CANADA

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OFFICIAL REPORT
(HANSARD)

Tuesday, June 4, 1996

Speaker: The Honourable Gilbert Parent

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Tuesday, June 4, 1996

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

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 11 petitions.

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CHINA

Hon. Raymond Chan (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, I rise today on the occasion of the seventh anniversary of the tragic events of 1989 in Tiananmen Square to present to the House an update of the government's continuing efforts to engage Chinese leaders on these issues.

Our long term relations with China are based on interlocking pillars: economic partnership, peace and security, sustainable development, human rights, good governance and the rule of law. With regard to economic partnership, systematic and wide ranging contact leads to calls for greater openness and freedom. Trade reduces isolationism. Trade also expands the scope of international law and generates the growth required to sustain social change and development. A society that depends little on trade and international investment is not open to the inflow of ideas and values.

My recent meetings with regional leaders in China reviewed a sensitivity to the need for rule of law and a clear, fair, transparent, legal and regulatory framework. While there was a recognition that China had a long way to go, there was also serious intent.

Respect for human rights and the rule of law in China are essential Canadian objectives. On the bilateral front, Canada is developing a constructive dialogue on human rights issues. Recently bilateral dialogue at the official level was held in Beijing and we are assisting China in reform of its legal and judicial structures.

Multilaterally we expressed concern about violations of human rights and fundamental freedoms in China. Canada uses every opportunity to discuss our concerns with the Chinese government.

Good governance and the rule of law were major themes of the recent visit to Canada of the Chairman of the Standing Committee of the National People's Congress, Qiao Shi. Mr. Qiao and his delegation met many of the people embodying the rule of law in Canada and held in depth discussions with them.

The Chinese delegation was quite interested in the workings of Canada's Parliament and legal systems. It is our hope we can build on this to assist China in creating an environment that is more respectful to the rule of law.

My recent trade mission to China was also an excellent example of our government's approach toward China. While I helped Canadian firms meet face to face with key decision makers in booming regional markets, I also used this trip to raise human rights issues with Chinese officials in Beijing.

For the first time we received assurance from Chinese officials that the 100,000 Canadians in Hong Kong can remain permanent residents there after 1997 and continue to receive Canadian consular protection.

I also told Chinese officials that China's plans to install a temporary legislative counsel in Hong Kong is damaging the competence of the Hong Kong people as well as the international community.

In meetings with foreign affairs minister Qian Qichen, I pressed the issue of human rights and the treatment of dissidents in China. I also met with the sister of imprisoned dissident Wei Jing Shang to discuss this case while she was in Canada.

As I pointed out to the Chinese authorities on my recent trip, I agree there have been significant human rights improvements in the everyday lives of ordinary Chinese since 1989. Individuals now have a greater freedom of mobility within China. Food rationing has disappeared and people can seek their own employment.

However, this does not excuse the fact that human rights leaders and pro democracy activists continue to receive swift and harsh punishment. Let me point out today that I disagree with those who

argue democracy is not appropriate in Asia because it is alien to Asian values such as Confucianism.

The ruling class always elaborates this in its own self-interest. It manipulates Confucianism to support its own cause. As far as I am concerned, democracy and freedom of thought are well entrenched in Confucian thought.

We will continue to point out to the Chinese government through both bilateral and multilateral channels that it still does not meet the basic requirements necessary to protect human rights.

At the same time, we will continue assisting the Chinese in specific areas such as trade, regional security and improved bilateral projects to help create an environment in China that in the end respects basic human rights.

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I am pleased to speak this morning on behalf of the Bloc Quebecois to mark this 7th anniversary of the Tiananmen Square massacre on June 4, 1989, when thousands of students fell victim to the brutal repression of the Chinese regime, which savagely put down their democratic movement.

• (1010)

As I said yesterday in this House, this great democratic movement had raised a great deal of hope, and yet today we are compelled to note that the situation in China is far from improved. Thousands of Chinese are still victims of repression and their rights are constantly being trampled.

I was somewhat amazed to hear the Secretary of State for Asia and the Pacific's review of the so-called efforts of his government to bring the Chinese leaders to respect human rights. We need only recall the Prime Minister of Canada's response here in this very House on March 22, 1994, when the Leader of the Opposition, Mr. Bouchard, asked him to act to protect human rights in China. The Prime Minister replied: ''If I told the President of China, who represents 1.2 billion people, that the Prime Minister of Canada was telling him what to do, he would laugh in my face''. So much for what the leader of the Government of Canada thinks of the importance of human rights.

What the secretary of state has said is barely credible, and the government's position is no more so, when it comes to the pillars upon which Canada's long term relationship with China rests, the fourth in particular: human rights, good governance and the rule of law. Quite a pillar. How could such a close link be made between good governance and the promotion of human rights? That takes some doing.

In his statement on June 9, 1994 here in this House, the secretary of state reserved his fourth pillar for human rights and the rule of law. In 1996, he is adding good governance. What will be added in 1997, I wonder. Concretely, all that the secretary of state sees fit to say is that, bilaterally, Canada is continuing a constructive dialogue on the question of human rights, while on the multilateral level, it is voicing its concerns. Quite an agenda, that.

Even more surprising in the statement by the secretary of state is what he said after reporting that he raised the question of human rights with Chinese officials. He said that Chinese officials, we are not sure which ones exactly, apparently gave assurances for the first time it seems that the 100,000 Canadian nationals in Hong Kong will retain their right to permanent residence following the hand over in 1997.

As late as yesterday, one of the Hong Kong papers mentioned a plan for the evacuation of Canadian nationals in the event of a crisis. It provided for their removal by air and by sea. I was also surprised to hear the secretary of state say that human rights had substantially, and nothing less than substantially, improved in the daily life of the Chinese since 1989. I do not know where the secretary of state's information comes from, but I would question it.

Amnesty International's official reports paint a very different picture. Perhaps the secretary of state is prepared to contest their validity. From them we learn instead that hundreds of political dissidents and members of certain religious and ethnic groups are victims of arbitrary arrests and that many of them, including prisoners of conscience, are being held without charge or sentence or are condemned to prison terms at the end of unfair trials.

Thousands of political prisoners and prisoners of conscience arrested a number of years ago remain incarcerated. Torture and poor treatment of prisoners are commonplace. At least 2,496 death sentences and 1,791 executions have been reported. This is a very brief summary of the situation in China in 1995, according to Amnesty International.

I will close on an equally sombre note, in my opinion. The government's petty approach, a break with longstanding tradition, considerably undermines Canada's credibility abroad in promoting respect for human rights. Practically no country anymore gives any credibility to the words of the present government on this matter. The best example I have of this may be found in the treatment recently given Tran Trieu Quan by the Vietnamese government. He now has his feet chained every day from 3 p.m. until the following morning.

• (1015)

All the Canadian government could muster in this matter was a slightly more strongly worded letter, according to a spokesperson for foreign affairs. This is shameful. The only real human rights spokesperson internationally is Craig Kielburger, a young man 14

years of age from Toronto, who condemns the bad treatment given a number of different groups in the world.

We therefore take this opportunity today to condemn the Canadian government whose foreign affairs practices are dictated by a human rights policy that is soft, insignificant and likely to precipitate human rights violations.

[*English*]

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, it is very appropriate that we take today, the seventh anniversary of the Tiananmen massacre, to remember those who died and to speak out in support of democracy and human rights.

The tragedy in Beijing that day was a black mark on human history. Peaceful protest for greater political freedom and democracy is a right that must transcend all borders and all cultures. That is why Canada must promote these values throughout the world.

The kind of tragedy that occurred in Beijing unfortunately is not isolated to China alone. Therefore, promoting democratic principles throughout the world and reforming developing world legal institutions should be a priority area for Canadian foreign policy. By concentrating on these two areas we can help to increase political freedom and reduce the level of serious human rights abuses.

To achieve this goal we would like to see the government take a two-pronged approach. On the one hand, Canada should support using our aid programs to promote the strengthening of democratic and legal institutions in the developing world. This would include things such as monitoring elections to make sure they are free and fair, providing legal expertise to reform the court systems and providing training for police so that they will serve and protect rather than intimidate and bully their populations. Of course this may not be relevant to our relations with China, but certainly there are countries where we could have real influence. It is our hope that through this type of policy we can help the people in the developing world to establish democratic and legal institutions which ordinary people trust.

The other approach we suggest is to support international NGOs and the private sector in developing countries to build up civil society as a vehicle to improve human rights and democracy. As social and business groups emerge as legitimate political forces in developing countries, they will be able to assert themselves and work against corruption and government abuse.

In the case of China it is vitally important that the Canadian government take a strong and constructive stand in support of human rights and democratic development. While we may be unable to get dramatic changes overnight, it is essential that we build for the future to ensure that the events of Tiananmen may never be repeated.

I urge the government to do everything possible to contribute to the improvement of human rights in China and in the rest of the world, and to maintain open and frank discussions with the Chinese authorities when abuses take place. If we can build a better, more democratic future for China, then we will honour those who died in Tiananmen seven years ago. That should be our goal. We must not fail for the sake of our children.

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INTERPARLIAMENTARY DELEGATIONS

Hon. Sheila Finestone (Mount Royal, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian group of the Interparliamentary Union which represented Canada at the 95th Interparliamentary Conference held in Istanbul, Turkey from April 13 to 21.

• (1020)

May I commend this report to members of the House for their information on a number of important issues being dealt with right here in Canada. In particular are the key roles we played in setting the directions for resolutions on the conservation of world fish stocks, on the move to a worldwide ban on land mines, on fighting the scourge of international terrorism and on the internal and external rights of minorities which have been so well addressed by all three parties this morning on the occasion of the memory of Tiananmen Square. I encourage those who are interested to read it.

* * *

CRIMINAL CODE

Mr. Chris Axworthy (Saskatoon—Clark's Crossing, NDP) moved for leave to introduce Bill C-295, an act to amend the Criminal Code (dangerous offenders).

He said: Mr. Speaker, this bill extends the category of dangerous offenders to include child sexual offenders. Indeed it requires the courts, rather than giving them the discretion, to find a person a dangerous offender in the event that the offender fails to show any ability to control his impulses and refuses to participate in programs which might assist him and the safety of the public.

It is part of a general strategy which I think we all support to put our children first and to deal with dangerous offenders, in particular child sexual offenders, in a serious and committed way.

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

Routine Proceedings

CORRECTIONS AND CONDITIONAL RELEASE ACT

Mr. John Cannis (Scarborough Centre, Lib.) moved for leave to introduce Bill C-296, an act to amend the Corrections and Conditional Release Act (rehabilitation programs).

He said: Mr. Speaker, this private members' bill will require federal inmates to complete programs that will assist in their rehabilitation and make their parole request contingent upon their successful completion of such programs.

Currently enrolment is voluntary. Inmates know that if they enrol in specific programs they will be looked upon much more favourably at their parole hearings.

Another problem that exists is availability of such programs. There is no consistency in the corrections system. The program may be available at one penitentiary but not at another.

The bill specifically seeks to make changes that would ensure that rehabilitation programs are available where needed, that inmates are counselled as to which programs they need most, and most important, that their parole request is dependent upon their successful completion of such appropriate programs.

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

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[*Translation*]

AN ACT TO REVOKE THE CONVICTION OF LOUIS DAVID RIEL

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ) moved for leave to introduce Bill C-297, an act to revoke the conviction of Louis David Riel.

She said: Mr. Speaker, it has been over 110 years since Riel was hanged following a trial tainted with irregularities. He was sacrificed by the then Prime Minister to the powerful Ontario lobbies. He was hanged because he was a Metis, because he was a francophone and because he stood up for a distinct society.

This is the second time we introduce a bill to that end. It has been introduced before by several other members of this House. Louis Riel is one of the Fathers of Confederation. This must be recognized officially. It is not enough to pardon him posthumously. We must reverse the conviction against him.

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

• (1025)

[*English*]

MEMBERS OF PARLIAMENT TRANSITION ALLOWANCE ACT

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.) moved for leave to introduce Bill C-298, an act to replace the allowance provided by the Members of Parliament Retiring Allowances Act with an allowance funded by members' contributions to assist their transition back to private life.

He said: Mr. Speaker, it is my pleasure today to reintroduce this private members' bill on members of Parliament pensions.

This bill is based on input from my constituents and represents what the average Canadian feels an MP's pension plan should look like. Unlike the current government bill on this issue, my bill would do away with the cash for life plan in favour of a privately controlled RRSP style fund with no contributions from the taxpayer.

My bill would allow MPs to plan ahead for the future or provide them with funds for transition back into private life. This proposal is fair to all MPs and they will all be treated equally. There is none of this trough regular and trough light which we hear many constituents complain about.

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

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CANADIAN HUMAN RIGHTS ACT

Mr. Peter Milliken (Kingston and the Islands, Lib.) moved for leave to introduce Bill C-299, an act to amend the Canadian Human Rights Act.

He said: Mr. Speaker, this bill is very similar to one I introduced in the last Parliament. It introduces a series of amendments to the human rights act recommended by the report of the human rights commissioner in 1989. It has taken some time for some of these recommendations to be acted upon. This is an attempt to speed up the process.

In addition, in light of the most recent change to the human rights act, this bill also amends the human rights code to provide that in carrying out any special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by any group of individuals, when those disadvantages would or could be based on or related to sexual orientation, those will also be covered.

It is a technical amendment that follows on the other. I believe all these amendments will commend themselves to all hon. members.

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

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PETITIONS

OTTAWA CENTRE PETITIONS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I have six different petitions dealing with different subject matters which I would like to table pursuant to section 36.

GASOLINE PRICES

Mr. Chris Axworthy (Saskatoon—Clark's Crossing, NDP): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present some petitions totalling about 530 signatures from people across Saskatoon. They call upon the House of Commons to do something about rising gas prices and to ensure that consumers are not gouged at the gas pumps.

NEWFOUNDLAND EDUCATION SYSTEM

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I have two petitions I would like to present this morning on behalf of my colleague, the member for Medicine Hat.

Unfortunately both petitions are a little late in the agenda of this House. The first one requests that Parliament not amend the Constitution as requested by the Government of Newfoundland and allow the educational reforms to take place within the context of the framework agreement reached in that province.

HUMAN RIGHTS

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, again I am presenting this petition on behalf of the member for Medicine Hat. His constituents pray and request that Parliament not amend the Canadian Human Rights Act and the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the Canadian Human Rights Act to include in the prohibited grounds of discrimination the undefined phrase of sexual orientation.

● (1030)

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the honour to present three petitions.

The first two petitions call on Parliament not to amend any act or code to allow sexual orientation as prohibited grounds for discrimination.

GENERIC DRUGS

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the third petition is from the United Senior Citizens of Ontario Inc.

They draw to the attention of the House and call on Parliament to request the longstanding Canadian practice of marketing generic drugs in a size, shape and colour which is similar to that of its brand name equivalent. They are concerned about the safety of consumers.

NATIONAL UNITY

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, on behalf of over 2,500 citizens of Quebec, many of whom are from Hudson, Pointe-Claire, Baie-d'Urfé and Rigaud, I am pleased to present a petition reaffirming their right to self-determination and requesting that Parliament take the necessary measures to guarantee that their properties and territories will remain within Canadian Confederation and to make Parliament's intention to do so known to the PQ government prior to a unilateral declaration of independence and/or the next referendum on separation.

This is but one-half of a petition with over 5,000 signatures from the citizens of the riding of Vaudreuil.

CRIMINAL CODE

Mr. John O'Reilly (Victoria—Haliburton, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition from people in the beautiful part of Ontario, Coboconk, Fenelon Falls, the Victoria—Haliburton area, calling on Parliament to enact legislation at the earliest opportunity to provide in Canadian law that no criminals profit from committing a crime.

HUMAN RIGHTS

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, I am pleased to present two petitions to the House. The first one has been solicited by the hon. member for Yorkton—Melville in his effort to drum up opposition to government Bill C-33 to amend the human rights act. It is signed by some residents of the Kingston area who have apparently responded to his call for opposition. I am pleased to present this petition.

BILL C-205

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, the second petition deals with Bill C-205 introduced by the hon. member for Scarborough West which bans criminals profiting from their crimes. It is signed by numerous residents of the Kingston area in support of the hon. member for Scarborough West and his bill.

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QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 42, 45 and 46.

[*Text*]

Question No. 42—**Ms. Meredith:**

What was the total cost of the Minister of Citizenship and Immigration's trip to Hong Kong and India in April 1996 and (*a*) who accompanied her on this trip; (*b*) if anyone from outside the Public Service of Canada did accompany her, what are their names and who paid for their expenses and provide details of these expenses; and (*c*) what was the minister's detailed itinerary during this visit?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): The total cost of the Minister of Citizenship and Immigration's trip to Hong Kong and India in April 1996 was $16,169.29, including the expenses of the minister's press secretary who was the only person who accompanied the minister.

The Minister's itinerary during this visit was as follows:

Montreal to New Delhi—April 8 (Monday). Depart Montreal (Mirabel) on British Airways Flt 94 at 21:45 hrs.

April 9 (Tuesday). Arrive London (Heathrow) at 09:05 hrs. Flying time is 6 hours and 20 minutes. Transit time is 2 hours and 40 minutes. Depart London (Heathrow) on Air Canada Flt 896 at 11:45 hrs.

April 10 (Wednesday). Arrive New Delhi at 00:40 hrs. Flying time is 8 hours and 25 minutes. Total travel time is 17 hours and 25 minutes.

April 10 (Wednesday) to April 13 (Saturday). In New Delhi, the minister addressed the Indo-Canada Business Council and met with officials of India's Ministry of Foreign Affairs. As well, the minister personally observed for the first time our immigrant and visitor operations abroad.

New Delhi to Hong Kong—April 13 (Saturday). Depart New Delhi on United Airlines Flt 2 at 23:55 hrs.

April 14 (Sunday). Arrive Hong Kong at 07:50 hours. Flying time is 5 hours and 25 minutes. Total travel time is 5 hours and 25 minutes.

April 14 (Sunday) to April 18 (Thursday). In Hong Kong, the minister's key objective was to get a better sense of the realities ''on the ground'' before reaching crucial decisions which may impact on the flow of immigrants and visitors from Hong Kong. The minister met with Mr. Chris Patten, Governor of Hong Kong; Mr. Peter Lai, Secretary for Security and other officials. As well, the minister addressed the 7th Annual Board of Governors Dinner organized by the Canadian Chamber of Commerce in Hong Kong. The minister officially opened the Asia Pacific Foundation's Canadian Educational Centre whose objective is to attract more local sutdents to study in Canada. The minister also visited the Canadian International School in Hong Kong.

Hong Kong to Montreal—April 18 (Thursday). Depart Hong Kong on Canadian Airlines Flt 1088 at 13:30 hrs. Arrive Vancouver at 09:50 hrs. Flying time is 11 hours and 20 minutes. Change of equipment. Transit time is 2 hours and 50 minutes. Depart Vancouver on Canadian Flt 1088 (flight continues) at 12:40 hrs. Arrive Montreal at 20:15 hrs. Flying time is 4 hours and 35 minutes. Total travel time is 18 hours and 45 minutes.

Question No. 45—**Mr. Ringma:**

With respect to the provisions of the Canada-U.S.A. tax treaty, what has the Government of Canada determined to be the total amount of money withheld by the United States from resident Canadians receiving pensions from U.S. sources since changes were implemented in 1995?

Mr. Barry Campbell (Parliamentary Secretary to Minister of Finance, Lib.): As of January 1, 1996, social security benefits paid by the United States government to residents of Canada ceased to be taxable in Canada. Instead, the benefits are subject to tax in the United States. This is presumably the change to which this question refers.

The rate at which the United States taxes a particular benefit depends on several factors. The most important of these is the citizenship of the recipient. The U.S. taxes its citizens on their worldwide income. If a resident of Canada is a U.S. citizen, any U.S. social security benefits will be taxed at the same rate as they would be taxed domestically. That rate will vary according to the recipient's income and personal circumstances. Social security benefits paid to non-U.S. citizens who are U.S. resident aliens (''green card holders'') are taxed in the same manner.

A resident of Canada who is neither a U.S. citizen nor a U.S. resident alien but who nonetheless receives U.S. social security benefits pays the standard 30 per cent U.S. withholding tax on 85 per cent of the amount of the benefits, the equivalent of a 25.5 per cent tax on the whole benefit (.3 x .85 = .225).

These variations among the tax rates paid by Canadians receiving U.S. benefits make it impossible for the Government of Canada to estimate with any accuracy the total amount of tax the United States will collect on this income.

Question No. 46—**Mr. Ringma:**

With respect to the 25 per cent withholding provision contained in the Canada-U.S.A. tax treaty on pensions paid by United States sources to Canadians, what has the Government of Canada determined to be (*a*) the total number of resident Canadians who are subject to the withholding provisions of this treaty, (*b*) the total number of resident native Canadians who are subject to the withholding provisions of this treaty, and (*c*) the section of the treaty which allows for different application of its provisions to native and non-native Canadians who are recipients of pensions from U.S. sources?

Mr. Barry Campbell (Parliamentary Secretary to Minister of Finance, Lib.): This question is assumed to relate to the income tax treatment of cross-border social security benefits, rather than to the taxation of pensions generally.

Based on figures provided by the United States Government, the total number of residents of Canada receiving U.S. social security benefits is estimated to be about 81,000. It should be noted that this figure may include persons temporarily in Canada and others who would not be considered residents of Canada for income tax purposes. It also includes recipients who are U.S. citizens, and who are thus liable to U.S. tax on all of their income. The number of

recipients is thus significantly greater than the number who are subject to U.S. withholding tax.

No information is available as to the number of native Canadians who receive U.S. social security benefits. The Canada-United States Income Tax Convention does not make any special provision for native Canadians. The convention would probably not preclude the United States from choosing, as a matter of internal policy, to provide more favourable treatment to native Canadians than to other Canadians. The Government of Canada is not aware of the United States having implemented any such policy.

[*English*]

Mr. Zed: Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CIVIL AIR NAVIGATION SERVICES COMMERCIALIZATION ACT

The House resumed from Wednesday, May 29, consideration of the motion that Bill C-20, an act respecting the commercialization of civil air navigation services, be read the third time and passed, and of the amendment.

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, I will use the last five minutes allotted to me to summarize what I said previously.

My colleague's amendment will be dealt with by other members. As for me, I prefer to focus on Bill C-20 itself. I will address two questions: what will happen, and what I fear from this bill.

For those who are not familiar with this bill, it concerns the privatization of air navigation services, which will imply additional costs. The users of air services and air navigation services will foot the bill.

I am ready to admit that we must all tighten our belts, considering the state of public finances. However, I fear something that I will share with you.

The Nav Canada committee was created to set a fee schedule for all types of carriers. What I fear is that small carriers will be forgotten. We know perfectly well that a $1 increase in fares means a $1 loss in sales for small carriers.

• (1035)

This could have a very negative impact on the regions. I am talking here about small carriers who employ mechanics, baggage handlers, receptionists and pilots who play an important part in a region's economy.

Businessmen and women often have to go to Montreal or Quebec on business. I speak for my region of course, but it is the same in other remote regions in the rest of Canada. If ever they impose a fee structure that is too high for small carriers, I fear that some of them will not survive. I can tell you they already have a hard time, because of the small number of passengers.

I will never try hard enough to convince the government that the Nav Canada committee must establish a good fee schedule so that big carriers will pay just as much as small ones, if not more, because they are probably in a better position to do so.

This sums up my concerns and I think they are justified since there are no Quebecers on the Nav Canada committee. Time will tell if I am right.

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, I am pleased to rise this morning to speak to Bill C-20, an act respecting the commercialization of civil air navigation services, at third reading.

Since 1994, the Bloc Quebecois' position has been pretty much the same. The principle of privatization has always been acceptable to us, but we question how it is being applied. With the creation of Nav Canada, a not for profit organization, profitability obviously becomes the main concern. The objective of the Bloc Quebecois is to put the safety of passengers, staff, air carriers and the public ahead of any other consideration when business decisions are made by Nav Canada.

As I mentioned in the speech I gave in this House on this bill on May 17, this corporation bears a striking resemblance to ADM, a corporation which is not for profit and has no capital stock. For those who do not know it, ADM means Montreal airports, namely Mirabel and Dorval.

On August 1, 1992, ADM signed a lease with Transport Canada giving it the mandate to manage, run and develop Dorval and Mirabel airports. ADM is headed by a board of seven directors representing businesses in metropolitan Montreal—when I say metropolitan Montreal, I should really be saying Montreal, because there is only one director from the Lower Laurentians on the board—and by a CEO appointed by the seven agencies making up SOPRAM, the body responsible for promoting Montreal airports.

Mirabel airport is located in my riding, and I am very concerned by ADM's decision to transfer flights from Mirabel to Dorval. This

decision is a source of grave concern for me as we are wondering about the safety of passengers, staff, air carriers and the public at large. The CESAMM, a wide coalition in support of Montreal-Mirabel airport, has voiced its opposition to ADM's decision to transfer international flights from Mirabel to Dorval.

Even the Quebec transport minister, Jacques Brassard, disapproves of ADM's decision. He said that the arguments presented by ADM since it made this decision have many flaws.

• (1040)

According to Mr. Brassard, the Quebec government noted ''no environmental impact assessment for the long and medium terms, making it impossible to judge this aspect of the issue''. Second, he points out how uncertain the new future reserved for Mirabel is. He says that ''a study conducted in 1994 by SNC-Lavalin for the Quebec transport department concluded that the lack of profitability of general freight services shows that the development of air freight strategies cannot be based on this sector. Analysis conducted by the MICST, the trade and industry department, yielded no decisive results regarding the impact in Canada of the free zone concept as suggested by ADM''.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, a point of order. I apologize for interrupting the hon. member, but I understand that what is being debated today is third reading of the transfer of Canada's air navigation system to Nav Canada.

The hon. member has spent the last five minutes talking about a whole different issue, the Aéroports de Montreal and the operations of Mirabel and Dorval. Quite frankly it is not on topic.

[*Translation*]

The Deputy Speaker: My colleagues, as you know, it is always a problem for the Speaker if someone strays a little from the subject, but I am sure our colleague will get to the point very rapidly.

Mr. Dumas: Mr. Speaker, I would like to point out to my colleague that I was making a comparison. I said so earlier.

This company strangely looks like ADM and that is why, of course, I allowed myself to talk about it here when dealing with the problem caused by the transfer of Mirabel flights to Dorval.

The distinction between regular and charter air services is diminishing so that a considerable reduction of charter activities at Mirabel cannot be excluded, which could put into question the airport's financial profitability. Several carriers that were consulted by the Department of Transportation pointed out they expected Mirabel to close sooner or later.

As a result of the Quebec government's position on this issue, ADM's chief executive officer responded in an article released in *La Presse* on Wednesday, May 29, and I quote: ''May I suggest to you that public hearings on this issue are not necessary, since the area has long been waiting for these undertakings and there is a wide consensus on this''.

Furthermore, Jacques Auger mentioned that the nature of the company's project was not subject to the assessment process provided for in each of the acts. Why? Because we are not enlarging Dorval airport, we will not increase its surface, we are not adding new runways, nor are we extending existing ones''.

ADM's decision is a blatant lack of transparency, as would be the case for Nav Canada, because the people involved are still demanding public hearings. A second mistake should be avoided. The first one was made when the land around Mirabel was expropriated. Are we going to say once again to the people in my riding that it was another administrative error?

Bill C-20 must not be adopted, because it does not take into account the safety of the people concerned. A report from the Transportation Safety Board of Canada lists the aeronautical incidents that occurred around Mirabel and Dorval between January 1, 1981 and May 10, 1996.

This report also deals with safety matters. It points out that, during the same period, 89 reportable incidents occurred at Mirabel as opposed to 284 at Dorval. It concludes by demonstrating that the number of accidents is 13 times higher at Dorval than at Mirabel.

Even if the percentage of fatal accidents is low, with over 60 million passengers passing through Canadian airports every year, one must not forget the impact of transferring flights to Dorval.

• (1045)

A group of citizens calling themselves ''Citizens for Quality of Life'' or CQV in French got together to oppose ADM's decision to transfer flights from Mirabel to Dorval, because it will increase the level of noise and pollution in neighbouring municipalities without really generating any economic benefits. These municipalities are Ville-Saint-Laurent, Dorval and Mount Royal.

Furthermore, this group decided to intervene through the judicial process. It disclosed new environmental studies that raise many questions. One of these studies was carried out by the firm of D'Aragon, Desbiens, Halde et Associés, which maintains that the studies on air quality published by ADM are incomplete. Two other studies were done by Rowan, Williams, Davies & Irwin, a Guelph-based engineering consulting firm with expertise—

[*English*]

Mr. Keyes: Mr. Speaker, I rise on the same point of order. We are talking about transfer of air navigation services to a not for profit corporation called Nav Canada, not air pollution and noise pollution studies going on at Mirabel and Dorval.

[*Translation*]

The Deputy Speaker: The Chair is always grateful when a member on either side of this House stands up to point out that another member is out of order. I am asking for the co-operation of all hon. members, wherever they are sitting. It is the same problem on both sides. Could the hon. member please speak to the bill?

Mr. Dumas: Mr. Speaker, I will conclude on this. We must also ask ourselves questions about Nav Canada's goals. I would like to reiterate my position, and that of the Bloc Quebecois, which is that Bill C-20 should be defeated, as the sole purpose of establishing Nav Canada is profit and not public security.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I want to address the remarks made by the member for Lac-Saint-Jean, who I understand is a small aircraft pilot. He is aware of air navigation services and the level of safety that has always been priority one for Transport Canada.

I want to address his remarks and the remarks made by the member who followed. Frankly, the fears of the member regarding the issue of regionality and regional representation are unfounded.

The Bloc alleges small carriers will be forgotten when Canada's air navigation system moves to the not for profit corporation. There are no small carrier or major carrier seats on the Nav Canada board. There are four seats on the board that are appointed by the largest national association of Canadian air carriers, the Air Transportation Association of Canada, ATAC. ATAC draws its membership from carriers of all sizes, from Air Canada to the flying club the hon. member for Lac-Saint-Jean may represent.

It is interesting to note that among the initial four directors appointed by the Air Transportation Association of Canada is Mr. Iain Harris, the former president and CEO of AirBC. AirBC is not a big carrier. It is a regional carrier.

The Deputy Speaker: If the member would resume his seat for a moment. I think it is unfair for a member to get up on questions or comments when we have moved on to another member. In this case the member for Lac-Saint-Jean has no opportunity to respond.

I therefore ask the hon. member to confine his comments or questions to the remarks given by the member who is able to respond.

Mr. Keyes: Mr. Speaker, I only wish these Speaker's rulings were as stiff when we first rose on the point of order. I will address the direct concern of the hon. member who just spoke.

• (1050)

Bloc members have presented this argument at every reading and have focused their concerns on this bill in those two specific areas, regional representation on the board of Nav Canada and aspects of safety. Therefore my remark made to the hon. member who spoke previously was really more of a collective remark. We will probably get the assurance of the hon. member who will get up in a moment that is precisely what their focus is on those specific areas.

I have already addressed the small carrier-major carrier attitude the hon. member is putting forward vis-à-vis representation on the board, that there is representation. The hon. member is concerned about the small carrier and specific protection for the small carrier. Let us take a few examples of what is in Bill C-20 to protect the charging principles for small carriers.

Paragraph 35(1)(d) prohibits discrimination among Canadian carriers in terms of charges. This would rule out the use of quality discounts, for example, which would give a price break to the large carriers.

Paragraph 35(1)(e) requires a reasonable allocation of costs and a determination of charges for terminal and en route services. This would avoid any unjustified loading of costs into the cost base for terminal charges, which typically impact heavily on the smaller carriers making frequent landings and take-offs.

The legislation in committee was addressed point by point. Regrettably the hon. member who just spoke was not at committee. I hope the hon. member feels reassured at this point. Given that the bill deals with the Aeronautics Act which looks after safety in this sector and with Nav Canada, and given the assurances of the large and small carrier representation on the board, I hope he would have no problem with the legislation before us today.

[*Translation*]

Mr. Dumas: Mr. Speaker, I would like to address representation at this time, since my hon. colleague opposite raised the issue. We complained earlier about the fact that there were no representatives from Quebec on Nav Canada. I am now making the same complaint about ADM, or Aéroports de Montréal, including Dorval and Mirabel airports. On ADM's board, all members but one are from the Montreal business community, the only exception being a businessman from the Lower Laurentians region. That is why we are afraid that, when the time will come for these individuals to make a decision and choose one airport over another, it would only make sense that they would not go for Mirabel, the one in the Lower Laurentians.

At the time Mirabel was built, the intent was in fact to eventually all but close down Dorval. But then, in the 1980s, as a result of a certain lobby gaining great influence, flights were never transferred from Dorval to Mirabel, as originally planned, although Mirabel had been built for that very reason, after many West Island residents complained about the noise and pollution created around Dorval airport.

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I first wish to commend my colleague from Argenteuil—Papineau for his speech, even if it was interrupted twice by the Parliamentary Secretary to the Minister of Transport.

The hon. member for Hamilton West is a seasoned and experienced parliamentarian, who was elected in 1988, and he knows the procedure better than I do, because I am still a rookie. I was elected only in 1993.

• (1055)

I was very surprised to see the parliamentary secretary disturbing my colleague repeatedly during his speech, breaking his train of thought. I am astounded. Does this reflect the position of the government on this bill or on other bills? Is the government trying to deny opposition members their free and democratic right to express themselves in the House?

I am astounded. But I am also disappointed and surprised by the attitude of the hon. member for Hamilton West, because when I knew him, during the two and a half years that I was a member of the committee on transport, which he chaired, he was always respectful of differences. I wonder if he was told to give us a hard time.

Some hon. members: Oh, oh.

Mr. Guimond: Back home, on île d'Orléans, this is called strong-arm tactics. Does the government want to use strong-arm tactics against the opposition?

Today, I take part in the debate at third reading—

Mr. Keyes: Stay on topic.

Mr. Guimond: Mr. Speaker, could you please call the member for Hamilton West to order? He felt my colleague talked a little bit too much about the decision to close Mirabel and reroute flights to Dorval. I will ask him real questions. I will ask him questions on Bill C-20 and Nav Canada. I will raise specific questions and you will see the attitude of government members. The best is yet to come.

Mr. Keyes: Good, come on.

Mr. Guimond: So, I take part in the debate at third reading—

Mr. Discepola: Oral question period started early today.

Mr. Guimond: Mr. Speaker, could you ask the member for Vaudreuil, the Chihuahua for Vaudreuil to go bark outside the House? I cannot concentrate, I cannot even hear myself.

What I wanted to say—

The Deputy Speaker: Dear colleagues, I ask you to listen more carefully to what members from both sides have to say, so that each of you can have his or her turn. The hon. member for Vaudreuil will have his turn presently.

In fact, the hon. member for Vaudreuil can have the floor immediately after the member who is now talking, if he wishes so.

[*English*]

Mr. Guimond: Excuse me, Mr. Speaker. I think I mentioned Hamilton East. There will probably be a member from another party after the byelection of June 17. I apologize to my colleague, the parliamentary secretary, whose riding is Hamilton West.

[*Translation*]

This legislative measure provides the legal framework to transfer Canada's air navigation services from Transport Canada to Nav Canada, a non profit corporation incorporated under part II of the Canada Corporations Act.

I want to say from the outset that the official opposition is not opposed to the sale of air navigation services to Nav Cananada, for an amount of $1.5 billion. However, we are most concerned about safety. Through the amendment moved by the hon. member for Kamouraska—Rivière-du-Loup, the Bloc Quebecois wants to ensure that the safety of passengers, airline personnel and the public has priority over all other considerations in business decisions made by Nav Canada.

Those interested in this privatisation of ANS will not be surprised by the position of the Bloc today. Right from the start, members knew where we stood. As the official opposition, we do not have a reputation for flip-flopping like the government, which changes its position at every whim of the electorate. The Bloc Quebecois has always had a consistent position on this matter.

Right from the start, official opposition members have tried to convince the government and Nav Canada that the security and the interest of the public should come before the commercial interest of Nav Canada. This will now be a private corporation which will not necessarily have the public interest as its top priority. Its first goal will be its own viability.

Unfortunately, in our capitalist system, commercial interest sometimes takes precedence over other considerations, particularly in air navigation security.

• (1100)

Amendments by the Bloc were discussed in committee and at report stage, and we tried to have this principle recognized. But the Liberal majority has stubbornly refused to move, and all our amendments have been rejected. Through the parliamentary secretary, this same Liberal majority wants to stifle our opposition and limit our excellent speeches.

Today, we are leading a final attack against this bill to make sure the security of passengers, of air carriers and of the general public take precedence over any effort to better serve private interests. But the government is turning a deaf ear.

On May 29, in the House, the Parliamentary Secretary to Minister of Transport, the hon. member for Hamilton West, bluntly admitted that the sale of ANS to Nav Canada would bring in an amount of $1.5 billion to be applied to reduction of the federal deficit. That seemed to justify the swift passage of the bill.

The Bloc does not challenge that amount, but I raise question for your consideration, Mr. Speaker. Is the air navigation system really worth $1.5 billion? It is part of the Canadian heritage, the heritage of Quebec's and Canada's taxpayers. Is this a botched up sale, a garage sale, a bankruptcy sale? To some extent, taxpayers' money is being squandered. As far as we know, this air navigation control system was paid for with the taxes of Quebecers and Canadians.

Quebecers pay $30 billion in taxes to Canada every year. When the federal government invests money in our province, I hope it does not think it is giving us a gift. When senior citizens get their pension cheques with a maple leaf in the corner, they should not think the federal government is giving them a gift. This is their own money they are receiving.

The parliamentary secretary swept the safety issue under the rug when he said: ''Safety will continue to have the highest priority for Transport Canada'', said the parliamentary secretary and member for Hamilton West. ''Safety regulations will be in place before ANS is transferred. Transport Canada will monitor and enforce compliance with these regulations as it does now in the case of airlines''.

I continue to quote: ''The Aeronautics Act which sets out the regulatory framework to maintain the safety and integrity of the aviation industry will continue to prevail. I point out to Bloc members, said the parliamentary secretary, that the Aeronautics Act will prevail over the ANS Act.''

The parliamentary secretary answered ''by the book'', as we say back home. He urges us not to think that our safety is at risk. In other words, he implies that we tend to be a bit paranoid, since we always worry about accidents. But we have good reason to worry. I must tell the parliamentary secretary that he is known for his arrogance and his lack of understanding.

I recall vividly the day the Coalition to save the Quebec City bridge came here to present its brief—the parliamentary secretary is about to rise to say that I am getting off the NavCan issue. I just want to remind him of what he said during the debate over the privatisation of CN Rail, when a request was made to exclude the Quebec City bridge, which is part of world heritage. He stated that the government was not about to start saving every small structure at the end of a country road.

He compared the Quebec City bridge, something the residents of the Quebec region take pride in, to a small structure at the end of a country road. That is what the parliamentary secretary said when he was—

[*English*]

Mr. Keyes: A point of order, Mr. Speaker. For the record, I said no such thing.

The Deputy Speaker: I think that is a point of debate. The hon. member for Beauport—Montmorency—Orléans.

[*Translation*]

Mr. Guimond: Mr. Speaker, we will speak of motion No. 15 amending clause 32 of the bill so that charges may be imposed to the Department of National Defence or a user in respect of a state aircraft of a foreign country.

• (1105)

We know that small air carriers have already proposed that charges be imposed to the National Defence. Is it normal, realistic or even acceptable that, in 1996, National Defence has a $10.8 billion budget paid with taxpayers' money while there is no more war threat, the cold war is over, and there is detente all over the world? The generals, National Defence employees act like a government inside the government. Is it normal that National Defence does not have to pay for its aircraft? This would be a good point to develop when the parliamentary secretary speaks a little later. We will ask him if he finds that acceptable.

Here is the position of the Bloc Quebecois. According to the Bloc, it is unfair that carriers pay for the services provided to National Defence; if clause 32(2) is not amended, it will still allow for hidden spending by National Defence. The Bloc Quebecois has always asked for the reduction of military spending. Therefore, it is important to know what the real cost of military spending.

Moreover, and this is the ultimate argument, private air carriers should not have to pay for National Defence.

I could also mention another example and ask for more information from the parliamentary secretary when he speaks on Bill C-20. Can the government guarantee that services in French will be

maintained over the Quebec territory and the Ottawa territory, which is officially bilingual, when this bill is implemented?

I already know what the parliamentary secretary will answer me. Later, when he comments, maybe he will say that, pursuant to the provisions of Bill C-20, the Official Languages Act will still be in force. We will have to see whether the provisions of this act will apply to Nav Canada's operations, to its corporate headquarters, its administrative services and the regional control centres. But can the parliamentary secretary ensure us that the Francophones in Quebec who, in 1975-1976, won the fight of the Association des Gens de l'Air du Québec, gained the right for a francophone pilot to speak to a francophone air traffic controller in the language they both choose?

What I am explaining could look like an aberration and might seem stupid, but before the fight of these people in 1975, it was totally and specifically forbidden for Francophones to have a conversation in French, for instance between someone in the cockpit and someone in the control tower or at a regional control centre. It was an aberration.

I would like to hear more about this, because this is one of the concerns of the Bloc Quebecois. With the cost-effectiveness requirements, maybe nothing would prevent the closure of all regional control centres and the transfer of their operations to a large commercial centre, for instance in Mississauga, in Ontario, which would control the entire air corridor in Canada. To make the operations cost-effective, maybe services in French would be reduced.

It may seem like an aberration that two Francophones were not allowed to speak French in the field of aviation. But I would remind you that pilots flying over the lower North Shore and the Magdalen Islands, which are part of Quebec, cannot get services in French. Why not? Because the services are offered by the Moncton area control centre, which is officially bilingual, but cannot offer services in French.

When an Air Alliance pilot is ready to take off at the end of the Magdalen Islands airstrip and asks for services in French, he gets this answer: ''Please wait, we will give you the services as soon as possible''. In the meantime, his engines are running and fuel is burned.

• (1110)

The Air Alliance supervisor wants his pilot to think of cost effectiveness. The pilots of Air Alliance and Inter-Canadien, Quebec's regional carriers, as well as Air Satellite and others are conscientious and want their company to succeed. But when they are being asked to wait 5, 7 or 9 minutes and their engines are running, they know they are wasting fuel and adding to costs. I would like to know if, with this bill, we will be able to get services in French in the whole territory of Quebec, like the government promised.

Mr. Speaker, you are signalling me that my time has expired. I could also have mentioned that no one will represent the Association québécoise des transporteurs aériens on Nav Canada's board, but some of my colleagues will do so. Our colleague, the member for Lac-Saint-Jean, was trained as a pilot. He is not only young, he is a pilot, so he knows what he is talking about. I could have spoken about it, but unfortunately my time has expired.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I begin my remarks by congratulating the hon. member for Beauport—Montmorency—Orléans. He has been a hard working member of the Standing Committee on Transport which I had the privilege to chair for the last two and half years. The member has moved on to another area and his energy and effervescence is certainly missed at the committee.

The hon. member addressed three points on which I would like to touch. The first is safety. Safety has always been priority one for Transport Canada. It must be clear to members of the Bloc that Bill C-20 clearly establishes the supremacy of the Aeronautics Act and sets up appropriate linkages to that act.

The Aeronautics Act, which looks after all the safety concerns of anything in that flies in this country, has demonstrated that it has been able to ensure the safe passage of men, women and children on aircraft.

I do not think the hon. member can stand here and say that Canada has a disastrous policy on aeronautics which is resulting in crashes of aircraft. He must admit that the Aeronautics Act has done the job well for our country and for the air carriers.

The member says that when Nav Canada takes over that Canada's air navigation system the role the government plays will somehow be unplugged from the process. Nothing could be farther from the truth, particularly when it comes to the safety of the system. The government has a number of other roles to play on an ongoing basis.

The Minister of Transport is likely to be involved in the approval of charges during the first two years when NavCan introduces its full complement of user charges.

The minister has the final say when there are disagreements among users, that is, provincial or territorial governments. Specifically, when it comes to safety, the economy and accountability, the government took great care to establish a framework with Nav Canada upfront. With Bill C-20 the contractual agreements that have been entered into with Nav Canada are there, transparent, open to the public through its bylaws and letters patent.

● (1115)

If I had a question for the hon. member opposite after that comment it would be to ask him what specific measure would the Bloc suggest that would, if not already incorporated in the Aeronautics Act, be better or more clear than the Aeronautics Act itself which protects and ensures the safe passage of men, women and children in aircraft in this country?

[*Translation*]

Mr. Guimond: Mr. Speaker, I thank the former chairman of the transport committee for his kind words. He asked what specific measures the Bloc would like to see included in the bill to guarantee the safety aspect. I repeat that if he reads motion number one carefully, he will notice that its sole purpose is to mention in the preamble that the safety of passengers, air carrier personnel and the public has priority over all other considerations in the decisions made by NAV CANADA.

I will simply say to the parliamentary secretary that since he states that he and the government are devoted to safety, he should admit it is not superfluous to have legislative clauses that give supplementary guarantees in terms of air safety. If he considers that that aspect is covered by the Aeronautics Act, I do not see why the government opposes so categorically the fact that we want to reinforce safety and introduce a statement to that effect in the preamble of the bill. That does not represent a threat at all. Everybody here is in favour of the safety of passengers and personnel. Just include it in the preamble of the bill and there will be no problem.

I wonder why the hon. members opposite are so afraid of us. There is no threat. Our motion would only confirm the safety considerations in the preamble of the bill.

Mr. Stéphan Tremblay (Lac-Saint-Jean): Mr. Speaker, I would like to put a question to my colleague, the member for Beauport—Montmorency—Orléans, regarding his very eloquent remarks.

Furthermore, I am 100 per cent in agreement with his thoughts on defence. Why should small carriers, who are struggling, have to foot the bill, when the Armed Forces, with their huge budgets, their hours of F-18 training sometimes estimated as costing $20,000 an hour, and I am not exaggerating, would not even be asked to pay for the air navigation services they use.

I think my colleague raised a very good point here. Before asking my question, I would like to go back briefly over the earlier debate regarding ATAC. Earlier, we heard that small carriers were going to be very well represented on Nav Canada's board, because of the fact that ATAC represented Air Canada as well as the small carrier in my riding.

The unfortunate fact of the matter is that we know that what drives the world nowadays is money. I would point out that ATAC, the Air Transport Association of Canada, gets approximately 80 per cent of its funding from large carriers. So if you think that the small carrier in my riding, when he wants to have his say, will ask the president of ATAC if he would mind lowering user charges, or keeping the DME or VOR service in his sector, or whatever, I am sceptical. The president of ATAC will wonder what his contribution to funding is. He will not say it out loud, of course, but he will think it. There is every reason to be worried.

The other point that was also mentioned earlier was ATAC's interest in preserving the use of French. I could tell you that when people spoke to us about ATAC's use of French, all that was bilingual was the letterhead. That was all. Apart from that, all its articles of incorporation were in English.

● (1120)

So I think we have good reason to have certain doubts about the quality of French or about bilingualism in this area.

I would like to put a question to my colleague, with whom I was discussing this issue a few moments ago, about his concerns regarding French in aviation.

I have over 1,000 hours flown as a professional pilot. When we talk about navigation assistance services, assistance is really the key word. When it is nice and sunny on a Sunday afternoon, it is not so bad because there is no problem. But when the ceiling gets low and weather conditions become difficult, when you start to worry and find yourself in trouble, that is when you really need navigation assistance. I can tell you that it is serious. That is where this issue becomes relevant. When you start to get nervous in the cockpit and you have to speak English on top of that, it becomes dangerous.

I would like my colleague to talk about his concerns regarding the use of French in aviation in Quebec and in the Ottawa area.

Mr. Guimond: Mr. Speaker, before responding specifically to the question, I would like to simply reinforce what my colleague from Lac-Saint-Jean has said concerning National Defence.

Often, the past is an indication of what the future holds. Reference is made to concerns about military spending. As you know, there was publicity over the case, a month and a half or two months ago, of an F-18 pilot based at Cold Lake using his aircraft at the taxpayers' expense to go see his fiancee in Phoenix, Arizona. Imagine, National Defence refuses to even pay for the air traffic control system, yet its pilots can fly around as they please. This one can go say hello to his fiancee at taxpayers' expense. What sheer nonsense.

Mr. Rocheleau: She must be good looking!

Mr. Guimond: Yes she may be pretty, I have no idea.

Mrs. Debien: Love is blind.

Mr. Guimond: Love is certainly blind.

Mrs. Debien: So is the government.

Mr. Guimond: Yes, so is the government, as my colleague says.

Mr. Rocheleau: Love knows no borders.

Mr. Guimond: Second, as for small carriers, I have an example in mind. In Lac-Saint-Jean riding, there is a small but dynamic airline called Air Alma. It has a counter at Dorval and is capable of holding its own against any major charter carrier. And why is it able to be competitive? Because it is a flexible operation, one whose employees like the company, like their jobs, and are capable of giving something back in return.

Yet, if they are deprived of revenue, it is like depriving them of oxygen. How then can small carriers like Air Alma survive in the marketplace?

The Deputy Speaker: I am sorry, but the hon. member's time is up.

Is there unanimous consent to extend the hon. member's time?

[*English*]

Is there unanimous consent to give the member more time to give his answer?

An hon. member: Agreed.

[*Translation*]

The Deputy Speaker: The hon. member has one more minute to speak, two minutes at the most.

Mr. Guimond: Mr. Speaker, I thank the parliamentary secretary.

I might also have talked about the RAM radar tracking system. Will it be very effective when it is given over to Nav Canada? The RAM system was not effective, and I have an example for you. Twice last year, they lost the government's air ambulance, which was on a mercy flight in the North. They lost it on the radar screen.

I could also give the example of the Bernières radar system in suburban Quebec City, which was tracking a plane. At one point, the screen indicated that the plane had made a sharp 180 degree turn. What happened? The RAM system had stopped following the plane it was tracking and had picked up a flock of geese flying 10,000 feet below and in the opposite direction.

Imagine how safe it is in tracking a plane.

In closing, I have one final point to make about French in the air. I am very concerned that, as a cost cutting measure, they will say all pilots are bilingual and able to provide service in English, to the detriment of French.

• (1125)

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, the question the parliamentary secretary asked my colleague for Beauport—Montmorency—Orléans earlier could not have come at a better time. He asked him what steps the Bloc Québécois would suggest today for improving the Aeronautics Act in order to improve air safety. My speech also could not come at a better time because I am going to address air safety.

Bill C-20, which we are debating today at third reading, provides for the creation of a business corporation called Nav Canada. This bill deals first and foremost with the commercialization of civil air navigation services.

In other words, the government has decided to sell to Nav Canada the air navigation system and to entrust it with its management. As we repeatedly pointed out during this debate, the official opposition is not against selling the air navigation system to Nav Canada for an estimated $1.5 billion, apparently. This government decision, whose merits we recognize, is based on objectives of efficiency, cost effectiveness and less costly operations.

However, we are dismayed by the fact that none of the amendments proposed by the opposition parties have been retained. Worse, an important amendment regarding the Privacy Act passed by the transport committee—where, as we know, the Liberals have a majority—has been eliminated from Bill C-20 by the same Liberal government. In other words, never mind the committees.

As my colleague for Kamouraska—Rivière-du-Loup, critic for transports, put it so well, we swung like a pendulum, from one extreme to the other, not stopping in the middle. Yet, the government could have struck the appropriate balance, despite what the Parliamentary Secretary to the Minister of Transport might think, by conducting an objective review of the proposals and amendments presented by the members of his own party.

Citizens who are interested in the privatization of navigation services will not be surprised to hear today the Bloc Quebecois remind the government of a basic aspect of this bill that, unfortunately, it neglected. Through the amendment of my colleague for Kamouraska—Rivière-du-Loup, the Bloc Quebecois would like the government to acknowledge the fact that security of passengers, personnel and the general public must take precedence at Nav Canada.

We must not forget that, at the very beginning, the official opposition tried to have the government and Nav Canada recognize that public safety and interest take precedence over Nav Canada's financial interests.

Several amendments of the Bloc were debated in committee and in this House at the report stage to have this principle recognized. Each time, we came up against the Liberal majority.

Yet, in matters of air transport, security is certainly a number one consideration. The parliamentary secretary bluntly admitted, on May 29, that the sale of the air navigation system would be, and I quote, ''a $1.5 billion contribution to reducing the federal deficit''.

Would this claim be sufficient to justify speedy passage of Bill C-20? The parliamentary secretary tried to reassure us by once again avoiding the safety issue. ''Safety will continue to have the highest priority for Transport Canada''. He repeated that earlier today.

> Safety regulations will be in place before ANS is transferred. Transport Canada will monitor and enforce compliance with these regulations as it does now in the case of airlines. The Aeronautics Act which sets out the regulatory framework to maintain the safety and integrity of the aviation industry will prevail. I point out to members of the Bloc that it will prevail over the ANS Act.

● (1130)

I listened with great interest to these words of the parliamentary secretary. I understand that Transport Canada established some safety rules and standards that will apply to the new corporation and that operations will be controlled so that these rules and standards are properly observed. The government statements might seem reassuring. But, in spite of the rhetoric and the good intentions of the parliamentary secretary, as far as I know, safety standards are not mentioned in the bill.

The Bloc Quebecois considers that, given all the commercial decisions being made by Nav Canada, the only way to ensure safety would be to state, in the bill, that safety will remain priority number one. That is the principle we want to assert when we say that the public's safety comes before a private corporation's profits.

Unfortunately, it seems the government has already decided what priority will be given to safety in air transport. Furthermore, I feel that it is just stone deaf to what we are saying. The only thing it hears is the ring of the deficit cash register. All we can hope is that it will not be awakened by some unfortunate event caused by its lack of responsibility.

In conclusion, I would like to point out another aspect of the bill I find unfair. As my young colleague spoke about it at some length, I will be very brief. I believe that the new corporation, Nav Canada, must make sure that those who are poorly or not represented on the board, such as small carriers and the aviation sector as a whole, are not discriminated against.

The newest children must not be put at a disadvantage. NAVCAN did not respect the wish of small carriers, and only major carriers have a representative on the board. For example, nobody will represent the Association québécoise des transporteurs aériens, as my new colleague from Lac-Saint-Jean so wisely pointed out. This is another sad reality endorsed by a government in a hurry to get rid of the Canadian air navigation system.

The Bloc Quebecois will not support this bill as it stands because of its many significant flaws including—as I stressed at some length—the one regarding safety. For these reasons, I will support the amendment moved by my colleague from Kamouraska—Rivière-du-Loup.

Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ): Mr. Speaker, my colleague from Laval East has emphasized, quite rightly so, the issue of safety in air transportation. I would like to come back to the issue that has just been dealt with two or three times in a row relating to the preamble we would have liked to see in the bill and which some say is unnecessary since there is the Aeronautics Act, on the one hand, and on the other, the government controls safety issues.

In fact, would it not have been logical to express the very spirit of the legislation in its preamble? This is a private company that has to provide a public service, just like ADM. I find the explanations given by my colleague from Argenteuil—Papineau totally justified, because of this comparison.

● (1135)

It is quite justified to express right at the very start the spirit of this legislation, the spirit in which it must be interpreted later on, in order to stress the public service role of this private company and the primacy of public services over mercantile interests. We do not see why the government refused to express this very legitimate concern in the preamble.

Mrs. Debien: Mr. Speaker, I am sorry, but I was busy giving a document to someone. I would like to know whether my colleague from Blainville—Deux-Montagnes asked a question or only made a comment.

The Deputy Speaker: It is not for me to answer. If the member for Blainville—Deux-Montagnes would like to repeat his question?

Mrs. Debien: The hon. member tells me it was a comment.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, I have been following this debate to some degree this morning.

I am a licensed private pilot. I recall very clearly the debate that raged around the use of French in air traffic navigation in Quebec which took place some years ago. Looking at it from an apolitical perspective it seemed to me it would made sense for persons in recreational flying in some aspects to be able to use unilingual French.

However when we talk about safety in the sky, the international language of communication in the air is English. We should not lose sight of the fact that in all parts of the world the international language of communication in the air is English. While it makes sense for persons who are unilingual French speaking, unilingual Russian speaking or unilingual whatever language, Swahili or Chinese, to speak in their language, the international language of aviation for safety purposes is English. It has nothing to with whether English is a better language or any other reason. It just got

started that way. There needs to be one common language in the air and it is English.

We have these natural tensions within our country and many people have sympathy for the fact that people working and living in French in Quebec who are unilingual have the right to live and work unilingually in Quebec. However, there are some circumstances in life which require preconditions. If one wants to be a brain surgeon one has to understand and learn brain surgery. If one is going to be a pilot one has to be able to operate on an international basis in English because that is the language. It has nothing to do with superiority or inferiority of any particular language or group.

[*Translation*]

Mrs. Debien: Mr. Speaker, of course, I totally disagree with the member of the Reform Party.

First of all, I would like to point out to him that, when passengers fly to India, the language of the country, Hindi, is spoken on the plane, and English is also spoken. I do not see where English has primacy. When you go to Spain, both Spanish and English are spoken on the plane.

Wherever you go in the world and you take a national air carrier, it is always the national language that is used and English.

I do not see why and how English would suddenly become the international language, when in practice, this is totally false in the case of most major countries in the world. It should be the same here in Canada.

• (1140)

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, I would point out to my Reform colleague that although we sometimes talk about Reform measures, I have a feeling that we are dealing with Conservative measures from 20 years ago, when we discuss language in air navigation services. Moreover, my colleague is a private pilot and I find it fascinating to hear him say such things.

I think that French has been used as a language in Quebec airspace since 1977 or 1980—I am too young to remember—and it has been demonstrated that safety is not threatened. It was proven a long time ago that, for example, if a pilot landing a 747 in Montreal exchanges traffic or flight information with the air traffic controller in Dorval or Mirabel in French, safety is not compromised. This was the subject of a debate several years ago. Some members of Parliament even said: ''If bilingualism ever comes into effect in Quebec, I will no longer want to fly in that province's airspace''. Come on. That is just another case of scaremongering. This is incredible. All this to tell him that I am a little disappointed to see us get into this debate, which, in fact, is beside the point.

I would like to put a question to my colleague, whose speech was full of praise. As a pilot, I, of course, see this whole matter from a certain angle while she, as a passenger, sees the potential commercial effect on safety. I would like to know how, as a passenger and user of air transportation services, my colleague feels about this bill, which might threaten the safety of airline passengers.

Mrs. Debien: Mr. Speaker, I would like to thank my colleague from Lac-Saint-Jean for his question. Of course, whenever I board a plane as a passenger—and I think the same goes for most of us—I always feel a kind of natural fear. At least I do. I have not yet fully overcome my fear of flying, so this is a concern.

Since the hon. member for Lac-Saint-Jean asked me personally to answer this question, I must say that I might be even more fearful knowing that the priority that should be given to safety is not clearly indicated in the bill, as the Bloc Quebecois had proposed to do by inserting a preamble. That is the answer I would like to give my colleague.

In response to the parliamentary secretary, I think we are not asking the impossible. We asked him to write a few lines in a preamble showing how important it is for the government to make people like myself—I think I am not the only one—feel safer about the priority given to safety by a commercial company providing a public service.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we are debating this bill in a somewhat special context, spanning a number of years, because the federal government has taken initiatives affecting the whole aviation industry. It all started in the 1960s. I am referring for instance to the development of the Mirabel airport, denounced from the start by local residents, who were strongly opposed to this project. Agricultural land was taken away from them. No compensation measures are planned either concerning any decision ADM could make today.

This bill is being discussed in a context of deregulation, because Canada is involved of course in the economic globalization process. All air transportation corporations are also affected.

• (1145)

But Canada's approach is more akin to the approach taken by the United States and Japan, the only two exceptions. I will come back to this later.

Moreover, in a context that I would describe as totally off the cuff and very short-sighted, most countries favour having only one

national carrier, while here, we now have Canadian Airlines, through generous outlays. We are competing among ourselves, with the result that we know: Canadian is practically owned by American interests and, at this rate, Air Canada will not be able to withstand Canadian's competition and will also be taken over by American interests, leaving Canada without a national carrier.

In this whole context of deregulation and privatization, the Bloc Quebecois has nothing against privatization, as we feel that the state is not necessarily the best able to handle certain things, which the private sector is much better equipped to handle. It is not the case in every area, but in this particular area and most trade areas, the private sector is in a better position to act than the state.

In the past, we have taken a stand in favour of privatizing Air Canada, the same way we took a stand in favour of establishing regional organizations to control airports. I am thinking about ADM among other organizations, although in this particular case, we could have a debate about the mechanisms that should be imposed on these organizations to ensure that there is more transparency and public debate around the decisions being made. In a word, we have no problem with privatization.

We do not have any problems either with the regions being able to make their own decisions and to administer their facilities in areas like air transportation. We do not object either to the fact that they will be non profit organizations, or that an organization could oversee all regional interventions following certain standards. At the beginning, it was thought that some standards applied as well to all regional airports and major airports.

Obviously, it will not be so with this project, because the rules are not clear, especially where safety is concerned. When this whole deregulation phenomenon first came up, simultaneously with Open Skies, we agreed that air transport had to be within more people's reach and more competitive, so that customers would eventually benefit, but not at the expense of safety. We have seen what happened recently in the Everglades, in the United States, where deregulation and privatization are the watchword. The company, whose name I cannot recall, had already been the subject of seven or eight complaints. It never acted on them, and the tragedy happened.

Deregulation must be done in a certain way. In this case, it is obvious to me that nothing is being done to ensure safety. We will tackle the problem of safety by evaluating investments which could be made in various regions, which means that the overseeing organization will determine the investments to be avoided in a particular region, or decide that, because of the market, the local organization cannot afford the best equipment. But, if an organization cannot afford the best equipment or has a difficult financial situation, it does not mean that the life of those who would use the equipment in regions or even in major airports is worth less than it would be if the organization could afford such an investment.

I was about to say that the costs are the same for everybody, but it is far from being the case, because, where deregulation is concerned, there are such aberrations where the only factor considered is the number of clients. One often realizes that it is less expensive to fly Montreal—Paris than Montreal—Chicoutimi. This has a little impact on the economic development of these regions. It is a complete aberration. I remember once, at the Quebec City Airport, Air Atlantic, Air Alliance and Inter-Canadian all had flights at the same time, but I was the only passenger boarding the Air Alliance plane. I was given a private course on safety measures.

● (1150)

This made no sense; it was improvised. We cannot play with people's safety. This is unacceptable. I find it hard to understand why the government would introduce a bill that leaves aside the issue of safety, on the ground that those in charge will make good decisions because they are responsible people.

I am not saying those who will be appointed and who will manage the agency will be irresponsible. I am simply saying that it is the state's responsibility to provide safety measures, just like it does in the case of land and marine transportation. We had a debate on Coast Guard services. How can we not intervene in a fair and responsible manner when air safety is concerned?

The language issue is the other reason why we oppose the bill. Again, the bill does not provide anything to ensure the use of both official languages. As I said earlier, this is reminiscent of a battle dating back to the sixties, a battle that resulted in a victory, around 1976, for the Association des Gens de l'Air du Québec.

The association argued that it was no more dangerous to fly an aircraft and to have an air traffic controller speak French—particularly when French is the controller and the pilot's mother tongue—than to have them communicate in English. It seems to me that, in tense situations, one can better communicate in his or her mother tongue than in a foreign language. Of course, this implies that everyone can speak English, the universal language in the aviation sector. But this should not prevent the use of French. I suppose that in Mexico they speak Spanish, in Portugal they speak Portuguese, and in Italy they speak Italian. Just try to convince Italians that it is dangerous to communicate in Italian in their country.

The battle fought in the sixties and seventies is not over, as evidenced by the fact that the Magdalen Islands are still served by Moncton, where communications are in English. The islands are not served by Montreal. To this day, the situation remains unsettled. We are told that no efforts will be made to settle it and, in addition to this, there is no guarantee in the bill. We can only rely on the good faith and the good will of those who will manage the agency.

We have had to rely on good faith for years and we now question the value of this approach. We no longer believe in it. We would rather have firm guarantees. It is clearly unacceptable that this bill contains no provision concerning the French language, yet the Prime Minister keeps talking about the rights of francophones and of minorities, and often uses them like pawns in his political games.

How can they justify reverting to the situation we had in the past? How can they forget about that victory our air controllers won in 1975-76, and not include in the mandate of the agency that will control all air traffic in Canada an indication that francophones should be able to use their language in air transportation, just like all peoples in the world can use their own. This is a step backward. But maybe they are suggesting that using French is not dangerous in France, but would be in Quebec. This is the height of absurdity.

I would now like to turn to the capacity of small airports. Is there any guarantee that, at these two levels, small airports will have access to services in French and will also abide by the usual security standards in order to meet the needs of the public and avoid the disasters experienced in countries which have undergone indiscriminate deregulation?

The fact that small air carriers did not have a say in this bill means that de facto if not de jure the control over this agency will be completely in the hands of those who use it, who are financially stronger and have more influence. In other words, those in control will be the two big companies which are now experiencing difficulty because of deregulation, Canadian and Air Canada. We should not forget that American Airlines is the real owner of Canadian, and that Air Canada could very well meet with the same fate.

● (1155)

This means the whole spirit of indiscriminate deregulation we saw in the United States might be imported here at our expense, through an agency set up by the government, without warning, even though we are warning the government there is danger at both levels.

For small carriers too, regions will be in a position of dependence. Of course, we cannot expect the same air traffic at Chicoutimi as at Dorval, nor at Kapuskasing—if there is an airport there, but I guess there is one—as at Pearson. There are surely fewer scandals at Kapuskasing than at Pearson, so we will not have to debate over three years the issue of who benefited or not from the manoeuvring that went on about Pearson.

Leaving things to unthinking market forces is not what the spirit of deregulation is all about. Government has to withdraw from certain areas, we agree, but government must not disappear; government has a regulatory role to play to see that things proceed in a civilized way and that people's needs are taken into account. People living in remote regions should not have to pay more to travel than people living in large urban areas do. Some adjustments are to be expected, but surely they should not have to pay a higher cost to go from Montreal to Chicoutimi than to go from Montreal to Paris. That does not make any sense.

It must be said also that the safety of passengers has as much value in the Magdalen Islands as at Pearson, and that francophones have as much rights as anglophones, otherwise we are only talking nonsense. We will hear fine speeches about national unity, about modernizing government, but the bottom line is that we will go back to where we were when government was not sufficiently involved. There is too much government interference now, but the solution does not lie in having the pendulum swing from one extreme to the other.

In this case, the pendulum just swung back to the other extreme where we trust the market and people's good faith implicitly and where we do not have any standards, particularly in the areas of safety and language.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I have two points I wish to put to the hon. member opposite.

He says there are no protections for the French language, as others in the Bloc have said. He ignores the fact that article 20 of the Nav Canada bylaws requires the corporation to comply with the Department of Transport practices and procedures with respect to bilingualism with regard to the Canadian air navigation service in effect as of the date of incorporation, a year ago last month, and to comply with any provision of the Official Languages Act. There are respect and protections for the French language in Bill C-20. I assure the member of that.

On a more important note, again the Bloc brings into question this issue of the Aéroport de Montréal and its role as the local authority, charged with the responsibility of operating the airports at Dorval and Mirabel.

It is passing strange the raison d'être of Bloc Quebecois is to relegate to provincial authority as much control from the federal institution on matters of social and economic policy. When the federal authority transfers responsibility like the operation and management of the airports to local authorities, the ADM, the Bloc says ''no thank you, the local authority does not have the competence to handle the issue on these two airports and the federal government should step into this issue''.

Which way does the Bloc want it? It cannot have it both ways.

[*Translation*]

Mr. Duceppe: Mr. Speaker, we want something concrete, besides the application of the Official Languages Act. In fact, we could go on at length about the application of the Official Languages Act. Yes, we do have an act, but do French speaking

Canadians outside Quebec control their schools? Do they have control over their schools? Do they have a budget?

Some of the prairie provinces even received money from the federal government, pursuant to the Official Languages Act—

Some hon. members: Oh, oh.

Mr. Duceppe: The members opposite could have the courtesy to listen to me, Mr. Speaker, since I listened to them.

• (1200)

Pursuant to the Official Languages Act, the federal government gave money to some of the prairie provinces, which used it for other purposes. Their French speaking residents are not getting any services. Where the Official Languages Act is concerned, if we do not provide for any concrete measure, we will end up with a situation like the one in Kingston, where the residents fought for three years to get a washroom installed in a high school.

If the Official Languages Act is not respected in the education field, can you imagine what will happen when we go up in the air. We need more concrete measures.

Mr. Keyes: You are avoiding the ADM question.

Mr. Duceppe: Now, about ADM. We never questioned ADM's right to make a decision. Never. That is not what we said. The member should listen when we talk, but he never does, he is too busy talking at the same time as we are. If he were to listen, he would realize that the lease between ADM and the federal government specifies the decisions that can and should be made by organizations such as ADM, although for that to happen we need some kind of process for the information and the analyses to be released and a forum to discuss these issues.

As for the role of government, first, the government should withdraw from the areas that do not concern it, but, second, it should not drop everything and then try to hide behind market forces. The government has to set a number of rules.

Of course, as my hon. colleague said, we are asking the federal government to withdraw from a number of areas and we do not deny that. In a sovereign Quebec, I, for one, would not want the state to interfere and try to replace the private sector, but some rules have to be set and as long as we remain part of Canada, unless we are told that we no longer belong—in which case things could be settled pretty fast—we think that an issue as important as air safety, even among two sovereign countries, should be included in agreements signed by more than one country, because, as you well know, borders do not stop planes.

The Prime Minister of Canada was the only one who had a problem with the high speed train. He said that the train would have to stop at the border. I do not know if the Prime Minister has to stop at the borders when he travels by plane, but if he does travel a little bit, he must know that borders and customs issues are settled either on departure or on arrival, but not in the air or in the middle of the tracks.

[*English*]

Mr. John Williams (St. Albert, Ref.): Madam Speaker, I note that the member was quite concerned about maintaining air traffic safety in this country. I am glad to hear that because I hope we all are.

My colleague from Edmonton Southwest meant that English is the language of aviation for safety purposes, not that English wants to dominate, but English was the language that was chosen. If we are going to allow any language such as French, Spanish, Italian, Greek, Russian, Chinese, Vietnamese, or whatever, how are we going to be able to communicate with each other and ensure safety which the member said he was concerned about?

Has the member thought about that, or is he just trying to promote his line of thinking, which is that French has to be up there with English in every situation around the world? Has he thought about that or is he just trying to make some noise to get his point across?

[*Translation*]

Mr. Duceppe: Madam Speaker, my colleague is only late by some 30 years. We discussed it here and we passed the Official Languages Act. I would like him to go to Italy and explain to Italians that it is dangerous to speak Italian in Italy. Let him try that with the Russians. You know, languages other than English are spoken in these countries, not better nor worse, only different.

There are countries where English is not spoken and aircraft still fly there. However, ICAO decided on a common language. When pilots who do not speak Italian arrive in Italy, they do not get a crash course in Italian while waiting to land. They use English as well as the Italian controller. This is part of the operating standards.

• (1205)

Of course, we agree that English may serve as the common language in air transportation when the pilot does not speak the language of the country. But of course, it is another when pilot and controller both speak the same language. This is the norm in all countries except in the land of the Reform Party.

Mr. Stéphan Tremblay (Lac-Saint-Jean): Madam Speaker, we are hearing absolutely incredible things in the House today. We are getting back at the linguistic debate. We wanted to talk about the issue of security, and we have taken for granted that French had its place in the air in Quebec, but our colleagues beside us want to

debate the linguistic question again and are saying that French should be eliminated. I will not get into that debate because it is obsolete.

I would prefer to point out the intervention of my colleague for Laurier—Sainte-Marie, who was quite eloquent. He said something that I found interesting and really true. He said that, at some point in time, he was the only passenger aboard an Air Alliance plane, probably a DH-8 that can seat approximately 30 people. That illustrates very clearly the problems of small carriers. You see, a big carrier servicing the Vancouver-Montréal line has no problem because its planes are 80 per cent full most of the time. They have big planes that cost a lot of money, but there are a lot of passengers. So, they are profitable.

But, in regions, the reality is much different. The planes take off even if there are only one or fifteen passengers aboard. It does not mean that that sole passenger is not important. That passenger must be flown to Montreal. There is an air service between Montreal and, for example, Alma, which is also in my riding. This service is very important and very costly, in terms of privatization, because small carriers have very high costs even if they have only a few passengers. That explains the price of plane tickets. And this is my concern because small carriers are finding it hard to survive, due to the situation mentioned by my colleague and that small carriers experience every day. We will have to think seriously about it.

Therefore, the question I put to my colleague concerns the fact that Nav Canada will not be accountable to the government, just like ADM is not. A board is set up and the government says that if a bad decision is made, it is not its problem because it was taken by the Nav Canada board. I would like our colleague to talk a little about the problems that that may cause, since he knows better than me ADM's situation.

Mr. Duceppe: Madam Speaker, there are two aspects that must be given special consideration when commercializing government services. First, the bureaucracy that characterizes so often the public sector must be eliminated. So, I do not think that there will be endless consultations. To avoid that, there needs to be a series of standards and the area, jurisdiction or issue that is transferred under private sector control must be regulated.

There must be standards against which the decisions can be evaluated. There must also be a complaint or consultation mechanism to determine if those standards are adhered to. That is what I think is missing in the bill. There are no specific standards concerning the use of French and even less concerning air safety.

• (1210)

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Madam Speaker, I have accepted to take part in the third reading debate of Bill C-20 because it is a bill that I am most interested in. One of the reasons is that it creates Nav Canada, a non-profit corporation, which will allow the government to apply $1,5 billion to deficit reduction. It is also because the Bloc Quebecois thinks it is a good idea to privatize air navigation and to have competent people to provide these services.

However, we have some concerns about this bill. The most important one, I think, is the fact that we do not see in this bill a clear political will to give priority to passenger and crew member safety as well as to the safe transportation of goods. In my opinion, this is a rather important issue. Personally, even though I travel almost every weekend from Ottawa to my riding and back in small aircrafts, I have not yet gotten over my fear. So when I see that the government is creating such an organization without including explicitly in its mandate the requirement to ensure passenger safety, there is cause for concern. One of the things we can expect from a society is to protect the people.

The official opposition also has a problem with the appointment of the 15 members of the board of directors. My colleague from Lac-Saint-Jean, with his experience, has underlined in his speech the importance of small air carriers and of the Association québécoise des transporteurs aériens, whose interests will not necessarily be taken into account by this board of directors.

It is hard to think that the 15 members of this board, the majority of which will represent large carriers, will really care about small carriers. In establishing rates, who will they be thinking about? Normally, they will make decisions that are to their advantage and nobody will be there to defend the interests of small carriers.

For instance, if the small carriers had been given equal footing, it would have been possible for the Association québécoise de transport aérien to be represented, so that the 15 people would have included someone with the mandate to see that the French language was well represented on the board and properly defended across Canada.

The French language received a great deal of attention earlier. Several of my colleagues mentioned it in their speeches, and some of our colleagues across the way or beside us are surprised that we are raising the issue. Of course, the bill states clearly that Nav Canada will be subject to the Official Languages Act. But, Madam Speaker, you yourself are in a good position to know, coming from an officially bilingual province, that we do not always take the trouble, on a daily basis, to defend our rights and see that they are respected. There is a tendency, with the French language being the minority language in every group, to forget that French even exists and to begin speaking English and conducting all our affairs in English.

• (1215)

It is not because Nav Canada releases all its proceedings, reports and press releases in both languages that it is a truly bilingual organization that really cares about respecting the language of the minority. In the current context—and since the past has a tendency to repeat itself—it seems pretty hard to believe that the French language is very safe with Nav Canada.

Every year since that law came into effect 25 years ago, the Commissioner of Official Languages, who is always biased in favour of the English language, still manages to write several pages or paragraphs of his reports on the flaws in the implementation of that law with respect to French. He has done so every year for 25 years.

Since there is no guarantee in that regard, you can understand why, although we in the Bloc Quebecois basically agree with the creation of Nav Canada, we are opposed to this bill, which does not give us all the guarantees in that regard.

We could go on discussing this problem for a very long time, but if we listen to some of the members in this House—for example, I read again with interest the comments made by the parliamentary secretary—I understand that Transport Canada will remain responsible for setting the safety regulations and standards applying to this new corporation and for monitoring operations to ensure compliance.

The Bloc Quebecois wanted this bill to specify that safety had priority over all commercial decisions made by Nav Canada, but all the amendments proposed by the Bloc were rejected. One of our amendments had been accepted by the committee, but it disappeared as if by magic when we got to the vote at the committee report stage.

Speaking of committee work, one may wonder why the House bothered to create these committees. Perhaps to give the illusion that this is a democracy. These committees can ask people to testify, hear witnesses and travel across the country. These committees can travel and meet people across the country or they can get people to testify at a hearing here in Ottawa, but when the government makes a decision, no one can change its mind because, with its large majority, all it has to do is vote against all the amendments proposed by the opposition, even if many of them were designed to improve the situation. They were not designed to undermine the bill. On the contrary, we wanted to make sure certain important elements would be included in the bill, but they were not.

Once again, the government is turning a deaf ear to everything we propose. It seems important also to look at another bad habit this government has. It will become obvious with another bill coming up for debate in this House, but let me just say that the government has this funny little way, every time it brings in a bill, of providing for exemptions in the legislation. This time, National Defence is exempted from the charges.

• (1220)

Given the number of DND aircraft that will fly in Canadian airspace and use our airports and the air navigation services they provide, by deciding to exempt the Department of National Defence from the application of this bill, the government itself is depriving Nav Canada of an important source of revenue. At the same time, the government is asking Nav Canada, this not for profit corporation, to balance its budget, while depriving it from the start of an important source of revenue. I wonder why the government is doing this.

Required to act, it does away with a function by transferring it to a private sector corporation and tells this corporation it shall be a not for profit corporation, which in itself is excellent. For once, the government is not privatizing for the benefit of some friends of the government, but rather putting local stakeholders in charge of operating the air navigation system, which is already giving it half a chance of succeeding.

However, the government is telling the new corporation it has to cough up $1.5 billion to start up. While the government may offer interesting terms and conditions, as a client, it will be exempt. The Canadian government's reasoning is really hard to follow, because one has to wonder how it will manage to make up for these massive revenues it will be forfeiting.

In a different but related vein, the Bloc Quebecois suggested many amendments to the government right from the start. We requested changes regarding the corporation's board of directors. We asked that efforts be made to ensure safety and security. But each and every time, the government denied our requests. The result is that problems will surface for small carriers in the various regions of the country, including companies that fly tourists. These small carriers will find themselves in difficult situations.

We seem to be the only ones interested in carrying on the debate but, believe me, we are not trying to kill time. We know we have a very important agenda involving other issues. However, we are using the few minutes at our disposal to tell the public, and to convince our fellow members, that the bill presents a danger, since it is not specified in Nav Can's mandate—the agency that will manage air navigation services in Canada—that the safety of passengers, airline personnel and the public must have priority.

Be that as it may, I want to point out one aspect of the bill which may be somewhat unfair. New companies or newcomers relying on Nav Canada must not be adversely affected. Priority must also be given to regional development. I am thinking of a region like mine.

The airport is currently managed by the federal government, but it will be transferred to the private sector.

• (1225)

Negotiations are ongoing which should help resolve this issue in the near future. However, since Nav Canada will be responsible for the control tower and another private corporation will be responsible for managing the Mont-Joli airport, if, for example, the board of directors of that corporation decides that it needs new equipment in the control tower to promote airport expansion and regional development, that decision will have to be approved by Nav Canada.

Since Nav Canada's first concern will be to balance its budget, it is likely that both corporations will have conflicting objectives. Therefore, Nav Canada could say, for example, that unfortunately it cannot approve the acquisition of such equipment because the volume is not sufficient. That would have a direct negative impact on the development of our region.

We will find ourselves in situations like that, where it will be difficult to make a decision because we will likely have a problem with regard to the number of passengers.

My colleague who spoke before me mentioned that it happened to him to be the only passenger on a plane. Unfortunately, we know that, in the regions, Canadian carriers compete in a rather stupid way. For example, instead of having two flights in the morning at different times, they have two flights that leave within five minutes of each other just to try to compete. Very often, one of these flights leaves with very few passengers on board. I have travelled very often between Ottawa and Rimouski on flights that were half-full or half-empty, whichever you prefer.

When the situation gets this bad, it means that things have to change if we want to have air transport in the regions once again. We need it but we have lost it, mainly because of the fares we have to pay to support trans-Atlantic flights. Studies have shown that, unfortunately, regional fares are very high to compensate for lower fares on trans-Atlantic flights.

It is also known that all flights departing from or arriving in Ottawa are more expensive than others since the main purchaser of plane tickets is the Canadian government. Even when all carriers lower their fares, they make sure that these reductions do not apply to flights between Ottawa and the regions so that they can make as much money as they can.

We will find ourselves in a somewhat difficult situation in terms of development. Unfortunately, we will have to see this new corporation in action but, as you already know, we will not support this bill.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Madam Speaker, I want to quickly address a couple of concerns brought forward by the hon. member.

The Bloc worries that a facility at a smaller airport could be closed down because it is not profitable. This concern is probably based on a fundamental misunderstanding of the nature of Nav Canada.

Nav Canada is a not for profit entity. Its focus will be on whether particular services are necessary for safety and wanted by the users, not on the profitability of such services. Financial consideration become relevant only in so far as the needs of the users are affected and their willingness to pay for these services.

However, if a particular service is required in the interests of safety, and I heard the hon. member address this point too, it will be provided. It will be required regardless of the financial considerations.

• (1230)

What about air navigation services at local airports? There are a number of air navigation services at existing airports that are not required under the criteria laid out by Transport Canada. It is reasonable to assume Nav Canada would try to rationalize some of those services, although it does not mean safety or even levels of service will suffer.

With constantly improving technology it is possible to provide the same or even better levels of service from centralized facilities. In all such cases the corporation will be required to consult widely before acting. It has to provide due notice and it has to establish with Transport Canada regulators that the proposed change in service does not affect safety. These are all the provisions built into Bill C-20.

Unfortunately I did not see the hon. member at committee. I understand we cannot attend all committees but we do have our concerns.

Nav Canada is a not for profit corporation, not a company going out to take over the air navigation services from the government trying to make big money. That is not the object of Nav Canada. I hope with these assurances the hon. member will see fit to support the bill.

[*Translation*]

Mrs. Tremblay (Rimouski—Témiscouata): Mr. Speaker, I am very pleased to hear my hon. colleague continue to repeat, since this is not the first time that he says so in the House, that Nav Canada will have safety as its priority. It is clear to us. We said we approved the idea of creating a non profit agency. There was never any doubt about that. We think it an excellent idea.

When people came before the committee to explain the bill in more detail, we asked them whether Nav Canada's mandate provided a guarantee or a clause giving safety priority over a balanced budget. The answer given in committee was the budget had to be balanced.

According to the information I have obtained, Nav Canada's mandate gives priority to passenger, personnel and cargo safety. This fact was never mentioned in committee. If in fact it does, I wonder where it is set out, because we did not see it in the bill, and there was no mention in committee.

Now, with regard to our concern that Nav Canada will hinder the development of certain regions, I have only to look at what is happening in my own riding. Air transport has dropped, and prices have risen. In order to spend a weekend in my riding, I have to pay twice the cost of a trip between Montreal and Paris. There are extras and conditions that block the development of an airport like that of Rimouski.

On top of that there is the non profit organization that, in order to balance its budget, may forego buying certain equipment. Everything develops quickly. Today's high tech will perhaps give us the means to manage our control towers much more effectively than we do at the moment. As we know, however, the price of such things keeps going up. So perhaps Nav Canada will hinder the development of a region like mine—not only my region, but a lot of similar regions—where there are low traffic airports. Nav Canada is an operation whose prime concern may not necessarily be safety, and this is one of our basic concerns.

• (1235)

Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ): Madam Speaker, my colleague from Rimouski—Témiscouata has rightfully pointed out the impact of language on safety. Before her, my parliamentary leader mentioned the airspace over Magdalen Islands, where pilots cannot receive services in French because these islands are served by a base in Moncton.

I think my parliamentary leader does not have to go as far as the Magdalen Islands to find a case in which the Official Languages Act is not being complied with. All he has to do is stay here on Parliament Hill where, a few days ago, I received from the office of the clerk of the transport committee an eight-line text with five errors in French.

How can we believe that French is respected in this country after receiving such texts?

Mrs. Tremblay: Madam Speaker, there is no doubt that we may seem a tad touchy on the linguistic issue. There is no denying it can always be argued that there is the Official Languages Act. But as I and many of my hon. colleagues have said, and will keep repeating for as long as we are in this place, the French language is in peril in Canada.

Commendable efforts are made by everyone involved in transcribing speeches and committee proceedings, but still, all too often and in the case of some offices more than others, clearly a closer attention ought to be paid to language quality.

As for the use of the French language in the air transportation industry, it can be a major problem. For instance, there are times when on a flight from Ottawa to Toronto, not a soul on the plane speaks French, including the captain, who may not even understand French. An absolutely brilliant solution was found. At the touch of a button—we can now have a perfectly bilingual person filling the job—a pre-recorded message is played in English or, at the touch of a button, a voice explains in good French how to fasten our seat belts, what the safety rules are, and so on. Pre-recorded messages are used onboard many planes now. The trouble is that, if something unforeseen happens, we cannot just push a button and hear: ''Take off has been aborted; we are going back to the airport.'' These explanations would then have to be given in English.

Already, we notice in the transportation industry, and at Air Canada in particular, that since being privatized, the company has considerably lowered its standards regarding the use of the French language. There are now captains who speak English only. They would be in big trouble if they were flying an international flight and had to land in Paris for example.

Mrs. Monique Guay (Laurentides, BQ): Madam Speaker, I am pleased to take part in the debate at third reading on Bill C-20, an Act respecting the commercialization of civil air navigation services.

Let me first say a word about my personnel flying experience. I am not very brave when it comes to flying. I only do so out of obligation, not pleasure. If, in addition to my natural fear, I feel my personal safety is at risk when I board an aircraft, I might think twice before flying again.

Nav Canada was just recently established. Incidentally, we have nothing against this non-profit corporation, which will manage services that are of public interest. It reminds me of a very similar corporation which I will tell you about, because it concerns people in my region.

Not too long ago, a similar non-profit corporation was established to manage services that are of public interest. I am referring to ADM. ADM is the corporation managing the Montreal and Mirabel airports.

• (1240)

Lately, it made a decision which, personally as member for Laurentides, I find totally unacceptable. This corporation, which is made up of business persons, is not accountable to the public. Its

members made a decision; they decided to transfer flights to Dorval; they decided to invest millions of dollars to develop Dorval airport without any public consultation.

ADM's decision to transfer flights was arrived at without public involvement. Social, economic and environmental impacts were not explained to decision makers as a whole, other stakeholders and people living in and around the areas concerned. This is funny, because this government is telling us about the fine well articulated pieces of legislation we have in this great country to ensure its prosperity, but it does not abide by them.

Not very long ago, the environment minister tabled an environmental bill we just could not support. We voted against it, but it was passed anyway by the government and is now in force. It concerns environmental assessments and overlaps our own legislation, the BAPE. In Quebec, we already had something which worked very well, but the federal government insisted on passing a bill on environmental assessments. This is fine and dandy.

And now, with ADM, our hands are tied. ADM goes ahead with its decision. We cannot demand that it shows us its assessments. We are not asking for new ones, it tells us it has already conducted assessments. All we want is to see the results, we want the process to be open. Same thing with the economic impact, and the social impact as well. What will happen in a region such as mine, the Laurentides region, and in the regions of Argenteuil—Papineau and Blainville—Deux-Montagnes, represented by two of my colleagues? What kind of impact will this have not only socially, on the community, but also on employment?

Especially when we are told that, within 15 years, operations will have to move back to Mirabel. As far as I am concerned, this is a decision that does not make any sense. We want facts. Prove to us that this is indeed the right decision. Produce the documents we have requested, put them on the table so that we can take a good look at them, then maybe, we will be in a position to discuss. For the time being, there is nothing definite. There is nothing on the table and we cannot get our hands on any facts. ADM is seven individuals who have made a certain decision.

I am not saying that a corporation like ADM or Nav Canada cannot make decisions, but I do think that, before creating a corporation like Nav Canada, which is already in existence, and passing this kind of legislation, in light of what ADM had done, we must make sure not to repeat our mistakes the second time around with this other not-for-profit corporation.

We should take some of the mistakes made par ADM and use them as examples to ensure that the same mistakes are not made again with another not-for-profit corporation. In privatizing services and transferring them to corporations along with the decision-making authority, we always run the risk of having decisions made behind closed doors, decisions that I personally find undemocratic, as I said earlier.

Bill C-20 just created yet another not for profit management corporation, which could at any time make the same kind of decisions that ADM made, decisions that may not be desirable because of the waves they are bound to make and the controversy they will cause in the public. I wonder why the government is not consulting the public before, instead of having to mend the fences after.

Here is one of many articles I have gathered on the subject. Let us say that, since ADM decided to sue, a flock of people have been writing on the subject. This paper on Mirabel reads as follows: ''The future of Mirabel is closely connected to the future of the greater Montreal area, which will not do without its international airport''. That was written by Jean Cournoyer.

• (1245)

Mirabel is not bankrupt, on the contrary. Mirabel is profitable but remains incomplete because, while the work was under way, the conductor did not agree with the concert master on the piece to be played. It is still a bold enterprise which, for reasons that do not come under its responsibility, ran out of breath before getting to the finish line.

In 1993, ADM, having done its homework, announced that the best solution to the problem of the two airports was to maintain the status quo. In 1993, it was the status quo. Three years later in 1996, ADM, after redoing its homework, announces that two airports are an impediment to traffic growth and proposes to allow regular international flights to land in Dorval.

As a staunch defender of freedom, I really believe that the main concern of an airport is to meet the needs of its clients. But let us consider the price we will have to pay to meet the needs of a hypothetical clientele: $36.4 million to build a temporary international jetty and renovate the international arrival lounge, plus $185 million to build a permanent international jetty and expand the multi-level parking garage, for a total of $221 million, except for the cost of an underground terminal for regular trains from Ottawa and Montreal. When I see that this money is to be invested over a 15-year period only, I do not understand the decision that was made. The people in my region are very disappointed in ADM's approach.

I now get back to Nav Canada, a non-profit organization. I sincerely believe that, in a case like this one—and, again, non-profit organizations are an excellent thing, but we must use both bad and good examples. Certainly, good things were achieved, but mistakes were also made by corporations like ADM. Before drafting a bill, we should at least ensure that public safety is mentioned in the preamble. That is a priority. Plane crashes are often fatal. I think the first thing we must do is to reassure the

people who fly—and who pay good money to do so—that their lives are not in danger.

Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ): Madam Speaker, I listened with interest to the comments of the hon. member for Laurentides regarding Mirabel airport and ADM. She was right on track, because there is an obvious similarity between ADM and Nav Canada, as we have been pointing out since this morning, and also in recent days. Both are private corporations with a mandate to provide services to the public. However, privatization has resulted in reduced services to the public. For example, ADM is not concerned by the Access to Information Act, while Nav Canada is not subject to the provisions of the Privacy Act.

I want to ask the hon. member if this is how she sees things, and if she feels ADM's decision should be postponed, considering that it is not accountable to anyone, regardless of the statement to the effect that ADM is free to make its own decisions and is accountable to no one in that regard.

• (1250)

So, my question is: Does the hon. member feel this measure should be postponed? Dorval was supposed to close five years after Mirabel opened. It did not happen because of a lack of political courage, with the result that we now find ourselves in this extremely complicated situation.

Does the hon. member feel, as I do, that this decision should be postponed?

Mrs. Guay: Madam Speaker, I want to thank the hon. member for Blainville—Deux Montagnes. It goes without saying that this decision will have to be reviewed.

It is totally unacceptable that only seven people make decisions. These people were probably influenced by air carriers. Air Canada played a role. Pressures were made. Why? Because the process was a secret one. Why do we not have the documents and why can we not take a clear look at the situation?

Something incredible happened. We—the hon. members for Blainville—Deux Montagnes, Argenteuil—Papineau and myself—brought petitions signed by some 40,000 or 50,000 people to the transport minister, who was very nice to us, only to tell us the next day that Mirabel was being closed because of the separatists. This is some answer. It is very logical and articulate.

It goes without saying that we must have access to all these documents to review them and to make sure ADM did indeed make the right decision. How did it reach its decision? We want to take a look at the whole process. Personally, I think Mirabel is the airport that should stay open. Sure, Mirabel is in my region, but it has all the necessary structures to expand and meet the future needs of Montreal and the surrounding regions. A brand new airport in full expansion will be closed to transfer flights to Dorval.

I would really like to know how ADM came to this decision. I would like to see all the documents and environmental studies. Environmental groups in the Dorval region are opposed to an increase in the number of flights to Dorval. ADM cannot even guarantee—as its spokesperson, Mr. Auger, said in an interview—that the number of flights to Dorval will increase. ''There are X number of flights right now; as for later, time will tell''.

This situation is very worrisome for people living around Dorval airport. Dorval cannot be further developed: it has reached its maximum capacity. What will happen? We definitely have to postpone, review, examine and analyze the decision to make sure it is the appropriate one.

Mr. Mercier: Madam Speaker, since I have the opportunity, I would like to take it to point out to my hon. colleague, the parliamentary secretary, that this parallel between ADM and Nav Canada really is part of the debate, the similarity is so striking.

The advantage we have is that, since ADM has been around for four years, we can see in advance what will happen with Nav Canada by looking at what is happening with ADM. What is happening with ADM is that a decision has been taken that is not in the public interest and we cannot even get any explanations.

Do you know what will happen with Nav Canada? A few years down the road, you will see it take a decision dictated by financial interests, contrary to the public interest. Nav Canada will give the minimum notice required under law, since our amendments calling for more specific notice were rejected, and will take its decisions, without providing any explanations. And we will not have a leg to stand on, and, on that note, I will take my seat.

Mrs. Guay: Madam Speaker, I would just like to conclude by saying that the comment made by my hon. colleague's is perfectly sound. That is what I was saying earlier: this should be used as an example for future reference, including as regards Nav Canada. We must therefore be able to examine what the same kind of not for profit corporations have done right and where they have gone wrong.

• (1255)

We must also be sure that the individuals who sit on those boards are honest. We must ensure a good representation of all stakeholders in all regions. And when a decision is made that is inconsistent with the public interest, we must be able to turn things around, by reversing this decision or improving on it, something we cannot do at present. Nothing of the sort is provided for regarding ADM. There are obviously connections to be made between the two.

I hope that public safety will take precedence so that everyone can take the plane safely and without fear. I often travel by plane and I am very worried. I hope that the government will support our amendment so that this aspect is covered.

Mr. Jean-Paul Marchand (Québec-Est, BQ): Madam Speaker, I will go on in the same vein as my colleague from Blainville-Deux-Montagnes. ADM's decision to transfer flights from Mirabel to Dorval raises not only the issue of increasing pollution and air traffic but also that of public interest. The problem with Mirabel is that ADM decided it was worthwhile to invest hundreds of millions of dollars in order to improve Dorval, forgetting that Mirabel is still there, that a lot of money has been invested in that airport.

As you know, it was the Liberal Party, under Mr. Trudeau's leadership, that saw to it that Mirabel got built. In transferring all flights to Dorval, ADM is forgetting that Mirabel is still a problem as that airport should also be developed. Negotiations about Mirabel must resume within eight to ten years. More money will have to be invested.

The decision to transfer flights from Mirabel to Dorval is a bad decision that does not take into account the interests of the public and of the people of Montreal. In the very short term, it is simply a stopgap solution. The obvious solution would be to build a suspended high-speed train that can cover the distance between Mirabel and Dorval in 10 minutes. The technology already exists in Quebec, and it would be an obvious solution as it would allow us not only to link Mirabel and Dorval—

The Acting Speaker (Mrs. Ringuette-Maltais): Order, please. The hon. parliamentary secretary on a point of order.

[*English*]

Mr. Keyes: Madam Speaker, I rise on a point of order. We are trying to debate the movement of the air navigation system in Canada over to Nav Canada. The hon. member's question is completely off topic and way out of line.

The Acting Speaker (Mrs. Ringuette-Maltais): That is not a point of order. The hon. member has exactly 30 seconds left in the time to make questions or comments and then we are resuming debate.

[*Translation*]

Mr. Marchand: Madam Speaker, I would reply to the hon. member that my comment is related to the issue under consideration because ADM is a very good example of mismanagement following the decision to put airport management and control back in the hands of private enterprise. ADM has no respect for Quebec's long term interests.

Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ): Madam Speaker, I am pleased to speak today to this bill at the third reading stage. I have already had an opportunity to speak to it at the report state and I must state, regretfully, that there has not been much change in what I have to say, because most of the amendments proposed by the Bloc have been rejected. What I have to say has not, therefore, changed a great deal, nor has what I already said had very much influence on the debate. When in a minority position in a democratic system, we do what the others tell us to do, when they feel like it, when it suits them.

• (1300)

That is the democratic principle for minorities, and a minority is what we are in this House. Now, where are we, exactly, with this bill? I want to give a quick overview of the key points. I will start by pointing out before I go any further that something is happening in Canada at this time which merits our attention. Canada is selling its ports, its airports, its bridges, its rail lines, its rail cars, its navigation systems. A close look indicates that we are perhaps in the process of holding a huge clearance sale.

This legislation provides the legal framework for turning Transport Canada's navigation system over to Nav Canada, a not for profit corporation, as it has just been described, created under part II of the Canada Corporations Act. It is a follow up to the December 8, 1995 agreement in principle between Transports Canada and Nav Canada, selling the system for $1.5 billion.

The key principles of Nav Canada—four points set out in the Act—are that it is to be operated as a legally constituted, self-regulated entity operating on a cost-recovery basis. The air transportation tax levied on passengers when they purchase tickets from or to a destination in Canada will be eliminated in two years. During that time, the federal government will make transitional payments to Nav Canada based on anticipated ATT revenues. Nav Canada will have a commercial mandate to run and manage its operations according to recognized commercial practices. Nav Canada will set the charges for its services so as to recover all its costs from users.

My colleague from Rimouski—Témiscouata pointed out that military flights would not have to pay these charges and that Nav Canada would offer employees transferred from the public service the continuation of current collective agreements and the granting of successor rights to bargaining agents, as well as equivalent working conditions and benefits.

The purpose of this bill is to privatize and commercialize air services in Canada by incorporating Nav Canada. Creating this organization is, of course, part of Transport Canada's overall strategy to modernize transport services in this country. The federal government tells us we must support the principles of greater effectiveness and lower prices.

But it is easy to detect the real reason why the federal government wants to create Nav Canada. Its main concern is really to make air services profitable at the expense of safety and regional development. We emphasized this in our speeches throughout consideration of this bill.

The previous Minister of Transport himself stated that the government could no longer afford to pay for adequate air services. We therefore wonder, because it has not been proven yet, if the new corporation will be able to do better. For the moment, they are busy selling off and privatizing, although they have no idea where this will take us at the end of the day.

The government therefore must create an organization that will have on its board of directors representatives of all major airlines in Canada at the expense of small regional carriers, as my colleague from Lac-Saint-Jean pointed out a while ago, when he talked about the impact privatization will have on Air Alma, for example. We had hoped that this negative aspect of the bill would be reviewed and corrected along the way.

• (1305)

Unfortunately, it was not, in spite of the many representations made by small carriers. It is clear that only major carriers like Canadian and Air Canada will have a representative with any decision power of Nav Canada's board of directors, and this of course because our major carriers are in the majority. As my colleague, the hon. member for Rimouski—Témiscouata explained, they will probably make decisions based on their own interests and needs, at the expense of small carriers.

But, as we know, the needs of major carriers are often quite different from those of smaller ones. For example, major carriers would like fly over fees to be lower than landing fees, while small carriers are calling for just the opposite. This tends to suggest that decisions on certain matters will require debate on conflicting interests on a board where small carriers will always be the minority.

I am therefore concerned about the impact this will have on the economy, tourism and regional development, since small carriers operate mostly and for the most part at the regional level. As you know, the regions are mainly served by small regional carriers and the fact that these small carriers will not be represented adequately and that their voice will not be heard when decisions are made can only impede long term regional development.

Nav Canada will have a monopoly on air navigation services. It will slap users with fees and have total control over the fee structure. How can we not predict or expect the financial interests of major carriers to take precedence over everything else in the long run, including public interest and safety? But the need remains to ensure that someone is still accountable for safety standards, which must be the top priority at all times.

I cannot see how the government could oppose this motion tabled just recently, when the sponsor of the bill himself, a minister, stated in a speech that Transport Canada's top priority was to maintain and, whenever possible, to improve the safety and security of Canadians. Yet, there is not much said about safety in this bill. I do hope government members will stand by the statements made by one of their ministers, even though what we saw and heard in recent weeks about this bill might lead us to think otherwise.

It must be understood that Nav Can's board of directors will be made up of people from the private sector. These people are, of course, interested in having a profitable venture, in making profits. When they sit on the board, their primary concern is the impact of the decisions on their own companies. This is only normal.

It is obvious that this bill is primarily about financial considerations. This is why the Bloc Quebecois withholds its support for Bill C-20 until a reference is included about safety. This legislation favours financial security, instead of the safety of airline personnel, passengers and the general public.

The air navigation sector does not allow for any mistake, because mistakes cost lives. This is an area regarding which the federal government can never elude its responsibilities. The government has an obligation to give priority to safety. Yet, there is no reference in this bill to such an obligation or to any commitment to this effect. This is why the hon. member for Kamouraska—Rivière-du-Loup, seconded by the hon. member for Blainville—Deux-Montagnes, proposed an amendment, which I will read because it accurately reflects the Bloc's position: ''That this House declines to give third reading to Bill C-20, An Act respecting the commercialization of civil air navigation services, because the Bill does not give the safety of passengers, airline personnel and the public priority over all other considerations in business decisions made by Nav Canada''. Yet, we are at third reading stage now.

• (1310)

For some months now, we have been seeing an increasing tendency to give overriding priority to financial considerations in all decisions, whether governmental or quasi-governmental. We see it in discussions about human rights violations in certain countries, when ministers and even our own Prime Minister regularly rise in their place to say that, in the final analysis, what matters is business law, and other interests will have to take a back seat.

This makes us think that, in the bill before us, safety issues are of secondary importance. That is why we have a lot of trouble swallowing it.

I would like to mention that we are in agreement with the actual principle of privatizing air navigation services, but that we will still

vote against this bill, because it does not take into account the safety principles that must override all else.

We proposed amendments along these lines, amendments that we considered important and on which there was unanimous agreement, in principle at least, but which were nonetheless rejected. All we are asking is that these principles be clearly set out in the bill, that they be part of the preamble, and that they serve as guidelines for the operation of Nav Canada. Apparently we are not going to get this, and we will be voting against the bill.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Madam Speaker, it really troubles me that for nothing more than political partisan principles, this hon. member would come to the conclusion that the reasons why he cannot support the bill, and obviously the chief reason why he cannot support this bill, is because he feels that the transfer of the air navigation system to NavCan would be ''to the detriment of safety,'' or ''there is not much talk of safety in this bill,'' or ''the principles of safety have not been kept in mind''.

Remarks like that from the hon. member opposite are totally irresponsible and bordering on fear mongering. I want to explain to the hon. member again why safety is a priority of the government and why safety regulations have been built into this bill to ensure that safety is the number one priority of the government and of NavCan, the not for profit agency that will take over air navigation services in this country.

The supremacy of safety comes through references to the Aeronautics Act and regulations made pursuant to that act. I am not sure if the hon. member even knows what the Aeronautics Act is. If he did he would understand that the supremacy of the Aeronautics Act in this bill assures safety. Clause 5 of the bill states that ''nothing in this act affects the application of the Aeronautics Act''. Again, it is a demonstration that safety is the number one concern of NavCan and the government when it struck the bill.

Clause 14 states that any changes in services or facilities that Nav Canada wants to make must be subject to the Aeronautics Act and any regulations made under that act that relate to aviation safety or safety of the public are again subject to the Aeronautics Act, an act that has served this country well, an act that ensures safety for the travelling public in this country.

Where it was determined that the Aeronautics Act could be strengthened, Bill C-20 provides for consequential amendments to the Aeronautics Act. Clause 101 of Bill C-20 provides for an amendment to the Aeronautics Act to give the minister authority to make orders directing ANS Corporation to maintain or increase the level of civil air navigation services it provides in accordance with such terms and conditions as may be specified in the orders. Clause 103 provides for a significant maximum daily fine for conviction arising from a failure to implement a safety order.

• (1315)

While Transport Canada was both the operator and the regulator of the air navigation system, safety of the system was largely governed by internal departmental standards, practices and procedures. These internal safety procedures, policies and practices are now being given legal effect through part eight of the Canadian aviation regulations. These regulations will be in effect prior to the transfer of ANS to Nav Canada.

If the member wants more, the regulations will also require Nav Canada to establish a safety management program that provides for an internal system of oversight to ensure the safety provision of civil air navigation services.

On top of all these safeguards, if that was not enough for the hon. member to stop this—I will not go on.

ANS will remain subject to independent scrutiny by the Canadian Transportation Safety Board, the CTSB. The separation of operational responsibility and regulatory responsibility has the advantage of offering an arm's length relationship between the regulator and the regulated. This arrangement has served the public interest well in the case of the regulation of air carriers, aviation personnel, aircraft manufacturers and other commercial aviation.

Part eight of the Canadian aviation regulations also give the minister the right to request the provider of civil air navigation services to conduct an aeronautical study when proposing to reduce a service. An aeronautical study is intended to demonstrate how aviation safety will be addressed. If the minister is not satisfied with the results of the study, the service provider can be directed to maintain the service.

I am not sure if the hon. member opposite was aware of all these particulars in Bill C-20. I am sure that if he were, he would not get up and start talking about how the bill is to the detriment of safety or that there is not much talk of safety in the bill or that the principles of safety have not been kept in mind. I assure the hon. member opposite they have been.

[*Translation*]

Mr. Pomerleau: Madam Speaker, the comment was a very good one. I am sure that Canada has legislation applicable to air navigation.

What we would have liked to have seen done was for there to be included in the preamble to the bill a condition making safety a priority, so that Nav Canada's board of directors would never lose sight of it. This was not done.

Earlier in the House we heard about a very specific case of what can happen with a private corporation looking after the public interest, the example being ADM, which is a body very similar to the one being considered. It is a not for profit, private corporation

that will, in fact, look after the public interest. We saw that ADM is the solution to a number of problems for the government. There is no access to information with ADM, while there would have been with the government.

We can see, then, that the transfer to private corporations of responsibilities that, until now, belonged to the government places limits on a number of things. We would have liked to see the preamble to this bill include a statement, once and for all, to the effect that when Nav Canada's board of directors meets, priority will be given to safety of operation.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Madam Speaker, this is more by way of an observation. If the member wishes to comment, I would welcome it.

During his dissertation and that of most of the Bloc members preceding him, the word privatization was used over and over again. Also the government used the word privatization in connection with the commercialization of air traffic control. There is a very real difference between privatization and commercialization.

● (1320)

This is commercialization which is putting the air navigation on a self-sustaining, commercial basis. It is not being privatized. The essence of privatization is the ability to fail. The air navigation system in Canada will not be put into a position where it may fail or go bankrupt. It will face no competition. It is being commercialized. The net result is the cost to Canadians will not necessarily be diminished. It will be taken off the government books and run as a private not for profit organization.

It will not be allowed to fail. It will have the ability to raise prices to ensure it maintains its service, just as the post office has done.

We need to make a clear distinction over the course of the next few years between privatization, which is devolving from the government to a private agency which can fail, which has the ability to fail, and commercialization, which is taking it off the government books and making it self-sustaining.

[*Translation*]

Mr. Pomerleau: Madam Speaker, I would like to thank my colleague for presenting this analysis. It seems to me that throughout the debate we may have been over-using the term ''privatization'' and there is an essential difference between ''privatization'' and ''commercialization''. We ought to have used ''commercialization'', because that is what is involved here, and I thank my colleague for making this clarification.

Mr. Bernard Deshaies (Abitibi, BQ): Madam Speaker, I am pleased to speak for a second time on Bill C-20 respecting the commercialization of civil air navigation services. First of all, a number of Bloc Quebecois members have confirmed that the Bloc is not opposed to the principle of creating a quasi-governmental body to control air navigation.

We cannot, however, merely be yes men and say that yes, the principle is a good one, we have no hesitation about it, it is a noble principle to ensure quality air service to all Canadians. It is, in my opinion, the role of the official opposition to ask questions. Mine are specifically related to the needs of the regions.

One may wonder why the federal government is getting rid of its responsibilities for air navigation. One might conclude perhaps that the federal government is not doing a good job. I think there would be few members across the way who would dare to say that the federal government was not doing a good job. On the contrary, I believe that Canada had a very good reputation in connection with air control. There have not been large numbers of fatalities that can be blamed on negligence.

If the government has been doing a good job, why then does it no longer want that job? Essentially, people will admit that, for about the last decade, the government's policy has been aimed at sloughing off its responsibilities toward Canadians onto the users.

This is why the Bloc Quebecois has debated longer than the government would like, it having thought the bill would be adopted promptly. There is one simple reason for this bill, the simple desire to transfer to a quasi-private body the responsibility for controlling this industry and ensuring Canadian safety.

The regions are afraid of those changes. Are they afraid of technology or of changes? The regions are not afraid to move forward. What they are afraid of is that every time there is a change, it results in a reduction of services for them. In Val-d'Or, there is a regional airport with certain services, slowly we have lost our air traffic controllers. They are no longer needed. Traffic can be controlled from Toronto, Montreal or maybe New York or Vancouver. It does not matter, everything is possible.

We know that technology is far more advanced now than in the past, but human errors and instrument errors can still happen resulting in safety being of a lesser quality in the regions than in Toronto, Montreal, Vancouver or any major airport with services and modern and high performance instruments, but where men and women look after their quality .

● (1325)

In the regions, we are losing out on quality. We have also lost airport fire services. Airport firemen are supposedly not that

important since municipal firemen can do the job in case of an accident. But, as you know, in small municipalities, firemen are not always on duty and by the time they are called, passengers might perish in the flames. To maintain the presence of firemen at the airport, as before, could have improved safety.

Moreover, with all the changes, the regions lost their weather services. Technology might make it possible to call a 1-800 number in Montreal, Quebec City, or anywhere in the world to get a local weather report. Maybe it can be done in theory, but in practice, the weather can change within 15, 20 or 30 minutes and such changes can have a great impact on the security of airplane pilots and passengers. Therefore, in the regions, changes are frightening because they always mean reduced services.

Changes also bring an increase in costs for the regions. They say we will have the same services, the same quality, but that is rarely the case and furthermore, they do not say if there will be an additional cost. For example, if pilots want a weather report, they have to dial a 1-800 number; we should say a 1-800-$$$ number, because it can cost from $4 to $8 to obtain information before making a flight plan.

Is it logical to have a definition of the user pay principle? Nobody can be against that. Those who receive the services will have to pay. It was true also when they modified the CN services in the regions. The CN was privatized. There were changes and services were reduced and now some parts of it will even be closed. So any talk about change causes fear in the regions.

The Canada Post Corporation is another example of privatization. A general outcry slowly rose under the Tories and it is still going on under the Liberals. They do not close local post offices any more; they wait for the postmaster to retire and they simply do not fill the vacancy. This is just like those green boxes they installed, saying that they were still providing the services. Therefore, in the regions, when they speak about change, we always dread some reduction in services.

The federal government wants to shun its responsibilities and get rid of air traffic control services in order not to have to pay anymore. But will Nav Canada replace the government adequately? We are asking ourselves some questions. That is why members of the Bloc Quebecois are making many speeches on the subject. We do not believe the safety of Toronto, Montreal or other major airports will be reduced, because it is the role of Nav Canada to ensure this safety, but we are concerned that, in the regions, for instance, this safety may be overlooked.

It is true that, theoretically, regional airports like the one in Val-d'Or have satellite or radar air control equipment that is as sophisticated as those in Montreal. But, in practice, if we consider that the services of firefighters, air control, radio and weather systems have been reduced, thus increasing the risk of accidents, it is likely the regions' safety will be decreased. It is mathematical.

Moreover, regions are concerned about the way the bill will be passed on to them. Just consider what happened in the past. There was always a bill, although not necessarily in the first or second year. But with limited revenues in the regions, there are not many flights. It is not like Mirabel or Dorval, where there are four, five or eight flights a day. With these revenues, few airports will afford new technologies and, consequently, better safety in the future.

• (1330)

As I was saying, with a preamble stating that safety would have primacy over economy, we would have had a tool forcing Nav Canada to provide not necessarily high quality and costly tools such as those needed by airports like Montreal and Mirabel, but tools that are useful and necessary to ensure safety in the regions.

I think the regions are able, because of the balance created by the fact that everyone pays taxes, to receive a fair minimum service. This is not written in the bill. We would have been in favour of the bill if we had been told this primacy would exist.

Nav Canada will not endanger the safety of Montreal, Toronto or Vancouver airport. After losing the federally managed regional services acquired over the years, we now wonder if these services will ever come back; the chances are pretty slim.

Will we lose the minimal snow removal services? There are many questions we could ask. Will our safety depend on the level of revenue? If the federal government wants to transfer ownership of airports throughout Quebec to the municipalities, will these municipalities, because of the costs, be able to assure us that runways will be cleared properly? Probably, but the level of service will be a little lower than at major airports.

To the user pay policy I could oppose a true principle. If the regions could receive part of the taxes collected on the price of plane tickets, they could perhaps afford to pay for Nav Canada's future services. We could then talk about the user pay principle, but we would also collect some of the revenue. If the federal government can collect the tax revenue, I do not see why the regions could not collect part of it to look after their own airports.

The regions feel shunted aside by Bill C-20; they feel the government is telling them: ''If you do not take control of your airports, we will close them''. And it closes them in two ways. The municipalities fear that, in the next two to three years, they will be forced to take over the regional airports to prevent the federal government from closing them.

Should they succeed in taking them over, they will have to pay the exorbitant maintenance bills that Nav Canada or another government organization will present them with. This would force them to close the airports. If, however, we specified in a preamble to the bill that safety is paramount, we could help regional airports to carry out safe operations. The regions—including my region of Abitibi, the North Shore, the Gaspé region, and all the northern regions in Ontario and Manitoba—would not have to pay higher bills because of the costs of providing services for relatively few people.

The government was doing a good job in the regions 10 years ago, but things have been going downhill. There is a question mark. Will Nav Canada take over? We have our doubts. That is why we are asking questions and presenting arguments, and why some members are talking about regional problems. We talked about ADM, which is concerned not directly but indirectly, as it is true that there are similarities between Nav Canada and ADM. I think that some members are seizing the opportunity to address this issue.

For the regions, the theory is there. History has a tendency to repeat itself. If Nav Canada is not based on the premise that safety if paramount, we feel that, sooner or later, our regions will lose their airports.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Madam Speaker, I want to address one more time the issue of safety, particularly the preamble the hon. member has been alluding to along with his colleagues in the Bloc.

I will not go through it again. I stood after the last speaker and explained how safety is our first priority. It is in the bill. Clause 5 clearly establishes the supremacy of the Aeronautics Act. Clause 14 provides another example where it requires changes in services to be consistent with the Aeronautics Act and regulations made pursuant to that act.

● (1335)

Let us talk for just one moment on the preamble, like the one proposed by the Bloc Quebecois in Motion No. 1. Let us first look at what that preamble states: ''Whereas the safety of passengers, personnel, air carriers and the public has priority over all other considerations in business decisions taken by Nav Canada''. That sounds pretty good. Why would we not have a motion like that off the top of a bill that talks about passengers, personnel, air carriers and the public having priority over all other considerations in business decisions?

There is a reason and it is why the government had to vote down Motion No. 1 put forward by the Bloc. The one proposed here is silent. For example it does not say a word about the respect of safety of private and recreational aviation. It does state air carriers. By air carriers we mean Air Canada, Canadian, the big guys, but it is silent on private and recreational aviation.

How can anyone ask the government to put in a preamble to a bill when it is void of something as critical as private and recreational aviation? It is covered in the bill because the Aeronautics Act has supremacy. It is in the Aeronautics Act and therefore it is covered.

Bill C-20 ensures that safety is our top priority. It ensures that Nav Canada will ensure that safety is its top priority. The question of a preamble is a good one but unfortunately this one was lacking and had to be voted against.

[*Translation*]

Mr. Deshaies: I am delighted to see, Madam Speaker, that our friend opposite recognizes the need to define security requirements for Canadians. Perhaps the Bloc's proposed amendment is broad in scope, but that was the intent, to ensure that this matter of definition would be debated, since I am speaking basically on behalf of the regions—it may be true of other objectives as well—but as regards the price set on future security needs, the regions will wonder who will be expected to pay for all this.

My colleague opposite suggested the airlines might be picking up the tab. If the costs were distributed among paying users, I would see no problem. The regions would be able to keep their airports. But will airport owners be made to pay?

I think it is very important to discuss who will pay. I am sure that profitable airports like Dorval, Mirabel, Toronto and Vancouver might not have any problems adjusting to a new and safer technology. However, it may prove to be next to impossible for municipalities with zero money in the budget to operate the airport to find an additional $50,000 or $100,000 every five years to cover an occasional expense to acquire new and safer technology.

I think that the Parliamentary Secretary to the Minister of Transport was right to point this out. Had debate been allowed on this amendement, I think all Canadians would have benefited.

The Acting Speaker (Mrs. Ringuette-Maltais): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Ringuette-Maltais): 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 Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): Call in the members.

And the division bells having rung:

The Acting Speaker (Mrs. Ringuette-Maltais): The recorded division is deferred until 5:30 p.m. today.

* * *

• (1340)

[*English*]

TOBACCO PRODUCTS CONTROL ACT

Hon. Douglas Peters (for Minister of Health, Lib.) moved that Bill C-24, an act to amend the Tobacco Products Control Act, be read the second time and referred to a committee.

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Madam Speaker, it is my pleasure today to speak on second reading of Bill C-24 which will amend the Tobacco Products Control Act. Action on the proposed amendment is a key element of our strategy for reducing the consumption of tobacco products in Canada. Before I address the specifics of Bill C-24, I first want to take a few moments to touch on the historical and policy context of this legislation.

When the Tobacco Products Control Act became law in 1989 it set a number of important public health precedents. It phased out tobacco advertising. It restricted the promotion of tobacco products. It required health warnings and toxic constituents information on packages. Finally, the act required manufacturers to report information on tobacco constituents and sales to the Minister of Health.

In passing this legislation, Parliament acknowledged the hazards inherent in tobacco use. It acted to protect all Canadians but especially youth from inducements to the use of tobacco products. To this day Canada is recognized as a world leader for the action it took in 1989 to regulate tobacco marketing and promotion.

Since the implementation of the Tobacco Products Control Act, Canada has been viewed as a model in terms of tobacco control measures. Australia, New Zealand, France and Thailand are among the countries which have used aspects of the Canadian model, including advertising bans, prominent health messages on packaging and increased health promotion activities. In some cases these countries have gone further than Canada with various components of their policies and legislation. Their non-smoking policies are based not only on Canada's experience but also on the recommendations of international health organizations such as the World Health Organization.

As countries co-operate on tobacco control, these international agencies have an increasing wealth of data and models to draw upon. The World Health Organization for instance recently released a report indicating that three million people a year now die prematurely from tobacco related causes. If the current trend continues, the body count would reach some 10 million deaths per year within one generation.

• (1345)

Last September the Supreme Court of Canada ruled Parliament had the power to control advertising and promotion of tobacco products under the criminal law power of the Constitution. The court also found unanimously that the purpose of the act, specifically to reduce tobacco consumption, was a valid and important health objective, one sufficiently important to warrant the limiting of the freedom of expression.

However, the court was also of the view that the government had failed to demonstrate that some of the measures in the act, in particular the total ban on advertising, the restrictions on promotion and the inability to attribute health warnings to the government, were justified under the charter. As a consequence, the majority ruled that large portions of the act were without force and effect, including provisions requiring health warnings and toxic constituents information.

The government accepts the responsibility conferred on it by the Supreme Court of Canada decision. It will not allow the unrestrained marketing and promotion of a product that kills so many Canadians.

Mr. McClelland: We will not hold it against you personally. I know there are some jobs a parliamentary secretary must do, however distasteful.

Mr. Volpe: I welcome the commentary of the hon. member opposite. It is favourable to the introduction I am presenting. Rarely has there been such a clear and compelling case for government action, as the member acknowledges.

To put matters as simply as possible, smoking kills. The supreme court recognized this fact. The warning labels are entirely accurate, scientifically correct and vital to Canada's health strategy on smoking. They cannot, however, tell the entire story.

Tobacco is the only consumer product that has absolutely no known benefits, none whatsoever. When used as intended, it can cause irreparable damage and can kill those who use it. A couple of my colleagues opposite in the medical profession will attest to that as well. They will also attest to the fact that research tells us a smoker's life expectancy decreases by some seven to eight minutes for each cigarette smoked. That is a terrible price to pay.

Between one-third and one-half of Canadians who now smoke will die prematurely as a result of tobacco use. This means that over three million people will die an early death because of tobacco use. When the Tobacco Products Control Act was introduced in 1987 some 72 Canadians died each day of tobacco related causes. Today, as we debate some minor amendments to the act, the toll has risen appreciably. Today, tomorrow the next day and each day in this year on average 110 Canadians will die of tobacco related causes. Sadly, we have every reason to believe this toll will continue to increase for some time.

Tobacco addiction does not take its toll immediately or quickly. It often takes some 20 to 30 years for the consequences of smoking to manifest themselves. That is why deaths attributable to smoking continue to escalate, even though fewer people are smoking now than 10 or 20 years ago. From 1989 to 1991 Canadian deaths attributed to smoking increased by some 8 per cent to more than 41,400.

Even those who do not smoke can be affected. The United States centre for disease prevention and control published some alarming findings recently about second hand smoke in a journal of the American Medical Association. I point to the study because the study is noteworthy for not only its findings but for its sample size and its methodology.

• (1350)

It involved some 10,642 people over four years of age and older randomly selected at 81 different sites in 26 separate states. It was the first centre for disease prevention and control tobacco study to combine blood samples, physical examinations and questionnaires.

Using the blood tests of the 10,642 people, the centres for disease prevention and control were able to confirm almost universal exposure to tobacco smoke even among young people and people who never smoked and who do not work or live around people who smoke.

Their tests showed 87.9 per cent of non-smokers in the group had a blood chemistry that indicated exposure to cigarette smoke. Their blood tested positive for cotinine metabolic residue from the body's processing of inhaled nicotine. There is virtually no other source of that chemical than inhaled tobacco smoke.

We know from other scientific studies that second hand smoke can have 20 to 30 times the carcinogens found in smoke inhaled directly through the filter by the smoker. This study confirms those carcinogens find their way into the lungs and bloodstream of almost everybody, including non-smokers.

The centres for disease prevention and control estimated that in the United States second hand smoke caused 3,000 deaths annually among the non-smoking public and 150,000 to 300,000 cases of respiratory infections among children.

This is generally consistent with the data available in Canada. Here it is estimated that about 330 people each year die from the effects of second hand smoke. Almost half of all Canadian children under the age 15, some 2.8 million, are exposed to second hand smoke on a regular basis.

These data provide clear and compelling evidence that tobacco use is not a personal choice issue, as the tobacco industry would maintain. It is clearly and irreputably a public health issue.

The American study clearly shows no one is safe from the effects of tobacco smoke. A smoker's decision to use tobacco products has demonstrable and negative impacts on the health of those with whom the smoker lives and works.

This year about 50 billion cigarettes will be smoked in Canada with tragic consequences for public health. In addition to the human consequences I have already noted there are hidden costs. The health care costs of tobacco use are estimated at some $3 billion per annum. Another $8 billion is lost in absenteeism and productivity loss. In short, the personal and public costs of this addiction are tragic, pervasive and wholly preventable.

If this product were discovered today it would not be allowed for use in the marketplace. The government realizes, as did the Supreme Court of Canada, it would be impractical and unrealistic to ban a product that is part of the daily lives of almost 7 million Canadians.

At the same time, it would be irresponsible and callous to allow unfettered marketing and promotion of such a lethal product. The government has an obligation to take appropriate action. The government is prepared to act, it is determined to act. It is determined to take action, although the solutions to this national public health problem are complicated and difficult.

Tobacco use is an integral part of the daily life of almost 7 million Canadians, roughly one-third of the population aged 15 and over. Each day in films, magazines and on television tobacco products are portrayed as normal consumer products associated with contemporary lifestyles. This benign portrayal of tobacco products ignores that tobacco is inherently hazardous and addictive.

• (1355)

The length of time between initial experimentation and the onset of adverse health consequences is typically between 20 and 30 years and results in the loss of immediacy that has prompted dramatic public reaction to other less threatening public health issues. Its addictive qualities make it difficult to quit even when smokers know the toll is exacting on their health. Many smokers would like to quit but are unable to.

Government efforts to reduce tobacco use in Canada involve powerful and competing interests in a highly complex social, legal and economic context. The debates on the various pieces of legislation regulating tobacco have elicited strong reaction from such diverse interest groups as tobacco farmers, manufacturers, retailers, printers, artists, cultural groups, health groups and average Canadians whose health or families have been affected by tobacco use.

Because of tobacco's unique hazards, the enormous profits generated from selling it and the many competing interests involved, reducing tobacco consumption and its resulting adverse health effects is a challenging task indeed. It involves shared responsibilities among the various stakeholders and partners: the different levels of government; employers promoting smoke free environments among their employees; schools through the education of their students on the hazards of tobacco use; parents by encouraging their children not to start smoking; and of course the smokers themselves.

The Speaker: You will have the floor right after question period. As it is about 2 p.m., we will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

LUDWIG STRAH

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, I take this opportunity to pay tribute to Ludwig Strah, a resident in my riding of Simcoe North, for his work as a volunteer with Canadian Executive Services Organization.

CESO is a non-profit, volunteer based organization which transfers Canadian expertise to businesses, communities and organizations in Canada and abroad.

As a volunteer with CESO International Services, Mr. Strah has put forth great efforts in Romania, helping a company which manufactures water treatment equipment, and in Ghana working with mining equipment.

Speaking on behalf of all Canadians, I commend Mr. Strah on is selfless efforts, helping the citizens of Romania and Ghana in rebuilding their countries.

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CANADIAN ARMED FORCES

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, Canadian forces have been under intense pressure of late with problems of scandal, senior leadership, aging equipment and the demands of frequent overseas rotations.

Despite these adversities, the individual men and women of the Canadian forces and their units stand out amongst others. Their performance is exemplary.

At a recent multinational military skills competition in Valika Kladusa, Bosnia a team of about 60 Canadian soldiers in competition with their British and Czech compatriots emerged as overall winners.

The six event competition was intended to sharpen performance and military skills while building team spirit and confidence. The competition included a 18 kilometre timed march, an obstacle course, a relay and a tug of war.

The training, commitment, team work, physical fitness and pride of our soldiers made the difference. They deserve our recognition, our praise and, most of all, our full support.

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[*Translation*]

OCCUPATIONAL HEALTH AND SAFETY

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, in Canada, two workers die every five working days. On the occasion of Canadian Occupational Health and Safety Week, we must reflect on the situation and try to find innovative solutions to this important problem.

To this end, all workers have a vital role to play. It is a question of collective and individual responsibility, where the risk of accidents and intoxication in the workplace cannot be reduced unless everyone becomes involved.

The federal government must look at what it has done so far and find ways to improve existing legislation.

In 1996, our workers are entitled to working conditions conducive to their health and their safety.

* * *

[*English*]

DISARMAMENT

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, on this, the seventh anniversary of the Tiananmen Square massacre, one cannot help but marvel that the Liberals, who in opposition professed to be outraged, now kneel alongside the multinationals in search of lucrative contracts, kowtowing to the very men who ordered the massacre.

The Liberals are showing the same hypocrisy on disarmament as they are in human rights. Yesterday the Minister of Foreign Affairs announced the opening of the Canadian Disarmament Digest web site on the Internet. It is not surprising that this web site contains no mention of the decision to permit the sale of CF-5 fighter jets to Botswana, for this fact would certainly give readers of the digest a serious case of indigestion.

With Canada alone among the G-7 nations lending financial support to the Three Gorges dam project in China, and about to

provoke a made in Canada arms race in southern Africa, Liberal sanctimony on human rights and disarmament is becoming exceedingly hard to stomach.

* * *

CLUB ROMA

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I rise to congratulate the Club Roma organization, which is located in St. Catharines, on the occasion of its 35th anniversary and the grand opening of the organization's expanded facilities.

For the last 35 years Club Roma has worked in the community to support families, seniors, sports and culture. They have developed wonderful green spaces for sports events for both visitors and residents to enjoy.

The club also supports local non-profit organizations and promotes the rich multicultural heritage of St. Catharines in the Niagara peninsula.

I want to extend congratulations to the Club Roma and Club Roma president Angelo Mirabella on the 35th anniversary and grand opening, and thank the club for its continued contribution to the community of St. Catharines.

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APPLE BLOSSOM FESTIVAL

Mr. John Murphy (Annapolis Valley—Hants, Lib.): Mr. Speaker, this past weekend I had the privilege of participating in the 64th annual Apple Blossom Festival in my riding of Annapolis Valley—Hants.

The Apple Blossom Festival is the largest family festival of its kind in Canada. It draws people from far and near and showcases the beauty of the Annapolis valley and the warmth of the people who have made it their home. This year 150,000 people came to enjoy the festivities.

Highlights of this year's events included the crowning of Chérie Marie Riggs from Canning, Nova Scotia as Queen Annapolisa, the annual apple blossom parade, a concert and a magnificent fireworks display to cap of this weekend.

I wish to pass on my congratulations, sincere appreciation and thanks to all those people who made this such a special event.

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[*Translation*]

NATIONAL TRANSPORTATION WEEK

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, the citizens of Quebec are well aware of the importance of transportation. Much of our history was written by those who travelled by water, rail, road or the airways.

With one of the largest cities in Canada, we understand perfectly the choice of this year's theme for National Transportation Week, ''The Urban Link''. Just visit Montreal, a busy shipping hub, to see the importance of our urban centres, and how it is essential that they be linked to the rest of the world through a reliable and effective transportation system.

Canada's ports are vital links in the transportation chain. They link Canada's urban economies with each other and with the rest of the world. They are indispensable to the growth and development of urban centres, trade and tourism.

Montreal is also served by one of the most effective public transportation systems in Canada, the metro. On the occasion of National Transportation Week, I ask members of this House to give thought to the great importance of a reliable and effective urban and interurban transportation network.

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[*English*]

VOLUNTEERISM

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, today is my opportunity to pay a public tribute to volunteers in Canada. In particular, I focus on volunteers in the field of health.

My job as the Reform Party health critic has taken me to many Canadians hospitals and clinics. Invariably I have been greeted by cancer clinic volunteers returning their unselfish labour, time and talents to our health system. Many of them are cancer survivors. Some, sadly, have lost loved ones to this serious disease and have been comforted by knowledgeable volunteers themselves. With compassion and love, volunteers sit with lonely patients dying of AIDS, supportive and caring.

• (1405)

On Saturday I watched a telethon conducted by volunteers to raise money for the children's hospital in Calgary. Millions of dollars were raised for the research and treatment of our precious youth.

To volunteers in Canada I simply give to you my heartfelt thanks.

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TRANSPORTATION WEEK

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, this week marks transportation week. Unfortunately there is not much to celebrate.

Since the Liberal Party took office, Saint John has lost most of its transportation infrastructure. When the Conservative Party was in power, a new air traffic control tower was built. Now the Liberals have closed it and privatized the airport.

When the Conservative Party was in power, it maintained VIA passenger rail service from Saint John to Sherbrooke and built a new VIA terminal in Saint John. The Liberals ended VIA service and the new terminal is now a hockey training centre.

Planes and trains. What next? I guess it is the ports, of course. The government is privatizing ports with the idea of ending grants in lieu of municipal taxes and terminating the ports police, meaning more crime and less money to fight it. As well, ports must pay for navigational aids, dredging and ice breaking. This was all implemented before a full socioeconomic impact study was completed.

Before the government decides to celebrate transportation week, it should look at how it has undermined our essential transportation services. It might realize it has nothing of which to be proud.

* * *

[*Translation*]

ITALY

Mrs. Anna Terrana (Vancouver East, Lib.): Mr. Speaker, June 2 was the 50th anniversary of the proclamation of the Italian Republic. On June 2, 1946, in fact, as a result of a referendum held throughout Italy, the monarchy was replaced by a republic.

This marked the end of a war Italy had lost and which had destroyed one of the most magnificent countries in the world, but also the beginning of a new area for Italy, during which, thanks to a lot of hard work, perseverance and joie de vivre, Italians helped rebuild their country, which has now become one of the seven major world powers.

[*English*]

Italians had to struggle to get out of the depression. Many had to leave Italy to look for a better country which could give them a new beginning, a new life for them and for their families.

Canada was one of those countries. Italians found their promised land here. They were well accepted and were given an opportunity to provide for themselves and for those who depended on them.

Today I would like to pay tribute to all those Italians who dared cross the ocean, and to Canada for giving them a new home. I am sure that my numerous Italian Canadian colleagues sitting in the House with me feel the same pride I feel as a Canadian with roots in Italy. I invite all to join us to celebrate this important day.

THE ECONOMY

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, all Canadians should be concerned about the underground economy. It costs us in lost tax revenues but most important it costs us jobs.

I have worked with representatives of the building trades in offering suggestions to the Minister of Finance to help to reduce the negative effects of the underground economy in Guelph—Wellington and elsewhere in Canada. During our discussions I was told time and time again that we must all work together.

The underground economy is more than not paying taxes. It costs my community and every community in Canada jobs: jobs for those who want to work, jobs that support our families. I urge the government to continue to work with the building trades and others in order to find solutions to this silent killer of jobs.

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MINISTER OF HUMAN RESOURCES DEVELOPMENT

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, we were all shocked last week by the comments made by the Minister of Human Resources Development concerning the political options open to those who choose to come to this country.

It seems there is a price to pay in return for Canada's hospitality. That price is political conformity. Immigrants must espouse the majority viewpoint. Their democratic rights, guaranteed by the charter of rights and freedoms, do not include the right to choose a sovereignist party.

The outrage provoked by these comments was shared by many federalists in Quebec and I am convinced by all English Canadians who respect fair play and democratic values. But where was the outrage by the Liberal Party in Ottawa? The Prime Minister endorsed the comments of his minister and the press in English Canada was silent on the matter.

I urge all English Canadians concerned about the future of their democracy to take this matter seriously and to call for a public retraction and an apology by the Minister of Human Resources Development.

* * *

● (1410)

HUMAN RIGHTS

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, today marks the 12th anniversary of the senseless and brutal attack by the Indian army on Sikh region's holiest shrine, the Golden Temple at Amritsar and 37 other places of worship. The attack resulted in the deaths of many innocent worshippers.

It would be timely for the new Indian government to apologize for the massacre. More recent examples of human rights abuses include the mysterious disappearance of prominent human rights activists, including Mr. Jaswant Singh Khalra.

I invite colleagues to view the photo exhibition in the Commonwealth Room from 2 p.m. to 4 p.m. organized by the following Sikh temples: Dixie Road, Malton, Scarborough, Pape Road, Hamilton, Oakville, Nanak Centre, Rexdale, Weston, Baba Budaji, Guelph, Kitchener, Windsor, London, Lachine and Montreal, Quebec, and the local Ottawa Sikh society.

* * *

CANADIAN WHEAT BOARD

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, once upon a time there was a Liberal government that broke many promises to western grain producers.

Western grain producers remember Liberals promised a plebiscite on the operation of the Canadian Wheat Board and blatantly broke that promise.

Western grain producers plan, prepare and grow their product on the assumption that they will be supported by the Canadian Wheat Board in selling that product and now know the support is as much of an illusion as promises by this Liberal government.

The Canadian Wheat Board states it cannot find markets when world supplies are at an all time low, prices are at an all time high and demand for top quality wheat and barley is climbing.

Producers want accountability and input into the wheat board, not a continual parade of political hacks and political paybacks for those who have no idea how grain should be sold to a wanting market.

Western grain producers will remember this Liberal government cannot be trusted and they will act accordingly.

* * *

[*Translation*]

MINISTER OF HUMAN RESOURCES DEVELOPMENT

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, last week, the Minister of Human Resources Development told me to look for another country if I did not like his government's policies and if I kept on promoting Quebec's sovereignty.

Reaction was swift. In addition to the many francophone journalists who were incensed by the minister's remarks, and the personal show of support I received, I also have the support of the Parti Quebecois, the Quebec NDP, the Centre for Research-Action on Race Relations, the Black Coalition of Quebec, the FTQ, the CSN, B'Nai Brith Canada, the Canadian Jewish Congress, the Spanish Canadian Congress, to name just a few.

Far from withdrawing his discriminatory comments on all new Canadians and new Quebecers, the minister added to them.

In such a context, I see no other alternative for him but to resign. As for me, I will keep on striving to find another country, Quebec.

* * *

QUEBEC PREMIER

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, do you know who is the new godfather of Quebec politics? This new francophone Michael Corleone made his first appearance in New York City yesterday with a lot of hoopla.

Unfortunately for movie lovers, it was not for the launching of the fourth film in the prestigious series, but for the casting of Lucien Bouchard, the Pequist leader, in the new role he is taking on.

Comparing himself to the main character in the ''Godfather'', the Pequist leader tried to convince his audience that it was the Canadian government, not he, who wanted to keep on talking about the Constitution and Quebec sovereignty.

Lucien Bouchard probably chose the best possible character, when he compared himself to the infamous godfather. After all, is he not the one who thought he was making ''an offer Canada could not refuse'', with his project of sovereignty-association?

[*English*]

Canadians will not be hoodwinked into accepting offers from Don Bouchardo.

* * *

ECONOMY OF QUEBEC

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Mr. Speaker, in a speech yesterday to the Foreign Policy Association in New York, the separatist premier of Quebec reiterated that his priority will be to focus on public finances and economic development in Quebec.

We are happy to see that the pequiste leader has finally seen the light in deciding to look at the economy rather than continuing to waste money and energy to promote a separatist dream.

[*Translation*]

People in Canada and in Quebec want their governments to work on economic recovery, job creation and putting their fiscal house in order.

If he wants to be taken seriously by investors both on Wall Street and in Quebec and Canada, the separatist leader must put an end to

the separatist threat looming over Quebec. This is a necessary step to economic recovery in Quebec.

ORAL QUESTION PERIOD

• (1415)

[*Translation*]

RESEARCH AND DEVELOPMENT

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Varennes tokamak research project has had an extremely positive impact to date on the Quebec economy.

Announcement that the federal funding of $7.2 million yearly will be pulled seriously compromises the very nature of this project and is liable to have negative consequences for Quebec, which is already at a clear disadvantage when it comes to federal R and D investment.

My question is for the Minister of Natural Resources. Last week, the minister promised to look into finding alternative sources of funding for this project within the federal administration. Can she tell us what steps she has taken to find the 7.2 million in funding for the Varennes project, so that its survival will not be threatened?

[*English*]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, let me clarify for the hon. Leader of the Opposition what I said last week in committee.

As the hon. leader probably knows, I indicated that the contribution agreement under which the federal government was funding research at Tokamak, there is the opportunity to terminate the agreement with one year's notice. We undertook to exercise that right. The one year's notice is in part to provide for an orderly transition.

I indicate in response to a question from a member from the official opposition that during that one-year period I would do whatever I could to ensure that orderly transition took place. Make no mistake, the transition is to ensure that the federal government does not continue to fund the Tokamak project as it has in the past.

[*Translation*]

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the minister refers to a transition period, but we are very much aware of how an announcement like this one by the minister about the future of the project can undermine not only the motivation of those working on the research project, but also all of the tokamak project's longstanding relationships, particularly with Quebec businesses.

Can the minister commit today in this House to the federal government's not withdrawing from the tokamak project before finding the $7.2 million required for its survival somewhere else in the government's coffers?

[*English*]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, I will not so commit myself. I have made it plain and the position of the federal government is consistent and clear.

The government has exercised its right to terminate funding under the contribution agreement. That federal funding will be terminated.

I promised that I would appoint someone from my department to work with other interested stakeholders to attempt to find alternative funding during the year of transition. I stand by that.

[*Translation*]

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, may I come to the assistance of the minister with a very modest suggestion?

The former heritage minister had indicated that the flags and kites for Heritage Day would cost $7 million. Does the Minister of Natural Resources agree that Quebec needs federal R and D funding to generate employment far more than it needs flags or kites?

[*English*]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, let me reconfirm and reiterate for the hon. Leader of the Opposition that my department provides approximately 25 per cent of its regional R and D funding to the province of Quebec. In fact, that is marginally greater than the population of Quebec.

Across the federal government I believe that it provides approximately 25 per cent of its R and D funding to the province of Quebec. In fact, the federal government has nothing to apologize for in relation to its funding of R and D in the province of Quebec.

• (1420)

[*Translation*]

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, the minister, in endlessly repeating statistics, must remember that they do not apply to Ottawa and that she should perhaps correct her geography when she mentions them.

My question is for the Minister of Natural Resources. Given the government's significant expenditures for all of its activities, Quebecers have a hard time understanding how $7.2 million could represent a stumbling block for the federal government, which is thus compromising a research and development project that creates jobs and is vital to Quebec.

How does the minister explain that it was suddenly so difficult, indeed impossible, to come up with $7 million for Quebec's tokamak project, when her colleague, the Minister of Industry, only a few months ago increased federal funding for the federal TRIUMF project in British Columbia by $15 million a year?

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, we are always happy when members of the Bloc ask questions on research and development. It is rare, but sometimes they do.

On the subject of the TRIUMF project, the former science and technology critic agreed with our decision to support TRIUMF. It is a totally different matter in the case of tokamak. The opposition should be asking about other aspects of science and technology matters and about our expenditures throughout the field of research and development. We have helped not only Quebec, but all regions of Canada.

For example, I note we have just received a Quebec astronaut, who was in space as a Canadian astronaut. He works at our space agency, which is located where? In Saint-Hubert, Quebec.

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, we did indeed support the increase in funding for the TRIUMF project, but we had no idea then that you would be cutting in Quebec to make up for it. The president of the Canadian Association of Physicists, Mr. Vincett, has said that the tokamak project had a very high ratio of results to dollars invested and enjoyed an excellent reputation internationally.

In these circumstances, how does the minister explain the sudden difficulty in finding $7 million for the tokamak project? Is it because it is a Quebec project?

[*English*]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, as I have said on a number of occasions in the House, government is about making choices. Because of the fiscal situation in which we find ourselves, the choices are very tough. They are not easy.

As I have explained before to the hon. member, we had to determine our energy research priorities. Fusion is not one of those priorities. One, we do not know whether it will ever be commercially viable. Two, if it is, it is going to inure to the benefit of Quebec Hydro, Ontario Hydro and their customers.

I would suggest to the hon. member that—

Some hon. members: Oh, oh.

Ms. McLellan: Do you want to listen?

The Speaker: I presume the minister was posing the question to me. The answer is yes, but I will go on to hear the hon. member for Calgary West.

* * *

FIRST MINISTERS CONFERENCE

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

In grand Brian Mulroney style the federal government is planning a first ministers conference behind closed doors with only the federal government able to set the agenda. The premiers of Ontario and Quebec have said they do not want constitutional issues on the agenda and the premier of Alberta has said he will walk out if the Constitution is reopened.

• (1425)

My question is very simple. Since there is no necessity of discussing the Constitution, little desire to discuss it and no possibility of agreement, will the minister simply agree that reopening the Constitution will not be on the first ministers' agenda?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the agenda is still under negotiation. We are consulting the provinces about it. When it is known, it will be my privilege to discuss it with the hon. member.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, let me ask about another item that may be under discussion, the GST.

Several premiers say they want to discuss the botched GST harmonization and the special payout of a billion dollars to the Liberal premiers in Atlantic Canada.

Will the minister agree with several of the premiers that this should be put on the first ministers' agenda?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, at the express request of the Minister of Finance of Alberta, the issue of taxation will be on the agenda for the finance ministers conference, including the issue of the GST.

We also will be discussing the entire area of adjustment policy, the way in which the federal government must act when one region or another of the country is going through profound structural change. That there are differing tax levels, one region of the country versus another, is a historic fact. It is something that we will be examining at that meeting.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, we are aware that there is a finance ministers meeting on this. The premiers of Ontario and Quebec and others have asked that this be on the agenda for the first ministers meeting.

There are rumours that the conference is scheduled to discuss transfers of federal powers and realignment of authority to the provinces. Will the federal government table its proposals in this area in this House so Canadians can know in precise detail what is being offered and discussed by the first ministers before any deals are cooked?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the agenda has not yet been decided. We are still consulting the provinces on it. When it is known, it will be my pleasure to discuss it with the hon. member.

* * *

[*Translation*]

AIRBUS PLANES

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, my question is for the Minister of Justice.

A few days after he assumed his duties, the Minister of Justice met with RCMP investigators in order to provide them with information concerning Swiss bank accounts connected to the Conservative Party. This morning, the minister has denied being behind the Airbus purchase investigation.

Can the minister tell us, if it was not he, who within his department or the government is behind that investigation?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, to set the record straight, it is true that after consulting with the solicitor general I met on his advice with members of the RCMP in late 1993. In early 1994 the Royal Canadian Mounted Police wrote to me saying that after having looked at the information I had given them they had come to the conclusion that a further investigation was not warranted and they were not proceeding.

As to the origins of the investigation into the so-called Airbus affair that is now ongoing, I have no idea how or why that began. The RCMP tell us according to public statements it commenced sometime in 1995. I can tell the hon. member that I did not initiate it. I do not know who did initiate it. I am sure the police have their sources and their reasons. It is up to the police to conduct police investigations.

[*Translation*]

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, how can the Minister of Justice explain his allowing a letter to the Swiss authorities on the Airbus affair to go out over the signature of Ms. Kimberly Prost, a senior official in the department for which he is responsible, without a check of all of the pertinent information concerning this matter?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, that matter is before the court. I do not think the subject matter of this question is necessarily before the court and therefore I feel at liberty to respond.

It is a very important principle in the administration of justice that attorneys general ought not to be directly involved in police investigations. The reason the department wisely did not consult me and ask me to go over the letter to Switzerland or to review the state of the investigation, to decide whether it should proceed to the next step is that politicians and police investigations do not mix.

● (1430)

Politicians should not run police investigations. That is an important principle of law. It is an important principle of government. It is fundamental. If I were directing police investigations, this House of Commons would be the first place to call me to account.

That is the reason the Department of Justice wisely did not involve me. In fact, in documents that were made public under access to information late last year, it became clear from internal memoranda that the Department of Justice officials consciously decided not to involve me out of respect for that very important principle.

* * *

NATIONAL DEFENCE

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the military special investigations unit continues to conduct covert operations, contrary to the Marin recommendations of 1994, recommendations that the Minister of National Defence yesterday said have been followed. However, we have proof that the special investigations unit is still spying on Canadians.

Will the minister explain why on March 15, 1995 the judge advocate general authorized the special investigations unit to spy on a Canadian civilian in direct contravention of the Marin recommendations?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I answered the question yesterday. Obviously the hon. member did not like the way his colleague posed the question.

The fact is that the SIU does not initiate or take part in these investigations, except in support of the military police. The hon. member says he has proof, let him table the proof in the House of Commons.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, I do have the proof and I will be more than happy to table it.

Yesterday and today the minister stated that he had no proof that the SIU was still conducting covert operations on Canadian civilians. Access to information documents prove that the operations were ordered by the minister's own chief legal adviser, the judge advocate general. The National Defence Act does not allow the SIU to spy on civilians and it did.

Did the minister know that the SIU was ordered to conduct a covert operation on a private citizen? What is he going to do about it today?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I answered the substance of the hon. member's questions. Let us look at what he is going to table in the House and see if that stands up to his accusations.

* * *

[*Translation*]

SECURITIES

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, since the federal government made known its intention to invade the securities sector, a sector under provincial jurisdiction, the Bloc Quebecois has strongly opposed Ottawa's centralist ambitions. This morning, the National Assembly unanimously confirmed that it too intends to stop the federal government from going ahead with the Canadian Securities Commission.

My question is for the Minister of Finance. Will the government undertake immediately to respect the unanimous wish of the National Assembly and unconditionally drop its plans for a Canadian Securities Commission?

Hon. Paul Martin (Minister of Finance, Lib.): First of all, Mr. Speaker, I would like to congratulate all the provinces that would like to go ahead with standardization in this area. But, it must be made very clear that the idea is not to have one, three or four commissions, but that it would be much better than having ten commissions.

This is not a federal government project. In fact, it is being done at the request of a number of provinces. We are there to facilitate matters, if there is anything we can do to help.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the reality is that the federal government has no business in this sector. That is a fact.

When you have the president of the Quebec Securities Commission, the president of the Montreal Stock Exchange, Quebec's chambers of commerce, and now the National Assembly all agreeing that the federal government should stay out of this sector, it is starting to look like there are very few people in Quebec who are in favour of the plan. When even Daniel Johnson rejects it out of hand, there is something wrong somewhere.

So, I would like to ask the following supplementary: Does the minister realize that the creation of a Canadian Securities Commission, in addition to being completely ineffective and inappropriate, because the provinces can manage on their own, is pure interference in an exclusively provincial area of jurisdiction?

• (1435)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, there is no interference, none whatsoever. Furthermore, nothing will be mandatory. If a province does not wish to participate, if it is not necessary for it to participate, that province is entirely free not to take part. That is very clear.

Second, it was the Montreal business community, those who issue shares and belong to this group, le Canadien, who asked us to do this.

Third, I think it would be completely ridiculous, and I am certain it is not within the jurisdiction the member is talking about, that if a critical mass of other provinces wish to have a national commission, Ottawa should refuse to do what the other provinces are asking us to do. Is that what the member is saying should happen? That would be completely ridiculous.

* * *

[*English*]

FISHERIES

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, yesterday the fisheries minister said it was despicable that we would ask why he is decimating the Pacific salmon fleet and at the same time allocating more fish to the native fishery. Clearly the minister thought it was despicable that we could see through the smoke and mirrors to his real agenda.

I have a very simple question for the minister: Is it true that the size of the commercial fleet in British Columbia is being slashed and at the very same time the size of the native fishery is being expanded? Yes or no?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, as I said yesterday the priority for salmon fishing is escapement, aboriginal requirement for food, ceremonial and social fisheries and that is being followed. There is an aboriginal fisheries strategy which I think is open to all concerned. There is nothing mysterious about it and that has been followed.

I object very strongly to the suggestion of something being done mysteriously. What is done is in accordance with the published strategy. The government policy on this is being followed and the hon. member knows that.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, what is being done is the commercial fleet is being decimated at the same time the native fishery is being increased.

B.C. fishermen will not stand idly by and watch this government do to their industry what successive governments have done to the east coast. We will not stand by and watch the rape of our resource

in the name of politics. We will not let this minister wash his hands of the damage he is doing to our resource that sustains thousands of British Columbians.

If the B.C. fish population is so threatened as to warrant the downsizing by half of the B.C. commercial fleet, then why is he radically increasing the size of the native fishery at the same time?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, there is nothing happening radically. Everything is being done very calmly, very sensibly, very openly and not mysteriously. Everything is being done in accordance with open government policy, a policy that has been negotiated with all concerned.

I have to remind the hon. member that the steps we are taking to revitalize the commercial salmon fishery are well under way and should be in place very soon. This will reassure the hon. member and his caucus colleagues when they meet on the west coast in a couple of days that everything is being done properly. They will find it hard to criticize it when the plan works as guaranteed.

* * *

[*Translation*]

MANPOWER

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

According to a study carried out by the Société québécoise de développement de la main-d'oeuvre and submitted to a Quebec parliamentary commission in early April, for the 1995-1996 financial year, Quebec received from the federal government $1.1 billion for all its training programs and labour adjustment initiatives. However, the proposal introduced by the minister only provides for $1.95 billion for all of the provinces.

How does the minister explain that the proposal made to the province of Quebec involves payments way below what the federal government invested in 1995-1996 in training and labour adjustment programs?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, when we address an issue as complex as the one the hon. member just raised, we realize that there will always be discussions about the money involved.

We can talk about the $2 billion announced when the proposal was made to the provinces, but there is also the $500 million paid to passive recipients of employment insurance.

• (1440)

There are also the programs financed by the consolidated fund. There is no doubt that in the weeks and months to come, if agreements are reached with the provinces, the negotiations over the money to be transferred will be quite tricky.

I believe that with some good will and transparency—because we will clearly indicate the money allocated to each program—not to mention that the provinces will insist upon it—we should be able to reach an agreement acceptable to all concerned.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I understand that the minister has admitted that the amount of 1.95 billion does not include, for Quebec, all the money spent last year on training and labour adjustment. It does not include, for example, the money coming from the consolidated fund.

I am glad to hear that because it means—and that will lead me to the question I want to ask—that the minister must bring money into the discussions.

Does the minister not realize that, if he does not bring money into the discussions, he will have undertaken an unemployment insurance reform that drastically cuts UI benefits under the pretext of increasing employment benefits, when in fact workers would be doubly penalized because they will have access to fewer labour adjustment initiatives?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, from the question put by the hon. member, we can see how complex this whole issue is. We will have to work together and co-operate to find ways not only to spend the money allocated for these programs but also to determine how we are going to go about it.

In the commitment made by the Prime Minister and the government and the proposal made to the provinces, our goal is to work in good faith to try and find ways to ensure that the money spent goes to help the clients, which is after all the whole purpose of this exercise.

* * *

[*English*]

JUSTICE

Mr. Harbance Singh Dhaliwal (Vancouver South, Lib.): Mr. Speaker, my question is for the Minister of Justice.

Recently Vancouver proudly hosted a global conference sponsored by the International Centre on the Prevention of Crime. This conference gave rise to many excellent recommendations.

Considering Canadians spend $10 billion on the criminal justice system, could the minister tell the House if he intends to pursue any of the recommendations made at this conference?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the government has a deep commitment to crime prevention. We believe the way to have a

strong and effective justice system is to have tough criminal laws that are enforced carefully and to respect the importance of crime prevention through early intervention.

Some two years ago the solicitor general and I created the National Crime Prevention Council, which has been at work at our request developing a national strategy for crime prevention and preparing a catalogue of best practices in place throughout the country to share with municipalities wishing to start crime prevention programs.

The conference in Vancouver attracted international participants and we learned a great deal from their experience.

Crime prevention means recognizing the connection between social justice and criminal justice. That sometimes means spending money and doing things to intervene to get at the causes of crime to prevent it.

I hope the day is not far off when the government will act on the recommendations of the Horner committee, an all-party committee of the House, which four years ago recommended we devote 1 per cent of our total federal budget for courts, police and corrections for crime prevention. We are working toward that goal. I hope the day will come in the not too distant future when we can announce it.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, in 1984 there were 4,000 youth crimes reported in Canada. In 1994 there were 21,000. This is a 187 per cent increase since the implementation of the Young Offenders Act. Obviously it is not working. Every Canadian knows it is not working. Canadians are tired of hearing the minister is waiting for his committee.

● (1445)

How many more young criminals have to get away scot free, how many more young people have to be terrorized before the minister makes youth pay a price for these terrible crimes?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I know the hon. member feels strongly about this. I respect his concern. I also respect the work he does in the justice committee in this connection.

In terms of the increase in the number of crimes, one should approach those statistics with some caution. Yes, youth crime is up and, most troubling of all, violent youth crime is up. However, three-quarters of the so-called violent youth crime are level one common assaults, pushing and shoving and scuffling in the schoolyard which 15 or 20 years ago would never have come to the attention of police. Because of the change in the system, the reporting practices and zero tolerance they are turning up as statistics.

There is a challenge to face. The hon. member is a hard working and respected member of the very committee at work right now to find ways to improve the Young Offenders Act so that we can better deal with that challenge. I urge the hon. member to continue in that important work so we can get on with improving the act.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I thank the minister for the butter up but it will not work.

For three years the minister has recognized this as being a problem and he has done nothing. He is hiding behind the standing committee.

On another thing he is hiding behind the standing committee. In August of this year child killer Clifford Olson will be applying for parole under the faint hope clause of section 745. Our last chance to abolish this clause is June 21.

Will the minister continue to hide behind the committee or will he eliminate this clause before Clifford Olson can apply?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as far as buttering up is concerned, I am in trouble on both sides of the House. My colleagues thought I went too far but I courageously stand by my words. I want the hon. member to know that.

Section 745, as the hon. member knows, has been discussed in the House and by the committee. We have taken note of the discussion, we have consulted broadly and we are now preparing proposals to bring forward to address this important question.

* * *

[*Translation*]

PLEASURE CRAFT

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Last Thursday, the minister argued in this House that registering pleasure craft and charging fees for them would mean greater safety in pleasure boating. The Bloc Quebecois agrees that safety on the waterways is important, but we strongly question the real motives of the minister.

What services will the Coast Guard offer pedal boats, rowboats and canoes that warrant their paying a new tax of up to $35 annually?

[*English*]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, in response to the hon. member's question, which I know was serious, I remind him and the House there are 250 recreational boating accidents that end in fatality, 50 per cent of which occur in Ontario and Quebec.

These are issues we should concern ourselves with. It is exactly those issue that have caused the coast guard and my department to enter into a discussion with recreational organizations to make sure that things like life jackets and the material that smaller boats are made of are safetied, in particular in areas where we cannot provide the search and rescue facilities to respond to the well over 10,000 incidents we have in Canada during the year.

I understand where the hon. member is coming from but I have to tell him it is in response to serious business and it is for the protection of Canadians at large.

[*Translation*]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, will the minister not acknowledge that the objective of safety he is hiding behind is nothing more than a pretext, because his real aim is to impose a hidden tax on pleasure boaters in order to bring in $14 million?

• (1450)

[*English*]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): No, Mr. Speaker, I am not intending to bring in a disguised tax. There will be some fees which will be negotiated with the organizations that are calling for these increased safety standards.

The name of the game is increased safety for Canadians. If this is the price, I think it is a good price to pay for the safety and the possible reduction in the loss of 250 lives, one being too many.

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CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, my question is for the Minister for International Co-operation.

Of the 20 top suppliers of service contracts to CIDA in 1995, 14, that is 70 per cent, had made donations in 1994 to the Liberal Party compared with less than 1 per cent of Canadian companies overall.

For example, in 1994 SNC Lavalin, Tecsault Inc., Cooper's & Lybrand and a few of their associates and subsidiaries collectively donated $137,000. In 1995 they snagged CIDA contracts with an aggregate value of $22.5 million. Is this a coincidence?

Hon. Pierre S. Pettigrew (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, we have worked very hard at CIDA in the last few years to build a very open bidding system for all Canadian companies.

The member can be absolutely sure the companies that get the contracts are the companies that have really prepared the best bid for the Canadian taxpayer and the countries that actually get them. Yesterday I had a question about the province they come from. They reflect exactly the number of requests and bids prepared from that region so that both will count either from the region and the companies.

We always have this open system which is quite transparent. I will be devoting the end of June and the beginning of July to going across the country to explain that system to business people in other regions, western and eastern Canada, so they can make more bids and get more contracts because it is very important.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, no company can even bid without the minister's approval.

Fifteen of the top CIDA contractors are based in Quebec. Clark Builders of Edmonton, with multimillion dollar contracts in Russia, China and Japan, does not even bother to submit its name anymore to what its president refers to as the Quebec international development agency.

Does the minister believe that CIDA's regionally biased contracting policy is beneficial to his quest for national unity?

Hon. Pierre S. Pettigrew (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, I think this is absolutely ludicrous.

If we look at the number of companies that submitted prequalification bids last year, 245 happen to be from Quebec and 187 from Ontario. The number of contracts given to Quebec companies reflects the number of bids they have made. If more Quebec companies bid for contracts they end up having more.

It is the responsibility of business people from all regions to bid for contracts. I can show the member the percentage which reflects perfectly the number of bids we received, and we are very proud of it.

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AIR POLLUTION

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, my question is for the Parliamentary Secretary to Minister of the Environment.

A recent pollution probe study estimates that smog is responsible for 380 deaths per year, 15 deaths per month, from heart and lung disease. How is the government addressing the issue of air pollution to ensure Canadians continue to have clean air to breathe?

Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, transportation is one of the major causes of air pollution. The government has a strong commitment to dealing with this problem. One of the ways we have to address this problem is to reduce automobile emissions.

• (1455)

I am very pleased to say the Minister of the Environment is announcing today in Toronto a new set of national standards for automobile emissions. I am very pleased to say it is the strongest set of standards in the world.

* * *

[*Translation*]

CITIZENSHIP

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

We learned last week that the minister was getting ready to eliminate the right to citizenship for those who are born in Canada of parents who are not Canadian citizens themselves. Such a measure would directly affect children of people recognized as refugees by Canada as well as children whose parents do not have Canadian citizenship.

Will the minister confirm this rumour that she has herself started, to the effect that Canada intends to toughen its policy with regard to children of refugees, among others?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.): Mr. Speaker, if I am not mistaken, the member for Bourassa sits on the immigration committee which studied proposals to revise the Citizenship Act, and one of the recommendations made by this committee was to review the issue of citizenship for children born in Canada. It is within that context that we are studying all aspects of this issue.

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[*English*]

TARO DUMP

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, the proposed Taro dump on the Niagara escarpment is to harbour some 11 million tonnes of hazardous waste. There are serious health concerns regarding the dump. I would like to know if the Minister of the Environment will do a full environmental assessment of the proposed dump site.

Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, I will take the question under advisement.

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TOBACCO PRODUCTS

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, my question is for the Minister of Health.

Points of Order

The Minister of Health announced that from June 1 he will regulate human sperm in Canada under the Food and Drugs Act. He is proposing that cheeses made from unpasteurized milk be also restricted under the Food and Drugs Act.

However, cigarettes, still the major preventable cause of disease and death, remain unregulated. When will the Minister of Health regulate tobacco products by including them under the Food an Drugs Act as well?

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, we are all aware on this side of the House of the personal interest of the hon. member opposite with regard to the regulations I have put in place under the federal drug act.

With respect to the issue of tobacco, let me be clear. Tobacco is a very serious health issue. We have a decision of the Supreme Court of Canada with which we must contend. We are presently in the process of completing our consultations. We hope to come back to Parliament fairly soon with a comprehensive package which will address many of the concerns expressed by the hon. member and by a variety of interest groups across the country.

* * *

BUSINESS

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, my question is for the Minister of Finance.

During the late 1980s small and medium size businesses watched their credit lines being indiscriminately pulled, often forcing businesses to close and long term employees to lose their jobs.

How will the advent of a national banking ombudsman protect small and medium size businesses and jobs now and in the future?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member's question is very pertinent. It forms an important part of the overall plan to help small and medium size business create jobs. The industry ombudsman will serve as a final court of appeal from individual ombudsmen appointed by individual banks.

Businesses must have recourse if they are to be treated fairly. Small business wants impartiality, objectivity, transparency and uniformity in the handling of its applications for credit. That is what small business wants and that is really the system that the overall ombudsman will ensure small business will have at its disposal.

* * *

• (1500)

POINTS OF ORDER

TABLING OF DOCUMENTS

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, a point of order. During question period the Minister

of National Defence asked that I table documents regarding an access to information that I received dated March 15, 1995 regarding the special investigations unit.

I ask for unanimous consent to table the document.

The Speaker: Is there unanimous consent to table the document?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

TOBACCO PRODUCTS CONTROL ACT

The House resumed consideration of the motion that Bill C-24, an act to amend the Tobacco Products Control Act, be read the second time and referred to a committee.

The Deputy Speaker: The parliamentary secretary has 26 minutes remaining in his intervention.

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I will try to speak over the din of the crowd and proceed with the debate on Bill C-24.

Just before question period I was addressing the shared responsibilities of the stakeholders and all interested parties in the control of tobacco consumption everywhere. I indicated that some of the areas involved different levels of government, schools, parents and smokers. I left off by indicating that the federal government is committed to providing leadership in this area. Perhaps I could resume the debate on that theme.

I realize that all members' attention is riveted on the debate. The government will continue to participate in consultations and to collaborate with its partners in the national strategy to reduce tobacco use, along with the provincial and territorial governments and a wide range of health groups.

Partners in the national strategy recognize that there is no simple or easy solution to the problem. To be effective, solutions will need to be multifaceted and will need to be based on collaboration. The proposed plan of action meets these criteria.

On December 11, 1995, the government tabled Bill C-117 which was reintroduced in this session as Bill C-24. At that time we tabled a document entitled ''Tobacco Control—A Blueprint to Protect the Health of Canadians''. That document sets out the government's proposed approach to tobacco control in response to the Supreme Court decision.

The overall objective is clearly stated in the blueprint, specifically, to reduce tobacco consumption among Canadians and the adverse health effects that it causes. This objective is supported by three broad legislative goals.

First, to protect the health of Canadians in light of conclusive evidence implicating tobacco use in the incidence of numerous debilitating and fatal diseases.

Second, to protect young people and others to the extent it is reasonable in a free and democratic society from inducements to use tobacco products and consequent dependence on them.

Third, to enhance public awareness of the hazards of tobacco use by ensuring effective communication of pertinent information about tobacco products and their use. The blueprint document reflects the government's recognition that because millions of Canadians are addicted to tobacco products, these products cannot simply be made illegal and banned from the marketplace.

• (1505)

The Supreme Court recognized that a prohibition on the sale or consumption of tobacco would not be a practical, public policy option, given the addictive nature of tobacco products. Rather, the tobacco control measures under consideration must necessarily focus on reducing the demand for tobacco products.

I can confirm that there is a consensus in the health community that, given the addictive nature of nicotine, it is better to concentrate our efforts on preventing experimentation and uptake rather than try to overcome that addiction. Because very few people start to smoke after their teenage years, tobacco control efforts must focus on dissuading youth from experimenting.

The recent data that shows increases in youth smoking, as my colleague opposite wanted to indicate earlier, in various regions of Canada lend urgency to the development of a legislative response.

Since the advertising and promotion of tobacco products influence not only brand choice but also the perceptions of the products and the disposition to using the product, there is clear need to counter the effective advertising and promotion that results in experimentation and addiction among youth who appear to be especially susceptible to product advertising and promotion. Furthermore, because the demand for tobacco products is influenced by other marketing activities like retail merchandising, packaging, product design, these areas must also be addressed in order to achieve the stated health goals.

The complex social, economic and health issues surrounding tobacco use suggest the need for a comprehensive, mutually reinforcing set of strategies. It is important to ensure that any legislative initiative be consistent with and complementary to the ongoing public education and awareness programs that are part of the larger federal strategy as well as the broad policy thrusts in other areas of federal activity.

Similarly, the development and implementation of a comprehensive strategy must be consistent with related municipal-provincial-territorial activities and legislation. The tobacco control blueprint outlines a comprehensive set of measures that would establish the conditions and requirements under which tobacco products would be manufactured, sold and marketed in Canada.

The measures under consideration include, first, the most comprehensive restrictions possible on advertising. The government is committed to providing the necessary information to support the most comprehensive prohibition on advertising possible, always taking into account the guidance of the Supreme Court and our concerns for protecting youth from the inducements to smoke. Second, it would include restrictions on other promotional activities, and third, a comprehensive set of ground rules for sponsorship promotion. I see that my colleague from Haldimand—Norfolk is in complete agreement.

I want to make it clear that the government is not proposing to ban the sponsorship of cultural and support groups and philanthropic activities by tobacco companies, quite the contrary. Such companies can and should support cultural and sporting events that they consider to be worthwhile. What the government objects to is sponsorship promotion of tobacco products and their use.

● (1510)

The measures set out in the blueprint document for sponsorship promotion include, among others, prohibiting the use of brand names and logos on non-tobacco items associated with an event or activity, prohibiting the incorporation of brands names or logos into the name of a sponsored activity or event, prohibiting testimonials and personal endorsements, and requiring health messages on all sponsorship advertising and signs.

The blueprint document also proposes to further reduce the likelihood of easy access to tobacco products by minors by eliminating self-service tobacco product displays and mail order sales. It proposes to restrict point of sale promotional activities, such as in-store advertising, promotion and product display. It also proposes to require additional new packaging and labelling requirements that would control package information and prohibit false and misleading claims on that packaging. Finally, it proposes to expand reporting requirements for tobacco manufacturers, distributors and importers to regulate tobacco products, their constituents and tobacco smoke emissions.

I might emphasize that consultation is continuing with interested parties on the impact of the blueprint measures on the health of Canadians and tobacco and collateral industries supported by tobacco funding.

This legislation, together with the research and public education components of the tobacco demand reduction strategy, will strengthen efforts to counter the ill-effects of tobacco consumption in Canada.

Given the unique problems associated with tobacco use, the government is developing tobacco specific legislation which will again make Canada a leader in the battle against the health effects of tobacco consumption. The bill before the House today is the government's first legislative response aimed at redressing the legal problems identified by the Supreme Court's ruling. It is the important first step in the overall action plan.

The amendments to the Tobacco Products Control Act in Bill C-24 are straightforward and vital to the health goals. Through Bill C-24 the government is reinstating the requirement to display health messages on tobacco products and in accordance with the direction of the Supreme Court of Canada, is giving the tobacco companies the option of attributing health messages on tobacco packaging to Health Canada.

We know from studies conducted by the Department of Health that despite an awareness of the general health affects of tobacco use, Canadians lack knowledge about the specific health consequences of that tobacco use. Knowledge about specific health consequences is important because it may result in a better appreciation of the harmful affects of smoking.

I acknowledge that the Canadian Tobacco Manufacturers Council released a voluntary packaging and advertising code in December 1995 that continues to use health messages with an attribution to Health Canada although in a different format than that set out in the regulations that were made inoperative by the decision of the Supreme Court of Canada.

Tobacco companies want to return to the format of the health messages that were used prior to 1994 before it was improved to make messages more visible and readable. The code requires that health messages be on advertisements. Despite that, within days of the release of that code, advertisements without health warnings, whose art work and designs were obviously targeted to youth, were placed within 200 metres of schools, violating the code. That code is both insufficient and unenforceable. Its pre-clearance and review processes are not subject to public scrutiny. It does not impose any sanctions on those who fail to comply with it. It is clear that public, transparent and forcible regulatory controls are required if we are to meet our health goals. That is what Bill C-24 begins to put in place.

● (1515)

What Canadians need is a legislative framework that will control the manufacture, sale and marketing of tobacco products in this country. They need legislative measures to protect youth from

inducements to using tobacco products. This government intends to provide Canadians with that framework.

Bill C-24 is a vital first step toward a safer and healthier country for all Canadians. I am sure all colleagues on both sides of the House will join with me in supporting the amendments listed under Bill C-24. I thank you for your attention and support.

The Deputy Speaker: Just a word of clarification. The Chair does not support any speaker. The Chair supports all speakers, none in particular.

Mr. Volpe: Mr. Speaker, knowing the rules of the House as I do, I did not want to implicate the Speaker in any of the urgings for support. I used the English generic ''you'' which applies to all members in the House who have the right to vote.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, I listened carefully to the parliamentary secretary's comments on tobacco. We share some opinions on this subject.

Going back to my training in medical school, the very first patient assigned to me was a fellow in a veterans hospital. They would not turn us loose on just anyone and I was turned loose on this wonderful fellow who had emphysema. He and I became fairly close. I spent lots of time with him and even went in on the weekends to talk with him. He had been a heavy smoker and really had that disease directly as a result of tobacco.

As we became closer and related one to the other, it was obvious he was coming close to death. During his last few lucid moments he said to me: ''Do not let the kids start to smoke''. I will never forget that. It had an impact on me throughout my medical career.

I look at legislation and the efforts of the government in that light. What will those efforts do in relation to keeping the kids from smoking? Looking back at the record on smoking in Canada we see it is pretty good. The prevalence of smoking has been going down for about the past 25 years. It has been dropping at a nice steady rate. Almost 50 per cent of Canada's population used to smoke and it is now down to pretty close to 30 per cent.

However, that nice smooth flow downward has had a tick upward. The tick upward can be directly related to a change in tobacco prices in Canada. I know the price was changed to try to cut down on smuggling. However, the price sensitivity for our youth caused them to smoke more. In one year, we lost five years of a drop in smoking prevalence. That is a record which I do not think my colleague across the way should be proud of. It is one he should hang his head on. I hope he can right that loss of five years of prevalence drop we had in one year.

● (1520)

Bill C-24 is designed to bring back the labelling that could have been lost with the change in the judicial action on the Tobacco Products Control Act. This bill is a status quo bill except that the warnings will be attributed, if the tobacco companies agree, to Health Canada.

What about the blueprint? The blueprint was presented to the Canadian public with a significant amount of fanfare. The previous health minister, not so long ago in December last year held a major press conference wherein she announced the blueprint. I remember well she said: ''I have new information that will withstand any court challenge, new information that will prove that advertising of tobacco products really is bad news''.

I thought that was great. I wrote to the health minister literally that week asking for the new data. If I remember the words that I used, I said that I would like to become a slobbering supporter of the blueprint. Possibly my choice of words was a little flippant but what I wanted to say was that I would love to be an enthusiastic supporter of the blueprint.

Nothing came. There was no reply. I could understand if the minister had said that she did not want this information to be used for political purposes and that she would release it at the appropriate time. I can understand the minister saying that it was in process, but I did not get a response.

The new minister came along. I sent the new minister my congratulatory letter. It is polite in Parliament to write a letter to the new minister. I said: ''Congratulations for your new responsibilities. I hope we will have a long and productive life together and an interesting interchange. Please could you provide me with the new data that was suggested at the press conference, this exciting new data that will withstand a court challenge? I want to be an enthusiastic supporter of the blueprint''.

I did get a response, after about three months. It was not immediate. I did not get the reaction I had hoped, but I did get a personal response from the minister who said: ''We can meet together possibly in late June to go over the data so that you can understand. This is complex.'' At least there has been some response.

I read in press reports today that there is some problem with the blueprint while the government is finishing its homework. I am puzzled by this. Usually when there is a major press conference, usually when there is a big time announcement, usually they have done their homework first. The current minister said: ''It would be foolhardy to move forward without having done our homework. Unfortunately it was not done when I arrived''.

I am puzzled. This is a government with massive resources, a government with research capabilities par excellence. I have gone into the data and cannot and have not yet found the information that was promised to me. I have done my own research. I do not have those huge research capabilities. I wonder, going back to that press

conference, was the homework really done or was it an announcement to make someone look better?

The parliamentary secretary has eloquently talked about the health warnings, the addictive nature of smoking, the health problems and that it is highly complex. I wrote these words down as he was going through his address. There is a powerful lobby of printers, artists, the tobacco companies and the health interests. There are big bucks involved and lots of money involved with taxes. Indeed it is a complex subject. Still on tobacco products in Canada we warn of the health risks.

• (1525)

I am also puzzled because recently Bill C-222, by the member for Mississauga South, was before the health committee. This bill was also about health warnings, different warnings on booze, on alcohol. I could go through the list of issues that are related to tobacco and apply them to alcohol: addictive nature, health problems, highly complex, powerful lobby, big bucks. I think those things fit with the alcohol industry.

The member for Mississauga South put forth compelling evidence that fetal alcohol syndrome where there is an innocent bystander could well be affected by health warnings, yet the health warnings were scrubbed on alcohol. The previous minister in this case was strongly supportive. I do not know if the present minister caved in to pressures outside the health interests. I can only presume that. In the press release that came from the department the principle of this bill was supported but the mechanism was uncertain. It is a subtle change in wording but I am not convinced. If labels work for smokes, labels should work for booze.

If Bill C-24 passes intellectual scrutiny as the parliamentary secretary so eloquently stated, then Bill C-222 concerning warning labels on alcohol in reference to fetal alcohol syndrome should also. I ask my colleagues across the way, where is the consistency?

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Mr. Speaker, it is a pleasure for me as the member of Parliament for Vancouver Centre and as a physician to speak in support of Bill C-24.

Members have heard the hon. parliamentary secretary speak about the details of the bill. On the surface it might seem the bill is just about labelling and information but it is more than that. This bill is more than simple words on a piece of paper or on a bit of cardboard. It is about what those words say. It is about what those words mean and how important those words are to the user of this product.

What those words describe is what I want to discuss during my time in this debate. Let me start with a short list: carbon monoxide, lead, hydrogen cyanide, benzene, arsenic. These are all deadly components. Each one of them can kill. They are just five of the more than 4,000 chemical compounds scientists have found in tobacco smoke. They are just five of the compounds that contribute to the over 40,000 deaths a year caused by tobacco use.

How do these Canadians die? They die of lung cancer, bladder cancer, heart disease, aneurysms, pneumonia, emphysema, sudden infant death syndrome and fire. There are over 22 diseases associated with smoking and the effects of smoking know no age barrier. Health Canada estimates that the dangers of low birth weight and chronic respiratory illness show that smoking affects the fetus in utero. About 200 infants under the age of one died in 1991 as a result of exposure to tobacco smoke, secondhand smoke. Death from cancer is no surprise because tobacco smoke contains more than 50 known carcinogens. Lung cancer has now overtaken breast cancer as the number one cause of death among women.

The health impact goes further. Scientists have discovered that other chemical compounds found in tobacco smoke actually cause permanent changes to the genetic material of living cells and hence to the fetus. These compounds come from a variety of sources. About half of these compounds appear naturally in green tobacco leaves. The other half comes from the chemical reactions that come from combustion. Some compounds are produced as part of the curing of tobacco.

• (1530)

Smokers may not realize that when they look at the smoke curling up from their cigarettes what they see constitutes less than 10 per cent of the output of that cigarette. What they do not see is more frightening, the gases and even liquids produced by the burning tobacco and the paper.

We need to tell Canadians about the impact of these toxic compounds on their bodies. We need to tell them about the carbon monoxide produced when tobacco burns, this colourless, odourless gas that kills because it starves the body of oxygen.

A cigarette is an incinerator producing hundreds of chemicals, including tar, cancer causing tar, as it should be rightly known. We need to tell Canadians that cancer causing tar in tobacco products contains hundreds of chemicals, some of which are actually hazardous waste. We need to inform Canadians their bodies are not and should not be toxic waste dumps.

The list of toxic constituents in cigarettes goes on and on. We need to tell Canadians about ammonia. It may be great for household training but it could increase the odds of getting viral illness, and so it does with smokers. It can aggravate chronic respiratory conditions in both a smoker and those around a smoker breathing in that second hand smoke.

We need to tell Canadians about hydrogen cyanide. This is among the most toxic of the components in the witch's brew that comes out of tobacco smoke. Short term exposure to hydrogen cyanide can lead to headaches, dizziness, nausea and vomiting, and yet we continue to do this in small amounts every day when we smoke cigarettes.

We need to tell Canadians about lead. We know how much governments have tried to cut lead emissions because of the harm they can cause children. Lead is found in tobacco smoke to which children are exposed. As we have made laws and regulations as governments to get rid of lead in the environment, lesser known sources of lead become very important. One of these sources is cigarettes.

Not only smokers but children living with smokers have shown to have elevated blood levels. Canadian children are being exposed daily to a substance that has been linked to sudden infant death syndrome, low birth weight, birth defects, allergies, learning problems, chronic respiratory disease and adult asthma.

The information we now have on the toxic constituents of tobacco products is the result of a generation of research. We are learning every day more and more about the hazardous effects of this product. Research projects funded by the tobacco demand reduction strategy, which examined the trends over the last 25 years of the nicotine content of cigarettes and in tobacco smoke using cigarette samples that have been collected and stored over the past two decades, have shown us that between 1968 and 1989 the level of nicotine in tobacco used in cigarettes has increased by 53 per cent. The average amount of tobacco used in each cigarette has decreased by 14 per cent. The level of nicotine in tobacco smoke fluctuated significantly at several points during the study period.

Other trends in the marketing of tobacco products have affected the level of exposure of smokers to other toxic substances. The cigarette filter was the first of these trends. Some of my hon. colleagues may remember a time when most cigarettes were unfiltered. It was hardly surprising that most people found them harsh and hard on the throat. Filters have been introduced, some with flavours such as menthol. However, we must not forget that tobacco smoke is harsh. It is a chemical soup that is bad for everyone.

Another important trend in the growth of tobacco products is the so-called light or low yield cigarettes which reduce the amount of smoke inhaled by smokers. On the surface this would seem to be a terrific thing. The less smokers inhale, obviously the lower the risk. It is not that simple. These light cigarettes may encourage people to keep smoking and even to smoke more. They can appear to be healthier than other tobacco products. By picking up any American magazine we can see that light cigarettes are marketed in a manner that creates the appearance the manufacturer is trying to address the concerns of smokers about health issues and to reach out to women. The recent books, articles and exposés about tobacco marketing point this out again and again, and yet this attempt to confuse the facts continues to this day.

The survey of smoking in Canada funded by the Health Canada tobacco demand reduction strategy shows that smokers make certain assumptions about a cigarette that is labelled as light. The survey of smoking in Canada found that slightly less than 35 per cent of Canadian smokers assumed that light means less tar. About 45 per cent believed that light means less nicotine. They may be right in some cases but they may not be in others. If there is any reduction it is marginal at best.

• (1535)

Smoking a light or mild cigarette is like jumping off a 20 storey building instead of a 30 storey building. The result is the same. Light and mild are just marketing subjective terms referring to taste and aroma and have no real meaning at all from a health perspective.

The perception that mild cigarettes may be safer points out an important issue in the debate. How should we regulate tobacco products so they can say what they mean so the user is fully and objectively informed of the product itself?

Some people have suggested we should bring in legislation that limits tobacco to certain amounts of tar and nicotine. In effect they want us to enforce a certain degree of lightness for all tobacco products. Research into smoking behaviour suggests regulating the lightness of cigarettes might have the opposite effect. It can lull smokers into believing they can take comfort from the fact that each cigarette would have a lower quantity of the bad stuff in it, they can smoke more and be no worse off than they are now. Some people might even take up smoking under the mistaken and potentially tragic belief it was now safe to do so because the cigarette is so light.

A variety of methods will be needed if we as a society are to understand and address the reasons so many people smoke. We need to appreciate that people smoke for reasons that appear to be rooted in psychological and socio-environmental factors, as well as the physiological addiction to nicotine.

However, product and outcome information is an important element in helping smokers stop smoking. That is the point of Bill C-24. Information is not always enough. It is only one part of a comprehensive public health approach to smoking cessation. It does and has helped many Canadians give up tobacco and deterred young Canadians from starting to smoke. Information will continue to help Canadians to understand the facts about tobacco disease. Understanding what they are smoking and what they are putting into their mouths is very important in understanding how it can harm them.

If the health warnings the bill makes possible encourage even a few people a day to follow through and quit smoking, they are achieving their purposes. We will do more research and gather more evidence about the impact of tobacco smoke on the human body. As we do this we can use the mechanisms set up in Bill C-24 in our warnings against users to improve and increase the kind of information on the packages. This bill is only the start.

Under the blueprint for tobacco control the government has indicated a number of measures and approaches within a comprehensive strategy which are worth considering. Do not forget, looking at tobacco cessation is part of a general public health strategy. Public health strategies deal with prevention, education, awareness, information, treatment of disease, rehabilitation from the disease. This is part of a major comprehensive strategy to look at the use of tobacco. The toxic constituents of tobacco smoke will therefore continue to be part of that information arsenal we must employ.

I know members will say the information may seem like the same old message. It is not. Health researchers have learned more and more about tobacco since the first time we put messages on the tobacco packages. We know far more about smoking and what it does to our health. We can now confirm that smoking is bad for the smoker but, even worse, smoking is just as bad for the non-smoker.

It is very important to note that 350 non-smoking Canadians a year die due to diseases caused by second hand smoke. Every year over 40,000 Canadians, over 3 million smokers in the world, die as a result of tobacco smoking; 5,000 people a year in my province of British Columbia alone die as a result of smoking. We see all the morbidity and the disease which cost the health care substantial amounts as people are smoking more and more.

● (1540)

Getting that information to the smoker and the non-smoker, the lethal negative issues of this product, is extremely important. One of the ways we can do it is through health warnings on cigarette packages. This would be a step in the right direction. Placing labels on and inserts in cigarette packages is an important public health initiative. It is an important part of education and prevention strategies. I urge all hon. members to support the bill and to help prevent the most preventable cause of death and disease in the world.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I compliment the hon. member for her fine speech. Factually she is certainly correct. Being a physician, she understands very clearly, personally and scientifically the impact of smoking.

However, I find it absolutely absurd that the government, after 15 years of seeing a decrease in consumption in the country, has entertained legislative proposals that have destroyed the last 15 years of our fight against smoking.

The tobacco tax rollback was the single most important negative piece of legislation that has ever been done in the last 50 years against the health and welfare of Canadians.

The hon. member, a physician, was there as the Parliamentary Secretary to the Minister of Health at that time. I ask her how she can reconcile her obvious passionate knowledge that smoking is disastrous for people's health with the fact she supported the tobacco tax rollback.

Ms. Fry: Mr. Speaker, I think that is an excellent question and I thank the hon. member for asking it.

Before I came here, as a physician I was passionate about smoking cessation and anti-smoking legislation and used every single tool in the arsenal I could think of to stop smoking.

What is interesting is that I saw this from the perspective of a physician. When I came to the House of Commons I realized there are many perspectives to legislation and to things we do as a government and as politicians. I realized what we had done by increasing our tobacco taxes to the extent that what we now had was a prohibition versus what was happening in the United States, was we were having the smuggling of cigarettes and young people were beginning to smoke not only because cigarettes were cheap but because they were now smoking something that was exciting. It was a smuggled product, something they should not be using. This presented a totally different perspective and point of view to the whole issue.

We have to try in everything we do to balance effects and counterbalance negative effects. It is like when we push something on one side, we give on the other side. Every action has an equal and opposite reaction. Balancing those actions in the best interest of the health of Canadians is what we were talking about when we looked at bringing down the tobacco taxes.

However, something very important, which the hon. member did not mention, is that it was the first time a country had slapped a health tax on a manufacturer and put the money back into health. That was one of the things I fought for as well before I came here.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, I have listened to about an hour's worth of absolute balderdash, which is the nicest word I can use, coming from the opposite benches defending the indefensible. It is absolutely shameless. What can we do to shame these people? How do we go about doing it? I think it is impossible. What could be beyond it?

After this Parliament commenced in the fall of 1993 we had, as members will recall, great lawlessness in the smuggling of tobacco. What does the government do? Does it say ''wait a

minute, you cannot be breaking the law here, folks, and you will obey the law from coast to coast''? Because the government could not enforce it, it gave in to it. It reduced the price 50 per cent or more for a package of cigarettes. That broke the back of smuggling but I will tell you what it also did. Does any member opposite have any idea of the notion of price elasticity? The lower the price, the higher the demand. The higher price, the lower the demand. It is a law of marketing. It is there. It is a fact. It is irrefutable.

• (1545)

What did the government opposite do? It lowered the price. What happened? Demand went up. Then what did it do? It said on its holiest of holy grails: ''We are going to change the packaging''. Did that happen? No.

Then the government said it was going to gradually increase the price over the next couple of years. Did that happen? No. Prices stayed where they were. The federal government, through the Supreme Court, not only has the right, it has the responsibility to legislate advertising standards around the tobacco issue.

Do members remember when tobacco companies, through a Supreme Court ruling, were allowed to advertise? The Supreme Court said it was up to the federal government to write legislation that would prevent it. It is not up to the Supreme Court to interpret legislation in a manner that prevents it.

Where in this legislation about preventing tobacco advertising in a manner that will affect the most vulnerable which are, of course, children? Please show me where word one is in restricting tobacco advertising that could be used to influence children.

I recognize that the member opposite, the Secretary of State (Multiculturalism)(Status of Women) for Vancouver Centre, herself a medical doctor, understands and appreciates the necessity of reducing smoking. I am not suggesting for a moment that members opposite do not understand or appreciate it. I am saying that if they are going to be apologists for the tobacco industry, at least do it honestly and say there is nothing they can do about it.

It is the hypocrisy of this that just drives me crazy. To listen to the members opposite talking about how bad cigarette advertising and tobacco are for the health of Canadians and do absolutely nothing about it is just beyond the pale.

Ms. Fry: Mr. Speaker, this is an interesting statement made by the hon. member. I do not know if he has been present for the last two and a half years around this place or not.

If the hon. member would recall when the tax on tobacco was lowered, not by 50 per cent I might add, some other comprehensive things were done to mitigate that. There was a health tax. It was the first time any country in the world put on a health tax on tobacco.

Mr. McClelland: How much are cigarettes outside of here?

Ms. Fry: Let me answer your question. If the hon. member would allow me to answer he might learn something.

The government increased the tobacco health tax that went straight into health funding. That has been something for which anti-smoking advocates have asked for a long long time. We were the first people to do it.

Legislation was also brought in that dealt with banning kiddy packs. Other legislation in effect banned the use of tobacco in vending machines so that tobacco was brought almost alongside alcohol in terms of where it could be bought. It cannot be sold anywhere unless the person is not a minor. So it would only be in bars where you cannot go until you are over 19.

The age limit was increased for people bringing tobacco into the country. All of that was brought in when we brought in this legislation. It is a comprehensive set of strategies. It is interesting that we would only talk about this issue.

Banning the advertising of cigarettes is something that Canada took the lead in. These are things that have been questioned by the tobacco industry. One of the things that we now know is that when we talked about sponsorship in terms of advertising we said that tobacco companies could not promote and sponsor tobacco because of course of the Supreme Court rulings. They could do it only as a corporate entity. The tobacco companies changed their corporate logo to their tobacco logo and got around that legislation.

• (1550)

This is something that we have been moving forward on for years as a country. Every time we move forward, something comes up to block us in terms of legislation and the Supreme Court.

We continue to keep struggling to move forward on this issue because of legalities. The will is there. The political will has been shown. There are legalities that we constantly have to move around. There is research that we are doing to help us to do this.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, this debate would be funny if it was not so tragic. I cannot believe the comments that have been made by members across the way which, to my mind, are absolute, sheer hypocrisy.

They are irreconcilable. On one hand, they say that they believe that smoking is bad for people, that it is going to kill people and that they are committed to preventing, as the Minister of Health of the day said, even one youth from smoking. On the other hand they

bring in legislation that is the most important factor in promoting smoking among youth. They are irreconcilable.

I understand what was going on at the time of the tobacco rollback. I understand that smuggling was a problem, but that was not the solution. I will get back to that later.

Reform members support Bill C-24 because it does something toward promoting education concerning this lethal product. This is very little compared to the larger picture. When we go to sleep tonight, 123 people will have died in this country. Over the course of the year, some 40,000 Canadians will die of cigarette related illnesses. It is the single most important preventable cause of death and illness in this country today.

The legislation put forward by the government over the last two years has done nothing but increase that. The small measures that it has taken really beats around the bushes, around the outside.

The profound effects that it has had have committed some 40,000 to 60,000 youth to date to smoking. Half of them will die at least 10 to 15 years earlier than what they should have died. If there is one shameful legacy that the government has, this has to be it. I am embarrassed to say that I was part of the Parliament while this took place.

We welcome again Bill C-24, particularly in view of the overturning by the Supreme Court of the ban on tobacco advertising, an unbelievably myopic and absurd decision by the highest court in the country. It is unbelievable to me how justices could consciously do that, understanding full well the impact on the health of Canadians and as my colleague mentioned, particularly on the health of youth.

The other action, the tobacco tax rollback I mentioned, was done because of the smuggling that was taking place. There is no doubt that we had to do something to address that problem.

Reform members presented to the government an alternative solution that would not have entailed a decrease in cost. Members know that cost is the single most important determining factor in cigarette smoking, particularly among youth. Our proposal was to put an export tax on cigarettes. Why do we know this works? It is because in 1992 the Conservative government of the day had a similar problem with smuggling and it put on an export tax of $8 a carton.

Within six weeks, the amount of smuggling went down dramatically, in the order of 60 per cent. What did the Conservative government of the day do? It removed the export tax. Why did it do that? The tobacco companies threatened to leave the country. The tax was working but the government failed. That is why there was a rollback in the taxes. That is why today cartons of cigarettes cost 50 per cent less than they did when we were elected two years ago. At that time cartons of cigarettes in Ontario cost $50, today they cost $25. What do people do? They smoke more. We do not need a tobacco reduction strategy to tell us that. We just need to walk into a store to see that or speak to the youth on the street.

• (1555)

Our alternative was to remove the tobacco tax rollback, bring the cost of cigarettes back to where they were, put the $8 export tax on cartons and enforce the law. At the time the smuggling was taking place, the police officers in the area were told to turn a blind eye. The government did not want to confront the smugglers, particularly because a lot of the smuggling was taking place on aboriginal land in the Kahnawake and Kanesatake reserves. It did not want to start up another Oka.

We have one law in this country and that law must be applied equally to all of the people who live inside Canada. It was not done deliberately.

The government should bring the export tax back, bring the costs back to where they were for tobacco, and enforce the law. We would not have a smuggling problem and the increase in consumption that we have today. In fact we would see a decrease in consumption.

The cost of the tobacco rollback has not been minor. The costs will be an increase in deaths, in morbidity and a decrease in gross domestic product, because people fall sick after smoking. These are hidden costs that the government is not taking into consideration and it is not informing the Canadian public.

The costs in my province of British Columbia are in the order of hundreds of millions of dollars in losses in gross domestic product. The cost in health care across the country is estimated to be in the tens of billions of dollars.

That is what the government has done to save face with the tobacco companies. That is really what all this is about. It is trying to do something without disturbing the tobacco companies, the purveyors of these products of death, mayhem, sadness, sickness and untold human suffering.

I challenge the members across the way who voted for that. I know many of them know people in their own families who have died of smoking related illnesses. I ask them to put themselves again in that mindset and think what would happen if their children too were going to suffer from those same terrible diseases.

The increasing consumption, particularly among the young, has been enormous. Just in the last couple of years it has gone from 21 per cent up to 30 per cent. It is going to continue to rise.

I put forward a private member's motion shortly after the tobacco tax rollback took place. The motion dealt with the rollback. Did the Standing Committee on Procedure and House Affairs make this a votable motion? No, it did not. It did not want the

overnment to be embarrassed over this issue. Sadly, my private member's motion asking for the tobacco tax to be put back on died on the Order Paper. I challenge the government once again to bring back those taxes.

Second, members across the way have proudly talked about the tobacco demand reduction strategy. What did this government do? It cut the funding for it. I would like to know from government members what has happened to the tobacco demand reduction strategy.

When people are trying to educate youth about tobacco, do they not tell them that they were going to die of lung cancer or that they were going to suffer from emphysema or chronic constructive lung disease? We have to argue on the basis of narcissism, believe it not, and tell them that their breath is going to smell foul, that it is lousy for their dating and their personal lives, that their skin is going to become sallow and that physically they are not going to look as good as they did before. Then we will have an effect on them. To tell them about all the terrible diseases they will get simply will not work because they have a sense, as we know, of immortality at that age.

• (1600)

As I mentioned, the supreme court decision shot down the ban on advertising on tobacco. That happened eight months ago. The government has had eight months to do something about it but has done absolutely nothing, although it promised it would. If that is how long it takes, the minister and the ministry of health should be ashamed of themselves.

It is absurd when we think about what this ban means. It means we can advertise for Rothmans, we can advertise for Craven As, we can advertise for Camels, but we are forbidden to advertise for the Nicoderm patches used to prevent people from smoking. That is the absurd situation we have today.

I have some solutions. Put tobacco in the Food and Drugs Act. This would give the government regulatory authority over tobacco. It would enable it to put standards on product quality, composition, packaging, sale and advertising. It would empower it to do what it has failed to do over the last three years. It is particularly important because a few years ago tobacco companies were found to be spiking cigarettes with nicotine in order to increase their addictive potential. This would prevent that in Canada. It would not require a legislative change either.

Put back the export tax. Enforce the laws against smuggling. Bring back the legislative ban on cigarette advertising. Increase education for children.

We need to get back to basics. We have a health care crisis in Canada today, the increase in consumption of cigarettes particularly among youth. The Liberal government and the previous Conservative government caved in to pressure from the cigarette companies.

Solutions exist to balance out the needs of the government to stop smuggling, which has to be done, while enabling us to preserve the health and welfare of Canadians and prevent the sickness, the tragedy, the mortality and the morbidity that will affect Canadians.

I ask every member in the House who has children to look at their children carefully when they go home tonight and ask themselves if they want to compromise their children's lives. Do they want to compromise their children and their friends' lives by allowing the embarrassing situation we have today with the tobacco tax rollback?

If the government is truly committed to preventing cigarette consumption, the single most important thing it can do is increase the cost of cigarettes to Canadians. By doing this it will decrease consumption and improve the health and welfare of all Canadians. It will be the single most important legacy for the health and welfare of Canadians.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member, the Secretary of State for Multiculturalism, the parliamentary secretary and other speakers have clearly laid out the public health issue related to tobacco. I do not think there is much disagreement as to the priority and importance of dealing with it.

We also know there are some things going on among parliamentarians and the courts, the supreme court. There have been studies with regard to changing labelling and plain packaging, supreme court decisions on the advertising permissibility and actions by lobbyists. This is an area of particular interest to me as a result of the experience I had with labelling containers of alcoholic beverages.

• (1605)

The member has raised some good points in terms of additional strategy. However, Bill C-24 gives the distributor of the tobacco product the option of attributing the health messages on the product to an entity specified in the regulations, in part.

I simply ask the member, notwithstanding this in itself is not a comprehensive strategy, whether he would agree that attributing the health warning message on the packages of cigarettes to a body such as Health Canada or the Parliament of Canada or the Government of Canada would not enhance the credibility of the message, simply by sourcing it to some reference body. That it is a positive step, although I am sure not the conclusive solution the member would like to see.

Would he not agree that is probably still a positive step which should be supported?

Mr. Martin (Esquimalt—de Fuca): Mr. Speaker, the question is do we want to look good or do we want to do good?

Bill C-24 is a welcome addition. However, do we beat around the bush on this issue or do we cut to the chase and get to what really counts? When we are weighing legislative initiatives, there is no proof plain packaging works. Do we deal with legislative initiatives which will have little or no effect or should we be dealing with something which will have a profound effect?

The number one, most important factor in tobacco consumption, which is what we are addressing, is cost. The cost factor is most important for youth, less important for adults, but nonetheless important in both areas.

The elasticity of price and demand is so important that it overshadows virtually every other initiative the government can take.

To answer the hon. member, we certainly support Bill C-24 but for heaven's sake, deal with the big issues. Bring back the tobacco taxes to what they were before and raise the cost of cigarettes to where it was two years ago and then we will truly have a profound effect on consumption in Canada, which is what all members what to see.

Mr. Joseph Volpe (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, like others in the room, I compliment all members who have as the base of their interventions the altruistic and sincere desire to ensure the health of all Canadians is safeguarded.

The member does a great discredit to the initiatives the government has taken over the last couple of years, specifically the question of the tobacco tax he referred to on a couple of occasions. That was not an isolated initiative. He pointed out this is a complex problem that requires a comprehensive approach. Much of what he addressed is already in place and not working.

Export controls and taxes were causing problems in many places in Canada and had to be addressed as well. He is conveniently putting to one side the fact that other initiatives were put forward by the government to specifically address consumption of tobacco products by young people. It is very easy to put them to one side and pretend they do not exist. The government initiatives are in place and they are working.

● (1610)

Finally, it is important as well to appreciate that in the context of some of those initiatives it was a supreme court decision that did away with some of the initiatives which were already in place.

If the member opposite is impatient because the appropriate legislation has yet to be presented before the House, it is only because the government wants to make sure the legislation, when it is presented, will withstand the challenges that will surely come forward from interested parties.

If he is as sincere as he has demonstrated in the House, he would encourage the Minister of Health and all his colleagues in cabinet to ensure the safeguards are in place and that all the checks and balances are looked at carefully so that we not repeat the scenario which we saw in the supreme court some eight months ago.

The member is correct to bring these issues forward in the House, but let him make an acknowledgement that Bill C-24 is a very important and good first step. He can bring his suggestions forward when the legislation goes to committee.

Mr. Martin (Esquimalt—Juan de Fuca): Mr. Speaker, I brought these ideas forward two years ago.

We support Bill C-24 as a first step. However, I take issue with the hon. member when he said the initiatives of the government have worked.

As we have mentioned before in the House, tobacco consumption among youth has increased dramatically since the tobacco tax rollback. Statistics from the ministry of health showed conclusively six months after the tobacco tax rollback that consumption by youth was increasing alarmingly. That proves the tobacco tax rollback has had a terrible effect on consumption by youth.

I will acknowledge that the hon. member was correct when he said that previous initiatives did work. In the 15 years before May of 1994 tobacco consumption had been progressively decreasing. However, as soon as the tobacco tax rollback took place consumption skyrocketed. They are directly related.

While I say Bill C-24 is a welcome initiative, why is the government pursuing little initiatives which are to have little effect? Why does it not pursue the big issues and the big initiatives which will have a big effect on the health of Canadians? As we stand here and pussy foot around the issue, every single day more youth are taking up smoking and more people are consuming of this lethal product.

Tomorrow if the government wishes, it could bring back those tobacco taxes. It would not find disagreement in the House. Also, it should put tobacco in the Food and Drugs Act. Then the government would have the legislative ability to do the things it ought to be doing.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to, bill read the second time and referred to a committee.)

* * *

[*Translation*]

COPYRIGHT ACT

Hon. Lucienne Robillard (Minister of Citizenship and Immigration and Acting Minister of Canadian Heritage, Lib.) moved that Bill C-32, an act to amend the Copyright Act be read the second time and sent to committee.

She said: Mr. Speaker, the reform of the Copyright Act, which has been on the agenda for more than ten years, has now become a necessity. It is crucial that our legislation conforms to reality so that we can prepare the way to the future.

• (1615)

The amendments that the government is proposing today will put our cultural industries on the same wavelength as the other industrialized countries of the West and the G7 countries. They will enable us to better meet the challenges presented by the new distribution technologies.

These amendments are the expression of the government's commitment to the cultural sector. We stated that we had two objectives in promoting the cultural industries: to bolster Canadian identity and to encourage job creation.

Let me begin by reminding you how important the cultural sector is to the affirmation of Canadian identity. Culture is expressed through the voices, words and gestures of talented men and women. Their works are the manifestation of that culture. They forge the image that a country creates of itself and offer it to the entire world. They are at the heart of our national identity. They are the creators who shape our world view.

Our culture is the thousand and one signs through which we see ourselves as individuals belonging to a country. Culture is the vital link that unites us all. Culture also provides work for 670,000 people, including creators and producers, who inject $16 billion into our economy and attract foreign capital.

Canada's cultural sector is one of the fastest-growing segments of our economy. Since 1981, it has grown by 32 per cent, compared with 12 per cent for other sectors. There is no doubt that the arts and culture sector—the ninth largest in Canada—must be strengthened if it is to continue to contribute to economic growth and the vitality of our cultural identity. That is precisely what we intend to do with Bill C-32.

[*English*]

The Government of Canada is proud of this series of fair and carefully developed amendments. The new act establishes a fair balance between the rights of creators to be compensated for their work and the need for users to have access to those works. We have taken everybody's interests into consideration and have made sure that everyone gets their due.

Some elements included in the bill are: the rights of performers and producers of sound recordings; a compensation system for private copying; limited exceptions for schools, libraries, museums, archives and people with visual disabilities; protection for exclusive book distributors in Canada; and measures to improve public management and legal recourse. I will now summarize the main features of each of these amendments.

[*Translation*]

First, let us look at performers' and producers' rights. At present, you can hear singers on the radio anywhere in the country, and they receive no compensation for their performance. As it is currently worded, the Copyright Act entitles only authors—that is, lyricists and composers—to payment for the public use of their works.

From now on, performers and producers will be able to receive a royalty from those who perform their works in public or broadcast them. Thanks to this measure, performers, who often live in impoverished circumstances, will, at least, be able to count on this income. I will remind you that Canadian performers have the right to be remunerated for their work.

• (1620)

One thing is clear, however: it is not a question of correcting the injustices done to artists and producers by penalizing those who use their sound recordings. Of course, the broadcasting industry, which is the primary user of sound recordings, will pay the levy. But the industry's financial situation will be taken into account.

All radio stations will pay a fixed rate of $100 on the first $1.25 million in advertising revenues. Based on the 1994 data, 65 per cent of private broadcasters will pay only this amount. Moreover, as a result of generous transitional measures, the tariff on advertising revenues over $1.25 million will be phased in over a five-year period. The Copyright Board will set the tariff after hearing from the various stakeholders.

Adopting this bill will allow Canada to adhere to the Rome Convention, an international agreement already ratified by 50 countries, including France, Great Britain and Japan. The result of this will be that Convention member states in which the sound recordings of Canadian performers and producers are performed in public will pay them royalties. These will be added to the royalties they receive for the public performance of their works in this country.

The new measures governing private copying are also intended to give due justice to Canadian creators. We all know that consumers make taped copies of sound recordings for their own use. In Canada alone, according to the Report of the Task Force on

the Future of the Canadian Music Industry, almost 40 million blank tapes were used for this purpose last year.

What people seem to forget is that this deprives composers, singers, producers and performers of the royalties to which they are entitled. In the past thirty years, artists and the sound-recording industry have incurred considerable losses because of private copying.

It is impossible to control private copying and pay the rights holders each time their works are reproduced. That is why a levy will be charged on all blank media, such as tapes and cassettes, in order to compensate rights holders for their losses. The Copyright Board will establish the amount of the levy, which will be paid by the importer or manufacturer.

It is important to point out that the government does not receive the royalty. The Copyright Board will establish the mechanism for dividing the royalty among composers, lyricists, performers and producers of sound recordings, and the professional associations or collectives will distribute it.

I want to reiterate one of the main reservations of Bill C-32. In the wording of the proposed amendments, we were careful to protect the interests of both creators and users. I would like to add that we are fully aware that in the public interest, exceptions limiting the enforcement of copyright are sometimes necessary. It is a question, once again, of finding a balance between users' needs and those of copyright owners.

The Act therefore provides that, in some situations, a work can be used without authorization and without any obligation to pay a royalty. Non-profit educational institutions, libraries, archives and museums will benefit from this type of exception.

There are also special measures that apply to individuals with visual disabilities. This improvement to the Copyright Act is proof of the government's desire to make culture accessible to the greatest possible number of people.

• (1625)

It marks a significant step in the legal recognition of the needs of people with perceptual disabilities and the need to guarantee them access to cultural works on substitute media.

[*English*]

The bill focuses on other major components of the cultural sector. Canadian publishers and book distributors spend a great deal of money and energy negotiating with copyright holders and original publishers for the exclusive right to sell their books in Canada. Some institutional buyers however circumvent the exclusive Canadian distributors by ordering directly from foreign suppliers. It is called parallel importation.

When bookstores, wholesalers, universities and libraries order books from distributors outside Canada and thus circumvent the authorized Canadian distributor, new provisions of the Copyright Act will restrict the importation of books to Canada when an exclusive distributor, regardless of nationality, already occupies part of the Canadian market. In return, the distributors and their clients will negotiate tenders of performance which will be included in the regulations.

[*Translation*]

The final component of the amendments is vital if we are to modernize an act that was established in the 1920s. In order to more effectively halt ongoing infringements of the Copyright Act, the amendments provide civil and criminal remedies, and modernize the wording of the Act. For example, because the extent of infringement is difficult to prove, copyright owners are often prevented from being fully compensated for their losses. As a result, we are proposing a system of statutory damages that would guarantee a minimum award once infringement is proven and serve to deter future infringements.

There are some who will say that the current amendments do not go far enough because they do not include copyright issues related to the information highway and new technologies. We had several good reasons for excluding these issues from the current phase of copyright reform. First, there is the question of internal administration. Our priority was to settle the unfinished business of the previous administration. After almost ten years of neglect by our predecessors, and at the repeated request of Canada's cultural sector, we had to adapt the legislation to the realities of the marketplace and the major international conventions in effect, while responding to the most urgent concerns of the cultural sector. Once these necessary amendments have been adopted, we will be able to move on to the advent of the information highway and the new distribution technologies.

As you can see, this bill is a step forward. It gives those in the cultural sector their due. Culture is the essence of our national identity, the expression of our pride. It allows each and every one of us to participate in the building of our collective history. The amendments to the Copyright Act were drafted with that in mind. Bill C-32 will strengthen the heart and soul of the Canadian cultural sector, as well as providing a more solid economic basis. I urge my colleagues to support the government in this crucial undertaking.

• (1630)

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, I am torn between joy and fear as regards this bill. I am pleased of course as regards neighbouring rights, but extremely concerned about the list of exceptions that is being added.

Let me first put the issue in its proper context. The first phase of this exercise was Bill C-60, which was passed in June 1988 and which is now followed by Bill C-32, to add or remove certain rights to authors.

As we know, copyrights apply to any literary, dramatic, musical or artistic work that is original. This legislation applies to a slew of works, including books, dictionaries, maps, sculptures, paintings and related works such as translations, summaries and adaptations. It applies to both published and unpublished works.

The bill creates two types of rights. Moral rights recognize the author as the owner of the work and, consequently, his or her right to authorize its use in conditions deemed appropriate. There are also economic rights, which can be divided into two major categories: those dealing with reproductions and those dealing with public performances.

As we know, copyrights usually apply for a period of 50 years after the death of an author. The act provides for some exceptions, the most important one being the fair use of a work for private studies or research. I will elaborate on these exceptions later on.

Phase I of the review of the copyright legislation resulted in Bill C-60, passed in June 1988, which extended copyrights to computer programs, extended moral rights of creators over their works, granted the right to exhibit visual arts, abolished compulsory licensing—the so-called K-tel clause, which allowed the reproduction of acoustic works for a payment of 2 cents for the recording—replaced the Copyright Appeal Board by the Copyright Board, and recognized collectives.

A collective is a group of copyright holders, such as SOCAN. However, the first phase, which resulted in Bill C-60 being passed in 1988, did not solve the issue of private copying, or home recording, and did not include the recognition of neighbouring rights.

As well, Bill C-60 did not recognize other creators' rights, such as those claimed by the copyright coalition. Between 1988 and 1994, four series of amendments were made to the act, following the commitments Canada made in the Free Trade Agreement, NAFTA or treaties signed with the World Trade Organization.

The copyright legislation has been in force for about fifty years. It was amended in June 1988 and now this amending legislation, Bill C-32, has five major goals. It sets up neighbouring rights for performers and record producers. We commend this decision. A regime is established in relation to the private copying of sound recordings. It provides for a levy on blank audio cassettes manufacturers. That is also a step in the right direction.

It protects the exclusive markets of Canadian book distributors, what we call the right of distribution. It has some weaknesses but it is still acceptable. It increases the exceptions where no royalties or no neighbouring rights can be claimed. We are shocked to see that the list of exceptions has gone from one page to 12 pages. That is unacceptable and goes against all the progress made in Canada and all the legislation passed throughout the world.

Five, the bill amends the current legislation in order to improve collective administration and civil remedies. In that area, it provides for the usual process.

• (1635)

First of all, I will talk about neighbouring rights. I will remind members that these are rights given to performers and producers of sound recordings. For example, when Renée Claude performed a song, she did not have any rights. Now she will have what are called neighbouring rights, and so will the recording company.

At the present time, when radio stations play the recordings of these performers, the authors and composers receive royalty payments, but not the performers or the producers. So it is a step in the right direction. However, there is a problem on which I will elaborate a little later on.

Members will recall that neighbouring rights are recognized in 50 countries. However, they are not recognized in the United States. Therefore it was important for Canada to adhere to the Rome Convention. It is essentially radio stations that will have to make payments under the neighbouring rights system. However, and this is where the problem is, there is a $1.25 million exception, which means that if a radio station's advertising revenues are less than $1.25 million, it will pay only $100 in royalty payments. Since when can one take somebody else's rights and decide how much that person will receive in compensation? Why not let the free market play its role since we have a tribunal and people who could established the amount that should be paid by users?

Do you use your neighbour's car without his permission and tell him afterwards that you will give him $10? No. You negotiate before using it. It is as simple as that. This amount of $1.25 million seems very high, especially that this system would be in place for a trial period of five years.

I understand that broadcasters wish to be exempted from paying neighbouring rights. In 1993, AM stations lost $59 million, while FM stations made profits of $20 million. They are claiming that the introduction of a neighbouring rights system would shut down radio stations and result in lost jobs.

Like ADISQ, the Bloc Quebecois feels that the raw material is the talent of artists and producers, and that the use of this talent must be recognized. The Copyright Board has the mandate of setting the neighbouring rights tariff, taking into account users' ability to pay. So let us let the Board do its work, instead of setting $1.25 million in advertising revenue as the cutoff, under which only $100 would be payable.

The other major argument of broadcasters against neighbouring rights is that the introduction of such a system would see Canada losing money. We know that clause 15 of the bill provides that Canada will pay neighbouring rights to Canadian holders of neighbouring rights and to those who are signatories to the Rome Convention. SOCAN receives payments from abroad, and it duly makes its own payments. A balance can therefore easily be struck between money coming into and going out of Canada.

Finally, according to the Donner report, neighbouring rights are an important tool for the future, especially with the advent of cable digital broadcasting, which will distribute digital quality music without interruptions from a announcer or any advertising. This distribution represents a source of revenue or important losses for performing artists and producers of sound recordings if the neighbouring rights regime is not introduced.

With respect to neighbouring rights, this is exactly the position adopted by the Bloc Quebecois. The Bloc made a firm commitment to support the introduction of neighbouring rights during the last election campaign. We are therefore consistent with what we promised during the campaign. In addition, since it was elected, the Bloc Quebecois has, on many occasions in the House and before the heritage committee, called for neighbouring rights legislation.

The Bloc Quebecois feels that by finally granting neighbouring rights to our performers and producers of sound recordings, Canada is making up for some very embarrassing lost time. It is regrettable, however, that the government limited itself to sound recordings and has not extended this right to audiovisual recordings. The Bloc Quebecois feels that exempting the first one and a quarter million in revenue from the payment of neighbouring rights is a large concession, too large, to the radio broadcasting industry. We will be making the necessary representations in order to lower this unacceptable cutoff substantially.

• (1640)

It is in fact the responsibility of the Copyright Board, not the legislators, to see that fees charged are compatible with the users' ability to pay. I must point out as well that no one wants to see any radio stations disappear, so the Board will take the stations' ability to pay into consideration.

Finally, the Bloc Quebecois would like to offer assurance that the creation of a new copyright scheme will not interfere with copyrights. To that end, section 90 ought perhaps to be strengthened to ensure that copyrights will be protected.

Neighbouring rights are an indispensable tool for bolstering our recording industry, whose Achilles' heel is underfunding. The recording industry is, moreover, dominated by multinationals. In Canada, Canadian-controlled businesses have marketed 71 per cent of Canadian content recordings. In Quebec, independent labels account for 31 per cent of the market, as compared to 10 per cent in Canada.

What is more, although foreign-owned recording companies are profitable, Canadian-owned ones are just beginning to be. As for the smaller ones, with annual earnings of under $100,000 and essentially Canadian-controlled, these have never been profitable, but they do play an important role in the development of Canadian talent, as the Donner report states on page 4. As far as neighbouring rights are concerned, yes, although the million and a quarter figure strikes us as completely exaggerated.

As for private copying, for which charges would be collected from manufacturers and importers of blank audiotapes, essentially cassette tapes, and then distributed among actors, composers, performers and producers of sound recordings, we know that 25 countries have adopted regimes that provide for collecting charges to compensate for incurred losses.

Last year, nearly 44 million of these blank tapes were sold. It is estimated that 39 million of them were used by consumers to privately copy sound recordings made by composers and artists who must earn a living from the sale of these recordings.

The Canadian sound recording industry loses significant revenue estimated at $324 million a year as a result of home copying. The Bloc also has a very clear position on this issue, which we expressed during the election campaign. We made a commitment to support charges on private copying. We also were in favour of collecting such charges on videotapes. We are therefore disappointed to see that the government went only halfway.

The Bloc is also happy to see that charges will not be set by legislators but by the Copyright Board. We would have liked the same thing for neighbouring rights.

As for distribution rights, we know that this bill will prevent parallel imports. The Bloc Quebecois therefore supports such a measure because it would strengthen the Canadian publishing industry, although it would have more of an impact in English Canada than in Quebec.

On the exceptions, however, we totally disagree with the government and we intend to work hard in this area when the bill is reviewed in committee. The current Copyright Act already provides for some exceptions. It provides for the use of works for the purpose of research and private study without having to pay royalties.

It provides for the use of works for the purpose of criticism, review or news summary preparation, if the source is mentioned. It provides for the public representation or publication of paintings and drawings of a work. The publication of short passages from

literary works in which copyright subsists in a collection, mainly composed of non-copyright matter, intended for the use of educational institutions is also allowed provided certain conditions are met. The list of exceptions goes on; it is about a page long, but these are the four main ones.

Bill C-32 considerably broadens these exceptions as they apply to educational institutions, libraries, archives and museums. To existing exceptions, it adds—and this is no small thing—the permission to use and reproduce works for the purpose of giving an assignment, test or examination; the permission to reproduce works that are not available in a medium of suitable quality.

• (1645)

The bill gives the right to perform in public and to broadcast sound recordings and television or radio programs in educational institutions. It also allows the reproduction of current affairs and other programs, and broadcasting in educational institutions. It allows libraries, museums and archives to reproduce works for management and conservation purposes, and to make photocopies of newspaper and magazine articles, under certain conditions, for their clients. It also allows these institutions to do authorized work.

It exempts libraries, museums, schools and archive services from their responsibility regarding production made by individuals on their photocopying machines. It recognizes the ''no fault'' principle when copyrights are violated incidentally and unintentionally. It recognizes the right to adapt works for the visually handicapped. Finally, the bill confirms the right of educational institutions and agricultural or industrial fairs to use works if the event is a non profit event.

You will understand that creators, particularly in Quebec, were stunned by the scope of the exceptions introduced as part of the copyright review. This exercise was meant to improve things, but the result is 12 pages of exceptions. This is unacceptable to authors and composers. Generally speaking, creators feel these exceptions violate the spirit of the act, which seeks to protect their rights, not deprive owners of their due. They also feel Parliament should have left users and collectives negotiate the use of their works, as is done with the Quebec education department and the federal government, and that these exceptions will create a jurisdictional nightmare. The terms used lend themselves to such interpretation that the door is wide open for users to refuse to pay their fees, until the courts clarify the provisions of the bill.

We believe that the exceptions are so convoluted as to be unmanageable, that they leave the door open to confusion, that they legalize delinquent behaviour by large institutions, that, under the pretext of balancing everyone's interests, they favour large government institutions to the detriment of much less powerful management companies.

The position of the Bloc Quebecois in this regard is also very clear. The Bloc Quebecois strongly protests this tactic by the government, which is taking advantage of the reopening of the copyright legislation to increase from one to 12 the number of pages devoted to exceptions. The Bloc Quebecois feels that these exceptions are to the detriment of authors and sees no reason why museums, libraries, schools and archives, which pay their employees, their oil and their electricity bills, should cheat authors, composers, performers and producers of their economic rights.

The Bloc Quebecois intends to show how these exceptions invalidate agreements that already exist between these large institutions and management companies. The Bloc also intends to show how these exceptions, in their present form, will lead to confusion and will pave the way for schools, museums, archives and libraries not to pay creators their due.

I would like to give some examples of these unacceptable exceptions. In clause 29.5 the following exception is described: it gives educational institutions the right to perform a work live or in public, to broadcast in public a sound recording or a performer's performance that is embodied in a sound recording, on condition that this is done on the premises of an educational institution, for educational purposes and not for profit, before an audience consisting primarily of students of the educational institution, instructors of the institution, or any person directly responsible for this institution. That is clause 29.5.

• (1650)

Now to the questions we in the Bloc are asking and, of necessity, they will be the questions asked by the creators as well. Why is such an authorization being given to educational institutions? Is an auditorium part of an educational institution's premises? That is not determined. Who will determine whether the event was held for educational purposes or to raise money? Who will determine whether the entrance fees were collected to generate profit or to meet the costs of holding the event?

Who will be stationed at the door to ensure that the audience are indeed students and staff of the educational institution? Will their parents be considered persons directly responsible for setting a curriculum for the educational institution? Do you see all the questions that just one of these exceptions prompts us to ask?

Now, for another exception in clauses 29.6 and 29.7. The purpose of this exception is to allow educational institutions to make a copy of a news or other radio or television program for educational purposes, to be replayed for the students of the institution. Copies may be retained for one year in the case of news broadcasts, and 30 days for other recordings, without copyright, in order to evaluate the educational suitability of such a program.

Then the royalties must be paid and the program may then be retained in keeping with the arrangements entered into with the collective society. The educational institutions must keep a log of their copies.

Imagine the complexity of such a disposition. It prompts us to ask a number of questions. How will the collective societies be able to administer this administrative muddle? Will programs such as serials, for example, be considered by a group of teachers in an effort to decide whether it is really a practical teaching tool? Why did the government not let educational institutions negotiate these points with collective societies as is done in other areas?

Let us consider clause 30, which allows the staff of libraries, museums and archives to make copies of works for clients for personal research purposes, on the condition that the individual satisfies the library, museum or archive that they will be used only for private study or research. Dream on. More questions arise about this clause. What criteria determine for library, museum or archive personnel that the copy requested is for personal ends? Here again, we have a practical example of the crazy limits of the exception.

Clause 30.3 provides that libraries, museums and archives will be cleared of responsibility for the use of their photocopiers, through the affixing of a notice above the photocopier asking users not to contravene the Copyright Act. What about the deals negociated by UNEQ and CANCOPY, which grant licenses to some education institutions in order to allow reproduction by their users for research purposes? Does this mean that, if someone infringes the Copyright Act by phocopying a book, for instance, the school authorities are going to shut their eyes and will not be held responsible?

Since when is an institution not responsible for its reproduction equipment? Photocopiers have become like coat racks with signs posted saying: ''We are not responsible for photocopied material''. That is what this section is saying. Clause 30.7 also says: ''It is not an infringement of copyright to incidentally and not deliberately'' use a work. Are there any other laws which state that a person who does something incidentally and not deliberately is not responsible? The guy who gets in his car after drinking and kills someone did not do it deliberately and therefore is not responsible. It is the same thing. That what is said here respecting copyright.

As I said earlier, the position of the Bloc is clear regarding the exceptions: they are unacceptable and far too many. The existing list was sufficient.

• (1655)

As for civil remedies, the last point I want to address, we know that copyright owners claim the present legislation does not protect their works because remedies provided are inappropriate, time-consuming and expensive. The measures proposed to rectify those irritants are simplified legal procedures that ease the process and lessen the potential costs of a lawsuit.

As for statutory damages, when infringement of copyright has been proven, the claimant can choose to have the amount of damages determined according to a schedule provided by the act.

Measures are proposed to prevent through injunctions experienced infringers from circumventing remedies, and to facilitate the granting of such injunctions. The Bloc essentially agrees with the part of the bill dealing with civil remedies.

I will conclude my remarks on the bill as a whole. Part II of Bill C-32 represents two steps forward, some sidesteps and many steps backwards. The steps forward are the recognition of neighbouring rights and levies on blank cassettes. The sidesteps are the exemption granted to broadcasters on the first $1.25 million in advertising revenue, and the steps backwards are unequivocally the exceptions added to the list.

This uneasiness is probably caused by the fact that the legislative aspect of copyright is the responsibility of Industry Canada not of Heritage Canada, which would have better defended creators' rights and would have been more impervious to the lobbying of the broadcasting industry and government agencies.

As a result, Part II leaves a bitter sweet taste, a mixture of emotions going from happiness, since new rights are recognized, to disappointment, as in the same breath we can wonder to what extent they really are recognized, and because copyright is being limited in a very real and concrete manner, without any valid reason.

Therefore, the Bloc Quebecois intends to work very hard on the heritage committee to analyze this bill after second reading, to improve, modernize and amend this bill which is an essential tool of policies promoting the cultural development in Canada and Quebec; this will have to be done with the greater respect for creators who are the very basis, the raw material, of this whole industry.

[*English*]

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, it is a pleasure to speak to Bill C-32.

I must start by declaring my bias on this piece of legislation. I am a broadcaster by trade and it is important that I say that right away. In declaring that, perhaps I should take a couple of moments to explain why I think it is very important from the perspective of someone who has been in the broadcast industry that this legislation not come into place, not necessarily because it hurts broadcasters, although it does, but because it will hurt Canadian culture in general. I will expand on those remarks over the course of the next several minutes.

I should start by acknowledging the work of the hon. member for Kootenay East who now sits on the Canadian heritage committee, my colleague in the Reform Party, our heritage critic who has done a lot of work on this particular issue. He has many concerns and has provided me with some information.

I certainly was aware of the issue and I think hon. members in all parties were aware of it as well. There was a rather intense lobby from all sides with respect to this legislation and there is a good reason for that. The reason is this legislation will profoundly affect the various industries it touches.

I want to talk for a moment about the broadcast industry. The minister said a few minutes ago that the bill will strengthen Canadian culture. I am going to challenge that assertion. It will strengthen some aspects of Canadian culture but at the expense of other players in Canadian culture. I speak primarily of people in the broadcast industry.

I want to make the argument that hundreds of broadcasters in the big and small radio stations around the country are as much a part of Canadian culture as are the recording artists. Absolutely. I will give my personal perspective on this.

• (1700)

I ran a little radio station in Brooks, Alberta. I did that for 10 years. Prior to that I worked at radio stations throughout western Canada, some quite small, some a little larger in medium size markets. It is important to point out the value these little radio stations have in their communities. They are the glue that hold those communities together in so many ways.

The community of Brooks relied on my radio station for the local weather report which is something we take for granted. If we stop to think about it, it makes absolute sense that if we could not support that radio station because of yet another imposition of some kind of a tax, a levy or in this case, neighbouring rights which cause the radio station to go out of business, people who relied on the local weather report would be lost. We are talking about farmers, ranchers and those types of people. People wait to hear whether or not the school bus will be running because of a storm. They simply would not have that local information.

Another example of how radio stations hold communities together is the local news aspect. Many local communities have weekly newspapers but they do not have daily information. That is very important. I talked about the weather. If my memory serves me, the number one reason people listen to the radio is to hear the weather report. The second most important reason is local news. People want to hear what is going on in their community on a day to day basis. If because of government legislation some radio stations are knocked off the map and people cannot get the local information, the sense of community will be lost in a very real way.

I come from Brooks, Alberta which has a population of 10,000. It is quite far from any other major centre. There are many communities in that type of situation around the country. If those communities lost their local radio station it would be a tremendous loss because there would be no other radio station or TV station to jump in to fill the gap. It would be a terrible loss.

I know many hon. members opposite feel the same way. I hope I am not putting anyone on the spot when I read the following letter. That is certainly not my intent. I have a letter which was signed by the hon. member for Essex—Kent. It was sent to the former heritage minister. The letter states: ''Neighbouring rights will add dramatically to this local programming loss across our country. Border communities such as Windsor and Sarnia are in a competitive market with the U.S.A. Added cost to the Canadian broadcasters will place them in a less competitive position. It is truly troubling to me to pass legislation that would place the radio broadcast industry in Canada at a disadvantage to their U.S. counterparts''.

It is an excellent letter and the hon. member made some very good points in it. That is one huge reason the legislation is bad. Overall this legislation will cost Canadian broadcasters somewhere in the range of $30 million. That comes at a time when over half of the radio stations in the country are losing money, especially AM radio which is under tremendous strain because of fragmentation in the marketplace and new technologies. Suffice it to say that at the present time there are no technologies which can replace what radio is doing around the country.

This is an extremely important issue. Again I say to the minister that she is proposing legislation which will strengthen one aspect of Canadian culture, but it will greatly weaken another.

Another point is that there is really no reason to bring this legislation forward right now. That really bothers me. I do not understand where the minister is coming from. There is a long-standing historical understanding between the record industry and radio with respect to how record companies are compensated when radio stations play their music. If someone's music is played on the radio, obviously it will have an impact on record sales.

• (1705)

The broadcasters recently had Angus Reid conduct a study. It was discovered that about 45 per cent of music purchasers identified radio as the most important influence in their most recent music purchase. It outranked all other factors by a ratio of three to one. Overall, nearly nine in ten or about 88 per cent of Canadian music buyers rated radio to have been a somewhat to a very influential factor in their music purchase over the last year or two.

I get the sense that the minister is setting out to kill the goose that has laid the golden egg. The Canadian music industry and its artists are doing extremely well around the world. Not only are they popular in Canada but they are popular in the United States and Europe as well. There are many obvious examples. Therefore, the question is: If the present system is working extremely well, why are we engaging on a new course that could potentially undermine

the broadcasting industry, which is precisely the industry that has given many of these artists their start?

Many radio stations in order to help them get their licence tell the CRTC when they apply for their licence that they will commit to spending a portion of their profits on promoting new artists who do not yet have a record. They will help them record a song so that the artists can get some air play. In many instances the group, for example the one I belong to, CHUM Limited, a big chain across the country, would say that they would give the new artists free advertising of their records on their air waves.

This is seen as an important way to help fulfil the 30 per cent Canadian content rule, by ensuring that there are lots of good quality Canadian artists out there. A lot of time is spent coming up with ads to promote Canadian recording artists. What we are doing here is undermining the radio industry and therefore jeopardizing precisely the same artists the minister is intent on promoting.

Those arguments are good enough, but there are many other important arguments against this legislation. I want to make another right now with help from the member for Essex—Kent and his letter.

What we are proposing to do seems insane in many ways. We want to set upon a course that will provide neighbouring rights legislation which in effect will ensure that Canadian artists who receive a lot of air play in the United States will not benefit. In fact, they may be ultimately penalized—and I will get to that in a moment—by virtue of the government bringing in this neighbouring rights legislation. At the same time, we are providing a perverse incentive for Canadian broadcasters to play more American music. Let me explain how this works.

Neighbouring rights legislation will extend the current copyright legislation that applies to the composers of music on to the artists and the record producers. In other words, the producers and artists will enjoy the protection of copyright legislation. They do not enjoy it right now. The radio stations will pay for that. In Canada there will be a monetary incentive to play more American music because it is exempt from the copyright legislation. It is a crazy incentive to put in place if someone wants to promote Canadian music. It does not make any sense at all.

On the other hand, we are treating the Americans differently in Canada. They will not be subject to the new copyright legislation. We are treating American artists differently. That will make us subject to a challenge under NAFTA or under the WTO, which would quite possibly mean that the Americans could challenge us. It could mean that some of our artists will be ultimately denied from receiving air play in the United States.

• (1710)

The point with respect to this issue was extremely well made by the hon. member for Essex—Kent. I will read from the letter he sent to the heritage minister:

> On Wednesday, November 1st, the U.S. government passed its Digital Performance Rights Act of 1995. This U.S. legislation excludes current radio stations, as well as future digital radio stations, from any form of neighbouring rights royalty payments. There is grave concern in the industry that any introduction of a neighbouring rights royalty in Canada will be detrimental to the radio industry which is already experiencing financial difficulties. Of equal concern is that Canada would have a different system than in the U.S.

The U.S. obviously is the big market for the majority of Canadian artists and also is our biggest trading partner. The letter goes on to state:

> For example, if Canada were to have a neighbouring rights regime, which includes Canadians but excludes U.S. entertainers, it would be challenged under the WTO. The effect of a successful U.S. position is that approximately 70 per cent of the royalties paid by Canadian radio stations would be paid to foreigners, with no such return of revenue from the U.S. due to their exclusion. In any event, the U.S. has indicated that it would consider this system under the national treatment rules. This means that the U.S. will simply demand the same treatment for U.S. performers and record companies as given to Canadian performers and record companies.

In other words, because the Americans are excluded, we are going to send our people down there. They will not receive any royalties from the Americans because the Americans do not have this legislation. Radio is exempt under U.S. copyright rules. However, in Canada we will have the situation of a reverse incentive to actually play more American music because broadcasters will see a monetary benefit from it. It makes absolutely no sense. Not only that, we will possibly be subject to a NAFTA challenge or a WTO challenge. We have no idea of what the consequences of that could be. Suffice it to say the country music channel dispute shows us that the Americans are determined to play hardball when it comes to cultural industries.

One of the other concerns I have is with respect to how certain performers are going to benefit from this legislation while other performers are penalized. In relative terms, neighbouring rights legislation most benefits those Canadian artists who tend to receive more air play in Europe where neighbouring rights apply to private radio than in the U.S. where they do not. In practical terms this means that certain genres of music and music recorded in certain languages will benefit at the expense of others.

What is rather obvious, if I can state the obvious here, is that recording artists from Quebec are going to receive far more benefit from this than Canadian artists outside of Quebec. The reason is that most of the people who have signed on to the Berne convention are from Europe. Therefore, Quebec artists who sing in the French

language for instance are going to be the beneficiaries of this. However people who perform in English and have their primary market in the United States are not going to receive the royalties because, as I mentioned several times before, the U.S. excludes neighbouring rights from applying to private radio.

The legislation provides a benefit to francophone artists in particular, but also to other artists who perform in different languages and receive a lot of air play in Europe. Meanwhile, it does not help and most likely will hurt those Canadian artists who perform in the United States. The real situation is that the minister is pitting one group of artists against another. We are headed for trouble if we do that because it is wrong.

Another point I want to make is a little more complicated. Actually Europeans do much better with this deal than do Canadians overall because of our broadcasting system. In Canada literally hundreds of radio stations across the country broadcast to 30 million people. In Europe a fraction of that number of radio stations broadcast to 300 million people.

• (1715)

By virtue of how the neighbouring rights legislation is designed, what is important is how many spins of the record occur over the course of a year and not how many people it reaches. That is how the legislation is designed. In relative terms we will be sending a lot more money to Europe than Europe will be sending to Canada for our artists because of the way the broadcast system is designed.

We have a situation where European performers will actually do better than Canadian performers. It does not make any sense that our government would be promoting that. To me it is ridiculous and counterintuitive. Nonetheless that is precisely what is being proposed.

I will not belabour this point as there are people who would like to discuss other pieces of legislation. I sum up by saying that there is no support for the legislation across the way, as far as I can determine. There is certainly no support for it in my party or, I would argue, across the country.

I would argue that Canadians are very supportive of their local radio stations. People feel that Canadian performers are doing extremely well today. We see them all the time: Shania Twain and Michelle Wright. Many Quebec artists are doing extremely well around the world. To tinker with the current system is to invite disaster, to invite killing the goose that laid the golden egg. All this occurs at a time when private broadcasters are facing serious financial problems.

I cannot understand the motivation for the legislation given all the arguments against it. I encourage hon. members across the way, members of the Bloc Quebecois and certainly members of my own party, to go after the legislation.

I encourage the minister to justify why she is taking this course. I remind her that for every argument she puts forward in favour of the legislation there are three or four against it. I encourage her to think about that and to remember that the broadcast industry, speaking as someone who comes from it, is a very important part of Canadian culture. Steps should be taken not necessarily to promote it but certainly to stop the erosion of it that the Minister of Canadian Heritage is proposing.

[*Translation*]

The Deputy Speaker: It is my duty to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Davenport—Law of the Sea Convention.

[*English*]

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, in his remarks just now the hon. member of the Reform Party made repeated reference to a letter from my colleague, the hon. member for Essex—Kent.

Bill C-32 was first introduced in the House on April 25. Before that date absolutely no one knew what would be in the bill. The letter to which the member opposite refers, the letter from the member for Essex—Kent, was written well before April 25. It is fair to say that Bill C-32 very adequately addresses and satisfies the concerns expressed in that letter.

• (1720)

I regard it not as a duty but as a privilege and a pleasure to speak to Bill C-32. I am genuinely pleased to have the opportunity of saying good things about a manifestly good piece of legislation.

It is with pride that I express my support for a cause so timely and just, so attentive to the principles of fairness and equity, so responsive to the exigencies of our modern age and so ultimately beneficial to Canadian culture.

I use this latter term somewhat guardedly. I am well aware of the dangers inherent in seeming to speak too annoyingly about culture with a capital *c*. Therefore, unless someone asks me to define the concept, a task that has defeated many a scholarly mind, allow me to resort to terms that most of us can more readily understand.

[*Translation*]

Here in Canada, the arts and cultural industries give work to more than half a million persons and put $16 billion annually into our national economy. Whatever our opinion might be on culture

with a capital ''C'', it is evident that, from a purely financial point of view, culture plays an important role in our country. Any measure supporting the livelihood of workers and the prosperity of their sector is ultimately supporting all of our economy and also our identity and our sovereignty.

Bill C-32 is one such measure. In fact, it is a whole series of measures applicable to copyright, an essential element for artistic creators of this country. Copyright is the legal framework whereby creators of works like movies, books, songs, information products and computer programs, receive some financial compensation whenever their work is used by other people.

[*English*]

Prominent among the bill's provisions is its so-called *p* and *p* component, which stands for performers and producers rights.

I heard a comment earlier asking whether I was reading my remarks. Yes, I am reading some remarks, but I can tell hon. members of the Reform Party that I have spent considerable months working on the issue with other members of my caucus. I am extremely well informed on the bill. I sit on the Canadian heritage committee as the vice-chair. I welcome the hon. member who made the comment or any others who come before the committee to address it. It is important legislation that we are quite prepared to examine in detail.

These *p* and *p* provisions will in effect extend royalty payments to producers and the performers of sound recordings. One might well ask whether royalties do not already ensue whenever recordings are broadcast over the air waves or performed in public. They do indeed, but under the current rights regime royalties in such cases go only to composers and lyricists of the songs in question.

In other words, when a radio station uses the latest recording by Céline Dion or Anne Murray of a song that happens to have been written by someone else, the songwriter gets duly paid for the use of the piece. However the company that made the recording and the song's performer and interpreter, Céline or Anne, do not. That is fundamentally unfair.

With this proposed legislation Canada will join the ranks of some 50 other countries that have already accepted the principle of performers and producers rights. Like them, we will at last recognize in law that those whose recording artistry and expertise bring a work into prominence are as deserving of royalties as composers or lyricists.

Some may look at the illustrious names I have just cited and suggest that I have not chosen the best examples to garner support for performers and producers rights.

● (1725)

Céline Dion and Anne Murray are, after all, fabulously successful and prosperous performers and have been so for some time. As such it may appear that they have little need for *p* and *p* royalties. To such a suggestion I would respond in two ways.

First, the Céline Dions and the Anne Murrays of the Canadian music industry are the exceptions, individuals who have reached the pinnacle of their profession. Below them, less visible but no less remarkable, lies a far faster preponderance of Canadian performers, musicians and recording artists, talented and dedicated professionals all but whose acquaintance with popular success may have proved at best fleeting, sporadic and far more modest.

[*Translation*]

Canadian artists are collectively among the least paid professionals in the country. For those who work in the sound recording industry, the prospect of sometimes getting performers and producers rights or a small fraction of the new royalty on blank audio cassettes could be valuable.

Second, whether rich or poor, famous or unknown, it does not matter what kind of person receives the performers and producers rights, because they are rights, not privileges, and these rights are theirs. They are based on the unquestionable principle of fair payment for work done.

If someone uses the product of my work, I am entitled to expect and to receive a fair payment from him, no matter who I am and what my achievements are, whether I am already rich or not, whether I do not particularly need money at the time or need it. If someone benefits from my works, if he exploits the product of the work I have done, I am entitled to expect a payment.

[*English*]

I realize that user pay approaches are far easier to defend in the abstract than in practice. In developing these legislative proposals we realized full well that we had little to gain by assisting one group and creating hardship elsewhere. That is why we were so careful to take account of the financial situation of broadcasters in establishing the new performers and producers regime.

Therefore members will not be surprised to learn that I am somewhat taken aback and disappointed with the vociferous stance against the bill being taken by certain broadcasters. They would have us believe that Bill C-32 will mean disaster for them, that it will push hundreds of financially beleaguered radio stations over the brink.

How can this be? How is it possible for the broadcasting industry to argue its interests have been irreparably damaged when we have taken such pains to minimize any potential adverse consequences, when they have been so careful to ensure that *p* and *p* royalty payments will accord with the ability to pay?

There are some 487 commercial radio stations in Canada. Of these approximately 65 per cent or well over 300 will be required to pay only a nominal flat fee of $100 per year, hardly a sum that is likely to push any station, beleaguered or not, over any brink.

This virtual exemption will apply to smaller stations right across Canada, those that take in annual advertising revenues of less than $1.25 million. This seems by any account a generous limit. Some are even saying it is too generous. It will in effect shelter $400 million, a full 55 per cent of all radio advertising revenue in the country.

● (1730)

As for the remainder of the country's radio stations the larger ones, the richer ones, those that take in advertising revenues in excess of $1.25 million, they will naturally be expected to pay more than the minimum $100 in keeping with their greater income.

Even so, the fees that are set will be phased in gradually over five years. Moreover, these fees will apply only to that portion of advertising revenues in excess of $1.25 million. As an additional measure of prediction the amount of the fee will be established by the copyright board after an open consultative process and after hearing from interested parties on the subject.

The bill will go to the committee on Canadian heritage, of which I am vice-chair. It is a very technical bill. We are certainly open to hearing input from all members. We believe the bill will stand on its merits and will bear careful scrutiny.

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CIVIL AIR NAVIGATION SERVICES COMMERCIALIZATION ACT

The House resumed consideration of the motion that Bill C-20, an act to respecting the commercialization of civil air navigation services, be read the third time and passed, and of the amendment.

The Deputy Speaker: We will now proceed to the taking of the deferred recorded division on the amendment.

Call in the members.

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

(*Division No. 98*)

YEAS

Members

Asselin
Axworthy (Saskatoon—Clark's Crossing)
Bachand
Bélisle
Bellehumeur
Bergeron
Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)
Canuel
Chrétien (Frontenac)
Crête
Dalphond-Guiral
Daviault
Debien
Deshaies
Dubé
Duceppe
Dumas
Fillion
Gagnon (Québec)
Gauthier
Godin
Guay
Guimond
Jacob
Landry
Langlois
Laurin
Lavigne (Beauharnois—Salaberry)
Leblanc (Longueuil)
Leroux (Shefford)
Loubier
Marchand
McLaughlin
Ménard
Mercier
Nunez
Paré
Picard (Drummond)
Plamondon
Pomerleau
Rocheleau
Sauvageau
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)
Venne
Wayne—49

NAYS

Members

Adams
Anawak
Anderson
Arseneault
Augustine
Baker
Bakopanos
Barnes
Beaumier
Bélair
Bélanger
Benoit
Bernier (Beauce)
Bertrand
Bethel
Bevilacqua
Blondin-Andrew
Bodnar
Bonin
Boudria
Brown (Oakville—Milton)
Bryden
Byrne
Caccia
Calder
Campbell
Cannis
Catterall
Cauchon
Chamberlain
Chan
Clancy
Collenette
Collins
Comuzzi
Cowling
Crawford
Culbert
Cullen
DeVillers
Dhaliwal
Dion
Discepola
Dromisky
Duhamel
Duncan
Dupuy
Easter
Eggleton
English
Fewchuk
Finlay
Flis
Fontana
Frazer
Fry
Gaffney
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Godfrey
Goodale
Grose
Guarnieri
Hanger
Harb
Harper (Calgary West/Ouest)
Harper (Churchill)
Hart
Hermanson
Hickey
Hill (Macleod)
Hopkins
Hubbard
Ianno
Jackson
Keyes
Kirkby
Knutson
Kraft Sloan
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Lincoln
Loney
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi
Manley
Marleau
Massé
Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)
McCormick
McGuire
McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)
McTeague
McWhinney
Meredith
Mifflin
Milliken
Minna
Murphy
Murray
O'Brien (Labrador)
O'Brien (London—Middlesex)
O'Reilly
Pagtakhan
Parrish
Patry
Payne
Peric
Peters
Peterson
Pettigrew
Phinney
Pickard (Essex—Kent)
Pillitteri
Proud
Reed
Regan
Richardson
Rideout
Ringma
Ringuette-Maltais
Robichaud
Schmidt
Scott (Fredericton—York—Sunbury)
Shepherd

Sheridan
Simmons
Speaker
St. Denis
Strahl
Telegdi
Ur
Vanclief
Volpe
Wells
Williams
Zed—153

Silye
Solberg
Speller
Stewart (Brant)
Szabo
Terrana
Valeri
Verran
Walker
Whelan
Young

PAIRED MEMBERS

Alcock
Caron
de Savoye
Graham
Leroux (Richmond—Wolfe)
Rock

Brien
Cohen
Gallaway
Lefebvre
Maloney
St-Laurent

• (1755)

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

Mr. Boudria: Mr. Speaker, perhaps the House would give its unanimous consent to apply the same result in reverse to the main motion for third reading of Bill C-20, and adding as voting yes the hon. Minister of Health and the hon. Minister of Indian Affairs and Northern Development.

The Speaker: I understand the member for Kenora—Rainy River and the Minister of Finance want to be included in the vote.

Is there unanimous consent?

Some hon. members: Agreed.

[*Translation*]

Mrs. Dalphond-Guiral: Mr. Speaker, the members of the official opposition will be voting against the motion.

[*English*]

Mr. Strahl: Mr. Speaker, the members of the Reform Party present will be voting yes to this motion, unless instructed by their constituents to do otherwise.

Mr. Taylor: Mr. Speaker, I thought we were agreeing to do it in reverse. However, since we seem to be putting it on the record, New Democrats will be opposed to this motion.

Mrs. Wayne: Mr. Speaker, I will be voting against the motion.

[*Translation*]

Mr. Bernier (Beauce): Mr. Speaker, I will be voting in favour of the motion for third reading.

[*English*]

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

(*Division No. 99*)

YEAS

Members

Adams
Anderson
Augustine
Bakopanos
Beaumier
Bélanger
Bernier (Beauce)
Bethel
Blondin-Andrew
Bonin
Brown (Oakville—Milton)
Byrne
Calder
Cannis
Cauchon
Chan
Collenette
Comuzzi
Crawford
Cullen
Dhaliwal
Dion
Dromisky
Duncan
Easter
English
Finlay
Fontana
Fry
Gagliano
Gerrard
Goodale
Guarnieri
Harb
Harper (Churchill)
Hermanson
Hill (Macleod)
Hubbard
Irwin
Keyes
Knutson
Lastewka
Lee
Loney
MacLellan (Cape/Cap-Breton—The Sydneys)
Manley
Martin (LaSalle—Émard)
Mayfield
McCormick
McKinnon
McTeague
Meredith
Milliken
Murphy
Nault
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Ringma
Robichaud
Scott (Fredericton—York—Sunbury)
Sheridan
Simmons
Speaker
St. Denis
Strahl
Telegdi
Ur
Vanclief
Volpe
Wells
Williams
Zed—157

Anawak
Arseneault
Baker
Barnes
Bélair
Benoit
Bertrand
Bevilacqua
Bodnar
Boudria
Bryden
Caccia
Campbell
Catterall
Chamberlain
Clancy
Collins
Cowling
Culbert
DeVillers
Dingwall
Discepola
Duhamel
Dupuy
Eggleton
Fewchuk
Flis
Frazer
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Godfrey
Grose
Hanger
Harper (Calgary West/Ouest)
Hart
Hickey
Hopkins
Ianno
Jackson
Kirkby
Kraft Sloan
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
Malhi
Marleau
Massé
McClelland (Edmonton Southwest/Sud-Ouest)
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Mifflin
Minna
Murray
O'Brien (Labrador)
O'Reilly
Parrish
Payne
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Ringuette-Maltais
Schmidt
Shepherd
Silye
Solberg
Speller
Stewart (Brant)
Szabo
Terrana
Valeri
Verran
Walker
Whelan
Young

NAYS

Members

Asselin
Bachand
Bellehumeur
Bernier (Gaspé)

Axworthy (Saskatoon—Clark's Crossing)
Bélisle
Bergeron
Bernier (Mégantic—Compton—Stanstead)

Canuel	Chrétien (Frontenac)
Crête	Dalphond-Guiral
Daviault	Debien
Deshaies	Dubé
Duceppe	Dumas
Fillion	Gagnon (Québec)
Gauthier	Godin
Guay	Guimond
Jacob	Landry
Langlois	Laurin
Lavigne (Beauharnois—Salaberry)	Leblanc (Longueuil)
Leroux (Shefford)	Loubier
Marchand	McLaughlin
Ménard	Mercier
Nunez	Paré
Picard (Drummond)	Plamondon
Pomerleau	Rocheleau
Sauvageau	Taylor
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Venne
Wayne—49	

PAIRED MEMBERS

Alcock	Brien
Caron	Cohen
de Savoye	Gallaway
Graham	Lefebvre
Leroux (Richmond—Wolfe)	Maloney
Rock	St-Laurent

The Speaker: I declare the motion carried.

(Bill read the third time and passed.)

The Speaker: It being six o'clock, the House will now proceed to the consideration of Private Members' Business, as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL CODE

Ms. Albina Guarnieri (Mississauga East, Lib.) moved that Bill C-274, an act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences), be read the second time and referred to a committee.

She said: Mr. Speaker, volume discounts for rapists and murders is the law in Canada today. It is called concurrent sentencing. It means that serial predators can serve penalties for multiple crimes at the same time and be out on the streets in only a fraction of the total sentencing.

Concurrent sentencing cheapens life. The lives of individual victims are erased from the sentencing equation. The suffering, the pain and the death of the second, third or eleventh victim is of no consequence to the courts. The minimum penalty always applies for even the most prolific killers.

Canadians cannot forget the spectacle of Denis Lortie after he machine gunned three people to death in Quebec City. It would have been hard to imagine at the time that he could be back on the street today after serving only three and a half years for each person he killed. That is the bargain basement price of life in our courts and parole system.

Denis Lortie is an unusual case, not because he is a multiple murderer or because he was released after a wrist slap of a prison term. Denis Lortie's case is unusual because the public is aware of it.

The majority of murderers and serial sex offenders are returned to neighbourhoods without publicity or warning. Trials and convictions do attract publicity and attention and the public is always lulled by the hoax of a life sentence they read in the morning paper. But 10 years later they really hear the truth. The parole board has short changed justice, written off the victims as yesterday's news and freed up a bunk bed for the next killer.

But Canadians are gradually catching on to the deception of life imprisonment. Half of all those convicted of second degree murder and sentenced to life are released after less than 12 years. For first degree murder the median has historically been 14 years. Life only means life for the murder victim who is not there to protest his or her sentence and is never eligible for parole.

The predator has also dealt a life sentence to the victim's family. For them the comforting illusion of safety in our society has been shattered. They have to live with the stark truth that the only law that protects them is the law of averages, the chance that none of the predators roaming our communities will get around to you today.

● (1805)

Sharon Rosenfeldt had the courage to recall her personal tragedy in support of my bill. She writes:

> Concurrent sentencing is appalling. My son was one of the eleven children murdered by serial child killer Clifford Olson. The fact that he is serving eleven concurrent life sentences is ludicrous. As the mother of one of Olson's victims, I have difficulty in dealing with the reality that he is serving the equivalent of one life sentence instead of the eleven life sentences he should be serving.

Why is it justice for Clifford Olson to serve no additional penalty for murdering 10 additional children? Why can the victim's families not have peace of mind and never have to hear from Clifford Olson again?

My bill would have spared them the revictimization of having even the slightest concern that Clifford Olson would be paroled as his combined parole ineligibility would have and should have been 275 years, not the 25-year bargain given by our current system. How can a civilized society be so tolerant and generous toward the savagery of a Clifford Olson and be so dismissive of the death sentences forever served by his victims.

The justice minister not long ago observed that victims have been the orphans of the justice system and how right he was. That is why so many victims groups exist. Among those who support my bill are Debbie Mahaffy's Taking Action for Victims, CAVEAT, Victims of Violence, Citizens United for Safety and Justice, the Canadian Resource Centre for Victims of Crime and the Canadian Police Association.

But our institutions are mostly responsive to lawyers, lobbyists, inmate advocates. Criminals can rely on the system that orphaned their victims. The murder victim has no representative, no lobbyist and no lawyer because the victim is dead. The only argument we will hear about the victim's lost rights will come from family and from people who recognize the injustice and obscenity of the current system.

Let us face it, the predator protection industry is part of our modern economy. Justice cannot compete with currency. But the victims of Canadian justice, though unpaid, refuse to be unheard.

Priscilla de Villiers writes:

> It is an absolute insult to victims of violent crime that each murder, subsequent to the first murder of an offender is considered to be free.

Why is it that the second murder victim does not count? Very simply, Canadian justice offers a bulk rate to murderers and rapists. One 25 year so-called life sentence is the penalty for premeditated murder no matter how many victims, and a mere seven years in prison is the maximum parole ineligibility for a rapist, again no matter how many victims.

But columnists advocating inmates' rights will argue that nothing is served by revenge, that we should have to prove that each predator is a continuing risk to society and not waste the lives of reformed carnivores.

It has become groupthink these days that we should be generous to murderers who only killed an abusive husband or smothered an infant child in a domestic dispute. My bill is not focused on these much pitied murderers. It deals only with multiple killers and rapists, criminals like Clifford Olson, people who plan, stalk and destroy young lives.

There are no mitigating circumstances for a predator. There is no need to rehabilitate a predator. No predator is a safe addition to any neighbourhood no matter what his therapist might say.

One of my constituents is a teacher in Brampton. One day some years ago the rehabilitation poster boy, Joseph Fredericks, was invited to his school, a shining example of a reformed sex offender. This devastating product of rehabilitation went on to attack and kill Christopher Stephenson.

By being convicted, serial predators have identified themselves as threats to society. No term in prison, no therapy, no treatment can make a predator an acceptable risk. Yet parole boards will continue to gamble with the lives of children and others by letting predators loose on the buffet of victims in Canadian communities.

• (1810)

Why is it that parole boards can take such risks so liberally? There is no risk to the parole board. For every 100 sex offenders released, 30 women and children are victimized. That is not just a stat. It is a guarantee. Parole does save a few dollars admittedly, but it ruins many lives.

The Metro Toronto Zoo is currently suffering budgetary difficulties. One might ask why it does not save money by emptying its cages and letting its untamed animals loose on the streets of Toronto. Why not? They are not the parole board and they can be sued for recklessly endangering citizens.

Prisons represent less than 1 per cent of federal spending. Protecting the public from predators would hardly bankrupt the nation. We can afford a little more justice.

Collette writes in support my bill:

> This issue is very dear to me and my family. In 1991, four members of our family, Maurice, Susan, Islay and Janello Mandin were murdered by young offender Gavin Mandin. He was tried in adult court, and received a sentence of life with parole eligibility at ten years. One sentence, one parole eligibility.

Four lives erased, 10 years in prison. Oh, but wait. The murderer can change in prison. He can become a better citizen, get an education and even start a family through the conjugal visits of the jailhouse Jenny program. As always, resources are showered on the criminal, now called a client, but precious little is done to support the victimized families.

As with all other victims, and victims groups who support my bill, Collette Mandin-Kossowan asked to know the result of my vote.

But Debbie Mahaffy, the mother of Leslie Mahaffy, who died at the hands of Paul Bernardo, was more cautious, having had more experience with how justice can be obstructed, how justice is too rarely a votable item. She is used to the lip service, the feigned support, the photo ops and then the secret opposition that thwarts it all. Mrs. Mahaffy writes:

I fear there will be too much opposition because consecutive sentencing is so sensible, so no-nonsense, so uncomplicated, it may be too simple for some to understand.

I owe the groups that have supported this bill a reason for why it was thwarted by the subcommittee on Private Members' Business. The committee does not give reasons. It operates in secret, each member swearing silence except to the press when convenient. The transcripts of my presentation to the committee should lend some insight.

The committee offered not a single question about Bill C-274. They rendered no opposing comments, no objections, no rationale for the bill not being votable. At the time, I recalled the words of the Minister of Justice who said in the House that ''too often, through insensitivity the interests and personal stake of the victim are overlooked''.

How each of the four members of this committee voted is not a closely guarded secret. Only the public and the victims groups are denied the truth. They are used to that. Victims groups once again have reason to conclude that Parliament is not a trustworthy ally in their pursuit of justice.

Consecutive sentencing is uncomplicated. It would restore a degree of truth in sentencing. It recognizes that each sentence applies to a specific crime, an individual victim, a personal horror. It insists that the price for rape and murder must not be marked down.

Under my bill, Denis Lortie would have had to serve 10 years for each life he took and Debbie Mahaffy would never have to plead with any parole board to keep Paul Bernardo in jail where he belongs.

As life sentences are a hoax, the only meaningful part of a sentence is the period of parole ineligibility, the period for which the murderer is guaranteed to be behind bars, the period before the victim's family must relive a nightmare. That is the only sentence that is remotely real, remotely believable.

● (1815)

For Paul Bernardo and Clifford Olson that is 15 years. The rest of their sentences are just an option, an option our system allows to revictimize the parents of the victims, potentially to force them to join countless other victims in having to dredge up some gruesome memories just to provide victim impact statements and petitions to keep a cage between the predator and the prey.

However, the quality of mercy is not strained. Parliament still has an opportunity to narrow the gap between the justice system and justice. Does any member here stand in support of volume discounts for serial rapists and murderers? I would like those who think a second murder victim does not count to stand up and be counted. I would like to restore Mrs. Mahaffy's faith in this institution by asking for unanimous consent in the House to make Bill C-274 a votable motion.

The Acting Speaker (Mr. Kilger): The House has heard the terms of the motion from the hon. member for Mississauga East. Is there unanimous consent?

Some hon. members: No.

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, I am pleased to speak on Bill C-274 put forward by the hon. member for Mississauga East.

[*English*]

Mr. McTeague: Mr. Speaker, I rise on a point of order. I did not hear any objection to the unanimous consent.

The Acting Speaker (Mr. Kilger): With the greatest of respect, I put the motion to the floor. I heard some naysayers, and so I can resume debate, which is what I intend to do.

[*Translation*]

Mr. Langlois: Mr. Speaker, for the sake of consistency, I shall take it from the top. I am pleased to speak on Bill C-274 put forward by the hon. member for Mississauga East. If I may, I would like to start by setting the record straight because the hon. member, acting in all good faith I am sure, has questioned the procedure currently used by the sub-committee on private members' business.

Along with the hon. members for Mississauga West, Edmonton North and Okanagan—Shuswap, I sit on this committee, which, for obvious reasons, meets in camera to hold proceedings and only under these circumstances. That is because the House has seen fit for the committee responsible for looking into private members' business to be sheltered from outside pressure. What better way to elude pressure than to sit in camera, where we can discuss freely and frankly, without having people watching over our shoulders as we draw our conclusions.

Without compromising the secrecy of in camera meetings, I was able to assure the hon. member that no vote was taken on his bill in our committee. In fact, the sub-committee on private members' business very seldom takes votes. We usually report to the Standing Committee on Procedure and House Affairs after reaching a consensus. I would say that, in 95 per cent of cases, we unanimously agree on the bills referred to us.

That is why I was taken aback, to some extent, by the remarks made by the hon. member for Mississauga East, as reported in the *Hill Times*. This is probably due to a lack of knowledge of the system, a system which has shown that we can have good bills and good motions in this House, provided there is an appropriate process and it is complied with.

This being said, even though the bill before us is not a votable item, it raises important issues including, of course, the whole matter of cumulative sentences. Under our system, when a judge

imposes sentences for various offences, he has a duty to state whether these sentences are cumulative or concurrent.

• (1820)

According to our tradition, a judge usually imposes a sentence for the most serious offence and includes in it the other sentences for lesser offences. So, generally speaking, sentences are concurrent.

The fact is that, under our criminal laws, including the Criminal code, judges already have the power to impose consecutive sentences when they deem appropriate to do so. It might be a good idea, during a debate on a motion to this effect, to look at the issue of sentencing. Do we want judges to make greater use of their power to impose consecutive sentences? Perhaps.

Perhaps the judiciary itself could deal with the fact that, in some cases, the imposition of consecutive sentences is justified. However, imposing consecutive sentences does not settle all the situations better than if it was ordered by legislation.

Inevitably, we will find ourselves in a situation where the compulsory imposition of consecutive sentences would become inappropriate. What can a judge do if he has no discretion? He will have to impose sentences that will prove to be an excessive burden for the individual who has been found guilty or has admitted his guilt.

The hon. member for Mississauga East also mentioned some people, notorious criminals, who were sentenced to one life sentence only. Contrary to the U.S. system, we do not have in our system convicted people sentenced to 200 or 300 years of imprisonment. Generally, one life sentence is enough.

In the case in question, as in the Bernardo case, since a charge was laid, the judge had no other choice but to pass sentence. It is up to the crown to follow up on the other charges or to lay new charges on additional offenses to try to get additional sentences for the criminal. But fortunately enough, according to a tradition we have here, in our country, an individual cannot be convicted before he or she has been tried.

If Ontario crown attorneys think it would be appropriate to prosecute an individual already convicted for first degree murder, it is up to them to decide what to do. The accounts we have heard are in fact very unsettling. That a person who has committed such crimes as those reported in the media—and I am thinking in particular of the Bernardo trial—can be released after serving only 15 years in prison, pursuant to section 745 of the Criminal Code, is quite disgusting.

The same thing goes for all the cases mentioned by the hon. member. It would be easy to jump to a general conclusion, but that is something we should not do before carrying out a more detailed study.

This bill also raises the issue of the victim's rights. I must say that the hon. member did a better job of getting my attention on that issue, because it is true that our system tends to forget about the victims. Their voice is not heard at sentencing hearings. When the parole board makes a decision, their statements are hardly, if at all, taken into consideration. These people are just left out of the process.

Attorneys are generally overburdened, and when a Crown attorney is put in charge of a case, he must do his work as quickly as possible, and he does not get all the resources he needs. Obviously, it is important that justice be done, but not always expeditiously. These are two points I wanted to deal with, the rights of the victims, consecutive sentencing and the right of society to protect itself.

Just because I do not approve of all the provisions in Bill C-274 does not mean I do not recognize that the society has a right to protect itself. It is a fundamental right for Canadians to see people who pose a threat to society forced to reflect in isolation on what they did. If this is not enough, they will be given longer sentences and they will not be eligible for parole.

When we heard from members of the Parole Board, I realized that there has been a very big improvement lately in the way the board deals with releases.

• (1825)

There is still much to be done but progress was made. Obviously, we do not now have cases as worrisome as some we had a few years ago. The watchfulness of parliamentarians surely has something to do with it as it is our duty to point out, on occasion, flaws in the system.

Bill C-274, which is before us today, warrants more reflection than a gut reaction. All the issues raised by the hon. member for Mississauga East are emotional, and give rise to such gut reactions. If we were to let our emotions colour our judgment, we would always pass stricter sentences and forget about the guidelines that insure a good administration of justice.

Since this is not a votable bill, I do not have to indicate whether I will vote for or against it, but the issues raised by the hon. member certainly give us food for thought.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I find the bill quite unique in that it is coming from the government side.

I would like to review Bill C-274. The bill provides for the imposition of consecutive sentences on a person who commits sexual assault and another offence arising out of the same event or where a person already serving another sentence commits sexual assault.

The bill also provides that a person sentenced to life imprisonment for first or second degree murder is not eligible for parole until that person has served, in addition to the portion of sentence the person must serve for murder, one third or a maximum of seven

years of any other sentence imposed in respect of an offence arising out of the same event or that the person is already serving.

If I were to present a bill it would go a lot further than this bill does. However, this appears to be too much for the parliamentary secretary to the justice minister, who voted no to the motion put forward by the member who presented the bill.

The government through cabinet and the parliamentary secretaries refuses to deal effectively with crime. The member, a backbencher, has experienced it firsthand with the introduction of this bill which went through committee to have it made votable. The member presenting the bill made comments to that effect.

I will read some of the comments by the member for Mississauga East: ''We supposedly have open government, but we have secret committees. I guarantee that no member of that committee would oppose the bill openly. They were just encouraged in secret. I am not suggesting it is a kangaroo court. It is more like a cockroach court. You cannot see them at work, but they run''.

The hon. member is also quoted in the *Hill Times*: ''If I had a bill on lawn care, I bet I would have success in getting it through the committee. If I had a bill that offered better treatment for criminals, it would race through the place in a week. But if I have a bill that wants to side with victims or correct an obscene injustice in our justice system, you can expect resistance and many years of effort and debate''. This member is experiencing firsthand what the cabinet, the justice minister, the solicitor general and the parliamentary secretaries across the way are doing in reference to criminal justice

The member who introduced the bill wants to see consecutive sentences. I find that totally acceptable, as do most people in the country. They do not want to see criminals running around lose after serving a portion of their sentence, recommitting an offence and then serving another portion of the sentence. It goes on and on; it is a revolving door.

• (1830)

I would respectfully submit that the member has made a very simple request to the House. Yet one member, the Parliamentary Secretary to the Minister of Justice, voted down her motion to make it a votable motion.

Let us look at some facts. An offender in Canada who has served one-third or seven years, whichever is less, of his or her sentence of incarceration for a violent or serious offence becomes eligible for full parole. Inmates who have not been released on parole after serving two-thirds of their sentence are released by law to serve the final one-third of their sentence in the community. My suggestion is that if required they should be serving 90 per cent of their sentences, especially for violent and serious offenders.

The National Parole Board confirmed that even the most violent and serious offenders serve on average only one-half of their prison sentence. Attempted murderers, for example, serve an average of 48 months where the court has ordered the sentence to be 94 months. They have served only one-half of their sentence, even for attempted murderer. In the case of manslaughter the actual time served by an offender averaged 44 months when the original sentence was 84 months.

The member across the way clearly understands the problem of violent crime. The justice minister, the solicitor general and the parliamentary secretary who voted against her motion do not. They are not concerned about violent criminals repeating their offences.

What exactly is the economic impact of crime on our society? A recent study by the Fraser Institute identifies some of the economic factors of crime. It mentions victimization, policing, private security, court and legal proceedings, corrections and shattered lives. The price tag placed on this type of criminal activity is $37 billion and much of that cost is for repeat offenders.

I realize that the member across the way has only targeted two particular crimes: rape or sexual assault and first and second degree murder. The cost of shattered lives because of murder and repeat offenders in those two violent areas is very significant and would certainly make up a portion of this $37 billion annually.

Reform's position in its operation crime strike discussion paper is that it would like to see truth in sentencing. That is what the member is talking about. She wants to move toward truth in sentencing. Truth in sentencing is clear and simple. If a rapist is handed a sentence of 12 years then the rapist must serve 12 years. If a murderer or attempted murderer is handed a sentence of 25 years then he or she serves 25 years. It is a very simple concept.

The member across the way, even though she is in agreement with parole, states that if a second violent offence is committed then that sentence should be served consecutive to the sentence that has already been served.

Reform would carry that one step further. Reform would say that once persons have committed a second violent strike they are out of the picture completely. They had their chance after the first time. After the second time they would do life, and life would mean life.

In support of the member across the way who introduced this private member's bill, I too submit a motion asking for unanimous consent to make this a votable motion.

• (1835)

The Acting Speaker (Mr. Kilger): The House has heard the terms of the motion of the hon. member for Calgary Northeast. Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Dan McTeague (Ontario, Lib.): Mr. Speaker, I am pleased the hon. member for Mississauga East had the intestinal fortitude and courage to listen to her constituents, her heart and her mind on a matter of fundamental importance which I believe is at the base of what we should be doing in the House of Commons.

Previous speakers have alluded to the fact that the process by which we determine whether an item is votable is fair. The place where we ought to make that decision is in the House of Commons. We should do it in an open fashion as transparency is extremely important.

[*Translation*]

I am perfectly comfortable with the presentation made by the hon. member who moved the motion and by the hon. member who seconded it, and who is the other member for Mississauga.

[*English*]

It is unfortunate the Parliamentary Secretary to the Minister of Justice would not provide concurrence to make this a votable item. That being the case, it is important for us to understand what the bill is about. If the bill is not allowed to proceed today, I can assure the House that the bill and bills like it will come again before the House of Commons and we will have a day where openness will once again prevail.

A person who commits a crime must serve the full time. Too much evidence in the past has supported the excuse that serial rapists or serial murderers should only serve one sentence for all their crimes. Justice does not fit the crime. For that reason it is extremely imperative that we try, at the very least as an open Parliament, to provide justice not for those who have been accused and tried before a fair court of law but for those who are the victims. We owe it to them. We owe it to their families. We owe it to safe streets and safe communities, a commitment in our red book of 1993.

That is why as a Liberal I am proud to say that the bill speaks to the heart of the Liberal Party as I understand it and as many Canadians understood it when they voted Liberal in the last election.

Canada's criminal justice system has to be transformed. Convicted multiple murderers and serial rapists must know they will not get away from serving the full time for all their actions and will not have their sentencing behind bars reduced by concurrent sentencing. Concurrent sentencing for murder and sexual assault serves no purpose but to let convicted individuals escape the full weight of society's repulsion for their acts.

Our government is committed to safe homes and safe streets. It is my belief and the belief of most ordinary Canadians that consecutive sentencing falls within the commitment stated in our red book in terms of the safety and security of all Canadians.

The hon. member alluded to the fact that the bill acknowledges what is a debate and what is currently acceptable discourse in the homes and among many people in the learned societies of the country. Far from being stifled it is my view that the bill should be allowed to see the open and fresh air of debate.

It is unfortunate that the legislation only reached second reading. I can assure the member who had the courage of her convictions to bring forward Bill C-274 that her words today will not be forgotten in her constituency or in mine. As a member representing one of the larger ridings not just in metro Toronto but in all of Canada, I know the member has the support of thousands of Canadians for her courage to do this in the face of adversity.

• (1840)

[*Translation*]

It is easy for me to explain the different ideologies of the criminal justice system, but one must understand that, in the end, the victims must benefit from a good justice system. The forms of justice we have today do not work. The bill is legitimized by what people said and also by the emotions created by people like Clifford Olson and Bernardo.

[*English*]

The bill is important in and of itself. It is important for the Parliament of Canada to be able to debate a matter of substantial importance to all Canadians. We cannot wait until another election to hem and haw about what we will do.

While it is important to bring in all sorts of theories and ideologies on how to get to the question of the root causes of severe criminal behaviour, we owe an obligation to Canadians to mete out important, significant and fundamental justice to those who commit serious crimes against ordinary honest victims who happen to be our constituents.

I do not believe I should shirk or cower from the notion that the House must consider the bill in a much more serious manner. There was an overwhelming desire to ram through Bill C-33 in record time. It took nine days. It took us longer to join the second world war in the fight against the Nazis than it did to get that bill through the House of Commons. Perhaps a bit of levity today might allow us to reconfirm the importance of the bill.

I seek unanimous consent of the House, notwithstanding the Parliamentary Secretary to the Minister of Justice, to have it made a votable item.

The Acting Speaker (Mr. Kilger): Is there unanimous consent to make this item votable?

Some hon. members: Agreed.

Some hon. members: No.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, I add my comments to those of the hon. member for Mississauga East who introduced this private member's bill dealing with consecutive sentences.

For some time now Canadians have been very concerned about what they see as a lack of justice in Canada. They are concerned that individuals who commit one, two or three crimes end up getting a sentence that is compacted in a concurrent sentence rather than getting three different sentences.

I am not saying everything is perfect south of the border but we see sentences that are consecutive. Individuals get sentences added to the first sentence. In Canada we see sentences packed into one sentence so that individuals who may have committed three or four serious sexual assaults end up getting a three or six year sentence as opposed to a three or six year sentence for each and every victim.

Basically that says to Canadians that only the first victim has any worth or value, that each consecutive victim has no value or worth, and that there is not a price to pay for having been a victim. I think Canadians have difficulty with that.

The attempt of the hon. member for Mississauga East to bring in consecutive sentences recognizes that Canadians want to see from their justice system that an individual who has committed a series of crimes is penalized for committing a series of crimes and not just for one crime.

The hon. member has good intentions. Her amendments add sections 2.1 and 2.2 to first and second degree murder. Canadians are concerned when they see people who have been given life sentences for committing either first or second degree murder ending up on parole. In some cases it is relatively early in their sentences, be it seven years or ten years.

When an individual in the circumstance commits a crime, whether aggravated assault or in very serious cases a second murder, they fail to understand the way the courts calculate the time spent before eligibility for parole. It does not seem to recognize the seriousness of the crimes committed.

● (1845)

Canadians are asking themselves how somebody can go out and murder an individual, get a life sentence without eligibility for parole after 10 years or 25 years, get out on parole, go out and murder again and not be given a life sentence that means life without parole.

I agree with my hon. colleague from Calgary Northeast that Canadians want certainty of sentence. They want to know specifically what the judge is talking about. They want to know that when somebody is given a sentence of five years they will spend five years of incarceration.

If judges were to say to Canadians that in certainty of sentencing they will incarcerate an individual for five years for having committed this crime, then they will give them two or three years of parole, and if need be in some situations they might even tack on a period of community supervision outside of parole, people would understand clearly what the penalty is of the crime.

However, when a judge gives a five year sentence and Canadians see this individual wandering the streets in two years or in eighteen months, they fail to see where justice is being served. If we are to have confidence in, faith in and support for our justice system, justice must be seen to be served. We do not have that today.

The hon. member for Mississauga East is trying to make some amendments to the conditional release act that show a certainty in sentencing, that do not leave it to some obscure calculation to determine when a person will be eligible for parole, that when a person is given a sentence for more than one conviction there is more than one sentence, that sentences are consecutive, that they are added on. The member for Mississauga East has attempted a very honourable thing. I commend her for her attempts to amend the conditional release act.

I ask that this private member's bill be given unanimous consent to become a votable bill.

The Acting Speaker (Mr. Kilger): The House has heard the request from the hon. member for Surrey—White Rock—South Langley with regard to making this motion a votable item. Is there unanimous consent?

Some hon. members: No.

The Acting Speaker (Mr. Kilger): There is no unanimous consent. Resuming debate.

[*Translation*]

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, first of all, I would like to commend the hon. member for Mississauga East for her efforts in tackling these criminal justice issues that are of concern to us and indeed to all Canadians. My comments will be directed to those provisions in this bill aimed at changing the Corrections and Conditional Release Act.

The proposals would alter section 120 of that act, which in large part sets out the current sentence calculation scheme. Specifically, the proposed amendments relating to section 120 would provide two things. First, that offenders sentenced for first or second degree murder would serve the full parole ineligibility period on that sentence, which is a maximum of 25 years, plus one-third or a maximum of seven years of a sentence, whichever is less, for an offence arising out of the same event or series of events.

For an offender already serving a sentence when the sentence for murder is imposed, he or she would serve one-third or seven years of that sentence, again whichever is less.

[*English*]

The second point is that offenders would serve consecutively all the full parole ineligibility periods for sentences for multiple first or second degree murder convictions not arising of the same event or series of events.

The thrust of the hon. member's proposals is to deal more stringently with repeat offenders, especially those convicted of first or second degree murder.

● (1850)

Who could not agree with the notion that a new sentence for first or second degree murder and for offences arising out of the same event or series of events committed by an offender, including an offender who is already under sentence, should result in a clear, meaningful consequence? The government agrees with the intent of these proposals. That is why we have already moved to provide an effective and balanced remedy to this problem.

Last January Bill C-45, an act to amend the Corrections and Conditional Release Act and related statutes, came into force. The sentence calculation reforms brought about by Bill C-45 were devout with the intent of ensuring that offenders who get new sentences feel the effect of those sentences.

It is important at this point to outline the main elements of the reforms which will help restore confidence in the sentence calculation process.

[*Translation*]

In the case of a consecutive sentence, the offender will have to serve the parole ineligibility portion of the new sentence before becoming eligible again for parole. This means a third of the new sentence, or one-half of the sentence in cases where the court has made an order that this would have to be served. However, except in cases of murder, an offender's parole eligibility date cannot be later than 15 years from the date the last sentence was imposed.

In addition, the sentence calculation reforms brought about by Bill C-45 include the principle of adding parole ineligibility periods, where a lifer receives an additional definite sentence.

For example, a lifer with 10 years of parole ineligibility who receives an additional 15 year sentence will have five years of ineligibility added on, for a total of 15 years.

As I said earlier, the exception to this 15 year rule are sentences imposed as a result of a first or second degree murder conviction. In such cases, the maximum parole ineligibility period is 25 years.

The sentence calculation reforms brought about by Bill C-45 were developed on the basis of extensive consultations with a broad range of groups and individuals. The reforms in Bill C-45 were developed after a long process of consultation and scrutiny by the standing committee during both the last and the current Parliaments. The standing committee heard from over 60 witnesses representing 32 different organizations. During its clause-by-clause review, the committee debated the sentence calculation reforms set out in Bill C-45, and endorsed them in their entirety.

The amendments in Bill C-45 strike a fair and reasonable balance between punishment, respect for the court-imposed sentence, and effective rehabilitation and reintegration of offenders.

Striking such a crucial balance is achieved through a combination of basic automatic features, such as the automatic return to custody of a parolee who receives a new sentence, and discretionary measures that allow individual circumstances to be taken into consideration so that once the punitive portion of the sentence has been served, the offender is not kept in custody beyond the point when he or she can be safely released under community supervision. This is what the current sentence calculation scheme is designed to do.

While I believe that the hon. member's proposals are well-intentioned, I am also concerned that they fall short of the impact intended by Bill C-45. The amendments proposed by the hon. member would maximize punishment, and no one disagrees with this objective. But they would also reduce the discretion of the courts and the Parole Board and make the system more arbitrary and no more effective in terms of public safety.

The proposals could introduce new anomalous situations that could lead to serious Charter challenges. For example, the proposals would have a retroactive effect on concurrent sentences an offender is serving when convicted of murder. For all intents and purposes, sentences that were initially concurrent would become consecutive because the ineligibility period on each and every sentence would be added.

● (1855)

Not only would this rule undermine the role of the sentencing court and render sentence calculation uncertain and difficult to administer, but its impact on the amount of time to be served, and particularly its retroactive application, would certainly give rise to serious charter challenges.

Another difficulty posed by this bill is the rule regarding the addition of all of the full parole ineligibility periods sentences for additional first or second degree murder convictions not arising out of the same event or series of events.

Not only would this further reduce the scope of the National Parole Board's discretion, but it would also mean that offenders who could safely be released would remain in costly custody well beyond the point that is necessary or in society's interest, and this at great public expense.

Lengthy incarceration beyond the point that is necessary for public safety is not the answer. We cannot afford to lose sight of the other important objectives of the C-45 reforms, particularly with respect to the courts' and the National Parole Board's discretion and the offender's rehabilitation and safe reintegration into society.

This governement supports the principle that repeat criminal behavior should be dealt with more stringently, and that is precisely why the mandatory 25 year parole ineligibility period for additional murder conviction is provided for in the Criminal Code.

I would also point out to the members of this House that being eligible for parole does not mean that a lifer will automatically be released. It is up to the National Parole Board to grant parole only after careful consideration of all relevant information, including the level of risk to the community.

The reforms brought about by Bill C-45, which was passed in January of this year, provide a comprehensive response that is proportionate to the sentence handed down by the court in any individual case.

The government has brought in a tough, fair, and balanced sentence calculation scheme that makes sure offenders feel the effect of their repeat offences, respects the sentences imposed by the courts and limits but still allows for discretionary conditional release when safe to do so in the judgement of the National Parole Board.

I submit that the issue raised by the hon. member is a worthy one. The sentence calculation reforms recently introduced by the government address this and other concerns of Canadians in the most effective and efficient manner, particularly with respect to public safety.

[*English*]

Mr. Szabo: Mr. Speaker, I rise on a point of order. Having been the seconder of the bill I had hoped to speak. Since the hour is almost finished I would like to make a motion to the House.

I ask the parliamentary secretaries to the attorney general and the justice minister to confer with each other prior to making their vote.

We have heard many motions to have this deemed votable. We also know there is another option to keep the subject matter of Bill C-274 alive, referring it to the Standing Committee on Justice and Legal Affairs.

I ask for unanimous consent to refer the subject matter of Bill C-274 to the Standing Committee on Justice and Legal Affairs on behalf of all Canadians.

• (1900)

The Acting Speaker (Mr. Kilger): The hon. member for Mississauga South has asked that the subject matter of Bill C-274 be referred to the Standing Committee on Justice and Legal Affairs. This can only be done by unanimous consent. Is there unanimous consent?

Some hon. members: No.

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

GOVERNMENT ORDERS

[*Translation*]

COPYRIGHT ACT

The House resumed consideration of the motion that Bill C-32, an act to amend the Copyright Act, be read the second time and referred to a committee.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, in a rare exception for me in this House, I am particularly pleased to speak to the second reading of Bill C-32, an act to amend the Copyright Act.

I will begin with just a little comment on the cover page. This bill was introduced by ''la ministre du Patrimoine'' and not ''le ministre''. It was the Deputy Prime Minister who was Minister of Heritage at that time. What is more, it was introduced here in the House this afternoon by another woman, ''la ministre par intérim du Patrimoine'', the acting heritage minister. Dare I hope that the House will take note of the difference, for in French there is a grammatical distinction made between male and female ministers.

Having said this, we and all of the artistic community have been hopefully waiting a long time for this bill, since it was promised a very long time ago. Since the start of this 35th Parliament, eight questions by six different Bloc Quebecois members have been asked between April 29, 1994 and March 28, 1996. Those eight questions have been asked, one after the other, of the Minister of Canadian Heritage, each time in order to attempt to discover whether there was any chance that this bill would be introduced soon, since it had been promised to us session after session. We had also raised a ninth question on distribution rights.

On examining the bill as a whole, there are a number of reasons to be pleased. Neighbouring rights have finally been recognized;

there are the beginnings of a system to protect private copies and to monitor them to some extent and to further protect our artists' rights and, finally, distribution rights. One note of discord, however: a highly disagreeable aspect of the bill—and I will come back to this if I have time a little later—involving the increase in the number of exceptions.

For the benefit of those watching, if anybody still is at this hour, I would first like to clarify the meaning of copyright. It is a legal framework in which the creators of literary, artistic or other works such as films, books, sound recordings, information products or computer programs to request compensation when use is made of their work.

• (1905)

Copyright therefore establishes the economic and moral right of the author to control the publication of his work, to be compensated and to protect the integrity of his artistic achievements.

Copyright is vital to creators. In 1994, $44 million was collected in royalties by author-composers for the public performance of their musical works. In all, the cultural world represents a $16 billion industry employing over 600,000 people. So, as we have said for a very long time, it is no small job sector in our country.

What about neighbouring rights, what do they add? Neighbouring rights add recognition of the work now done by performers and producers. For example, when a song was played on the radio, only the author and the composer were entitled to royalties. Now, the performer and the producer will be also, thanks to the neighbouring rights, be entitled to royalties, will be able to be paid for their work in a way.

When all this process is over, we will be able to join the 50 countries, which are parties to the Rome Convention, 50 countries excluding the United States. Earlier this afternoon, our colleague for Medicine Hat, speaking for the Reform Party, seemed to me not to really understand the advantage of the neighbouring rights for our artists. Culture is what defines a country, what characterizes it. It is what characterizes a people. It is what differentiates it from its neighbour. That is one definition of culture. Maybe those are not the exact terms, but it is the message given early this afternoon by the Minister of Canadian Heritage in her speech. When she gave her definition of culture, she made it clear that it was something which identified us as Canadians.

This is why we are somewhat inclined, unfortunately, we, sovereignists, Quebec separatists, to think that we recognize ourselves and define ourselves better in the Quebec culture than in the Canadian culture, because many things differentiate us from each other. However, since the whole of Canada does not seem to recognize this fundamental fact, we will skip that issue tonight because it is not the object of my speech.

Nevertheless, it is not because we have now introduced neighbouring rights that we are going to send more money to the Americans. Not at all. If Americans are now collecting a lot of money, if we are sending them money, we will no longer do so under neighbouring rights, since the U.U. did not sign the Rome Convention. Neighbouring rights cannot be exchanged between countries which are not signatory states. Accordingly, neighbouring rights are paid only to member countries, so this will not add to the wealth of Americans.

However, one thing could be very important to Canadians. Up to now, except for certain performers like Céline Dion, René Simard, Roch Voisine and a few young ones who have succeeded in making a career in the States, most Quebec artists worked mostly in Quebec. A few made a name for themselves in France, Belgium and the Francophonie, but it is very seldom that Quebec performers achieve an international career, especially singers. In the field of jazz or instrumental music, it is something else altogether. But when French culture is opposed to the English one, it is harder to reach fame.

• (1910)

As for English Canada, it is an excellent opportunity and a great challenge for our anglophone performers and artists to settle an agreement with the Rome Convention countries. They will be faced with an extraordinary challenge because they will have 50 countries in which to take their chance. For instance, instead of singing in the United States where there will be no exchange of neighbouring rights, they could go to England or other signatory states to try to launch a career. This could be a great opportunity for our performers to make themselves known. Introduction of neighbouring rights in this bill must be seen as a great step forward, a great success for the Canadian artistic community, something that will really change their working conditions. Undoubtedly, it will lead to a considerable increase in incomes. Studies show this is a step forward.

It is obvious that our colleague from Medecine Hat, with whom I have already sat on the heritage committee, does not agree, and I have the feeling that the Reform Party and the Bloc Quebecois do not see eye to eye when it comes to culture; we believe in a kind of protectionism in favour of Canadian and Quebec culture in order to prevent the American bulldozer from invading Canada and further ploughing under our culture.

Americans do not share our conception of copyright. They support copyright per se and we are in favour of neighbouring rights. Our approach is much more European, more modern. Americans want to use their money to buy rights and make more money by treating culture the same way they do shoes. They see culture as entertainment, not as something which defines and characterizes us.

Obviously, if one sees culture as they do, one will think that the government is making a mistake by recognizing neighbouring rights. But if one finds self-respect and self-definition in culture, then it is obvious that neighbouring rights were the way to go.

In this area, there is just one small hesitation on the Bloc side; we think the broadcasting lobby was too efficient with the industry minister and that Heritage did not put up sufficient resistance when they discussed the royalties that radio stations would have to pay. They set the limit for annual advertising revenues at $1,250,000. They said nothing about total annual revenues, but considered only the advertising revenues. So they decided to set the limit high enough, at $1,200,000. All those making less will only pay $100 a year in royalties. It is clear we find that amount too high and we would want it reduced considerably; we would prefer a figure in the area of one million dollars instead of $1,250,000.

Therefore, except for that reservation, the Bloc Quebecois agrees with the neighbouring right. Now, in the area of private copies, it was high time something was done. I am sure there is not one Canadian or one Quebecer who has never used a blank tape to record something. We listen to programs like *La petite vie*, which I find very interesting, or to the debates of the House, and we make private copies. Sometimes we hear something interesting on the radio and we quickly press a button to record the wonderful music that is playing. Meanwhile, we are not buying the original works of our artists.

• (1915)

So, it was high time that the government got involved in this area and decided to give a royalty for private copying. We wished it had done so also for video tapes. We know change is very difficult. There is much resistance to change, so we hope the government will be able in the near future to add a small amendment to this bill. This would not cost the government much, but it would allow our artists to make up for all the losses they may incur because of the bad habits we have acquired.

We will work very hard in the heritage committee and within the confines of parliamentary procedure to ensure that the government will consider introducing now a small royalty, even though it could take a number of years for us to get used to that kind of thing. We should come back to these royalties on video tapes and not abandon this sector.

As for the distribution right, we are particularly pleased in the Bloc Quebecois that the government did not overlook it. I remember in committee that David Peterson came to make us aware of the urgency of this problem, which is much more acute in English Canada than in Quebec. Once again, because of the language barrier and the different ways in which publishing houses operate, Quebec was much less vulnerable than English Canada to the invasion of the mega book publishers, which, if this distribution right had not been introduced, could easily have seriously jeopardized English Canada's publishing sector.

The Bloc Quebecois is therefore very pleased with this measure, which will make it possible to strengthen the Canadian book industry, and will have an extremely interesting impact on publishing.

This brings me to what is disastrous about the bill. We would really have liked to see the government for once take a strongly positive position right across the board, we would have liked to see that, but the government would have had to refrain from adding to the list of exceptions. There were even, in certain cases, agreements with organizations in the university sector, for example, that were already doing a very good job of managing the full range of use of audiovisual documents or newspaper articles, articles from scientific reviews or chapters of books. In any event, agreements had been reached. Once again, I think the government unfortunately gave in a bit too much to pressure from lobbies.

There is one curious thing, as well, and that is the liberty the government is taking in almost all areas in exempting itself from charges. We saw it this morning, in another bill, where the government is allowing the Department of National Defence not to pay user charges to the new corporation being created to manage air navigation services, and, here again, we see an exhaustive list taking up several pages in the bill—I believe it is 12 pages in the bill—that is concerned strictly with exceptions to this bill.

I think that this was really going too far. It is as though everyone wanted to see his contribution included. It is far too extensive. It is as though the government was deciding to no longer pay the electricity or telephone bills, as though it was exempting itself in all categories.

Maybe it is necessary in order to reduce the size of the budget and the deficit significantly. But they are doing it at the expense of others, at the expense of authors, composers and artists. Unfortunately, as we know, these people's average income is well below the poverty level.

The committee will work very hard, first of all to get an explanation from the government as to how all of this can be justified, and secondly to see what could be eliminated so as to reduce the exemptions to a minimum.

• (1920)

In conclusion, this Bill takes us a few steps forward, a couple of baby steps sideways, and then a giant step backward with all the exceptions there are in it. We are rather uncomfortable with all this, and it leaves a bit of a bad taste in our mouths. Personally, and this is a great rarity for me, I would have liked to have been totally happy with this, but I am a bit confused, torn between happiness and sadness.

The Bloc Quebecois will be working very hard, in the House, on the Heritage Committee, and elsewhere. We will call witnesses, we will take as much time as required to improve this bill. We hope

that a government which has worked so well to date will continue to have an attentive ear for the minimal changes that will have to be made if the bill is to end up being more of a forward step than it is at present. It is perfectible, and I hope that the government will be open to improvements.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am honoured today to talk specifically to this bill.

I was on the Standing Committee on Canadian Heritage for a time and, a few years ago, I was involved in artistic creation in Quebec as the director of a body promoting Quebec films. I thus was made aware of the importance of the cultural industry for society as a whole, and for Quebec society in particular. It is therefore with great pleasure that I rise today in this debate on Bill C-32 on copyright.

Copyright is the bread and butter, as we say, of our artists. The diet has remained unchanged since 1924, and it is high time it was revitalized, which is what the government is attempting to do after long years of pussyfooting around.

I hope you will allow me to stress the importance of copyright for artists. As we know, the artistic community does not work from nine to five with iron clad working conditions and a pension plan to boot. Quite the opposite is true. Artists have no job security. They depend solely on their talent and on the prevailing economic situation. We can easily assume that most of them often have lean years. It is unfortunate to have to describe our artists' financial situation in such terms.

Statistics confirm our impressions, however. According to data from the Canadian Conference on the Arts, average incomes for 1991 were as follows: fine arts painters, $15,650; craftspeople, $13,156; dancers, $13,757; actors, $21,800; musicians and singers, $13,799.

No life of Riley here. It is easy to see these incomes do not provide enough for a family to live on. We are certainly getting close to the poverty line. In fact, artists are now the least paid workers in Canada.

I think it is important to put these elements in context and, before debating copyright, to reflect upon the financial situation of these people and the importance their work has for society's development.

Having established that artists are not in a privileged financial situation, far from it, I would now like to turn to Bill C-32. This bill makes major changes to the present law.

It establishes neighbouring rights for performers and producers of records. I know that the Bloc québécois has spoken in favour of neighbouring rights and has the firm intention of supporting them. It establishes a remuneration regime allowing fir the copying, for private use, of sound recordings; it establishes a protection of exclusive markets for book distributors in Canada; it changes the copyright and, finally, it changes the law to improve the collective administration and civil remedies.

Much has been written about this bill, which has given rise to a heated debate.

● (1925)

Before going into details, I would like to ask members to remember the very concrete importance of copyright in the life of every artist. This leads me to the loud protests of broadcasters with respect to the new neighbouring rights.

Arguing that they help artists and producers by playing their records on the air, broadcasters have demanded to be exempted from paying compensation to performers and producers. Their logic is strange. One could take it to the ridiculous extreme and say that an artist who performs in public should not be paid since it gives him or her the opportunity of making himself or herself known and then of selling more records.

Broadcasters' concerns deserve to be examined, as those of any other interested party. However, we must not forget that the first purpose of this legislative reform is to allow artists to participate in the economic success of their works. Moreover, future beneficiaries of neighbouring rights, that is performers and record producers, publicly indicated they understood the concerns of broadcasters and were ready to show some flexibility in the implementation of the new system. In such conditions, the goal of the legislation can be reached quite harmoniously while our artists will be protected.

I now wish to address another important aspect of the bill, that is exceptions to copyrights. That is where the shoe pinches, as we say. This aspect is generating a lot of questions and fears. Why? Because the present Copyright Act already contains exceptions to adapt to the needs of users. The general idea behind these exceptions is to achieve a reasonable balance between the rights of creators and the needs of users through exceptions made in the public interest.

For starters, it should be pointed at that existing exceptions are not unanimously accepted. In fact copyright comprises two kinds of complementary rights. The first kind, namely moral rights, recognizes that the author is the owner of the work and consequently of the right to authorize its use under conditions set by the author.

The second kind, economic rights, deals with the right to monitor the economic life of a given work. An exception to copyright is therefore tantamount to expropriation. For the good of the community, the government may decide that, under certain circumstances, an author will not benefit from his work.

Such expropriation is the reason why the SOCAN, the UNEQ, the Union des écrivaines et écrivains québécois, the Canadian Conference of the Arts, and the Coalition des créateurs et des

titulaires de droits d'auteur, a Quebec group, have been asking for the abolition of these exceptions for a long time.

Their reasoning is quite simple. I will quote UNEQ which said: ''It is always the same thing. Why should creators be the only ones to give up their revenues?'' You must remember the numbers I gave you a moment ago, they are not astronomical. When you live around the poverty line, you have every right to worry about your future.

And why should they give up their revenues on behalf of schools, libraries, archives, without even being entitled to a charitable donation receipt? Why not require Xerox to supply copiers to schools free of charge and ask Petro Canada to supply them with free heating oil? Why would creators not be entitled to earn a living? Why? The question is very relevant, particularly if you think about the actual income of artists.

Instead of abolishing the exceptions as requested, the government intends to multiply them, almost ad infinitum. There will be 15 pages of exceptions, at the expense of artists. For whose benefit? We ask ourselves what pressures made the government yield, what lobby intervened, because the government is now ready to penalize the artists it claims it wants to protect.

● (1930)

The Minister of Canadian Heritage said today that she wanted to protect the livelihood of artists and to make sure they get some compensation for their work. I do not think the new bill is in line with that statement. There is reason to question that. The reaction to Bill C-32 in this regard was quite strong, and appropriately so. My colleagues and I will come back to the details of these exceptions during subsequent debates.

For now, however, I am asking the government: What is the reason for all those exceptions? Why is the government introducing a bill with 15 pages of exemptions in it if, like the Canadian Conference of the Arts has said, respect for the principle of free negotiation inherent to copyright involves the elimination of all exemptions in the protection of works?

I urge the government to bear in mind the arguments of the artists, who are the main stakeholders. This bill must meet their needs, both financial and moral. If artists do not survive, our cultural industry will not either.

I would like to remind the House of the position of UNEQ, a member of the Coalition of Creators and Copyright Owners. It said it will not introduce more exemptions. This organization is asking the government to eliminate all exemptions. It believes that having more exemptions for educational institutions in this bill is a direct threat to the group licenses already agreed upon by UNEQ.

I would like to give a few examples of what I have just said. Talking about licenses, I know UNEQ has had negotiations about photocopies made by the government. My colleague was telling us a moment ago that it may be a way for the government to avoid paying certain royalties to creators. The licence negotiated by the federal government for its newspaper clipping service and copies represents a total of $80,750 in royalties that are distributed to journalists. The proposed bill would take away these royalties from artists and creators. The government would no longer pay these royalties. And that is just one example. I know several other licences were issued and will adversely affect authors and creators.

Therefore, I ask the government to be receptive to the unanimous point of view expressed by the Union des écrivains et des écrivaines, UQAM, SOCAM and all the stakeholders from the artistic community, regarding these exceptions.

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, about a year ago, when the House had to vote on the bill to implement the WTO agreements, we had to look, among other things, at the federal Copyright Act. At the time, we were stunned to see how obsolete and outdated the legislation was.

If I am not mistaken, it had been almost 50 years since the act had been last reviewed. It is a good thing the government, through its heritage minister, proposes to update this legislation, to provide better protection to authors and performers, so that the artists who make culture a central element in our country, particularly in Quebec, can finally get a return on their work.

● (1935)

We must not think that Canada is an innovator, since at least fifty countries have already granted their creators the recognition of these neighbouring rights. Of course—and I will have something to say about exceptions—every time a government introduces a piece of legislation granting rights or recognizing new rights for a class of workers, it has to be understood that there are reactions from people from which some privileges are removed.

I totally agree with my colleague from Québec that there should be no exception to this rule. I think that artists, through the sacrifice they made of the rights they should have recovered over the last years, have already done more than their fair share for economic development.

My colleague from Québec mentioned broadcasters, universities, colleges, schools, municipalities, people writing to complain that now they will have to pay. Of course they will have to pay; they did not pay for 50 years, so it is only normal that they pay now.

I would like to ask the hon. member the following question: Why should the government not apply in this case the sacrosanct principle this government has been advocating for a number of years, the user pay principle? All of a sudden, we find that the

government, which pays lip service to this fine principle, is introducing all kinds of exceptions. Earlier today, we passed Bill C-20 on the privatization of air navigation control services. We saw the government go against its own user pay principle when it said that National Defence should not pay for using these services. Now it is coming up with a series of exceptions.

As soon as we open up exceptions, we can add indefinitely to the list. That is why I ask: Why does the government not apply the user pay principle in this case?

Mrs. Gagnon (Québec): Mr. Speaker, I thank my colleague for his question. In fact, I also wonder why the government does not follow suit and set an example. If we know the living conditions of our artists, if we wish to recognize their efforts and their work, as the Minister of Canadian Heritage stated so well today, why does the government not set an example and exclude itself from these exemptions? Considering that the federal government uses $80,000 worth of press clippings, artists and authors will thus be deprived of the royalties which they are owed. I totally agree with my colleague.

Women will also pay for the federal deficit, as we have learned in the UI bill, and artists could have to pay too.

So, if the government is sincere with its bill, before passing it, it will listent to the various stakeholders. It may listen to a special interest group, but it could lend an ear to the main stakeholders, such as the artists, and for once be attentive to their demands.

Given that an artist earns from $13,000 to $20,000 at most, it cannot be said that he makes a decent living out of his work. Our artists reflect all our society. They talk about our culture, celebrate our culture, and give plays about our culture, so we could perhaps encourage them by passing a good bill and prevent such expensive exemptions. Given these 15 pages of exemptions, the bill is full of loopholes.

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, to the astonishment of the whip of the Liberal Party, the Bloc members still have some things to say about this bill, because it deals with culture.

● (1940)

As sovereignist Quebecers, we believe that culture plays an important role in the development of Quebec society. Even if the bill before us was introduced by the federal government, we still find it relevant. As the hon. member for Louis-Hébert reminded us, the time had come to follow up on the demands of the authors, creators, performers, all those who work on the cultural scene, the theatre people, the musicians, the writers.

It is extremely important for us, Quebecers, to have a legislation better suited to today's situation. This is also very important to us because our market is quite small. Quebec's territory may be large, but it is not always densely populated. That is why performers who become professional have the right, I think, to get the most from their high quality work, which is why, as a member of the Bloc Quebecois, I insisted on taking part in this debate.

I also noticed the interest shown by the hon. member for Louis-Hébert and, before him, by the hon. member for Quebec. They all come from the Quebec capital region, which is recognized and renowned for its cultural talents but which often loses its artists to other regions because of a poor standard of living or meagre retribution. We are all proud of Céline Dion, but not all artists are lucky enough to make a break on such a big market.

Therefore, this legislation is welcome. However, it has flaws that were mentioned by those who spoke before me. It must be said, however, that Bill C-32 is the second step of a review of the Copyright Act, which is almost 50 years old and which was amended in 1988. It had its shortcomings then and it still does.

We must remember that this bill provides a way to protect performers' and producers' neighbouring rights. A remuneration regime is also established in relation to the private copying of sound recordings and charges are imposed to manufacturers of blank cassettes. Exclusive distributors of books in Canada will be protected. A number of exceptions are added where no royalties or neighbouring rights can be claimed. And this is an aspect on which we have serious doubts, not enough, however, to vote against the bill, but enough for the Bloc Quebecois to argue in committee in favour of several amendments. We also want to propose amendments to existing legislation for improved collective management and civil remedies.

Neighbouring rights are rights that are recognized for recording artists and producers of sound recordings. Now, when radio stations air the works of these artists, the authors and composers receive royalties, but not the artists and producers.

In this bill, it is also provided that every radio station will benefit from a preferential rate of $100 on the first $1,250,000 of promotional sales. This means that, up to this amount, small radio stations will pay only $100. We think this is not enough.

Now there is the issue of exceptions. It is true that some community organizations made a case and that we cannot remain insensitive to their claims.

● (1945)

But as it is presently written, the bill provides for new exceptions. It does not provides for limitations, it adds exceptions. In this sense, it is not a step in the right direction. We will have to make adjustments here. The Copyright Act already provides for a few exceptions.

At present, there are exceptions concerning the use of any work for the purposes of private study or research; for the purposes of criticism, review or newspaper summary, if the source is mentioned; for the making or publishing of paintings and drawings; for publication in a collection, mainly composed of non-copyright matter, intended for use in schools, of short passages from published literary works in which copyright subsists. Bill C-32 adds many more exceptions for schools, libraries, museums and archive services.

To the exceptions already in existence, the bill adds, among others, the permission to use or make a copy of a work for the purposes of assignments or examinations; to make a copy of a work if its support is not of an adequate quality; to perform in public; to transmit sound recordings, television or radio programs by telecommunications within an educational institution; to make a copy of news programs; to make a copy of different programs and to retransmit them in educational institutions; the reproduction by libraries, museums, archives of works for the purposes of conservation; the permission for museums, archives and libraries to photocopy newspapers and magazines under certain conditions for their clients; the permission for museums, archives and libraries to do the above authorized work for other institutions.

It releases libraries, museums, schools and archives from their responsability for the reproduction of works made by individuals with their photocopiers. This means that a small sign will be put on photocopiers to ask people not to infringe on copyright.

It is like saying to someone in a library: ''Please do not steal that bookM''. I saw that once in a municipal library, and I was impressed. Well intentioned people, no doubt, had written, as a first rule: ''Stealing is strictly forbidden''. I found that extraordinary. This measure is similar.

We are saying to people that they can use the books and the photocopier, but that they should not use them in any way that would infringe upon copyright, of writers in this case. This shows how far the law goes. It shows the intent to legislate, but it also shows that we do not have the means to enforce the legislation.

An act can be very good, but if it is unenforceable and comes to rely exclusively on self-discipline, what use is it? That clause appears unbelievable to me. We should really amend it to avoid losing credibility.

What do Quebec writers and artists say? They were very disappointed by the exceptions provided. They say these exceptions are contrary to the spirit of the legislation, which is to protect copyrights and not deprive their owners of what legitimately belongs to them. They think that the legislator should have left users and collective societies negotiate the use of works, as is done with the Quebec Ministry of Education and the Government of Canada.

Since liberalization is pretty much in the air these days—no, dear colleague, not in the partisan meaning of the word—why not let people negotiate according to the market value principle? Those in favour of that principle should apply it to everybody, including artists.

I repeat, the great majority of artists do not earn millions. Sometimes people see Céline Dion or other big international stars and think that all artists are rich. Some have a few good years but like in the National Hockey League, careers are short. It is the same thing with the Liberal federal members—for example the government whip—whose career could very well be short. But that is another story.

● (1950)

In the interest of artists in Quebec and in Canada—I am sometimes told to stir up emotions in this House—we must reiterate our commitment and our sense of responsibility towards artists and writers.

Again, and I will conclude on this note, it is also important for francophones in Ontario. When I worked in that province with the Association canadienne-française de l'Ontario, I met excellent artists who will be very happy with the objectives of this bill. As for the means to achieve these objectives, this bill lacks teeth.

Before somebody breaks my neck, I will stop and make myself available for questions.

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

Some hon. members: Question.

[*English*]

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Kilger): Call in the members.

[*Translation*]

And the division bells having rung:

The Acting Speaker (Mr. Kilger): The recorded division stands deferred until 5.30 p.m. Wednesday, June 5.

[*English*]

Mr. Boudria: Mr. Speaker, I rise on a point of order. I now wish to seek unanimous consent to further defer the said vote until Tuesday, June 11 at 5.30 p.m.

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

Some hon. members: Agreed.

* * *

[*Translation*]

YUKON QUARTZ MINING ACT

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.) moved that Bill C-6, an Act to amend the Yukon Quartz Mining Act and the Yukon Placer Mining Act, be read the second time and referred to a committee.

Mr. Bernard Patry (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I rise to address the House on Bill C-6, an act to amend the Yukon Quartz Mining Act and the Yukon Placer Mining Act.

I am extremely pleased to be introducing this legislation in the House. Bill C-6 is a made-in-the-Yukon solution to a circumstance that is unique to the Yukon, but that is of concern to all Canadians. It is a model of compromise and reason, and a major step forward in this government's efforts to foster sustainable development in the north.

• (1955)

By way of background, the Yukon Placer Mining Act and the Yukon Quartz Mining Act were enacted in 1906 and 1924 respectively. These acts provide for the administration of crown mineral rights and the collection of royalties in the Yukon. While they have effectively supported mining as the Yukon's number one industry for most of this century, the two acts contain no provisions to protect the environment. This situation is unacceptable to this government, to the vast majority of Yukon residents and to Canadians in general.

The integration of economic and environmental considerations in decision making is a guiding principle for this government. We are committed to protecting the environment while supporting the development of our resources in a way that will create jobs and economic prosperity for Yukoners and all Canadians.

Bill C-6 rectifies a long recognized gap in federal legislation for the Yukon. It authorizes the government of Canada to establish mining land use regulations for projects in the Yukon.

[*English*]

This legislation must be viewed as a major accomplishment for a number of reasons. Not the least of these is that it represents a compromise between divergent points of view held by different groups, views that have been reconciled to the point where we can proceed. This compromise did not come about overnight. It is the result of extensive consultations involving the industry, First Nations, environmental groups, the federal and territorial governments, and the general public.

As a result of these consultations, Bill C-6 is acknowledged by stakeholders to be the best legislation that could be developed. The Yukon Mining Advisory Committee, or YMAC, deserves special mention for its central role in the process of developing this legislation, consulting Yukoners and arriving at a consensus that allows us to proceed at this time.

YMAC was formed in 1990 to report to the Minister of Indian Affairs and Northern Development on how best to amend the legislation affecting mining activities in Yukon. It is comprised of representatives of the Klondike Placer Mining Association, the Yukon Chamber of Mines, the Yukon Conservation Society and the Council for Yukon First Nations, the Government of Yukon and the Government of Canada.

The involvement of all these groups reflects the importance of mining to the Yukon economy as well as the respect Yukoners have for the land and the life it supports. Despite the wide range of views brought to the table, YMAC was able to reach consensus on all but two provisions of this lengthy and technical bill. I will have more to say on those issues in a few minutes.

[*Translation*]

Bill C-6 must also be viewed as a major accomplishment because it will reinforce the government's commitment to sustainable development by providing for environmentally sound mining practices. By applying land use regulations for the first time to the early activities on mineral claims, the rules in the Yukon will become consistent with all other jurisdictions in Canada.

Within the context of sustainable development, this legislation is an important part of the ongoing process to create a more conducive environment for mining and to support economic development in the Yukon. This process complements the process of legislative reform required for implementing land claims settlements for Yukon First Nations.

As hon. members are aware, land claims final agreements have been signed with four Yukon First Nations. Hon. members will recall our consideration and passing of three bills to give effect to these agreements. Land claim negotiations are well-advanced with a number of others. In addition, some of these First Nations have already signed benefits agreements with mining companies.

• (2000)

Concerns that First Nations have about environmental protection on crown lands are addressed through Bill C-6. Yukon First Nations were involved in the work of the Yukon Mining Advisory

Committee and continue to be consulted on the regulations that will accompany this legislation.

The need to extend environmental regulations to all mining activities in the Yukon has long been recognized. The coming into force of the Canadian Environmental Assessment Act in 1994 has underlined this need.

As well, on December 29, 1995, the deficiencies in the current regime were made abundantly clear when the Federal Court of Canada ruled that the Yukon Quartz Mining Act and the Yukon Placer Mining Act were not subject to federal requirements for environmental assessment.

As I stated earlier, Bill C-6 strikes the compromises that are needed to rectify this situation and to avoid further court challenges. In addition to ensuring protection of the environment, it gives the industry an important measure of certainty on which to base their decisions and seek investment dollars.

I want to assure all hon. members that this legislation does not in any way affect the underlying rights of individuals or companies to acquire and hold mineral rights.

In fact, the existing two mining acts remain unchanged except for a few minor amendments related to environmental issues. Upon proclamation of Bill C-6, the original acts will become part I of the acts, and the environmental protection requirements we are considering today will become part II.

[*English*]

Hon. members can appreciate that this is a very complex and technical bill. I do not intend to discuss all of the provisions in detail today. However, I would like to review the key elements of the land use regime that will be put in place in Yukon.

Bill C-6 provides the necessary authorities for this regime, including the authority for the governor in council to make regulations. The details of the new regime will be contained in these regulations which are now being developed by the Department of Indian Affairs and Northern Development in consultation with all affected stakeholders in Yukon. In particular, special efforts are being made to involve Yukon First Nations in the consultation process.

Currently two sets of regulations are being developed: one for hard rock exploration and one for placer exploration and production. At a later date a third set of regulations under the Yukon Quartz Mining Act will be devised for hard rock development, production and mine site reclamation.

In addition to establishing the authority to regulate, Bill C-6 sets out the powers of the chief of mining land use who will be responsible for implementing the new regime in Yukon. It provides for the appointment of inspectors and gives them enforcement powers. It also includes a mechanism for appealing decisions, a process for the crown to recover any costs incurred in undertaking remedial work, provisions for requiring security deposits and for imposing penalties for non-compliance with the regulations.

[*Translation*]

One of the most important elements of this proposed legislation is the system of approvals it will establish for various levels of mining activities. Hardrock exploration and placer exploration and production activities will each be divided into four classes, ranging from those that will cause minor environmental disturbances to those that will have significant impacts. Separate licensing provisions are set out for producing quartz mines.

For both the Yukon Placer Mining Act and the Yukon Quartz Mining Act, the first class of activity will be for projects that create a minimum of environmental disturbance. An operator who decides that his activity falls into class 1 will not require approval before the project begins. However, the activity must conform to operating conditions that will be set out in the appendices to the land use regulations for both quartz and placer activities.

• (2005)

Such mining projects will be regularly inspected to ensure they fall within Class I and that they comply with the prescribed operating conditions. An example of a Class I activity set out in the draft regulations is the use of a mining camp by not more than five persons at any one time of for not more than a total of 150 person days in one year.

Class II mining projects willl involve a more intense level of activity that may require mitigative measures that go beyond the basic conditions set out for Class I projects. In this case, the operator is required to notify the Chief of Mining Land Use of the measures that will be taken to minimize any adverse environmental impacts. In recognition of the short exploration and placer season in Yukon, my department will have 25 days to respond to this notification. If no response is made, the operation may proceed without further administrative requirements.

Class III activities are those that will have significant potential to cause environmental impacts. A complete plan of the entire operation must be submitted to my department before work begins, including details on how the operator intends to mitigate the environmental impact. In this case, my department will have 25 days to respond to the applicant, but may during that time secure an extension of no more than 42 days to conduct its assessment.

The fourth and final class of activities will require the same approval process as Class III projects. However, public notifica-

tion of the proposed activity must also be given, and public consultation may be required. My department will have 42 days to respond to the application, with a potential extension period of an additional 42 days. A Class IV approval will also be needed when a placer project requires a water licence under the *Yukon Waters Act*.

Projects ranked as Class II, III or IV activities will fall under the provisions of the *Canadian Environmental Assessment Act*. The processing times I have just described can be extended where additional time is required to comply with the federal environmental assessment legislation. This will ensure that the impact of the mining activity on other land users will be considered during the assessment process.

[*English*]

As I mentioned earlier, YMAC was unable to reach agreement on only two issues of this bill: those dealing with penalties and levels of security. On these two issues the government has taken a middle of the road approach that has been endorsed by the majority of YMAC members. The security provisions, for example, strike a balance between the opposing views held by environmental groups, which were seeking large security deposits, and the mining industry, which felt that the deposits were unnecessary.

Bill C-6 gives the federal government the authority to require a security deposit up to the estimated cost of site reclamation when there is the potential for a significant environmental impact or there is a risk that another operator may not comply with the requirements of the approval. This fund will be returned to the operator when reclamation is completed to the government's satisfaction.

In addition, the government may require that remedial work be done and if the security is not sufficient to cover necessary costs the balance may be collected by civil action.

On the issues of penalties, these amendments will allow for fines of up to $100,000 for failing to comply with the terms of a project approval each day an infraction continues being a separate offence. This is consistent with the fines that can be laid in relation to similar land use activities in the north and I am convinced it will deter non-compliance.

[*Translation*]

Bill C-6 also provides a time frame for bringing the new land use regulations into effect. For quartz operations, there will be a six month phase-in period during which operators will be able to prepare and submit applications for their projects.

• (2010)

The land use regulations under the *Yukon Placer Mining Act* will come into effect after a full placer season has passed. The season is usually seven months.

During these phase-in periods, environmental standards will apply and inspectors will have the authority to issue orders to correct serious environmental, health or safety problems at mining operations. At the end of the phase-in, operators will be prohibited from undertaking Class II, III or IV activities without approval from the Chief of Mining Land Use.

The regulations now being developed will set out what lands will be subject to the new regime. Although Bill C-6 allows for the application of these amendments to all lands in Yukon, we will not unilaterally apply the regulations to lands on which the Crown does not own both the surface and subsurface. In other words, these regulations will NOT apply to lands on which the Yukon Territorial Government or First Nations administer the surface IF they have a management regime in place which meets or exceeds the regulations proposed under this bill. Hon. members should also be aware that this legislation is not retroactive.

[*English*]

The importance of this legislation cannot be overstated from either an environmental or an economic viewpoint. By establishing environmental protection requirements for mining projects in Yukon, Bill C-6 will fill the regulatory gap that does not exist in any other jurisdiction in Canada.

The environmental requirements in this bill are not excessive and will not impede the industry. They are generally considered to be consistent with good mining practices by ensuring that every planned mineral operation, except the low impact class one activities, will be environmentally scanned before they are allowed to commence.

From an economic perspective, Bill C-6 will help ensure the long term viability of mining in Yukon by establishing clear rules of operation and putting Yukon on a level playing field with other jurisdictions in Canada.

This bill will give First Nations the assurance of environmental protection that may encourage them to open their lands to mining exploration and development where beneficial. This in turn will generate revenues for First Nations as well as jobs for aboriginal and non-aboriginal northerners alike.

Bill C-6 would also ensure that taxpayers are not burdened with the cost of clean-ups and mine site reclamation. In future all mining industries will be more vigilant about preventing unnecessary damage to the environment and will be clearly responsible for corrective measures.

[*Translation*]

These are critical amendments that deserve the support of this House. We must take advantage of this important window of opportunity to establish environmental requirements for mining projects in Yukon. With that in mind, I urge hon. members to join me in supporting this legislation.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, it can be seen from the number of people present that aboriginal and northern questions are extremely exciting. I hope that our viewers exceed the number of members in the House.

At any rate, since aboriginal issues are always characterized by their technicalities, I think that the Bill we have before us today is also characterized by its technicalities, the first one probably being that one may well wonder why the parliamentary secretary to the Minister of Indian Affairs and Northern Development and the official opposition critic for Indian affairs are discussing a bill on natural resources like gold and quartz in the Yukon.

The two would appear to be irreconcilable at first glance, unless one takes a minute to think about the department name, which I would remind you, Mr. Speaker, includes the words Northern Development. So, automatically, everything north of the 49th parallel falls under that department's jurisdiction. That is why today the parliamentary secretary to the Minister of Indian Affairs and Northern Development, and myself as critic find ourselves the key figures in the debate.

● (2015)

But the bill is also characterized by other technical details such as the environment and natural resources. A consensus and compromise were, moreover reached on this by my colleagues in the Bloc Quebecois who sit on the environment and natural resources committees. Finally, I am admitting to you that we will support the bill, but I shall return to that in my conclusion.

I am particularly interested in what is going on in the Yukon. As you know, there are several ways to manage a portfolio like Indian Affairs and Northern Development. Personally, I subscribe to hands on experience; like many others, I love to go there and share people's experiences.

When any bill is introduced on a given part of the country, you will have a better sense of things if you have travelled and seen the people and the countryside. I think the bill before us imposes a few more environmental constraints on open pit or underground mining. I think I am in a position today to describe what I saw there.

Since 1994, since we arrived in this House, we have passed bills on the Yukon dealing with, among other things, government autonomy and territorial claims. I made friends at the time and I was pleased to see them again in the Yukon a few weeks after these bills were passed. I must say the trip to the Yukon was absolutely extraordinary.

An effort should be made to manage the environmental issue there a little better. Not only are there flora and fauna I have never seen, but nature is still wild there. I went out on the Yukon River and caught a 20-pound salmon there. And no this is no fisherman's tale. The native people really took me fishing. We even ate our catch that evening. It was an absolutely sensational traditional native meal with moose and caribou in addition to the salmon we caught.

I have a lot of friends in the Yukon. The countryside is astounding. You have to see the river. There is almost no pollution, because places are so far away that there is no ever present pollution like on the St. Lawrence, for example. The river water is from glaciers and is both crystalline and deep green.

We must strive to protect those parts of the country that make it rich, not only because of the landscape and the wildlife, but above all because of the people who live there. I was pleased to meet them and I am better able to speak about Bill C-6 and to express what I feel because I have been there and made friends there.

I took some notes since it is always important to have reference points. The Yukon covers an area greater than that of France. Onle 28,000 people live there, so you can imagine the open spaces. I admire immensely the people who took part in the gold rush in the Yukon in the Klondike days. Once, I took off from Whitehorse and flew two hours due north. That was the Klondike, that was Dawson City.

One must recognize the merit of people who went there in order to become rich, to find millions of dollars in gold. It was physically very demanding and it deserves to be recognized.

When we remember that the Yukon is as big as France, and compare France's population to the Yukon's, we soon realize how big it is and how few inhabitants there are per square kilometre.

In 1898, the Yukon became a separate territory. The commissioner as well as six members of the Commission were appointed by the government. It is only in 1908 that all these people became elected representatives. The end of World War II also meant the end of the gold rush. The rush to the Klondike really happened around the turn of the century and fizzled out toward the end of the war.

● (2020)

At that time, thousands of immigrants went to the Yukon. Native people were a majority then, but with the influx of immigrants in the mid 1940s, at the end of the war, they became a minority.

Today, as we speak, native people account for only 23 per cent of the population. It is still a lot. I do not want to overlook that, especially as I noticed that native people and white people get along well there. Mind you, on a territory that big, you do not meet

your neighbour every day, and you do not step on each other's toes every time you go out the door. On such a vast territory, chances are the neighbour will be far away.

However, from what I saw in Whitehorse, relations between the white people and the natives are very good; after all, there are 28,000 people in the Yukon Territory, which is not many given the size of the area.

So there is a territorial administration. Naturally, the federal government kept some fiduciary responsibilities toward the native people but there is a Yukon government which manages social services, the development of small and medium size businesses, education, tourism and renewable resources.

The federal government is responsible for the native people themselves and for nonrenewable resources. Therefore, mines, oil and gas remain under federal jurisdiction. Furthermore, almost 60 per cent of the transfers and grants forming the territory's budget come from Ottawa. Thus, the participation of Ottawa is extremely important.

What is Bill C-6, which is before the House today, meant to do? It seeks to amend both the Yukon Quartz Mining Act, dating from 1924 and concerning rock mining, of course, and the Yukon Placer Mining Act, which has been in force since 1906.

When I started reading the summary of the bill, I looked for the Translation of placer and realized that we have the same word in French. I was very happy to add the word to my vocabulary. The French word ''placer'' means a gold deposit. Expanding one's vocabulary is always interesting.

One must understand that, in those days, environmental issues came far behind economic concerns. At the time, prospecting for gold was closer to an art than a science. People would head for the streams with their sifter. They would keep the little gold nuggets and throw away the rocks. The scenery is extraordinary up there. The midnight sun is something incredible. I had never seen it. I went to Dawson City, the Klondike town, and was taken to the mountain called Midnight Dome. From there the midnight sun is truly an incredible sight.

However, when you look down you also see a lunar landscape around the Midnight Dome. It was caused by reckless development. Piles of earth were left there and completely spoil the scenery.

It is easy to see that, at the time, the environment was not at all a concern, unlike today. The bill before us seeks to promote a behaviour that is more respectful of nature than in those days. At the time, people were just not concerned about the environment. They were concerned about finding gold. The land was so vast and so sparsely populated that people did not care. Today, we have to care.

These two acts do not include environmental protection measures. However, the requirements regarding development are such that they are tantamount to environmental protection measures.

One of the main features of the act is the establishment of a link between the previous acts and the Yukon Waters Act. In the past, several acts were implemented in an attempt to control development in the Yukon, including the Yukon Waters Act.

● (2025)

All the changes that will be introduced through Bill C-6 will now come under the Canadian Environmental Assessment Act. Thus we see that the intent is good on the part of the legislator. That is why that after the consultations we had, we might receive some slight recriminations or grievances that we will try to review with my colleague in the standing committee. But we would certainly say that on the whole, this piece of legislation is a worthwhile effort. There is a system to approve various classes.

I mentioned that there was no environmental protection, but there are indeed now various classes, and my colleague listed them earlier, which will require some approval and which will help discipline the operation as such for a better protection of the environment.

Thus, class I activities require no preliminary approval but must comply with existing regulation. So there is a first small problem. The regulation was explained to us yesterday through a briefing held by the Indian affairs department, and of course we did not have time to get into it in depth today. We worked at it for part of the day, but the regulation is rather complex and moreover somewhat random and arbitrary. Let me explain.

Among other things, about class I activities, the bill says that a class I program may include activities going beyond the parameters set out above. A camp can be used throughout the calendar year, but never by more than five people at a time, for a total of 150 days per person. If this condition is met, no approval will have to be requested, and the regulations will have been complied with.

But why five people? Why not six or ten? Eventually, we will have to do our homework a little bit more seriously, and scrutinize the regulations, because the bill before us simply says that a class I program will have to comply with the regulation. But the regulation has not been made yet. It is being prepared. As we could see yesterday, 13 drafts have been prepared. We have been given the most recent one, which was completed last week. So there is still a bit of work to be done on the regulations, and we will examine this further later on.

I would like to give you one more example. It is about the construction and permanent use of storage facilities for no more than 5,000 litres of petroleum fuels. For a single container of petroleum fuels, the volume is 2,000 litres. Here again, we have specifications, but I would like to know why 5,000 and not 10,000 or 3,000. This seems to be rather arbitrary, and we did not have time to look at the rationale. I think we will have time to dig a little deeper during the coming weeks, both in committee and at third reading.

Class I activities also include the deforestation of a strip of land not exceeding 1.5 metres in width, the development of a corridor not exceeding 5 metres in width, the excavation of a volume not exceeding 400 metres per placer per year. I just wanted to give you an idea of what is included in each category, because the principle is the following: when you go from class I to class II, the regulations get a little stricter. Also, class II activities require prior notification being given to a federal authority. Class III activities require the advance submission and approval of an operating plan. So, as you can see, the bigger the operations are, the stricter the regulations become.

The regulations in relation to class IV activities are certainly the most demanding because they require the advance submission and approval of an operating plan and also public consultation. For those who are more interested in the economic issues than in the environmental issues, public consultations have become a pet peeve, because it only takes three or four people who object for the project to be questioned. So, class IV activities certainly involve large scale projects requiring public consultation, which means a lot more preparation work for the people who develop the resources to be able to provide the required information to the environmental groups and all those who would want to take a critical look at the class IV activities.

• (2030)

The bill before us did not appear overnight like magic. In fact, we checked and found that consultations were made. In 1990, an advisory committee on the Yukon mining industry was created.

As you know, the issue was a concern to developers as well as to natives and environmentalists in the Yukon. For them, the issue was theirs. There was no way Ottawa or the Yukon government could tell them what to do.

Since they wanted a purely Yukon solution, they gathered together a certain number of interesting people, including the president of the advisory committee, a businessman. The Chamber of Mines was part of the advisory committee. There was also the Klondike Placer Mining Operators Association, the First Nations Council which represents, as you know, 14 communities. A nation and a community are not the same thing, because a nation is often composed of many communities.

This time, it was 14 communities of Yukon native peoples represented by one tribal council, and there are 14 communities in the Yukon. Another member of the advisory committee was the Conserver Society. The Yukon government was there, naturally, as well as the Department of Indian Affairs and Northern Development.

Consultations were held. It always difficult for us to determine if the consultations were adequate. Even with all the people I just mentioned, were there enough consultations? Did we take all the necessary steps to let them all have their say?

Maybe not. Indeed, representatives of the Yukon first nations made representations and came to meet me about two weeks ago. They told me that they had some difficulty in following the process. They did not participate in all of the meetings, not because they did not want to, but because, as they told me, they were not given all the necessary support to do so. The meetings did not always take place in the delegated chief's community. I will enumerate the 14 Yukon nations in a few moments.

Some come from Northern Yukon, others from Southern Yukon. When the meetings were scheduled in Whitehorse, as was often the case because most of the people I mentioned have their headquarters in that city, the Yukon's capital, it was not easy for people from the North to be there. The natives told us that, unfortunately, they received little support from the governments to facilitate their presence in the consultative committee meetings.

We were also assured by Indian Affairs officials that the bill is consistent with the land claims in the Yukon and with the self-government clauses that have been signed or will be signed.

Government officials reassured us by saying that, in terms of the environment, in terms of the categories and in terms of development, there was no contradiction with what was given to the Yukon First Nations as far as self-government or land claims were concerned.

We still have some checking to do because, as my colleague mentioned, this exercise has not been completed yet. Four native communities in the Yukon have signed land claims and self-government agreements.

They are the Gwitchin Vuntut, the Champagne and Aishihik, the Nacho Nyak Dun and the Tlingits from the Teslin area, who signed in 1994. They were all here in the gallery and I was happy to salute them at the time. They had been negotiating for 21 years.

• (2035)

They told us that their fathers and their grandfathers had started these negotiations, and I recall that applause was prohibited in the gallery. I think that the guards at the time were understanding and

allowed these people to express their happiness at a settlement after 21 years of negotiations.

We must now see not only whether Bill C-6 before us today is in their interests, but also whether it will have an impact on them. And I would also remind you that negotiations are still outstanding in ten cases. I do not know the size or date of a final settlement for these nations, but they are still awaiting a final settlement on their land claims and their right to self-government.

Among others, I see that Dawson First Nation is in Dawson City, which used to be the capital of the Klondike. I mentioned it earlier, and I also told you about the Midnight Dome, but I could also tell you about the casino that used to feature the Folies Bergères back then. I do not know whether my colleague had the chance to visit, but it is truly a glimpse into the past. The streets are unpaved and the casino is a very popular place. The hotels are also authentic. I myself had a drink with my native friends in the local saloon. It is just as it was at the beginning of the century, really something.

Half of the city belongs to Heritage Canada, which is anxious to preserve this considerable heritage. There is even a wonderful theatre, which is rather like today's versions. There are even boxes for those who had been more successful in their prospecting than others and could afford to rent a box for the whole year, close to the stage, while the poor devil who had had bad luck finding gold had to settle for being way at the back. The same values applied in Dawson City at the turn of the century. There was also a First Nation there, one which would certainly have to be consulted first of all, in order to determine the impact of Bill C-6, for it is on their land that nature has been the most ravaged by gold and quartz mining.

As well there were other First Nations: Kwanlin Dun and Silkirk, Carmacks-Little Salmon, Ta'an Kwach'an, Ross River, Carcross, White River, Liard, the Kluane Council, all of whom are on the path to self government and are involved in as yet incompletely settled land claims.

So, even though we are aware of the legislator's intent, which is to put a little more discipline in place on the mining industry in order to protect the environment, I think that the Bloc Quebecois will make it its duty to keep a watchful eye and to check with all those people on the true impact of Bill C-6. If necessary, we will look at the regulations and ensure that everything is done properly.

We also have environmental concerns. We are in contact with the Yukon Fish and Wildlife Board, which is in the Yukon and is primarily concerned that the bill will provide for costs in the event of bad land management. If, in category II or III, for example, a plan was not followed and damage has been done to nature, the people will eventually have to pay.

The bill provides that people deposit a certain sum of money in advance, so it is available in the event of damage. In the past, companies left the environment in a terrible state when they left. The Yukon Fish and Wildlife Board does not think the money operators are required to put down before they start is enough.

• (2040)

The board recommends that operators in activity category (e) put down a security deposit equal to the cost of returning the site to its original state. This is what I wanted to say not just for category I but for all the other categories. They are not asking for a sum equivalent to the danger involved, but they are asking for a little more than the bill provides, or at least a chunk of it, so that, if disaster happens, the money provided by private enterprise, rather than society, is used for the clean up or for the damage caused.

I am briefly summarizing the bill. We consider it a significant improvement over existing laws, particularly as concerns environmental regulations. I believe I dealt with it extensively.

At the time, shameful exploitation was going on. The environment was not a concern then, it did not matter. Nowadays, it does. The intent of the legislator is to improve the situation, we do agree.

As I said, this bill did not come out of the blue. The result before us today is the result of a consultation process conducted by a committee whose membership I mentioned. Some members complained, probably for not having being able to attend as often as they would have liked.

However, one must admit that on the face of it, the result seems to be the result of a compromise. I say it again, the intent of the legislator was to have a consultation process, which can be criticized, but for the time being we see the result as a compromise.

Environmental and native groups seem to think that we did not consult sufficiently. This cannot be checked easily. We still have more consultations to do. There could have been some deficiencies regarding the consultation process, but would that justify questioning the whole bill? Today, we answer no. We feel that, as the intent is to protect the environment a little more, it is important to let the bill progress.

In committee and during third reading, we could propose amendments to satisfy all the interested parties from the Yukon.

The Standing committee must hear the representative groups to ensure an adequate legislation. Up to now, about ten groups have requested to appear before the committee, I think. I am not one of those who say right away that everyone will be heard. We may have to pay more attention to those who already have grievances. As for placers and mining companies, we have already received letters of

support saying: ''As far as we are concerned, the bill is perfectly adequate''.

Where there are problems, we will listen to what people have to say and, if necessary, we will make changes. This is what the legislative process is about. This is the purpose of the three readings. This is why standing committees review legislation. The purpose of the process is precisely to improve the bills before us. We have to take the time and use the resources to make these people welcome and listen to what they have to say.

As far as consultations are concerned, if there is a need for further consultations in committee or otherwise, the limited financial resources of First Nations should be taken into account. It is always a problem.

It is not easy to tell people from the Yukon: ''Come before the Indian affairs committee in two or three weeks''. It costs money and, usually, these expenses are not entirely paid for by the committee. The native people have some difficulty and, after listening to them, we realized that maybe that is what caused a problem with consultations in the Yukon. It required so much time and such financial resources that these people had difficulty following the tempo of the consultation committee.

In the next stages, namely the committee and third reading stages, we will have an opportunity to hear from them and we will see what they have to say.

In conclusion, the Bloc Quebecois will vote in favour of Bill C-6 at second reading stage, but we still want to hear representations from all the groups that wish to appear before the standing committee.

I think that once we have heard these people, fulfilled our duty as legislators, taken into account all of the representations, complaints and recommendations and we made all appropriate efforts to improve the bill as necessary, it must be remembered that Bill C-6 shows the government's good intentions. The Bloc Quebecois supports Bill C-6 for now, except for the small reservations we mentioned. At second reading stage, the Bloc Quebecois will endorse Bill C-6.

● (2045)

[*English*]

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I am pleased to rise at this hour and speak to Bill C-6. I do not have as many lively stories about dancing girls and entertainment in the far north, but from the member's comments it sounds like a good place to visit and I had best get there as soon as possible.

On behalf of the Reform Party, I am pleased to support second reading and referral to committee of Bill C-6, an act to amend the Yukon Quartz Mining Act and the Yukon Placer Mining Act which are old acts, 1924 and 1906 respectively. We will be recommending acceptance of the bill with no amendments.

To reiterate one problem with the bill, both our mining critic and our aboriginal affairs critic had hoped that the bill would be referred to the natural resources committee. The bill deals exclusively with mining activity but I understand it is within the prerogative of DIAND because of the location of the activity north of 60.

The natural resources committee has dealt extensively with mining regulations. It has just gone through a major review of Canada's mining regulations with a report to Parliament on the mining activity within our country. It seems a shame not to take advantage of referring this bill to that committee since the bill is about mining and not about aboriginal people. It seems to us that we are not taking the best advantage of the expertise in committees. We had hoped that since there is no other bill before the natural resources committee it could have dealt with this one.

I realize the bill does deal solely with mining. Of course, mining is extremely important to Yukon. About 30 per cent of the entire economy of Yukon is mining related. By far it is the biggest industrial activity in that territory. The importance of this bill to that industry cannot be overstated.

A bigger part of Yukon territory's economy is the federal government. At a time when the federal government is being forced to cut back in all areas by billions of dollars, transfers to provinces specifically by some $7 billion, health care, education and other former untouchables seem to be on the chopping block, we must ensure that we support whatever industries we have in any part of the country.

It is important that the mining industry not be damaged by this bill. One of our first considerations when we looked at the bill was to see if any of the proposed changes would harm the mining industry in Yukon and if the legislative framework was similar to that in which the mining industry was accustomed to functioning. I am glad to say the bill will do the job for the industry in that area.

Although the mining industry is important, the people of Yukon and elsewhere in Canada would say that the protection of the environment is of primary importance. The mining industry has taken a lot of bad raps, some them deserved, for its activities in times past, but the industry is making a very conscientious effort to clean up its act and its mining sites.

● (2050)

In that sense it is important that the people in Yukon and in all of Canada be reassured that this bill will not result in a lowering of environmental standards. In this day and age it is just not going to be accepted, nor should it be accepted, nor, to give the mining companies credit, do they want a lowering of the environmental standards. The environmental protection aspect of the bill is also important.

There is a misconception about what has been going on in Yukon prior to the passing of Bill C-6. Many people wrongly believe that few or no environmental controls are in place regarding placer and hard rock mining in Yukon territory. That simply is not true. This act will supplement many pieces of existing territorial and federal legislation enforcing the environmental concerns on Yukon miners, including the Canadian Environmental Protection Act. Any activity that involves federal moneys, federal land or federal permission can and does trigger a Canadian environmental protection assessment on that activity. Anything that happens up there already comes under that purview.

In addition to the Canadian Environmental Assessment Act, Yukon mining is also subject to the following acts: the Fisheries Act, with fines ranging up to $1 million; the Yukon Waters Act, with fines of up to $100,000 if they foul up; the Arctic Waters Pollution Prevention Act; the Territorial Lands Act; the Dangerous Goods Transportation Act, with fines of $100,000 if they botch it; the existing provisions of the original Yukon Quartz Mining Act and Yukon Placer Mining Act; and several Yukon statutes, including fire and forest prevention, gasoline handling, the Miners Lien Act and the Occupational Health and Safety Act, and on and on.

Yukon mining is well regulated already. We needed to modernize it and bring it under one umbrella, under one piece of legislation. We needed to fill the gaps and to make both the regulations and the enforcement regime easier to understand and more consistent throughout all of those different acts I have just referred to.

I mentioned that the mining industry across Canada is on record through the Mining Association of Canada and certainly in my speaking with them, as being in favour of strict environmental controls. As long as this legislation is clear, timely and orderly and it is based on science rather than politics, the mining association will have no trouble with it.

One of the main things which has been a very productive part of Bill C-6 is the way in which the bill has arrived at this stage. The legislation was developed through five years of consultation with all stakeholders in Yukon. All of us like to see things happen in a hurry but in this case the go slow process was very productive. Many pages of accompanying regulations are still to be drafted and there are concerns that will have to be addressed as we try to enforce this legislation.

The Department of Indian Affairs and Northern Development has been engaged for some time in consulting with the Yukon First Nations regarding proposed regulations. There have been quite a number of drafts, 13 drafts as has been mentioned, just to reflect the various viewpoints of all the groups involved to date. The facts appear to indicate that DIAND representatives in Yukon are making a sincere effort to ensure that once again all stakeholders are involved in finalizing the new regulations.

The new regulations will be extensive. They are not included in the bill itself. Except for the generic headings under which the government will now have to make up those regulations, we are going to have to look at the regulations separately from the bill to make sure that they are workable and so on.

I have heard people nitpicking about certain regulations or concerns about the bill. I am nervous that people who sit on other House committees and have not watched this process go through for several years are going to propose nitpicking amendments and changes to the bill as we go through second reading.

● (2055)

We in the Reform Party are convinced that there have been extensive consultations on this bill with all of the stakeholders, with aboriginal people and non-aboriginal people in the area, with the mining association, with the Yukon self-government people and so on. They have all had input and are satisfied that Bill C-6 is as good a piece of legislation as we can get to bring together all of the disparate groups. All of them have been involved throughout the five years.

We will not be proposing amendments at this stage because of the extensive consultations. As long as the grassroots have been consulted properly, when they come to a consensus with that many viewpoints then we had best go along with it. We are not going to suggest to people who have put that much time and effort into it to get a consensus that now is the time for someone sitting in Ottawa to pull a word out from here and there to try to improve it.

Certainly some concerns remain with both environmentalists and some of the prospectors. There are concerns which have been brought to our attention from some prospectors who fear that new regulations may have a negative impact on some very small, hard rock operations. They feel that those small operations may have to jump through so many hoops and go through so much costly and time consuming bureaucracy that the small operations may no longer be viable. Again, we will be watching those regulations. We hope there will be ways to ensure they will be able to do their work.

Although we will be supporting the bill, it is worthwhile to note again that on the greater issue of mining regulation in Canada we have been promised things and deadlines have come and gone. Deadlines have been set by the Liberal government which have come and gone on the streamlining of the regulatory process. The industry minister promised regulatory reform by last December and it has not happened. The natural resources minister promised regulatory harmony between the provinces and the federal government and that has not happened. The government must ensure that

it goes beyond the good promises and the good talk. We have to start walking the walk.

This bill will work in Yukon, but south of 60 we need some regulatory streamlining. It has to happen. The mining association is no longer thanking the minister for her good comments, it is demanding action.

In this bill a delicate balance has been struck which the Department of Indian Affairs and Northern Development states will not have a negative impact on mining. Mining is the most important private sector contributor to the Yukon economy. We want to register our strong belief that the House should act to fulfil the local expectations of the people of Yukon who have helped to put this together by passing this bill as soon as possible.

Hon. Audrey McLaughlin (Yukon, NDP): Mr. Speaker, I am pleased to speak this evening on Bill C-6, which represents amendments to the Yukon Quartz Mining Act of 1924 and the Yukon Placer Mining Act of 1906. Both pieces of legislation have not been substantively amended since the time of regional enactment.

I would like to preface my remarks by saying that Yukon, which has a geographic land mass the same size as Sweden and a population of 32,000, is undergoing a number of processes which have been referred to by other speakers this evening. One of them is the land claims and self-government process approved by the House last year. At the same time the resource activities are undergoing a lot of scrutiny in Yukon.

I am pleased to say that in this case mining does represent a very large proportion, about 30 per cent, of Yukon's economy. It has been a very significant part of the economy since the days of the gold rush and it continues to be today. In fact, mining activities in Yukon today are on the increase.

• (2100)

One of the challenges in a territory the size of Yukon, which has in many ways the characteristics of the last frontier, is how we preserve the environment, ensure the wilderness is preserved and enhanced, as wilderness tourism is a large part of our economy, and ensure mining activity can responsibly take place.

I have never believed the issue is mining versus environment. I believe we are able to come to a conclusion, an agreement, a balance between those two. We can have responsible mining activity and legitimate, realistic environmental regulations that do not undermine the industry and the environment. I think the process that took place to come to these amendments in Bill C-6 goes some way to achieving that.

As mentioned by the previous speaker, the whole issue of streamlining regulations in support of the mining industry is a very complex regulatory regime in Canada. In Yukon I address specifically a very complex regulatory machine for the mining industry. I had hoped these amendments would help substantively not to reduce regulation but to streamline it. This legislation does not meet that test. It does not significantly streamline the process, as we could do while not undermining the sector and not undermining environmental regulation.

The bill is intended to bring in Yukon mining legislation and particularly exploration. It is not that there is not any environmental regulation at the moment, but particularly in the exploration sector there has not been an environmental regime of any strength. This bill will bring much of the environmental regulation in conformity with other jurisdictions and federal legislation.

As other speakers have mentioned, the amendments are the result of a process which I would like to refer to because I think it is very important. It began in 1990. It was a process that involved stakeholders of the industry, the territorial government, the federal government, the department of fisheries, the Department of Indian and Northern Affairs, Yukon First Nations. A committee was established with an independent chair. That was particularly important in terms of the process because it meant that no one stakeholder, no one government department was in control of this. It truly was a body made up of all interested parties chaired by a person independent of any one group. Much of the success of this process must be given to the establishment of that form of independence and grassroots development.

It is not a process without problems. During the time this committee was established in 1990 the federal government changed, the territorial government changed and there were certain changes to federal legislation. For example, the waters act used to be the federal inland waters act. It became the Yukon Waters Act. All of these changes obviously brought about changes in the working of the committee.

Unfortunately the committee did not have staff resources dedicated specifically to that committee. There was a certain lack of ability to follow up and implement both consultation processes and other processes related to the technical aspects that had to be done by the various departments and stakeholders.

In general it was a good process, one that could really be looked at in other resource sectors. At the moment I am looking at this in terms of the forest resource sector in Yukon because it was an attempt to involve everyone and to come to some kind of made in Yukon solution which would address industry, environmental and public policy concerns in this sector.

It was also hoped that would streamline the process and it probably has not done a lot of that, but there is some integration of various processes, not probably going nearly as far as we should go in this area, but there is some of that.

• (2105)

The challenge was to find a consensus and a balance between industry and governmental and public views. It proved very difficult because of the many changes taking place at the time. There were governmental changes in jurisdiction of legislation and the land claims and self-government processes.

There is no legislation currently that requires the mitigation of environmental effects of mining activities on claims until the operator has applied for a licence from the Yukon Water Board. Up to that point there is no environmental requirement. This addresses the exploration stage and not necessarily the development and working stage.

At the point of applying for a licence to operate from the Yukon Water Board, the assessment processes under the Canadian Environmental Assessment Act take place, but it was clear provisions needed to be instituted for exploration in order to conform to general environmental principles.

This act attempts to address this. Mining activities are further regulated by other federal acts such as the Fisheries Act, the Yukon Waters Act and the Canadian Environmental Assessment Act.

Bill C-6 sets out four categories or classes as identified in the legislation related to exploration, class one, class two, class three and class four.

There is at the moment no legislation in place to regulate land use activities on mining claims during exploration. Each mining activity now, pursuant to this legislation, will come under one of the classes.

It is proposed that there will be a six month phase-in for the provisions on the Yukon Quartz Mining Act and a 12 month phase-in for amendments to the Placer Mining Act. That is why it is quite important. We have already missed this year's mining season, which is in full swing now. It is important that we try to deal thoughtfully but expeditiously with this legislation so that it can begin to be put in place for the coming months and mining season.

One of the things that is extremely important about this legislation, a very positive point, is there is provision for a two year review after implementation of this act. This is important because often when laws and regulations are made in Ottawa and even by the territory in operation they may not prove to attain the objectives intended. It is a very positive part of this act that the two year review period is incorporated to ensure the act is meeting the objectives for which it was intended.

In its present form Bill C-6 has the support from both the hard rock and placer mining industry, noting that this was intended to be a consensus. Last summer, as recently as two weeks ago and certainly for the nine years I have been member of Parliament I have attended many meetings. I visited many mines, both underground and placer. There is a real anxiety in the mining industry that regulations will become so onerous that especially the small operators will not be able to function.

The committee was extremely sensitive to this because in Yukon placer mining in particular is often a family run business. I often compare it to Saskatchewan family farms because that is really what it is like. One does have to be sensitive that in small operations regulations can be conformed with in a way that it is commensurate with ensuring that business can continue.

There was a lot of suspicion and concern. In the end, the consensus making process certainly produced no winners. People in the mining industry were not necessarily happy with some of the provisions and, as I will mention later, other participants had some real concerns as well.

• (2110)

Letters I have received indicate that members of the industry, including the Yukon Chamber of Mines and the Klondike Placer Miners Association, are totally in support of this legislation in its present form and would like to see it passed in its present form.

Other groups have some concerns. As legislators, as federal parliamentarians, it is important to listen to those concerns in the committee process. The Yukon Conservation Society, which was a member of the Yukon Mining Advisory Committee, has withdrawn its support for this legislation.

The Council for Yukon First Nations has some concerns on specific issues but also regarding the fact that there was some difficulty with a lack of resources in being able to fully do a consultation with all the 14 First Nations. In support of the department, DIAND has made a special effort to do that consultation with the First Nations, although there was a representative on the Yukon Mining Advisory Committee. These are real concerns about this process.

The Yukon Fish and Wildlife Management Board, established under the land claims agreement, also has some reservations. While I am generally supportive of the legislation and I would like to see it supported by the House and go to committee I believe those expressing these concerns have some valid points which we must seriously consider in committee. Some of the recommended amendments must be addressed by committee members.

I will briefly outline some of the concerns which will come before the committee. Perhaps one of the most consistent concerns is that related to class one activities. Class one activities do not require notification to the public, to the government in either case of quartz or placer mining. This is opposed to the other three classes, which do.

Mining activity can impact on sensitive wildlife habitats. I have a case now which is interesting. In the city of Whitehorse staking is taking place on a greenbelt which is basically a park in a residential area. This is occurring three feet from people's backyards.

These greenbelts were established in a densely populated area to represent a buffer area. This is of considerable concern to homeowners, although it is perfectly legal under these acts and that would not necessarily be changed by Bill C-6. Members of the House might think about how they would react if they looked out in their backyards and someone was slashing trees and putting up stakes for a mining claim.

This can be resolved because under the act it is possible for the city of Whitehorse to make requests to the federal government to withdraw these lands from staking. The city has been doing this, and I am in support of this. It is one of those things that obviously strikes people as the kind of challenge that occurs with regard to mining. It is related to the second issue and concern raised by several groups, which is in many ways the same issue, free entry.

In other words, it is quite legitimate under the law to go into any area and stake, as in the above example. Exploration can take place on any public land. Some groups make the point, which I think is a serious one, that the principle of free entry is incompatible with long term conservation of fish and wildlife habitat. If they do not have to do any kind of study, if anyone can go without first establishing whether it is a sensitive area, clearly there may be a real conflict about the free entry principle.

The Canadian Parks and Wilderness Society states that by having the free entry principle the ability of the government is limited to place terms and conditions on mining exploration in sensitive areas, an issue that does have to be considered by the committee. I am sure that the Canadian Parks and Wilderness Society will want to put its point of view before the committee.

• (2115)

A third issue mentioned by several groups is the requirement for security which must be posted by operators. Bill C-6 states that security can be requested where the risk of significant impacts are likely or where the operator has a poor track record. The amount of security, according to the bill, is limited by reasonable cost to perform the required mitigation of any damage that is caused by the mining activity.

The concern is really rooted in the experience of the past. I agree with my colleagues who have said that the mining industry's reaction and the Mining Association of Canada are very strong in their support for environmental regulation. In some ways we are dealing with concerns about what has happened in the past, although I have to say that in my very recent experience I have seen situations where mining companies have left or gone bankrupt and the taxpayer has been left with the bill for clean-up. The point that various groups are trying to make is that this should not be the responsibility of the taxpayer but should be the responsibility of the industry.

An example of that right now is in an area near Carcross, Yukon where there was a mine. It was discovered a couple of years ago that arsenic was leaking into the water, into the land, into the berries and into all of the flora around that area and affecting the animals. The owners, Venus Mines, have long since disappeared. It is estimated that the cost to the taxpayer of the clean-up will be minimally $800,000. This is a relatively small mine site so one can appreciate the concern that is expressed here about the discretion of the security and whether there might not be a better requirement for security to be placed.

Such impacts of mining should be, as the Canadian Parks and Wilderness Society states, a cost of doing business and not an infinite liability to the taxpayer.

Therefore, the issue of posted security must be reviewed under Bill C-6. I agree that we do not want to make extensive amendments to this bill. It is a result of a consensus process. At the same time there are substantive issues that must be thoroughly reviewed, heard and considered by the committee.

In summary, the general principles of this bill are supportable. The process had some flaws but in general it was a positive attempt to reach a consensus on a very contentious issue. I would say that all participants and, in particular, the chair, must be commended for their efforts and various governments, both the previous and the current one, for their support of this process.

It is recognized by all participants that there were no clear winners in this, that everyone had to give up something. I suppose that is a model we might look at in Canada and as usual it seems to me the Yukon is setting a good model for the rest of Canada.

I would interject in summary one cautionary note. This legislation will only be effective if the Government of Canada is prepared to put in place the resources to enforce the legislation. I am very concerned that with federal cutbacks we will not have those resources. I hope the government will make a clear commitment that there will be sufficient resources for enforcement of the legislation. I must say that if there are not, it will simply increase in the public the suspicion of government making laws which it either cannot enforce or does not intend to enforce.

On that cautionary note I would urge the government to consider this. The House has a responsibility to carefully consider the views of all interested parties. I urge a careful review by the committee of

the points I have raised and I urge passage at second reading so we can get to the discussion of these issues.

● (2120)

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I would like to congratulate the member for Yukon for making such an interesting presentation and for giving us a firsthand account of mining in her riding. It comes from someone who knows of what she speaks, whereas in my case I go into that magnificent area only every three or four years and gather impressions without being able to get into greater depths on some of the mining issues.

The member for Yukon indicated in her speech, if I understood her correctly, that the bill does not streamline the regulatory regime enough. I would be interested if she could briefly elaborate on what kind of regulatory regime she would like to see.

I would also like to ask her what, in her view, considering all the interested parties she described in her speech, would be a sustainable mining policy for her region. Does she think that the Whitehorse declaration is adequate as a document? If I remember correctly, it was announced a couple of years ago. Is it being implemented or has it remained a declaration on paper? Does she see evidence that the document has become part of the mining activities in that area?

I was glad to hear the member refer to the fact that there are some reservations on the part of certain organizations. She referred to the Yukon Conservation Society which apparently has withdrawn its support.

To conclude, I recall some of the mines in northern British Columbia on the border of Yukon where the mining tails are left in a very undesirable condition. The landscape, the condition of the soil and the surface are left in a degraded state. It makes one wonder if the mining community takes no responsibility for taking care of the surface and the water conditions after a mine closes.

I am sure the member for Yukon has experience in matters related to mining closures. I would be very grateful if she would give us her views on these aspects which relate to her region.

Ms. McLaughlin: Mr. Speaker, those are a number of issues but I will try to address them all.

First is the streamlined regulatory regime. Please note that by streamlined, I do not mean fewer regulations or undermining environmental regulation. At one time there were approximately 10 pieces of legislation to which a small mining outfit would have to adhere. Unless there are adequate resources from both the Government of Yukon and the federal government to implement this, it causes the small operator a tremendous problem. I am quite empathetic for streamlining.

There is some streamlining in the bill. Through the Yukon waters act there has been an attempt to ensure that when operators go through that process, they will also be dealing with approvals in other pieces of legislation.

I certainly am empathetic to the small mining operations when they talk about how difficult this can be. Sometimes it is just a lack of personnel and staff resources to deal expeditiously with a mining outfit because they have to go into the field which is sometimes geographically difficult to reach.

I would like to reinforce the point I made in my remarks that the federal government must be committed to facilitate and process the enforcement of any such amendment that is passed, such as Bill C-6.

● (2125)

Sustainability is a huge issue. I know the member for Davenport has a very extensive knowledge and interest in this. In the 17 years that I have lived in the Yukon there have been constant discussions about how to balance the resource activities and the preservation of the wilderness.

Some people think that wilderness is just a bunch of trees sitting around waiting for something to happen. However, others actually believe that it has a tangible value. For example, fur trapping, which is always a very contentious issue, is something which is environmentally sustainable. It is one of the environmentally sustainable, non-intrusive forms of economic development in wilderness areas.

We need a mix and a balance. The process that took place with the Yukon Mining Advisory Committee, because it did include environmental groups, was an attempt at that kind of balance. It is never easy and that is why no winners came out of this, but there was an expression of goodwill by all of the stakeholders.

While I have mentioned some of the changes that the environmental community, including the Yukon Conservation Society and the Canadian Parks and Wilderness Society, would like to see, they are definitely not saying they do not want to see mining or improvement, they just want to see a greater degree of improvement in this legislation.

As to the Whitehorse initiative on mining, the general view seems to be that it is proceeding. I do not think that it has lapsed into a complete vacuum, as sometimes happens with these things. In general, there is support for what is happening, certainly in the industry. Again, it is trying to come to grips with the various values that are represented. In the Yukon it is the First Nations who have an interest in economic development and in some cases now have shares in mining companies and see this as part of their economic development.

Finally, on the responsibility of mining companies in reclamation and abandonment of sites, there have been extremely negative examples of that, particularly in hard rock mining but also in placer mining. As I mentioned in my remarks, the taxpayers had to pick up the bill. These are questions that I have challenged when I have

met with the mining industry. We have to look at this as a cost of doing business.

As the member knows, there have been changes in the legislation that mining companies have to put up front environmental deposits for reclamation. Here we are talking about exploration and saying we should be doing the same thing.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the second time and referred to a committee.)

ADJOURNMENT PROCEEDINGS

[*English*]

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

LAW OF THE SEA

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, the question for discussion tonight is when will Canada ratify the law of the sea convention. The convention is designed to protect the world's fisheries, stop the pollution of oceans and advance the idea that ocean resources belong to humanity and all of humanity is entitled to share in their benefit and use.

In the late seventies and early eighties, Canada was a leader in preparing this convention and among the first to sign it. To come into effect, the law of the sea convention needs to be signed and ratified by 60 countries. This was accomplished on November 16, 1994. In total 92 states have ratified the convention. China has recently stated its intention to ratify and Spain is expected to do the same by the end of June.

• (2130)

In Canada the speech from the throne restated the government's intent to ratify the law of the sea, but this has yet to occur despite a commitment in the red book, despite a recommendation in the 1994 report of the special joint committee of the House of Commons and the Senate reviewing Canadian foreign policy, and despite two commitments in the House by the former minister of foreign affairs. Twice the former minister said ratification by Canada was imminent.

On April 29 of this year the present minister linked the ratification of the law of the sea convention to the importance of ratifying another convention, the convention on straddling stocks, which also deals with the protection of fisheries and oceans. However, there seems to be a reluctance within government to understand that ratifying the law of the sea is a necessary first step in protecting Canada's fisheries and oceans. Once the law of the sea is ratified Canada will gain the necessary credibility to help ensure the straddling stocks convention is ratified by a sufficient number of states so as to be brought into force.

The lack of understanding does not seem to rest with the Department of Foreign Affairs. It seems to rest with the Department of Fisheries and Oceans for some strange reason. In other words, there seems to be an impasse between these two departments which is damaging and embarrassing to Canada abroad.

Tonight I ask the parliamentary secretary to the minister when this impasse will be broken. Surely now that 92 nations have ratified the law of the sea, including Australia and France, Canada should act. Ratification is long overdue. Our absence from the international community is damaging. A red book and a throne speech promise has been made. What are we waiting for?

Mr. Ovid L. Jackson (Parliamentary Secretary to President of the Treasury Board, Lib.): Mr. Speaker, it is my pleasure tonight to respond on behalf of the Minister of Foreign Affairs to my colleague from Davenport, a great environmentalist and a person who is concerned by and large about the quality of life for all human beings on the planet.

Canada was one of the most active participants in the negotiations of the United Nations Convention on the Law of the Sea, which it signed in 1982. Canada's participation in the convention stemmed from its general support for the rule of law and multilateral process and its extensive coastlines and substantial continental shelf.

For many years Canada did not ratify the convention due to problems with the provisions on the exploitation of the deep sea bed. These problems were resolved by an agreement signed by Canada on July 29, 1994.

While the convention recognizes the exclusive authority of the coastal state to manage and conserve living resources in the exclusive economic zone, its provisions on the conservation and management of high seas fish stocks were vague and incomplete. From 1993 to 1995 Canada played a key role in the development of the UN agreement on straddling fish stocks and highly migratory fish stocks. This agreement, signed by Canada on December 4, 1995, strengthens and supplements the high sea fisheries provisions of the convention.

The government is committed to the ratification of the convention, which will enable Canada to continue to defend its interests in future developments in the law of the sea, in particular through participation in the institutions created by the convention.

It is a longstanding Canadian practice before proceeding with ratification to first to put in place legislation needed to implement the terms of an international agreement. This is to avoid a situation in which Canada would be in breach of its obligations under the agreement upon ratification.

On February 27, 1996 the government announced in the speech from the throne that the legislation to ratify both the convention and the agreement will be presented to Parliament.

The Department of Foreign Affairs and International Trade, in consultation with the Department of Justice and other affected departments, is actively engaged in the preparation of draft legislation which will enable Canada to ratify the convention. Officials are currently working to resolve the outstanding issues. We anticipate the tabling of the bill to implement the convention in the coming months.

The Acting Speaker (Mr. Kilger): The motion to adjourn the House is now deemed to have been adopted. The House stands adjourned until tomorrow at 2.00 p.m., pursuant to Standing Order 24.

(The House adjourned at 9.35 p.m.)

CONTENTS

Tuesday, June 4, 1996

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

STATEMENTS BY MEMBERS

ORAL QUESTION PERIOD

GOVERNMENT ORDERS

PRIVATE MEMBERS' BUSINESS

GOVERNMENT ORDERS

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