadians earn in a month. That person has the gall to think that he can justify spending that kind of money on dinner for two because he happens to meet somebody who he is impressed by, some professor from the Sorbonne University in Paris. Well, see if I am impressed. I am not.

This guy is the chairman of the Canadian Labour Relations Board. Members may find a hint of contempt in my voice when I talk about this gentleman because the Canada Labour Relations Board is a quasi-judicial body. It is governed by the rules of the courts. Mr. Speaker, you were a lawyer in a past life and you know about the courts. The rules of the courts state that you are impartial. Not only are you impartial but you must be seen as being impartial.

Let me quote from page A2 of today's *Ottawa Citizen*:

At least three members of the board, including the chairman, must be present at hearings. The chairman is, in effect, the chief judge of any dispute.

Although he is not called a judge, the chairman, because of the powers conferred upon him, is bound by judicial protocol, including the bias rule.

I thought this was an intelligent fellow. The article goes on to state:

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An arbitrator or a board chair or a judge in the middle of a case should never, ever go out with one of the parties without the other being there.

This was said by Mr. Levitt. We are not talking about something that is controversial. It is very basic. It is not controversial and it is that obvious.

"Going out for dinner with one side and not the other isn't right," said Mr. Levitt. "Bias, in the judicial context, is not just a fact of bias—it is a reasonable apprehension of bias."

And a reasonable apprehension of bias would occur, he added, even if a quasi-judicial board chair takes out one side of a dispute on one occasion and follows it up the very next day with a meeting with the other side.

● (1640)

Have you ever heard of a judge doing something like that, Mr. Speaker? I have not.

He continues: "Even that is totally improper". Reading on, we find out that:

Mr. Weatherill presided over the hearings and deliberations. During that period he held the following meetings in Montreal:

This was a dispute between CN and CP on one hand and the unions on the other. I am going to start quoting again:

Nov. 7, 1990, Mr. Weatherill and CN's senior counsel John Coleman share a \$213 dinner.

Feb. 7, 1991, Mr. Weatherill attends a reception for Don Fraleigh, CN's assistance vice-president, human resources.

Feb. 21, 1991, Mr. Weatherill and CP vice-president Robert Colosimo share a \$227 dinner.

May 22, 1991, Mr. Weatherill shares a \$164 lunch with CN's senior counsel John Coleman.

Nov. 14, 1991, Mr. Weatherill spends \$264 to dine with CN's Coleman again—

In July 1992, the labour board ruled that the unions be disbanded and replaced with the CAW.

The minister has the gall to stand up and say today during question period: "I see it in the papers, but I was not aware of what is going on". Treasury Board knew what was going on. He, as the minister in charge, should have known what was going on. The government has been paying the bills and the minister says he does not know what is going on and he has to check it out because he has read it in the newspaper. This is the government that says it is in control. Have you every heard anything like that, Mr. Speaker?

What do the people think? I turn now to page A15 of the *Ottawa Citizen*:

The depredations of the notorious English highwayman, Dick Turpin, pale by comparison to the plunder of the public purse by Ted Weatherill. If ever the expression "Swilling at the public trough" has literal application, this is it.

Leo M. Bereza, Ottawa

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How about another little short one? The whole page is of letters related to Mr. Weatherill.

Congratulations to the Citizen staff. You caught the "rat" in the food trap; this is good "gut" instinct reporting. With an election coming up, the taxpayers are soon going to be sold the fiscal restraint bill again. Public servant double-dipper Ted Weatherill positively sickens me. Out-of-control bureaucrats should all be given a season's pass to McDonald's where the rest of us have to eat.

Robert Beck, Carp

How about this one entitled "I am not amused".

In common with thousands of other Canadians this is the time of year that I have to rework my finances to ensure I have funds available to pay my income tax. How appropriate then that we are all treated to the smiling face of Ted Weatherill along with his evasive responses to any questions that might justify his personal expense claims over the last number of years.

As I look at his photos one more time I am convinced that this man is not smiling at all. He is laughing at me—and I am not amused.

Don Ferguson, Nepean

The whole page is full of articles on this fellow who happens to be sitting in a high position with a \$120,000 to \$140,000 a year salary. He ran up \$440,000 of expenses in eight years. He spent \$148,000 on meals in eight years. He compromised himself. He compromised the board. He compromised the rulings of the board. He stays there and I wonder why.

• (1645)

The Minister of Labour says that he just read about it in the paper and he has to check it out. His department has been over-viewing these expenses and paying the bill. It is absolutely shocking.

Is that all? I publish the waste report. It gets a bit of press around the countryside periodically. Last January when I brought out a waste report I pointed out the illegal tax scams carried on by political patronage appointments.

While the government would not give me the names, I was able to find out that a board member—and as far as I can tell it was not Mr. Weatherill but another board member—was getting a tax free allowance on top of his salary which is not covered off in the Income Tax Act. It is illegal that he should be getting that money tax free. I reported the information to the Minister of National Revenue.

That was not the only one. I listed eight or ten different people, all patronage appointments, who were participating in the illegal tax scam where they are claiming travel allowances, moving allowances, transitional allowances and apartments in a different town.

The Commissioner of Official Languages gets an apartment in town courtesy of the taxpayer. Everybody else has to pay tax. He

seems to be exempted because the government says it does not to play by the rules it writes because it is above them.

The Minister of Labour is prepared to tolerate a chairman who thinks he is above the rules and has compromised himself in every which way. He sits there smiling in a photo on the front page of the paper and saying: "I m not going to quit". He is challenging the Minister of Labour and saying "fire me". I hope the minister fires him. It is long overdue and we have only known about it for three days.

The minister sweeps it under the table by referring it to the auditor general. He stands pleased as punch and says that when he found out about it he immediately referred it to the auditor general. The auditor general reports to the House. He will not be able to report back until the fall. If the rumour mill is right the election will be long over by then.

It is just like the Somalia inquiry. Let us bury it during the election time. Let us bury Mr. Weatherill during the election time and see what happens in the fall. That is not the way to govern.

The Liberals want to go to the people of Canada during an election and say they deserve their vote to continue. How could they look people in the eye? They have swept the garbage under the table so that Canadians cannot smell it. They will bring it out like dirty linen in the fall after they have been comfortably voted us back into office. How can they do it? It beats me.

We know the Liberals. They have been around for a long time. They seem to be able to do that with a smile. I am quite confident they will try to do it again. The point is that they can only deceive some of the people all the time and all the people some of the time. Perhaps this time they will find out they did not deceive very many people.

I cannot imagine why the Minister of Labour is hanging on to Mr. Weatherill. I have been on talk shows across the country regarding this man. No one is prepared to stand up and defend him.

The expenses are bad enough. However he cannot understand the situation of compromising his position, compromising his rulings, compromising his colleagues or compromising the government. It is documented. When we phoned CN and CP all they would say is no comment. They did not deny it. The minister stands by him and says that they have to wait until the auditor general reports some time in the future and at that time perhaps they will take action.

• (1650)

They have all the documentation at their fingertips now. They have had the information at their fingertips all along. They have known for years this guy went way overboard all the time, every time. He has never forgotten to claim even a two-bit cup of coffee.

He takes his common law wife with him and thinks we will pay for that as well. There seems to be no limit to what he will do. There seems to be no limit to the way he has compromised his position. Yet the Minister of Labour stands by him.

If this fellow is not gone in the next couple of days, at election time I will be asking why he is still there.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, I listened with interest to the hon. member for St. Albert.

Not only on this bill but on many bills he has been very concerned about and very watchful of waste in the House. I am sure he finds it as galling as I do when members on the other side, the Minister of Labour and others, have the audacity to come into the House and claim that Reform is responsible for holding up the back to work legislation during the national rail strike. They claimed we would not come in on a weekend to assist in getting the bill through.

As I mentioned before when I rose in response to our labour critic's statements, we tried to prevent it from ever happening. Once the back to work legislation finally came forward we supported it. We were anxious to move it through because a lot of people were being hurt by the strike: workers, farmers and all others.

Consideration of the back to work legislation in the House extended into the weekend. I understand it cost many tens of thousands of dollars an hour to operate the House, money that came out of the taxpayers' pocket. As if everybody else was not hurt badly enough, the taxpayers were dragged into it as well. It cost the government money which it does not seem to mind.

Reform was supportive. We were here supporting the legislation. The Bloc Quebecois was holding up the bill, denying it swift passage.

As the hon. member is very involved and our watchdog on government waste, does he have any comments on the unspeakable bad taste of the government that came into the House and suggested Reform was holding it up when we were doing everything we could to assist in the passage of something that should have been passed long before. The problem was with the government's buddies in the official opposition who were objecting to the legislation being passed.

Mr. Williams: Mr. Speaker, the member for Kootenay West—Revelstoke is absolutely correct. We are accused by the government of holding up legislation.

This is a place of debate for the people of Canada. This is not an institution that runs on efficiency. The Minister of Labour accuses us of filibustering a bill, holding up the proceedings. He gave us approximately an hour and a half to debate the bill at third reading. It is preposterous. With an hour and a half or maybe two hours to

debate third reading of the bill it is unimaginable we would be accused of holding it up.

We could look at the way the Liberals treat this place with contempt. I ask, Mr. Speaker, for a quorum count of the number of people in the House at this point to see the contempt. I only see three Liberals in this place at this time.

• (1655)

The Deputy Speaker: Yes, the member is correct. We will ring the bells.

And the bells having rung:

The Deputy Speaker: There is now a quorum.

Mr. Williams: Mr. Speaker, I was talking about the contempt with which government members hold this venerable institution. They were sitting in the back lobby enjoying the comforts of this institution with their feet up. Maybe they were wine and dining with Mr. Weatherill. Perhaps. Perhaps not.

We in opposition are entitled to a reasonable amount of time to debate the issue. For us to be accused of filibustering is preposterous. The Liberals made this place sit over the weekend because they did not have their act together and the Labour Relations Board could not resolve disputes regarding strikes. They had to bring in emergency legislation and spend more money for us to sit all weekend. Perhaps it is because they do not have any confidence in the chairman of the Labour Relations Board. We do not know but we sure know the guy was not too competent in doing his job. Maybe that is why we had to end up spending more money to sit all weekend.

The member is perfectly correct and the government should take heed.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I was sitting in my place when the member called for a quorum count. In defence of my colleagues who are also doing duty here, the member well knows that members have an opportunity to follow the debate.

The premise of the member's remarks is that members have not been allowed enough time. Anyone who has followed the debate would clearly know the gist of the intervention of the member has been complaining that there is no time rather than addressing the substance of the bill.

If the member feels it is important enough for us to move forward with legislation, possibly he would rise now to indicate that the Reform Party is prepared to close the debate now. Let us move to the vote on this important bill. The member should tell the House now whether it is his intent to support Bill C-66.

Mr. Williams: Mr. Speaker, it is not whether or not I support the bill. This is a House of debate where opinions and views are heard. We are being accused by the government of filibustering. Yet we are given an hour and a half at third reading. We extended the hours to facilitate its agenda. Yet we get accused of filibustering. It

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rejects our amendments. It does not listen to us in any way, shape or form because it uses its majority to say no. The whip cracks the whip and whatever we propose they oppose.

We have supported some of its legislation because we think it is good. When we make what we think are intelligent and good amendments to its legislation, because it comes from this side of the House they are automatically shut down. That is an abuse of the trust and the power the government has been given. The Liberals will have to explain that to the people at election time.

Almost 40 times they have introduced closure in the House in the time I have been in Parliament. It has now become a common occurrence. It is not even reported in the media any more.

• (1700)

When it was first introduced in the House it almost brought down the government. Then it sat latent for a number of years and was picked up again in the fifties and used on very rare occasions. Mr. Trudeau used it, I believe, about 10 or 15 times. Mr. Mulroney used it a few more times. This government has surpassed every record.

Mr. Gouk: The cumulative total of all past governments.

Mr. Williams: We heard the member. This government in three and a half years has exceeded the cumulative total since 1917 when it was first introduced.

This is no longer a House of debate. This is no longer a House of the people. The government has abused the trust and privileges of the House. The government does not want to hear what the representatives of Canadians have to say. It does not want to listen.

Mr. Szabo: Mr. Speaker, I will again ask the member whether it is his intention to support the bill. If it is, I will assume it is on the basis that he has already made a full assessment of all the relevant factors to—

The Deputy Speaker: The hon. member for St. Albert.

Mr. Williams: Mr. Speaker, I hate to create suspense, but I know that we are going to vote on this later today.

[*Translation*]

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment are as follows: the hon. member for Bourassa, Immigration.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to be on the record with respect to Bill C-66, which is proposed by the Minister of Labour. This is the third reading of an act to amend

the Canada Labour Code, Part I, and the Corporations and Labour Unions Returns Act, and to make consequential amendments to other acts.

Being a member of the government and having followed the debate this afternoon I thought it important to address one of the issues raised by the previous speaker. The issue has to do with the process used by the government to pass this legislation.

Earlier this day, during Routine Proceedings, the government was forced into the position of putting forward a motion to ensure that this bill came to the floor of the House for debate. This is one of the subtleties of the operation of the House which the Canadian public does not recognize. It is very likely that we would not be debating this bill today if the government had not put forward the motion to move from Routine Proceedings to Government Orders.

The daily routine of business includes matters such as the tabling of documents, statements by ministers, presenting reports from inter-parliamentary delegations and reports from committees. I recall that on a number of occasions members of the Reform Party rose in their places during Routine Proceedings to move frivolous motions which were debatable by the rules of this place, which meant that the House would continue to debate frivolous motions and frustrate debate on government bills and private members' bills.

It is important that Canadians know about the committee work which has been done, as well as the work which has been done by the Minister of Labour. The preparatory notes contained excellent background material. In fact, Canadians will see when the vote is taken later this day that the House will support this very important legislation.

• (1705)

Therefore I want to congratulate the Minister of Labour who has earned the respect and admiration of the different parties who played a role in this process.

It is encouraging to see management and unions agreeing on this matter. That is a very significant point that should be noted. We have to underline that management and labour are now in agreement on the principles brought forward in the bill.

A tremendous amount of work has been invested in producing this agreement. Bill C-66, first and foremost, is fair and balanced legislation, as members have now discovered from the debate in this place and through the work in the committee. It is the product of consultation on the whole process.

Members from every party fully appreciate the importance of that consultation process. These consultations included a task force of labour relations experts, a working group of management and labour organizations and a series of meetings involving the

Government Orders

Minister of Labour and representatives of labour and management as well as other interested parties which is a very important aspect of any legislation before this place.

The task force was chaired by Mr. Andrew Sims, an Edmonton labour lawyer specializing in arbitration and dispute resolution. He was admirably supported by two experienced colleagues: Toronto based labour arbiter, mediator and fact finder, Paula Knopf, and Quebec labour arbiter and professor at Laval University, Rodrigue Blouin.

The task force received numerous written submissions and met with labour and management delegations and with members of the academic and legal communities in the various locations across the country over this overall consultative process. It also invited labour and management organizations whose members are subject to the Canada Labour Code to set up a working group to discuss and endeavour to reach consensus on many important issues.

When the task force submitted its report entitled "Seeking a Balance," it reflected the consensus reached by that labour-management working group in a number of important areas.

In addition to its findings and those of the working group, the Sims task force also took into account the recommendations made by the west coast ports industrial inquiry commission which had issued its own report in December 1995.

It is quite an accomplishment that both labour and management have expressed support for the overall balance of the task force's recommendations. The consensus reached is an illustration of what can be accomplished by working together in the spirit of good faith and mutual respect. Members, even of the Reform Party, acknowledged that with regard to Bill C-66.

On several key issues, Bill C-66 reflects the consensus reached by labour and management. With these amendments, the government has acted as a pro-active catalyst for change. We are proposing strategies that will modernize the code and we are encouraging parties to suffer their differences in a less adversarial fashion.

The amendments proposed include, first, the establishment of a new representational Canada industrial relations board composed of a neutral chairperson and vice-chairpersons and equal numbers of members representing employers and employees. This board will replace the current non-representational Canada Labour Relations Board.

Second, the new board will be given greater flexibility to deal quickly with routine or urgent matters.

Third, the board's powers will be clarified or extended to ensure that complex industrial relations issues such as those arising from

the review of bargaining units or sales of business can be fully addressed and to provide appropriate remedies in the case of unfair labour practices such as failure to bargain in good faith.

The next point is that the bill will bring in the federal mediation and conciliation service, which will continue to be part of the labour program of Human Resources Development Canada. It will have its third party neutrality enhanced by defining its role by statute. Defining the role of the FMCS underlines that the dispute resolution and prevention programs are a vital component of Canada's collective bargaining policies.

• (1710)

A further point is that there will be a replacement of the current two-stage conciliation process by a single stage with a choice of procedures to take no more than 60 days. The right to strike or lockout will be subject to the holding of a secret ballot vote within the previous 60 days and giving a 72-hour advanced notice.

Parties involved in work stoppage will be required to maintain services necessary to protect public health and safety. All members of the House certainly recognize the importance of that issue.

Services affecting grain shipments will be continued in the event of legal work stoppages by any third parties in the ports.

There will be no general prohibition on the use of replacement workers. However, if they are used for the purposes of undermining the union's representative capacity, the board may declare their use as an unfair labour practice and order the employer to stop using them for the duration of the dispute.

Finally, the employees will be entitled to insurance and benefit programs during work stoppages.

As members can appreciate and see from this variety of points, some very important issues have been addressed and dealt with by Bill C-66 as a result of the excellent work that has been done by the Minister of Labour and his department officials.

The amendments will also confirm the rights of employees in the bargaining unit who were on strike or locked out to resume employment following the end of a work stoppage instead of any persons hired to replace them. The list I have just recited is quite long yet it only begins to outline what Bill C-66 will accomplish.

It is fitting that the government is moving forward with these amendments at this time. After all, the Canada Labour Code has not been subject to this kind of comprehensive review since the early 1970s. As members know very well, the world has changed since then. Trade liberalization, globalization, privatization, deregulation, and corporate and economic restructuring have placed significant pressures on employers and employees and hence the industrial relations system as well.

Government Orders

The new global economy in an increasingly competitive marketplace dictates change in the existing industrial relations environment.

Mr. Gouk: Mr. Speaker, I rise on a point of order. As the hon. member who is now speaking was very diligent in asking questions earlier, I wonder if he would agree to yield the floor so that questions may be put to him before time runs out.

The Deputy Speaker: The hon. member for Mississauga South has the floor.

Mr. Szabo: As I was saying, the new global economy in an increasingly competitive marketplace dictates change in the existing industrial relations environment. Measures that help resolve labour disputes in a more positive environment are good for employers and workers. Hence, co-operation will lead to improved productivity, better job security and increased worker participation in the workplace decisions.

The proposals we are debating today represent a fair and balanced approach that will reduce conflict and lead to quick resolutions of differences. At the same time, the legislation responds to the changing needs of many workers and workplaces, including the increasing number of people working in the home.

In closing, I would like the House to remember that the Sims task group report was entitled "Seeking a Balance". In my opinion, Bill C-66 strikes the appropriate balance between the rights and responsibilities of employers and unions and underlines the important role that government plays as a facilitator and catalyst for positive change.

I know I have taken some time to deal with a very important bill but Canadians will realize, even from touching very briefly on some of the many issues that I have raised and listed in this speech, that there are many points that have been dealt with comprehensively throughout the process. I am very pleased to have had the chance to rise in my place and speak on behalf of the Minister of Labour and Bill C-66.

The Deputy Speaker: There are 20 seconds left. The hon. member for Kootenay West—Revelstoke.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): That is a real challenge, Mr. Speaker, a 20 second question.

I wonder if the hon. member would make a comment simply on the question of final offer selection arbitration as an alternate dispute settlement mechanism.

The Deputy Speaker: The time has expired, unfortunately. It being 5.15 p.m., pursuant to order made Monday, March 17, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the third reading stage of the bill now before the House.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

• (1740)

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

(Division No. 291)

YEAS

Members

Ablonczy	Bachand
Bellehumeur	Benoit
Bernier (Mégantic—Compton—Stanstead)	Breitkreuz (Yellowhead)
Bridgman	Canuel
Chatters	Chrétien (Frontenac)
Crête	Cummins
de Savoye	Debien
Deshaies	Duceppe
Duncan	Epp
Forseth	Gagnon (Québec)
Gauthier	Godin
Gouk	Grubel
Guimond	Hanger
Hanrahan	Harris
Hayes	Hermanson
Jacob	Jennings
Johnston	Kerpan
Landry	Langlois
Laurin	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Marchand
Mayfield	Ménard
Meredith	Nunez
Paré	Penson
Plamondon	Pomerleau
Ramsay	Ringma
Rocheleau	Schmidt
Scott (Skeena)	Silye
Solberg	Speaker
Stinson	Strahl
Tremblay (Lac-Saint-Jean)	White (North Vancouver)
Williams—61	

NAYS

Members

Adams	Alcock
Anderson	Assad
Augustine	Baker
Bakopanos	Barnes
Beaumier	Bélair
Bélanger	Bellemare
Bethel	Bevilacqua

Government Orders

Blondin-Andrew
Boudria
Brushett
Cannis
Chamberlain
Cohen
Collins
Crawford
Cullen
Dhaliwal
Easter
Fewchuk
Flis
Fry
Godfrey
Graham
Harb
Ianno
Jackson
Keyes
Kirkby
Kraft Sloan
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacLellan (Cape/Cap-Breton—The Sydneys)
Marleau
McCormick
McKinnon
McTeague
Mitchell
Nault
Pagtakhan
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Robichaud
Scott (Fredericton—York—Sunbury)
Sheridan
St. Denis
Stewart (Northumberland)
Telegdi
Thalheimer
Valeri
Verran
Walker
Wells
Zed—113

Bodnar
Brown (Oakville—Milton)
Calder
Catterall
Clancy
Collenette
Cowling
Culbert
DeVillers
Discepola
English
Finlay
Fontana
Galloway
Goodale
Guarnieri
Hubbard
Ifody
Karygiannis
Kilger (Stormont—Dundas)
Knutson
Lastewka
Lee
Loney
Manley
Massé
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
Minna
Murray
O'Brien (Labrador)
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Robillard
Shepherd
Speller
Steckle
Szabo
Terrana
Torsney
Vanclief
Volpe
Wappel
Whelan

previous motion be recorded as having voted on the motion now before the House, with the Liberals voting yea.

Mr. Laurin: Mr. Speaker, the Bloc Québécois will vote against the motion.

[*English*]

Mr. Strahl: Mr. Speaker, Reform Party members present will vote no on this motion.

• (1745)

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 292*)

YEAS

Members

Adams	Alcock
Anderson	Assad
Augustine	Baker
Bakopanos	Barnes
Beaumier	Bélair
Bélangier	Bellemare
Bethel	Bevilacqua
Blondin-Andrew	Bodnar
Boudria	Brown (Oakville—Milton)
Brushett	Calder
Cannis	Catterall
Chamberlain	Clancy
Cohen	Collenette
Collins	Cowling
Crawford	Culbert
Cullen	DeVillers
Dhaliwal	Discepola
Easter	English
Fewchuk	Finlay
Flis	Fontana
Fry	Galloway
Godfrey	Goodale
Graham	Guarnieri
Harb	Hubbard
Ianno	Ifody
Jackson	Karygiannis
Keyes	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lee
Lincoln	Loney
MacLellan (Cape/Cap-Breton—The Sydneys)	Manley
Marleau	Massé
McCormick	McGuire
McKinnon	McLellan (Edmonton Northwest/Nord-Ouest)
McTeague	Minna
Mitchell	Murray
Nault	O'Brien (Labrador)
Pagtakhan	Patry
Peric	Peters
Peterson	Pettigrew
Phinney	Pickard (Essex—Kent)
Pillitteri	Proud
Reed	Regan
Richardson	Rideout
Robichaud	Robillard
Scott (Fredericton—York—Sunbury)	Shepherd
Sheridan	Speller
St. Denis	Steckle
Stewart (Northumberland)	Szabo
Telegdi	Terrana
Thalheimer	Torsney
Valeri	Vanclief
Verran	Volpe
Walker	Wappel
Wells	Whelan
Zed—113	

PAIRED MEMBERS

Asselin	Axworthy (Winnipeg South Centre/Sud-Centre)
Bergeron	Bonin
Brien	Caccia
Cauchon	Dalphond-Guiral
Daviault	Dubé
Dumas	Dupuy
Fewchuk	Fillion
Finstone	Gaffney
Gagliano	Harvard
Hopkins	Lalonde
Lefebvre	Loubier
MacAulay	Murphy
O'Reilly	Sauvageau
Tremblay (Rimouski—Témiscouata)	Venne
Young	

The Speaker: I declare the amendment defeated. The next question is on the main motion.

[*Translation*]

Mr. Kilger: Mr. Speaker, if you were to seek it, I believe you would find unanimous consent that members who voted on the

Private Members' Business

NAYS

Members

Ablonczy	Bachand
Bellehumeur	Benoit
Bernier (Mégantic—Compton—Stanstead)	Breitkreuz (Yellowhead)
Bridgman	Canuel
Chatters	Chrétien (Frontenac)
Crête	Cummins
de Savoye	Debien
Deshaies	Duceppe
Duncan	Epp
Forseth	Gagnon (Québec)
Gauthier	Godin
Gouk	Grubel
Guimond	Hanger
Hanrahan	Harris
Hayes	Hermanson
Jacob	Jennings
Johnston	Kerpan
Landry	Langlois
Laurin	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Marchand
Mayfield	Ménard
Meredith	Nunez
Paré	Penson
Plamondon	Pomerleau
Ramsay	Ringma
Rocheleau	Schmidt
Scott (Skeena)	Silye
Solberg	Speaker
Stinson	Strahl
Tremblay (Lac-Saint-Jean)	White (North Vancouver)
Williams—61	

PAIRED MEMBERS

Asselin	Axworthy (Winnipeg South Centre/Sud-Centre)
Bergeron	Bonin
Brien	Caccia
Cauchon	Dalphond-Guiral
Daviault	Dubé
Dumas	Dupuy
Fewchuk	Fillion
Finestone	Gaffney
Gagliano	Harvard
Hopkins	Lalonde
Lefebvre	Loubier
MacAulay	Murphy
O'Reilly	Sauvageau
Tremblay (Rimouski—Témiscouata)	Venne
Young	

Mr. Gouk: On a point of order, Mr. Speaker. After the Liberals asked for applied votes you went to the Bloc and to the Reform Party but you did not go to the NDP. I wonder if you would clarify its vote.

The Speaker: I declare the motion carried.

(Bill read the third time and passed.)

Mr. Chan: On a point of order, Mr. Speaker. I was late coming into the House but I would like to be recorded as voting on the side of the government.

The Speaker: The record will show the words that you uttered today.

Pursuant to order made Tuesday, April 8, the House will now proceed to the taking of the deferred recorded divisions on Motion No. 267.

PRIVATE MEMBERS' BUSINESS

[English]

STANDING ORDERS OF THE HOUSE

The House resumed from April 8 consideration of the motion, the amendment and the amendment to the amendment.

The Speaker: The question is on the amendment to the amendment.

• (1755)

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

(Division No. 293)

YEAS

Members

Ablonczy	Bachand
Bellehumeur	Benoit
Bernier (Mégantic—Compton—Stanstead)	Breitkreuz (Yellowhead)
Bridgman	Canuel
Chatters	Chrétien (Frontenac)
Crête	Cummins
de Savoye	Debien
Deshaies	Duceppe
Duncan	Epp
Forseth	Gagnon (Québec)
Galloway	Gauthier
Godin	Gouk
Graham	Grubel
Guimond	Hanger
Hanrahan	Harris
Hayes	Hermanson
Jacob	Jennings
Johnston	Kerpan
Landry	Langlois
Laurin	Lee
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Marchand	Mayfield
Ménard	Meredith
Nunez	Paré
Penson	Peric
Plamondon	Pomerleau
Ramsay	Ringma
Rocheleau	Schmidt
Scott (Skeena)	Silye
Solberg	Speaker
Stinson	Strahl
Tremblay (Lac-Saint-Jean)	White (North Vancouver)
Williams—65	

NAYS

Members

Adams	Alcock
Anderson	Assad
Augustine	Baker
Bakopanos	Barnes
Bélair	Bélanger

Bellemare	Bethel
Bevilacqua	Blondin-Andrew
Bodnar	Brown (Oakville—Milton)
Calder	Cannis
Catterall	Chamberlain
Chan	Clancy
Cohen	Collenette
Collins	Cowling
Crawford	Culbert
Cullen	DeVillers
Dhaliwal	Discepolo
Easter	Finlay
Fliis	Fry
Godfrey	Guarnieri
Harb	Hubbard
Ianno	Iftody
Jackson	Karygiannis
Kilger (Stormont—Dundas)	Kirkby
Kraft Sloan	Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lincoln
Loney	MacLellan (Cape/Cap-Breton—The Sydneys)
Manley	Marleau
McCormick	McGuire
McKinnon	McLellan (Edmonton Northwest/Nord-Ouest)
McTeague	Minna
Mitchell	Murray
Nault	O'Brien (Labrador)
Pagtakhan	Patry
Peterson	Pettigrew
Phinney	Pickard (Essex—Kent)
Pillitteri	Proud
Reed	Regan
Richardson	Rideout
Robichaud	Robillard
Scott (Fredericton—York—Sunbury)	Sheridan
St. Denis	Steckle
Stewart (Northumberland)	Szabo
Telegdi	Terrana
Thalheimer	Torsney
Vanclief	Verran
Volpe	Wappel
Wells	Whelan
Zed—95	

PAIRED MEMBERS

Asselin	Axworthy (Winnipeg South Centre/Sud-Centre)
Bergeron	Bonin
Brien	Caccia
Cauchon	Dalphond-Guiral
Daviault	Dubé
Dumas	Dupuy
Fewchuk	Fillion
Finestone	Gaffney
Gagliano	Harvard
Hopkins	Lalonde
Lefebvre	Loubier
MacAulay	Murphy
O'Reilly	Sauvageau
Tremblay (Rimouski—Témiscouata)	Venne
Young	

The Speaker: I declare the amendment to the amendment defeated.

The next question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

Private Members' Business

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

• (1805)

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

(Division No. 294)

YEAS

Members

Ablonczy	Bachand
Beaumier	Bélanger
Bellehumeur	Benoit
Bernier (Mégantic—Compton—Stanstead)	Bethel
Breitkreuz (Yellowhead)	Bridgman
Calder	Cannis
Canuel	Chamberlain
Chrétien (Frontenac)	Cohen
Crête	Culbert
Cullen	Cummins
de Savoye	Debien
Deshaies	Duceppe
Duncan	Easter
Epp	Forseth
Gagnon (Québec)	Galloway
Gauthier	Godin
Gouk	Graham
Grubel	Guarnieri
Guimond	Hanger
Hanrahan	Harb
Harris	Hayes
Hermanson	Hubbard
Ianno	Iftody
Jacob	Jennings
Johnston	Karygiannis
Kerpan	Knutson
Kraft Sloan	Landry
Langlois	Lastewka
Laurin	Lee
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Lincoln	Marchand
Mayfield	McCormick
McKinnon	McTeague
Ménard	Meredith
Mitchell	Nunez
O'Brien (Labrador)	Paré
Penson	Peric
Plamondon	Pomerleau
Ramsay	Reed
Regan	Ringma
Rocheleau	Schmidt
Scott (Fredericton—York—Sunbury)	Scott (Skeena)
Shepherd	Silye
Solberg	Speaker
Steckle	Stinson
Strahl	Szabo
Telegdi	Terrana
Torsney	Tremblay (Lac-Saint-Jean)
Wappel	White (North Vancouver)
Williams—99	

Private Members' Business

NAYS

Members

Adams	Alcock
Anderson	Augustine
Baker	Barnes
Bélair	Bellemare
Blondin-Andrew	Bodnar
Brown (Oakville—Milton)	Chan
Clancy	Collins
Cowling	DeVillers
Dhaliwal	Discepolo
Finlay	Flis
Fry	Godfrey
Kilger (Stormont—Dundas)	Kirkby
Loney	MacLellan (Cape/Cap-Breton—The Sydneys)
Manley	Marleau
McLellan (Edmonton Northwest/Nord-Ouest)	Murray
Pagtakhan	Patry
Phinney	Pickard (Essex—Kent)
Pillitteri	Richardson
Rideout	Robichaud
Robillard	Sheridan
St. Denis	Stewart (Northumberland)
Thalheimer	Vanclief
Volpe	Wells
Whelan	Zed—48

PAIRED MEMBERS

Asselin	Axworthy (Winnipeg South Centre/Sud-Centre)
Bergeron	Bonin
Brien	Caccia
Cauchon	Dalphond-Guiral
Daviault	Dubé
Dumas	Dupuy
Fewchuk	Fillion
Finestone	Gaffney
Gagliano	Harvard
Hopkins	Lalonde
Lefebvre	Loubier
MacAulay	Murphy
O'Reilly	Sauvageau
Tremblay (Rimouski—Témiscouata)	Venne
Young	

The Speaker: I declare the amendment carried.

The next question is on the main motion as amended. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

Some hon. members: On division.

The Speaker: Carried on division.

It being 6.10 p.m., the House will now proceed to the consideration of Private Member's Business as listed on today's Order Paper.

PRIVATE MEMBER'S BUSINESS

[English]

CRIMINAL CODE

Mr. Paul Forseth (New Westminster—Burnaby, Ref.) moved that Bill C-247, an act to amend the Criminal Code (trespass) be read the second time and referred to a committee.

He said: Mr. Speaker, it is definitely a privilege to begin the debate on my private member's Bill C-247 dealing with amending the Criminal Code with respect to trespassing. This is a time when the average Canadian gets to speak, for my measure comes from them.

In my three and a half years as a member of Parliament I have had only two bills drawn for debate. Unfortunately this is the way the old system works. I think every member will agree with me that it is difficult to bring a concern from the riding and change a statute based on that concern.

As the member for New Westminster—Burnaby, I have done much to bring concerns forward in order to make a difference in our community. After all, this is a large part of the job. Canadians count on each and every one of us to be fully accountable to their concerns. There is no question that Reform has been the most significant party that truly puts the constituent first. And while Reformers may be able to pat themselves on the back for this achievement, it is also sad to see in contrast how many Liberal and NDP MPs have treated their constituents.

In British Columbia the issue which seems to be on everyone's mind is criminal justice. British Columbians are completely fed up with the many loopholes in our statutes and what they provide.

Last month thousands protested in Vancouver when Clifford Olson issued a notice that he would seek parole through a section 745 hearing, probably one of the most significant loopholes in the Criminal Code. The Minister of Justice and local Vancouver Liberal MPs sloughed it off by saying "do not worry, Olson will not get paroled".

It is impossible for these bleeding heart Liberals to say he will not get out on parole because statistics clearly show that the accused usually has an excellent chance of being released early. The issue here is the symbolism of that offender. The symbolism that this offender can mock a community through our justice system is unacceptable.

Private Members' Business

Reformers are not going to give up the fight on section 745 and we are definitely not going to give up the fight in trying to cure the loophole disease, as I call it, that is plaguing the way justice is administered in this country.

I mentioned at the outset that I have had two private member's bills drawn in this Parliament. The other bill was Bill C-323 which dealt with amending the Bankruptcy and Insolvency Act.

Approximately two years ago a constituent approached me with a concern that a loophole in the Bankruptcy and Insolvency Act was enabling violent offenders to be released from their commitment to pay civil court judgments. It was a loophole that was causing innocent victims unnecessary suffering.

Last year I saw an article in the *Vancouver Province* about a woman who was awarded \$200,000 in damages for sexual abuse by her stepfather. Her stepfather was ordered after a civil court trial to make payments of \$500 a month. According to the article, he made one full payment of \$500, four payments of \$100 and then filed for bankruptcy. He got off. It was easy. That was the end of it.

It was clear from my research and from speaking with constituents that a simple amendment to the Bankruptcy and Insolvency Act would eliminate the possibility for a person to use personal bankruptcy to escape from any owed damages awarded in civil court.

If we look at the way the Bankruptcy and Insolvency Act reads, a bankrupt person cannot be relieved of paying, for example, any traffic fines, alimony or child maintenance payments, yet they can be relieved of paying damages for something like sexual assault, a great inconsistency. I found it amazing that no government had ever changed such a very simple clause.

After I introduced Bill C-323, the Minister of Industry introduced Bill C-5 which amended the section that my bill did. However, their amendment was fairly weak in content. What ensued were negotiations to have my private member's bill included in Bill C-5, which is now close to receiving royal assent.

The exercise proved not only that an individual MP can have a direct influence on how legislation is drafted, but it proved that MPs should be open to all concerns and suggestions brought forward to them by their constituents. In this rare instance the government listened and I also found a sympathetic minister.

That brings me to the discussion surrounding Bill C-247, what we are debating today. In coming up with my bankruptcy and insolvency bill one constituent contacted me to get me going down the road of investigation.

Now on the issue of trespassing I have received numerous complaints from police officers, regular patrons of shopping malls and public library workers. The complaint was the sheer frustration

that persons are trespassing on property, causing a public disturbance and destroying a sense of community and livability for children and yet are unable to be removed for any significant amount of time.

• (1815)

We all know malls are popular places for youth to hang out. If members have teenage sons or daughters as I do, they will know that one of their favourite congregation points is the mall, usually the food court. Perhaps it is because there is food around or perhaps it is because there are tables to lounge on and places to sit.

The security personnel in the malls consistently have a difficult time in maintaining civility and the chief reason is that they have little if any authoritative jurisdiction. If the security staff of a mall is forced to remove a problem person, that individual can simply re-enter the mall within minutes and start the whole scenario all over again.

There is no place in the Criminal Code that states that the trespasser must stay off the property for any amount of time. The only way the person can be charged is by resisting removal from the property. Therefore, if the person never resists, the act could continue over and over, which in some cases it does as a specific plan.

Federal government officials too often forget that teenagers are extremely street smart. I served on the House Standing Committee on Justice and Legal Affairs when we dealt with the Young Offenders Act. A witness wanted me to believe that most young offenders have no idea of the penalties they will receive if they commit a certain crime. At the time Reformers were calling for the YOA to be strengthened in order to deter young offenders from committing crime. Offenders seem all too aware of how soft the system is.

Before I became a member of Parliament I served as a court officer in the attorney general's ministry in British Columbia. I spent a great amount of time dealing on a one to one basis with young offenders. After a while one understands very clearly what they are thinking. Many offenders know exactly what they are doing when they calculate committing an offence. Many know exactly how to beat the system. If there is a loophole in the system a teenager will find it, and the word quickly travels the streets.

For the past three and a half years, Reformers have been attempting to amend the justice system by closing these loopholes one loophole at a time. I recently went on the Internet to see what I could find if I typed in the words "trespassing in Canada". Several items came up and most were of no use. One site did appear in the search, a CBC site for the television show "Street Cents," a show geared toward teenagers interested in consumer-based issues. The title of the site was "How does the law affect you in common, legal

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situations, if arrested, kicked out of a mall, asked for ID or if someone is threatening to search a locker”.

Whoever was doing the research for this question interviewed the Public Legal Education Society of Nova Scotia, the Nova Scotia Human Rights Commission and a Halifax lawyer. This is what was said at this site about trespassing in a mall or hangin' at the mall: “Provincial laws like the Protection of Property Act give mall owners and store owners the power to post signs like no loitering or only two persons at a time allowed in the store. The signs are a restriction on people's freedom of movement as defined by the charter of rights, but so far the charter's rules only apply to the federal government and federal institutions like the CBC.

“The Protection of Property Act gives property owners the power to control how their property may be used so long as they publicly post these conditions. No smoking rules are an example of how this power may be used.

“Provincial health and safety laws are responsible for a bunch of other sign restrictions like no bare feet, no pets you often see in malls. If you break any of these rules posted on signs it means mall security can simply usher you out of the mall and they don't need to give a reason. You're ushered and you're toast. It's a powerful statute.

“Some malls do not post signs forbidding loitering so hangin' out indefinitely may be just fine where you live, it depends. However, most provincial protection property laws, the dreaded P of P, do empower mall security to move on or forcibly remove persons who are in a mall and causing a disturbance. In the province of Nova Scotia the guard can even ban you from the mall or store from which you've been hurled for up to six months. It has happened. If you break the ban police can be called and you can be charged with trespassing. Heavy.

“In the case of young people swearing or physical horseplay, wrestling or hackie sac might be interpreted by some as causing a disturbance. There is a range of behaviour by individuals malls will tolerate. When it is groups of teens the range seems to narrow down. Some malls might even argue a large group of exuberant young people cause a disturbance to other customers or merchants just by their very presence. This is an area of common misunderstanding”.

Every province seems to have a different way of dealing with trespassers. In British Columbia the trespassing laws are weak. Something has to be done with this most serious issue. With the provinces doing very little to remedy this situation, something should be done to amend the Criminal Code to provide a reasonable national standard of peace and order.

The amendments I have made in Bill C-247 would strengthen section 41 of the Criminal Code. Subsection 41(1) states:

Every one who is in peaceable possession of a dwelling-house or real property, and every one lawfully assisting him or acting under his authority, is justified in using force to prevent any person from trespassing on the dwelling-house or real property, or to remove a trespasser therefrom, if he uses no more force than is necessary.

• (1820)

That is the law the way it is now.

I am proposing an amendment to section 41 of the Criminal Code, making it a mere summary conviction for a person who has already been lawfully removed from real property or a dwelling house not to be able to lawfully return for 24 hours. The reason for the 24 hours is to provide adequate time for the person to cool off. It is amazing how attitudes change in 24 hours.

Perhaps I could put my proposed legislation into a hypothetical situation. A teenager is removed from a shopping mall for offensive, rude, loud conduct. The teenager must then stay out of that shopping mall for a total of 24 hours. If that teenager decides to re-enter the mall within that 24 hours, he or she can be charged with trespassing on entrance and may be guilty of an offence punishable on summary conviction. They would be issued a ticket, a summons to appear in court.

Additionally, as the section in the Criminal Code deals with a dwelling house, my amendment also deals with it. As a family court counsellor I was often made aware of domestic situations wherein disrupting behaviour which disturbed the peace for children in the household was a problematic situation.

For example, sometimes police are called to a residence to assist in the removal of a drunk, unwanted, former boyfriend of a young mother. Perhaps in this situation the matter is dealt with successfully by the officer on the scene, assisting in the removal of the person from the dwelling house. Subsequently, at the curb, the policeman may decide to release the individual, being that the temporary co-operation of the person appeared to have solved the situation. However, the offender may return some time later after having consumed more alcohol and start the process all over again.

In this case the perpetrator could temporarily co-operate in view of the officer. However, an hour later he might reappear at the door and start conversations or hassle again and again.

Legally the second or third appearance on the property is a separate event which would have to be dealt with by an attending officer as a legal, separate incident on a new complaint being made. My bill would solve that special set of circumstances and perhaps bring much peace into estranged domestic situations where restraining orders or no contact orders are not available or not workable.

General community order would more likely be provided if the perpetrator knew that he or she could be charged summarily if he or she reappeared on the property with 24 hours of being lawfully removed. The deterrent effect would be great and would likely

result in more non-justice system solutions with voluntary co-operation.

My amendment makes common sense, but of course I do not expect to get much help on that score from the House when the committee did not make my bill votable. I spoke yesterday, albeit briefly, on the general reputation of the government on the administration of justice. It just does not represent mainstream Canadian values on protecting the public.

I know that in this Parliament my bill will not see the light of day past this one hour. However, I hope that my Criminal Code amendment will be drawn to the attention of government lawyers in the Department of Justice whose jobs it is to make the criminal justice system more loophole free. I have personally drawn my private member's bill to the attention of the justice minister and so far I have had no response.

The bill is straightforward common sense. Its practical consequence is prevention at the street level, rather than enlarging the net. I hope this reasonable measure will find support in the House.

With the unanimous consent of the House, I would now like to move a motion. I move:

That my private member's bill be made a votable item.

Will the House accept my motion?

The Acting Speaker (Mr. Milliken): Does the hon. member have unanimous consent to propose the motion?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to speak to Bill C-247, an act to amend the Criminal Code with respect to trespass.

The bill proposes to amend section 41 of the Criminal Code by adding a new subsection (3), which would carry a summary conviction offence in the case of subsequent trespass.

• (1825)

The bill would therefore create a specific offence that would apply whenever a person trespasses on any property after having already been lawfully asked to leave or prevented from entering less than 24 hours before. This subsequent trespass would occur with respect to residential property or any other kind of property.

I believe the hon. member for New Westminster—Burnaby is trying with this bill to stem a problem that occurs in his constituency and which may be taking place in a number of urban areas across the country. The problem is essentially one of people, particularly

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young persons, who may hang out at shopping centres and at times to some degree make a nuisance of themselves. These young people are often asked to leave by a security guard or a shop owner but they keep coming back, sometimes day after day.

I agree with the hon. member that sometimes such behaviour can be annoying. However, I have problems with the remedies proposed by the hon. member. I believe that the proposed remedy is not in line with the principles that govern the current trespass provisions in the Criminal Code.

Section 41 of the Criminal Code provides that a person who is in peaceable possession of a dwelling house or real property is justified in using reasonable force to prevent a person from trespassing on the property or to remove the person from the property. Trespassing itself does not constitute a criminal offence. A criminal offence would be committed only if there were physical resistance of one sort or another to the removal that could be considered an assault.

Under the current law no offence is committed when one leaves a place without resistance when asked to do so. The change that the hon. member is proposing is to make it an offence to return after one has been asked to leave once and has left the place peacefully.

My first comment is that the bill appears to create a somewhat odd situation. The oddity would come from the face of the bill that makes it an offence to trespass in a certain place when one does it for the second or subsequent time but when the same act done for the first time is not an offence. I find that a little odd.

Another concern is that the bill would make it an offence to trespass on not only private property but even in a public place. The bill would apply not only to persons doing subsequent trespassing on a dwelling house but also to persons doing subsequent trespassing on any real property, including places considered generally open to the public.

There are some instances where trespassing is a criminal offence under the Criminal Code provisions. For instance, trespassing at night is an offence. Section 177 of the Criminal Code makes it an offence to loiter or prowl at night on the property of another person near a dwelling house situated on that property. Trespassing at night is an offence punishable by summary conviction.

Clearly there is a big difference between trespassing at night, which has sinister connotations, and the kind of trespassing that Bill C-237 is aiming at.

While I agree that teenagers hanging out at the mall can annoy some shop owners and clients, this behaviour does not in general have a sinister characteristic that trespassing at night could have. The behaviour considered in Bill C-237 is nowhere near as serious

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as what is considered to constitute a trespassing offence under the Criminal Code.

What we are talking about here is more like what is referred in common parlance as loitering. I would like to point out that loitering in a public place and obstructing persons who are in that place is already a summary conviction under section 175(1)(c) of the Criminal Code. A person or group of persons hanging out at a shopping centre may fall within the ambit of 175(1)(c) if they obstruct persons such as shoppers or shopkeepers who are in that place.

I believe that the offence of loitering in section 175(1)(c) would make sense precisely because of the conduct of obstruction, that which causes inconvenience or harm to other people. However, young people who simply hang out at their local shopping mall are not causing any obstruction and are not committing any actual misconduct, nor are they doing any direct physical harm to anyone.

• (1830)

Creating a Criminal Code provision aimed at alleviating this type of situation is like swatting a fly with the proverbial sledge hammer. The hon. member indicated that in many areas these situations can be remedied by either municipal bylaws or provincial law. It seems a long stretch to use the most severe legislative sanction that can be drawn, that is the Criminal Code, the criminal law of the land.

The hon. member wants to make it an offence just to be in a place that is not necessarily a private residential property or some place of a private nature. He wants to make it an offence to be in a public place such as a local shopping mall. I am concerned about the potential for abuse by the owners or tenants of these public places and perhaps by security guards or law enforcement authorities.

I strongly believe it is not appropriate to create a Criminal Code offence that would criminalize acts that can be seen as trivial in comparison with what is normally the domain of the code, more so since these acts often involve young people.

In addition, I do not believe it is necessary since there are already provisions in the Criminal Code that would allow authorities to deal with cases that do constitute a nuisance. As I indicated previously, when serious actual acts which harm or could harm either shopkeepers or clients to public places are taking place, the Criminal Code already has sanction for these more serious activities.

I cannot support the bill because the type of problem the bill is dealing with is not the type of problem that would appropriately be dealt with in the Criminal Code. This is a type of problem, as I indicated, that could very easily be dealt with by municipal bylaws and provincial statutes and regulations.

Unless we are dealing with serious matters we should allow our provincial municipal authorities, those closer to the scene of the problem, to make legislation that fits in their circumstances.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is always a pleasure to speak to a bill introduced by a member who has taken the time to move amendments to the Criminal Code. The bill clearly reflects the concern of the hon. member for a problem he has encountered in his riding or a problem experienced by his constituents.

However, I will say right away that I cannot support this bill. I cannot support the bill introduced by the hon. member of the Reform Party, and I will explain why, very briefly.

First of all, I will quote the text of this amendment to section 41 of the Criminal Code:

Every person is guilty of an offence punishable on summary conviction,

This indicates right away the intent to criminalize a certain activity.

who (a) trespasses on a dwelling house or real property; and (b) has, within the previous twenty-four hours, been lawfully removed from, or prevented from entering, that dwelling-house or real property.

This section might have two different applications. We have to look at the context. The hon. member on the government side gave a good example, the one about young people loitering in a shopping mall or on the sidewalk, and the owner of the mall or the merchants want them to leave. There is also the somewhat more serious case of quarrels between neighbours or members of the same group, when the court is asked, because such procedures exist in the Criminal Code, to prohibit this man or this woman from entering certain premises. In such cases, the judge will make the following order: he will prohibit a person, because he had previously uttered threats or been otherwise troublesome, from being on the other person's property.

• (1835)

The Criminal Code already contains provisions to deal with any breach of such orders. This aspect that may be affected by this amendment is already covered by the Criminal Code. So something else would be added, since when an order is breached, the person is brought before the court and then has to suffer the consequences of his actions.

In the other case, someone mentioned earlier the example of loitering in commercial buildings or even in front of a private residence or elsewhere. I think I agree with the government on that

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score. This kind of behaviour should not be criminalized, and as a member of the Bloc, I think we should look at the broader context. I think it is more a municipal problem than anything else. It is a problem that local authorities, in other words, municipal councillors and mayors of municipalities, can deal with by passing appropriate bylaws on loitering.

As far as I know, many municipalities in Quebec and across Canada have already passed bylaws in their municipalities to prevent young people from making a nuisance of themselves one way or another in public places or in front of private residences.

My point is that the hon. member was probably well intentioned when he decided to propose this amendment to the Criminal Code, but an amendment has to add something new, it has to fill a void. At the present time, I think that our municipal bylaws, the Criminal Code and other appropriate legislation already deal with this problem and that it is unnecessary to amend the Criminal Code by adding an additional paragraph as proposed by the member of the Reform Party.

This is why we in the Bloc Quebecois are not in favour of Bill C-247.

[*English*]

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I would like to add a few words of what I hope will be considered common sense to the debate. The bill which my hon. colleague has put forward has a lot of common sense at a very elementary level.

The bill simply deals with refusing to allow a person re-entry who has been already illegally evicted from a premise. Let us stop to think about it from a very practical point of view. There is not a merchant in the country who will kick his customers out if the customers are good for business. It also makes a lot of sense to consider if he or she is encountering interference by people on the premises who are preventing other people from coming in or even making them uncomfortable because of their antics. If there is adequate reason to remove that person lawfully, which is the first part of the bill, why should there not also be a simple provision that says the person may not come back? Perhaps 24 hours is not enough.

That is what the motion is stating. A person can be kicked out of a place, walk right back in, do the same thing, be kicked back out, come back in, do the same thing and on it goes. There is no remedy to that situation. It can be repeated over and over.

My hon. colleague is simply saying that we should give that individual a chance to stop and think about it and give the involved security people or the police staff the opportunity to say to the person: "You are out of here for 24 hours. Stop to think about what you are doing. Maybe you will correct yourself".

• (1840)

At the time of the initial eviction, especially with young people, very often there is a little element of peer pressure. They just want to prove a point and maybe have a bit of fun. That would break this up and solve the problem. We in the Reform Party are very interested in preserving the rights of law-abiding citizens.

In this instance we are taking people who are pushing to the limit the rights and the privileges of others. We are saying that for a short time their right to enter the premise will be suspended. It is just a very gentle way of correcting them instead of digging them into a big hole.

There is always the debate on whether this is a provincial matter. We have heard that a lot this week in the debates on justice issues. I suppose one could argue that almost everything is provincial in the sense that almost everything is given in the Criminal Code to the provinces to administer. There is a national Criminal Code, the Criminal Code of Canada. Within that code are these articles of trespass and other provisions. Why not strengthen it so that it could be made to work more smoothly?

One of the last things I would like to see happen is our security people or those working on police forces wasting their time frivolously putting people out and allowing them back in because they have to under the present provisions without there being a remedy.

Now it is suggested that every municipality could have a regulation in this regard. Why should we ask the thousands of municipalities to deal with the issue and to include it in their own provisions? That would result in a lack of uniformity and an inefficiency in terms of the use of legislators' time when we could have a national law in the form of a change to our national provisions which would solve the problem?

In conclusion, it is unfortunate the way this place works. The member from the Bloc who spoke said: "I and the members of my party will not be supporting this provision". In other words he is the justice critic. He comes in here. He looks at it and says: "That is the end of it. Our guys will not be supporting it".

The parliamentary secretary already made the decision on behalf of the Liberal Party. This is a private member's bill. Of course we have free votes. Instead of a carte blanche that says we will not support it and thereby have everybody jump into line, perhaps it would be better if the leaders in their respective caucuses would challenge their people to think about the matter and to make their decision individually.

They should talk to the people in their ridings as my hon. colleague has done. His motion is a direct result of representations to him by people involved in these kinds of things. He has talked to the police who actually have a suboffice in the shopping mall. They have a problem where their time is being wasted by having to repeatedly put people out. They have no legal provision to tell them not to come back.

Adjournment Debate

That is all that is being asked here. It makes a great deal of common sense. As I said in the beginning, it is perhaps a little too elementary for members opposite to realize, but I plead with them to consider the matter carefully. Let us allow the legislative process and the Liberal red book commitment to more free votes to apply. Let us deal with the issue rather than simply have one person say: "We will not support it because it is a Reform motion" or for whatever other reason.

I am thankful for the opportunity to participate. I hope I have added value to the debate this evening.

The Acting Speaker (Mr. Milliken): There being no further members rising for debate and the motion not being designated as a votable item, the time provided for the consideration of Private Member's Business has now expired and the order is dropped from the Order Paper.

ADJOURNMENT PROCEEDINGS

[Translation]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

IMMIGRATION

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, last February 11, I asked the Minister of Citizenship and Immigration a question about unacceptable delays in processing files at the IRB.

• (1845)

When the Liberals were in opposition, they often criticized these delays. Now, they are in power and the problem has become worse. Right now, there are over 30,000 files awaiting a hearing or a decision, over half of them in Montreal. Even the IRB thinks there should be no more than 15,000 files to process at any given time. On average, refugee status claimants must wait 15 months for a decision, and often two, three or four years.

These delays are extremely costly for the federal government, to which the IRB reports, and for the provinces, which must pay the cost of welfare, and of health and other social services. These delays also have serious consequences for an individual seeking asylum, who lives in uncertainty and alone, separated from his family. Only if there is a decision in his favour can a refugee bring his wife and children over.

When I asked my question, I also denounced the government's systematic patronage in its appointment of IRB commissioners. During the election campaign we will be criticizing the government for adopting the same patronage practices that it itself denounced in the past.

Amnesty International recently criticized the Canadian government for being more or less indifferent to the fate of refugees and for imposing new restrictions on their entry. Last March, this organization launched a campaign in Montreal in support of refugees that is being held simultaneously in all countries in which Amnesty International is present.

Only 10 per cent of refugees have access to industrialized countries. Only those who can afford the trip, by plane or ship, are able to take refuge in the West.

It should be pointed out that relatively few people seek asylum here. Canada ranks 17th in absolute terms and 46th, if the number of refugees is compared to the GNP. In addition, Canada is the only country in the world to charge refugees and their dependants a settlement tax of \$1,475 per adult and \$100 per child.

Last April 3 in Montreal, I met with a group of leaders from Quebec's Zairian community headed by Tshibuy Mulay Dyany, a constituent in my riding. The group included a number of people seeking asylum who complained about the IRB's lengthy delays. They thanked the Bloc Quebecois and particularly the critic for citizenship and immigration for their efforts to help Zairian refugees.

Today, we learn that there is widespread chaos in this country with the advance of Kabila's troops. I think that the dictator Mobutu should step down and leave the country immediately in order to facilitate a peaceful return to democracy. For 35 years now, the Mobutu regime has systematically violated the most elementary human rights.

At my nomination meeting last Sunday, which was attended by Gilles Duceppe, Bernard Landry, Henri Massé, Bernard Daoust, a number of MPs and MNAs and 300 Montrealers, I appealed to the Government of Canada to come to the assistance of tens of thousands of Zairian refugees. Many are dying there daily through illness or starvation. Today, I repeat this request to the government to be sensitive to the needs of Zairian refugees.

[English]

Ms. Maria Minna (Parliamentary Secretary to Minister of Citizenship and Immigration Lib.): Mr. Speaker, as the hon. member knows, the daily management of Canada's refugee status determination system is the responsibility of the chairperson of the immigration and refugee board.

It seems to me the hon. member is suggesting that we rush cases through in order to do away with this backlog. This is a reckless and irresponsible suggestion. There needs to be proper attention given to each and every case.

Every aspect of the board's work touches on the lives and liberties of the people who appear before it. We need to take the time required to ensure that people receive a fair and equitable hearing. Often people's safety and security depend on it.

Adjournment Debate

This does not mean to say that the government is not dealing with this backlog. Measures have been taken to address the increase in workload and to improve the board's efficiency and speed. Both the IRB and citizenship and immigration have been working hard to improve the system.

Last December, for example, the Department of Citizenship and Immigration signed an administrative framework agreement with the board. This agreement is designed to increase co-operation and information sharing, which should assist greatly in the process. It also commits the two bodies to find ways to introduce and share advanced technologies which will enhance operational efficiency.

Bill C-49 is another example. The bill is currently before Parliament and contains two provisions which will reduce the

refugee division panel from two members to one. This legislative change will improve the efficiency of the IRB while reducing the processing time required to identify refugees needing our protection.

There is a great deal being done. I appeal to hon. members of the House to support this bill. Its swift passage will help alleviate the backlog.

[*Translation*]

The Acting Speaker (Mr. Milliken): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.50 p.m.)

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