



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 077 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, March 19, 1998

Speaker: The Honourable Gilbert Parent

CONTENTS

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

All parliamentary publications are available on the
“Parliamentary Internet Parlementaire” at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Thursday, March 19, 1998

The House met at 10 a.m.

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

Prayers

* * *

ROUTINE PROCEEDINGS

• (1000)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (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 responses to three petitions.

* * *

SPECIAL IMPORT MEASURES ACT

Hon. Jim Peterson (for the Minister of Finance, Lib.) moved for leave to introduce Bill C-35, an act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act.

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

* * *

BUDGET IMPLEMENTATION ACT, 1998

Hon. Jim Peterson (for the Minister of Finance, Lib.) moved for leave to introduce Bill C-36, an act to implement certain provisions of the budget tabled in Parliament on February 24, 1998.

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

* * *

• (1005)

JUDGES ACT

Hon. Don Boudria (for the Minister of Justice and Attorney General of Canada, Lib.) moved for leave to introduce Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts.

SENATOR SELECTION ACT

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.) moved for leave to introduce Bill C-382, an act to allow the electors of a province to express an opinion on who should be summoned to the Senate to represent the province.

He said: Mr. Speaker, as it presently stands, several provinces have Senate selection acts. Alberta is going to use its this fall to elect senators in waiting. However, there is no requirement for the Prime Minister to recognize that elected person.

The purpose of my bill is to ensure that the Prime Minister looks at the will of the people of the province and appoints to the Senate those people duly elected by a province that has a selection act in place.

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

* * *

PETITIONS

TAXATION

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, it is indeed my honour to present three petitions pursuant to Standing Order 36.

The petitioners from various cities and towns in British Columbia point out the need for a major reform of the Canadian tax system. As this is the time of year when people fill out their tax returns, I suspect that most people would agree.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, the second petition, a very lengthy petition and signed by members of the city of Kamloops as well as, interestingly, Fredericton, New Brunswick, points out a whole set of arguments against the MAI and simply calls on Parliament to urge the government to reject the current framework of MAI negotiations and instructs the government to seek an entirely different agreement by which the world might achieve a rules based global trading regime that protects workers, the environment and the ability of government to act in the public interest.

Routine Proceedings

RETIREMENT PACKAGES

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, the third petition concerns the retirement package that is being contemplated by the government and will be introduced soon.

The petitioners point out a number of concerns they have in terms of what this retirement package could include, going on record early in opposition to a number of initiatives.

[*Translation*]

TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS

Mr. Gérard Asselin (Charlevoix, BQ): Mr. Speaker, pursuant to Standing Order 36, I am pleased to lay before this House a petition signed by 71 residents of the riding of Charlevoix, and the municipality of Saint-Aimé-des-Lacs in particular.

This petition contains the signatures of the mayor, fire chief, councillors, volunteer firefighters and citizens of the municipality.

Volunteer firefighters often represent a community's only fire-fighting force. Not once since 1980 has there been an increase in the tax exemption for expenses incurred in discharging their duties.

The petitioners therefore ask that the government double the tax exemption on volunteer firefighters' expense allowance from \$500 to \$1,000.

• (1010)

[*English*]

NUCLEAR WEAPONS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition from scores of citizens in the Peterborough area who are concerned about the continuing existence of nuclear weapons. These petitioners believe these pose a threat to the health and survival of human civilization and the global environment.

They pray and request that Parliament support the immediate initiation and conclusion by the year 2000 of an international convention which will set out a binding timetable for the abolition of all nuclear weapons.

IRAQ

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have another petition from some hundreds of citizens of the Peterborough area who are concerned that the people of Iraq have suffered untold hardship in the wake of the gulf war and subsequent sanctions with an estimated death toll of a million people.

The petitioners call on the Parliament of Canada to reject the military option against Iraq and, in conjunction with those nations already committed to the non-military route, to patiently pursue diplomatic efforts toward solving the present impasse.

EMERGENCY PERSONNEL

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition signed by a number of Canadians, including Canadians from my own riding of Mississauga South.

The petitioners draw to the attention of the House that our police officers and firefighters are required to place their lives at risk on a daily basis as they discharge their duties and that when one of them loses their life in the line of duty, we all mourn that loss. Often the employment benefits they have do not often provide adequately for their surviving families.

The petitioners therefore pray and call on Parliament to establish a public safety officers compensation fund for the benefit of police officers and firefighters killed in the line of duty.

[*Translation*]

NATURAL PRODUCTS

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I was starting to think I should wave a flag to get recognized.

I am tabling a petition signed by 1,298 citizens of the riding of Beauport—Montmorency—Orléans and elsewhere in Quebec, who consider that using natural substances like herbs, plants, vitamins and minerals should be a free choice made by consumers.

They also consider that health professionals such as naturopaths, herbalists, phytotherapists, homeopaths and acupuncturists are trained to advise their clients on these natural products.

These petitioners ask that the Government of Canada not restrict in any way the quantity or dosage of plants, herbs, vitamins, minerals and trace elements, so as to preserve the consumers' right to choose how to care for their own health and prevent disease and to consult with any alternative or allopathic health professionals they see fit.

[*English*]

CRIMINAL CODE

Mr. David Iftody (Provencher, Lib.): Mr. Speaker, I have a number of petitions to present this morning from a number of communities in my riding, Niverville, Steinbach and the Grunthal area, all dealing with the same subject matter.

These people are concerned about amendments to section 43 of the Criminal Code dealing primarily with the discipline of children.

It is their view that the rights of parents are to be protected under these circumstances, that the best interests of the children are protected by parents and not the state.

Government Orders

May I conclude on their behalf by saying therefore the petitioners request Parliament to affirm the duty of parents to responsibly raise their children according to their own conscience and beliefs and to retain section 43 in Canada's Criminal Code as it is currently worded.

CRTC

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I rise in this Chamber today as a servant of the constituents of Edmonton East. I am pleased to discharge my duties today by presenting to this House a petition.

This petition asks for the very prudent review of the mandate of the Canadian Radio-Television and Telecommunications Commission, the CRTC, to discourage the provocation of pornography and rather to encourage the broadcasting of ecclesiastical programming to support morality and wholesome family lifestyles.

The petitioners ask this House to heed their words and I concur.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mr. McClelland): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

• (1015)

[English]

CANADA SHIPPING ACT

Hon. Don Boudria (for Minister of Transport, Lib.) moved that Bill C-15, an act to amend the Canada Shipping Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I rise to speak to Bill C-15, an act to amend the Canada Shipping Act.

This bill will bring about much needed change to the principal legislation governing the shipping industry. It is the beginning of a two track overhaul that promises an up to date modern statute to benefit the marine sector in this country.

The transportation industry is a vital component of our economy. As we know, the marine industry operates in the context of an international and domestic environment which provides considerable challenges and opportunities for Canadians. The industry and related services employ more than 400,000 Canadians and contributes more than \$20 billion to our gross domestic product.

Every work day 2.3 million tonnes of freight are on the move in Canada. A substantial amount of work has been done in an effort to modernize the national transportation system to meet the demands of a global marketplace and prepare this sector for the coming century.

In order to achieve these objectives the government has pursued a number of initiatives in all modes particularly in the area of streamlining regulations and legislation. It will become increasingly difficult for Canada to compete in the international market unless we pursue transportation policies that are consistent with other nations with whom we trade and compete. This is a significant reality for the shipping industry.

The Canada Shipping Act is the foremost piece of safety legislation governing the marine sector. It is also one of the oldest pieces of Canadian legislation. It has not been renewed since it was enacted in 1936 and is beginning to show its age.

When enacted in 1936 this legislation was based on 1896 British merchant shipping law. Still today it contains outdated provisions for such things, if you can imagine, as a \$10 fine for being drunk, or providing a ship's master with the authority to auction off a dead sailor's belongings. That is in that legislation. The Canada shipping community of course deserves better.

The complete reform of the Canada Shipping Act is being undertaken with the following three goals in mind.

One, to simplify the legislation by replacing outdated terminology using everyday language, harmonizing with other regimes and taking out excessively prescriptive details.

Two, to make the act consistent with federal regulatory policies. These policies reduce reliance on regulations and permit alternative approaches such as compliance agreements, performance standards and voluntary industry codes which are much more consistent with today's regulatory practices.

Three, to contribute to the economic performance of the marine industry. By reducing prescriptive elements and the administrative burden imposed by current legislation, industry will have increased flexibility in maintaining the travelling public's safety.

This government is committed to action. Our determination to reform the Canada Shipping Act is heavily influenced by industry's continued support for modern shipping legislation. Previous attempts to revitalize this legislation during the seventies were protracted and did not accomplish the necessary changes. With industry support this time the government cannot help but succeed in making these essential changes.

Government Orders

At this juncture I would like to take this opportunity to thank those in the marine industry for their ongoing input and support of this initiative. Their feedback during consultations not only helped direct this project but also will go a long way to ensuring the future success of this bill.

As I mentioned earlier our approach to reform is in fact a two track process. The first track has evolved into Bill C-15 and enables us to achieve desired changes by adding a new introduction to the act and updating part I, which primarily deals with ship registration and ownership.

A new introduction to the Canada Shipping Act will modernize the statute and provide direction and focus for the remainder of the legislation. In addition, this introductory section will provide a general framework for the rest of the act.

• (1020)

The proposed introduction clarifies basic ministerial responsibilities reflecting the reorganization of the Department of Fisheries and Oceans and Transport Canada and provides umbrella authorities for consulting with stakeholders, issuing directives and responding to emergency marine situations.

A new preamble will make the Canada Shipping Act simpler and clearer to understand. The minister and I have had the opportunity to meet with many stakeholders. We have learned that it is the marine community itself which requested that the Canada Shipping Act contain a preamble which states up front the overall objectives of the act, as is often done with other pieces of modern legislation.

The changes in Bill C-15 begin the modernization and streamlining of a statute that is in much need of an overhaul to eliminate the confusion and complexity it currently perpetuates.

The proposed amendments in the bill will modernize the Canadian ship registration system by allowing for the introduction of an electronic ship registry system which can be more easily maintained. This is a futuristic departure from the current paper log system.

Since we have outstanding marine legislation on the agenda from the last session of Parliament, we have included several important provisions of former Bill C-73. Other provisions will be incorporated into the second track of the reforms.

One of the urgent items from former Bill C-73 includes amendments to the Quebec harbour pilots pension plan. In recent years there has been an extensive overhaul of the administration of pension plans. One plan not affected by this overhaul was the pension fund administered by the Corporation of Pilots for and below the harbour of Quebec. This initiative will bring some recognition to this plan and improve the protection of rights for members belonging to this plan.

These changes will make affected pensioners subject to recent legislative initiatives rather than rules which predate Confederation. It will also improve the corporation's ability to manage the pension fund.

This two track approach is a beneficial way to proceed since it shows immediate progress on reforms in the first track while allowing departmental officials to continue the momentum in completing the second track of the reform. This approach has been taken to demonstrate the government's interest and competence to make quick, genuine and responsive progress.

I would like to stress that the government is sensitive to concerns raised by stakeholders and quite frankly, members of Parliament on this side and that side of the House, pertaining to small craft or pleasure craft licensing.

The Minister of Transport gives his assurance that he is open to suggestions on improving the legislation at committee stage. In fact, he has even gone so far as to say we are going to be removing certain clauses in the bill at committee stage, particularly those dealing with the pleasure craft or small craft licensing.

The minister and I, having looked at the bill and these particular clauses, feel that improvements can be made and should be made. That comes to us from the stakeholders and members of Parliament.

Transport Canada's legislative initiatives remain consistent with the overall federal transportation framework which emphasizes a national vision of safety, security, efficiency and environmental responsibility. These are the changes that the minister and I would like members' support in order to realize.

It is my belief that Bill C-15 will help ensure that Canada's shipping industry has the necessary tools to operate effectively in the 21st century.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, this new legislation which is listed as an amendment to part I of the Canada Marine Act is actually a replacement. Much of the old act cannot be traced in the new legislation.

There is no question the existing act is obsolete. It was after all passed in 1936 when Canadian vessels were defined as British, when records were kept in ledgers and when prescribed fees for certain documents and government services were in the 25 cent to \$1 range.

Reform cannot express opposition or support for this highly technical bill until we have heard from industry representatives in a committee. This is especially true since we anticipate that the government has already drafted amendments which will be introduced at committee stage. It is our understanding that the government proposes to remove some problematic changes proposed with respect to the regulation of small vessels.

Government Orders

• (1025)

The bill contains two and a half full columns describing things which may in the future be regulated by governor in council with no reference to Parliament. There was a lot of this in the old act, but Bill C-15 confers wider ranging powers to the governor in council to regulate registration, the marking of vessels, fees, fines and licences.

This bill would give the governor in council almost unlimited power over specifications for the manufacturing or modification of small vessels. Hopefully that will be one aspect of the bill which the government proposes to withdraw.

The replacement part I will modernize the ship registration system. For example, the proposal to allow foreign owned vessels bare-boat chartered to Canadian entities to be registered as Canadian ships makes sense. Conversely, Canadian ships bare-boat chartered to a foreign lessee will be barred from flying the Canadian flag.

Bill C-15 gives Transport Canada full authority and responsibility for ship registration and related activities currently performed by Canada Customs. Another quaint Canadian custom is being eliminated.

Of course it would not be a Liberal bill without bestowing upon the minister another juicy patronage plum to be handed out. In this case Bill C-15 empowers the Minister of Transport to appoint a chief registrar who will be responsible for establishing a Canadian register of ships.

There will be mandatory registration for all Canadian owned ships exceeding 15 tonnes gross tonnage and not registered in a foreign country. The register will record the name and description of the ship, its official number, its tonnage, its owner's name and address, and the details of all its registered mortgages.

The chief registrar will have the authority to establish the criteria for applying for registration and will be required to approve the name of a ship. Canadians can rest easy because Bill C-15 gives the minister the authority to order that a name be changed if he believes the name would prejudice Canada's international reputation. No risqué innuendoes will be allowed in either official language.

The registry certainly needs updating. There are currently 45,000 entries on the ship registry, which is a physical impossibility. There are not that many vessels in Canadian waters. Bill C-15 will enable suspension and closure of registry entries, so inactive and bygone ships can be taken off the list.

As well, there were no provisions in the antiquated Canada Shipping Act for an electronic registry, meaning that the whole

thing had to be on paper. Now the nation's ships, like its citizens, will be objects of computerized lists.

The registration of a Canadian ship could be cancelled or suspended due to improper markings, expiration of the certificate of registry and a ship's loss, wreck or removal from service. Ships can be reinstated too. A certificate of registry will have to be on board a ship in order for the ship to operate. Don't leave home without your licence.

Under the current CSA certificates of registration do not expire. Section 53(2) would keep certificates in place for up to three years in order to provide a transitional period during which ships can be brought under the new rules.

Bill C-15 continues the tradition observed in most maritime nations, except the U.S., that a ship be divided into 64 shares. The custom is variously attributed to the fact that ships traditionally had 64 ribs or the fact that under Queen Victoria shipowners were taxed 36% and were allowed to keep the remaining 64%. Now we have progressed to the point that in Canada millions of ordinary folk have to hand over fully half of their incomes to three levels of government. Under Queen Victoria they had taxation; under king Jean we have predation.

The minister will continue to appoint tonnage measures to calculate a ship's tonnage. Shipowners and shipbuilders will continue to be allowed to mortgage their ships and have that mortgage placed on the register.

When there is a change in ownership, owners of Canadian ships will be required to notify the chief registrar. If an unqualified person acquires a ship, an application for redress could be made to a court. For the record, a qualified person means a Canadian citizen, or permanent resident, or a company incorporated in Canada, or a province.

• (1030)

The old CSA exempts from annual inspections ships not in excess of five tonnes gross tonnage carrying more than 12 passengers and are not pleasure boats. Bill C-15 would raise that limit to ships not in excess of 15 tonnes gross tonnage. However, inspectors will be able to conduct spot checks on these vessels. It is not clear to me if this is an area in which the government now plans to change in committee.

Bill C-15 grants the governor in council the power to make regulations to prevent pollution resulting from the discharge of ballast water, thereby reducing the risk of oil spills in Canada's waters, including the Arctic. We already have zebra mussels and lamprey eels in the Great Lakes. Perhaps these regulations will prevent future ecological disasters. The current requirement for ships to have on board an oil pollution prevention plan will be extended to shore based loading and unloading facilities.

Government Orders

Retired members of this fund, the St. Lawrence pilot pension, are subject to an act over 100 years old and to the antiquated internal rules of the corporation of pilots. Bill C-15 would redefine the pilot fund, recognize the plan as a registered pension plan, make the Pension Benefits Standards Act of 1995 apply, define the status of the plan with regard to the Income Tax Act and allow the governor in council to make regulations to carry out this part of the legislation. Of course, these pilots will continue to rip off Canadian shippers and grain producers but that relates to legislation other than to Bill C-15.

On balance, this seems to be a good housekeeping bill but the Reform Party will have to hear from the stakeholders before passing judgment.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I will start by saying that I am pleased to speak on Bill C-15. I would love to start my speech, particularly since I have 40 minutes, by saying: C-15 at last!

Bill C-15 was first read on October 30, 1997. I am not going to cry over spilt milk. I am pleased to see it back on the order paper. But it took nearly nine months of gestation before the government could produce a bouncing baby bill for us.

As it was presented for first reading, this bill contained certain irritants as far as we are concerned, and I shall return later to this point. My speech will not have a negative tone—on the contrary. This bill contains several worthwhile elements which the Canadian shipping industry has been demanding for years, if not decades.

I do not want you to think that I am going to start off on a negative tack, but one does have to be realistic. What I have to say is based on what we have before us in Bill C-15.

I will return in a few minutes to certain commitments made by the hon. member for Hamilton West, the Parliamentary Secretary to the Minister of Transport, commitments which, if they ever materialize, could make agreement in committee and during debate at third reading much easier to reach.

With this bill, which is called an Act to amend the Canada Shipping Act and to make consequential amendments to other Acts, the Government of Canada has undertaken a total revision of the Canada Shipping Act, which dates back to early in this century. It ought, therefore, to be brought up to date and into line with the way things are done in world shipping circles in this day and age.

• (1035)

So, in this respect, Transport Canada showed us that it considered this legislation out of date, too restrictive and confusing as it

stood and it initiated the current reform. As I mentioned earlier, this law is no longer relevant to the needs and modern development of shipping. Bill C-15 before us could be described as serving essentially to modernize an old law.

We will work hard in committee, even though I said we would be very co-operative. The Bloc Québécois considers that the aim of this bill is to simplify legislation. Another aim is to make the law compatible with the federal government's regulatory policy. A third aim we discovered involves contributing to the financial performance of the shipping industry.

Shipping is vital to a country like Canada and to a future country like Quebec, which have oceans as borders and navigable waterways. We in Quebec have a road to the sea—the St. Lawrence Seaway—which crosses the entire province. So it is important to have legislation that reflects economic imperatives. In terms of economic development, shipping is vital. I will come back to this later, in any case.

Primary responsibility for this bill lies with Transport Canada, although the Department of Fisheries and Oceans has an important role to play. A few years ago, in 1995 or 1996, I believe, responsibility for the Canadian Coast Guard was transferred from Transport Canada to the Department of Fisheries and Oceans. The fleets of the coast guard and of the department were amalgamated. However, given that shipping remains the responsibility of Transport Canada, the roles of the two departments are very closely interrelated. We can see, in the bill, that the role of the Department of Fisheries and Oceans is very important.

Let us now look at the main features of this reform. Among other things, it sets out to assign responsibility for electronic registration of ships and related activities to Transport Canada, and responsibility for registration of pleasure craft to the Department of Fisheries and Oceans. I will return to registration of pleasure craft later in my speech.

Another feature of this reform is the possibility of renewing ships' certificates of registry. An additional feature is the new optional registry for certain foreign ships subject to a financing agreement and those that are bare-boat chartered, in other words, that have no crew outside Canada.

The final feature of this bill, and one of the most important, concerns a particular category of employees. I am talking about the modernization of the administrative and financial frameworks of the pension plan administered by the Corporation of the Lower St. Lawrence Pilots serving the port of Quebec City and below. It was partly for these St. Lawrence pilots that my "at last" was intended earlier. As is well known, this professional corporation has been waiting a long time for this reform of its pension plan.

Rapidly, the background to this bill, as the parliamentary secretary and the Reform member for Edmonton mentioned, is that it is an amended version of earlier Bill C-73, which made it only as far as first reading, on December 9, 1996, and which died on the *Order Paper* when the federal election was called in April 1997.

• (1040)

As the parliamentary secretary indicated, this bill is part of a complete overhaul of the Canada Shipping Act, in partnership with the Department of Fisheries and Oceans. More specifically, Bill C-15 is the first component of the first part. The second component, which will parallel the first one, will consist in a series of amendments which, based on our information, should be drafted and ready by the spring of 1999.

Let us now look at the Bloc Québécois' position regarding certain parts of the legislation. As I said, the bill provides for a sharing of responsibilities between Transport Canada and the Department of Fisheries and Oceans.

On the face of it, this idea does not present any problems. However, there are certain parts—and hopefully this issue will be resolved by the time the bill reaches third reading—which deserve very careful attention on our part, and on the part of taxpayers and certain groups. You will see in a moment to whom I am referring.

Why are we alerting public opinion about this legislation? Last year, the Department of Fisheries and Oceans held consultations. We know how this is done. The government floats trial balloons, but it has a very good idea of what it wants to do. Since its foundation in 1990, and including during the 1993 Parliament when it formed the official opposition and since the new contingent of 44 members arrived in 1997, the Bloc Québécois has demonstrated its will to respect democracy on a number of occasions, and not just during the recent flag incident.

But the government, in its desire to respect democracy, undertakes vast consultations that cost tens and even hundreds of thousands of dollars. However, these consultations are sometimes a sham because—and this is what I started saying earlier, this is what is good about democracy—whether we like it or not, the government is elected to govern, which means it is there to make decisions.

This does not keep it from making stupid or arbitrary decisions. Such is our role in opposition, to act as watchdogs, to be vigilant. I call upon the public to be vigilant as well.

When I referred to consultations, broad consultations, last year Fisheries and Oceans, via the Coast Guard, carried out consultations on instituting a fee system for pleasure craft.

Government Orders

This is serious. There is no longer any reference in Bill C-15 to pleasure craft. In the second reading version of C-15 we have before us here, there is a reference to “vessels”. I met with Department of Transport officials who confirmed to me that the Bloc Québécois definition of this term, an extremely broad one, was included in this bill. There was a plan to include that definition in Bill C-15, which we have before us, or in other words to institute a system of fees for pleasure craft.

It was clear that the Department of Fisheries and Oceans was using Transport Canada to deliver the bad news. It was clear that the government wanted to assume the right, give itself the possibility of registering pleasure craft and charging registration fees.

• (1045)

At the present time, only those with motors of 10 HP or more have to obtain registration and this is issued free of charge.

When I asked specific questions of senior Transport officials, the government never denied this. The Bloc Québécois is of the opinion that the intent behind this measure is to impose mandatory registration for all kinds of vessels. One can easily conclude that such a measure will lead to a form of fee setting by government, once again making some degree of cost-recovery possible.

The Bloc Québécois does not object to the logic of requiring certain types of motor boat, big motor boats, what people call cruisers—my colleague from Berthier—Montcalm should give me a hand—boats with motors over ten horsepower—

Mr. Michel Bellehumeur: Outboard motors.

Mr. Michel Guimond: Outboard motors. That's right. The Bloc Québécois is not opposed to having big boats registered. However, with this provision—and that is where it makes no sense, and they never convinced me otherwise—they wanted to force people to license and pay fees for pedal boats, rowboats and the flat bottom boats used in wildlife sanctuaries, in northern Quebec, northern Ontario, northern Manitoba and the riding of my NDP colleague from Churchill, who sits with me on the Standing Committee on Transport.

They wanted to charge a fee to register pedal boats, flat bottom boats, rowboats and sailboards. This is absolutely scandalous. I said to the Parliamentary Secretary to the Minister of Transport and member for Hamilton West—he is here and cannot contradict me on this “You are making a huge mistake. You will be charging people for services they are not getting”.

In northern Quebec, around Mistassini, north of there, in Abitibi, north of Schefferville and in all the little spots where the coast guard has no jurisdiction, the government wanted to force people to pay a fee. That is totally crazy.

Government Orders

I direct my remarks to all hunters and fishers in Quebec and everywhere in Canada. I tell them to watch out. The Parliamentary Secretary to the Minister of Transport and member for Hamilton West said in his speech—I wrote down what he said—“We will be removing certain clauses in the bill, particularly those dealing with pleasure craft licensing”.

The Bloc does not criticize for the pleasure of it. When the government uses its head and is reasonable, when it listens to our arguments and accepts them and when it uses common sense, we are obliged to recognize it and support its action.

• (1050)

I took note of the commitment made by the parliamentary secretary to the Minister of Transport. I hope he will act on this commitment in committee and withdraw these provisions of the bill, which are an absolute aberration.

You have come to know me since 1993, and I am the kind of person who believes greatly in fair play. I have a background in labour relations. I have worked with labour unions. We have been forced to sit down and talk things out on a number of occasions, but when we were done, we always concluded our meetings with a handshake.

This to tell the hon. parliamentary secretary that, if he keeps his word and does what he publicly committed to do, we will agree to complete second reading, consideration in committee, and to pass this bill at third reading. I give him my party's word on this. However, I want to make sure that the parliamentary secretary will hold his end of the bargain.

Earlier, I urged all hunters and fishers in Quebec and Canada to watch out, as well as all recreational boaters and anyone who has a cottage 15 or 20 kilometres away from their ordinary place of residence, has a small craft or canoe and enjoys a leisurely ride on the lake after dinner with the wife and kids or the family mutt.

That is when the government realized I hope it made no sense to charge a fee to these people, to start asking them to register a paddle boat, a canoe or other small craft in areas not even patrolled by the coast guard. Investigators would have had to be hired to take an inventory of all these crafts, which would have cost more than the fees collected. The government acted sensibly and paid attention to our representations, I am grateful for that.

However, people should watch out. The government may try again, differently, under the cover of a different bill. This government can hide things from any of us. As it stands, this fee has been lifted, or so they said, but we must remain vigilant.

Furthermore I find it unfortunate that there is nothing in this bill on shipping, an important industry, to encourage shipbuilding. The Bloc Québécois will have to think up a strategy in this respect.

As we know, Quebec is the only province that streamlined its shipyards. Before the Conservatives came to power in 1984, we had three shipyards in Quebec. The Conservatives said we had to streamline our shipyards' operations in order to be competitive.

Quebec closed two of Canada's three largest shipyards. It agreed to shut down Canadian Vickers, in Montreal, and MIL, in Sorel, and to keep only the MIL Davie shipyard, in Lévis, across from Quebec City, and some other very successful shipyards that can compete on the international market. These include the Verreault shipyard, in Les Méchins, and Mr. Hamel's shipyard, on l'Île-aux-Coudres.

So, Quebec is the only province to have acted thus. Before the Conservatives came to office, Quebec accounted for 50% of Canada's shipbuilding activities. Following the streamlining exercise that took place under the Conservatives, Quebec now accounts for only 33% of shipbuilding activities in the country.

What is deplorable is that, while Quebec was streamlining its shipbuilding activities, the Conservatives gave subsidies to help open about 10 shipyards in the maritimes, including St. Mary's, in Newfoundland. That shipyard could not even complete the construction of drilling rigs, which it began some years ago, and it had to send them to St. John Shipbuilding or to Halifax. This is a double standard, with one treatment for Quebec and another one for the rest of Canada.

• (1055)

All this took place under the Conservatives. I could give examples of things that happened under the Liberals, but 40 minutes is not long enough to do so. The bottom line is: Conservative or Liberal, it is six of one and half a dozen of the other.

We reserve the right to move amendments to encourage shipbuilding. There are people in Quebec who have clear ideas on the issue. We already had the opportunity to meet Mrs. Verreault, from the Verreault Navigation shipyard, in Les Méchins.

We would have liked the federal government to follow the Government of Quebec's lead. The Quebec government's budget, brought down by Bernard Landry on May 9, 1996, if memory serves, contained tax incentives for ship building in Quebec. But there is nothing from the federal government.

Before wrapping up, I am going to go back to something I mentioned earlier, something I am happy to repeat. This bill modernizes the administrative and financial frameworks of the

Government Orders

pension plan administered by the Corporation of Lower St. Lawrence Pilots for and below the Harbour of Quebec.

Pilots' groups had long called for this. Bloc Quebecois members can only indicate our approval of this provision. I do not think the pilots were asking for charity. Maritime pilots, particularly those on the Lower St. Lawrence whom I know a bit better, are proud folks. They are professionals, people who like their work, who are concerned about maritime safety and the environment. What they were asking for was not charity. All they wanted was for their pension plan to move into the next century. This was an old provision that needed to be updated.

In conclusion, I note the undertakings given by the Parliamentary Secretary to the Minister of Transport and member for Hamilton West—now there is a long title—and I want to repeat that we will co-operate in committee, if he does as he says. I have no reason to think he will do otherwise.

I will even go a bit further. I offer the government the opportunity to skip the recorded vote on this bill. If there is agreement, we could, at the end of debate this morning, deem the bill agreed to on division at second reading, which would move things ahead more quickly and allow this bill to be referred to committee as soon as possible.

[*English*]

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I rise today to speak against Bill C-15, an act to amend the Canada Shipping Act and to make consequential amendments to other acts brought forward by the Minister of Transport.

We in the New Democratic Party agree that it is time to bring some clarification to the Canada Shipping Act. We have all heard that the shipping act is second only in size and complexity to the Income Tax Act and could use some updating. However, the government is also taking this opportunity to bring forward some amendments that have raised concerns.

As I said, the New Democrats believe it is time to reform the Canada Shipping Act. Bill C-15 intends to do just that by adding a preamble to the Canada Shipping Act to clarify its objectives, definitions and interpretations, and to lay out the roles and responsibilities of the ministers of transport and fisheries and oceans. Currently there is no introductory part to the Canada Shipping Act.

We understand that ministerial accountabilities must be clarified. Reorganization of the departments of the coast guard, fisheries and oceans and transport has resulted in a lack of clarity within the shipping act regarding ministerial responsibilities. There is need to clarify those responsibilities, those of the Minister of Transport and

the Minister of Fisheries and Oceans, and to provide clear legislative authorities for the operation of their departments.

Questions have been raised with regard to that response. I will note some of these questions and concerns. Why are the powers divided between the Ministry of Transport and the Ministry of Fisheries and Oceans? These powers have already been divided.

• (1100)

As it now stands, the Department of Transport is responsible for ship safety, but the Canadian coast guard is in the Department of Fisheries and Oceans. The result is that when ship safety officers from the Canadian coast guard have to board vessels, two departments, transport and fisheries and oceans, have to be involved, unless ship safety instead goes to the Department of Justice and travels to RCMP vessels or goes to the defence department and uses military vehicles.

It was brought to my attention that Bill C-15 replicates the wording of a certain international marine centre. In a paper, the executive director of that centre wrote about the primary elements to achieve competitiveness in international shipping: tax free status at the corporate level, a flexible manning regime and the application of ship safety standards that are genuinely international. I cannot help but feel worried that Bill C-15 could replicate the wording of this centre. A tax free status at the corporate level sounds familiar.

Second, it calls for a flexible manning regime. What exactly does that mean? I am almost afraid to ask. It is common knowledge that sailors' human rights are often violated on foreign vessels. We cannot accept in Canada the lowering of working conditions for sailors. We do not want a system, as in some countries of the third world, where sailors have no rights aboard a ship and where they are at the mercy of the company they work for.

Finally, it calls for the application of ship safety standards that are genuinely international. This would be acceptable only if those standards are higher than Canadian ones, and I doubt that.

An article in the *Montreal Gazette* noted that federal fisheries observers are afraid that some foreign ships they are assigned to are in such poor shape they could break apart and sink. We can expect that it is not only fishing vessels which are in bad shape. We should not be compromising the environment or sailors' lives.

The executive of the marine centre has suggested that Bill C-15 will allow vessels which are owned abroad to be transferred to the Canadian registry. Operating in international trade, these vessels would fly the Canadian flag but would not be taxed in Canada. They would carry non-resident crews who would not be covered by the provisions of the Canada Labour Code. A Canadian flag of convenience deep-sea fleet would be an inexorable threat to

Government Orders

domestic employment in the coasting trade. We need legislation from the government to ensure this does not happen.

Under language in section 18 of the new act, foreign built equipment could more easily be brought into Canada. The only restriction on chartering a foreign vessel and working it in Canada would be that it not be registered in another country while it is being bare-boated in Canada. Why would domestic operators use Canadian built vessels when they can charter or purchase those more cheaply abroad?

Advocates of unrestricted trade would argue that Canadians can compete with anyone, that technology and know-how are more important to market success than cheap labour, but this does not cut it in the shipbuilding industry.

This change would allow U.S. shipyards to build vessels for the Canadian coastal trade, but the Jones Act of the United States will deny Canadian shipyards the same opportunity in the U.S. market. As it is, U.S. shipyards have the competitive advantages that come from contracts for military vessels which effectively subsidize the overhead costs of commercial boat building.

On the west coast, the domestic fleet relies on cross-border trade for a significant portion of its revenue. Under the proposed changes, freighters or tugs and barges could be bare-boated from abroad, carry non-resident crews and compete for this international business.

On the Great Lakes, the loss of cross-border business could have even more dramatically negative consequences.

Has the government considered the implications for Canada-U.S. relations? Do we believe that U.S. coastal operators and unions, who aggressively defend their country's cabotage rules, would happily accept price cutting competition from Canadian flag vessels carrying low paid Philippine, Indonesian or Burmese crews?

We have heard concerns about the fact that ships under 15 tonnes will be exempted from mandatory registration under the act. Their registration will be optional under section 17. The department's logic is that registration of the large number of small vessels is neither practical nor necessary.

However, towboats of under 15 tonnes tow equipment and fuel barges as well as log tows, competing with vessels which are registered and required to meet Transport Canada's vessel standards. The unregistered vessels not only undercut vessels which meet standards, they are doing work which is hazardous to the environment and to other marine traffic. Often their equipment does not meet minimum standards. Their operators are often not certified.

• (1105)

Some of the major objectives in the Canada Shipping Act are to protect the health and well-being of individuals, including the crews of ships, promote safety in the marine transportation system and protect the marine environment from damage due to navigation and shipping activities. If the act is designed to provide a level playing field then all vessels engaged in commercial activities should be registered and inspected, regardless of tonnage. As well, the act should require risk assessment in standards of equipment and certification.

Registration should be required for all vessels towing field barges or other hazardous goods. It is important for the safety of our waterways. It has also been brought to my attention that with the downturn in the fishery on the east and west coasts many fishermen have turned toward tourism as an alternative source of income. This has led to an increasing number of tour boats. These boats might be under 15 tonnes. Are we going to put our tourists at risk on boats that were not duly inspected because they were less than 15 tonnes? Let there be no misunderstanding. I am not suggesting the small pleasure craft need to be inspected. I, along with my colleagues and the transport committee, will have to work against this.

Now, the inspections. I strongly oppose the government authorizing any person, classification society or other organization to conduct the inspections. This section is contrary to the stated objections of the new act. Privatization of inspection will not encourage viable, effective and economic marine transportation. What it will do is increase bottom line pressures to cut corners to do things the cheap way rather than the safe way. It is very worrying to think that the minister will hand over the inspection of ships from Transport Canada inspectors.

Were this amendment to pass into law, the job of inspecting oil tankers and chemical tankers operating in Canadian waters could become a patronage appointment. Even if the inspections were to be handed over to classification societies, there is still some cause for concern.

In 1996 Transport Canada marine safety branch inspected 1,184 foreign flag ships. Of these 10% were detained as being in such poor condition that they were not allowed to sail until they had done major repairs. Yet every one of these ships had valid certificates issued by a classification society. It is no wonder that each year statistically 10 bulk carriers sink without trace, usually taking their 25 person crew with them. Yet, as the crews are mostly from third world countries, we rarely hear of it.

It is very obvious that when classification societies are allowed to operate without government supervision the market sets the standards for safety with the job always going to the cheapest, usually the least safe operator. Are we ready to accept such a system in Canada?

Government Orders

We suffer from the cuts to airports. We suffer from the privatization of port police. Are we now going to have to suffer because ship safety will go down? We cannot put our safety and our environment in jeopardy. The classification societies include disclaimers of responsibility in all their documents and several court cases over the years have shown them immune from being sued, even where there is evidence of negligence.

A further point of concern is in section 317-1, inspections by others. The revenues generated by Transport Canada ship inspections will now be handed over to the private sector. A figure of \$12 million per annum has been stated. Canada must compete with the United States and we are at a competitive disadvantage.

The United States has the Jones Act. The act is extremely protectionist. We do not have an equivalent act in Canada to protect Canadian interests. The U.S. with its Jones Act ensures the cargo that is carried between U.S. ports is carried aboard U.S. ships that are U.S. built, U.S. registered, U.S. owned, U.S. crewed and repaired and serviced by U.S. firms. So much for free trade.

In many cases the trade in Canada has become dominated by foreign flag vessels flying flags of convenience from low jurisdictions such as Panama. It is alleged by some in the industry that Canada Steamship Lines, the company owned by the finance minister, has made use of these tax evading measures.

• (1110)

It is time to implement a Jones-like act in Canada that would require minimum levels of Canadian content in shipping activity. Furthermore, it is time we insisted that ships traversing Canada's inland waters be Canadian built and Canadian flagged. There are many needed changes in the bill, but we can do better.

To conclude, my party will not support Bill C-15 as it is today.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, I am pleased to rise today to speak to Bill C-15, an act to amend the Canada Shipping Act.

The Canada Shipping Act is one of the oldest pieces of legislation still in effect in Canada. It was enacted in 1936 and is the primary legislation governing Canadian ships in Canada's jurisdiction.

With the reorganization of both the Department of Fisheries and Oceans and the Department of Transport, a reprioritization and a clearer outline of the ministerial responsibilities of both these department is needed.

The merger of the Canadian coast guard with the department of fisheries was completed with responsibility for the coast guard functions being transferred to DFO with the exemption of harbours, ports, ship safety and pilotage and crown corporations.

Transport Canada has the prime responsibility for overseeing the reform of the Canada Shipping Act. However, some of the sections of the act will fall within the Department of Fisheries and Oceans, specifically those related to pleasure craft, search and rescue, receiving, receiver of wrecks and pollution preparedness and response.

The reform that is currently under way will help simplify the regulatory framework and make the shipping act more consistent with current regulatory policies. In the end, reforms should contribute to better economic performance in the marine industry.

The government chose to carry out the reforms in a two-step approach. The first step takes place with Bill C-15. Under Bill C-15 there will be a new general part that will be added to the beginning of the act, followed by a revision of the existing Part I that will deal with ship registration, ownership and mortgages.

Part II of the reforms to the act will review the remaining parts of the shipping act, specifically dealing with the areas of safety, certification and conditions of work, accident investigation, navigation, wrecks and salvage and economic and environmental issues.

It is my understanding that Part II of the reforms is estimated to be ready in early 1999. We anxiously await these reforms and look forward to receiving and debating the issues that emerge at that time.

Bill C-15 will enable Transport Canada to assume complete responsibility for ship registration and related activities. The Minister of Transport will be permitted through the act to appoint a chief registrar who will be responsible for a register of ships. The register will deal with specific information such as the name and description of a Canadian ship, the official number and its registered tonnage, the name and address of its owner and details of all mortgages registered. This gives Transport Canada responsibility for ship registration that is currently performed by Revenue Canada's Customs and Excise.

The legislation will require that every ship that exceeds 15 tonnes gross tonnage, that was owned only by qualified persons and was not registered in a foreign country, would have to be registered. Proposed in this bill for the first time, certain foreign ships will be allowed to register in Canada.

We are in favour of many of the reforms included in the bill. It is important to point out that Bill C-15 was introduced in October 1997. However, it is essentially the same bill as C-73 that was introduced in December 1996 but unfortunately died on the Order Paper when the election was called.

Reforming the outdated shipping act is important and provides significant benefits for Canada such as more employment and business opportunities for Canadians and, above all, a rejuvenated

Government Orders

marine infrastructure and a better service for Canadian exporters. This is particularly important as our country is an export-driven economy and we need to ensure that we have cost competitive mechanisms to get our product to market.

• (1115)

We only wish these reforms were of greater priority for the government and were introduced earlier. We are still pleased the bill is here now and that it will be dealt with in committee. We look forward to looking more closely at certain issues and concerns.

Under clauses 35 and 36 of the bill the minister can appoint tonnage measurers to calculate a ship's tonnage. A tonnage measurer may withhold a tonnage certificate until the person requesting it pays the tonnage measurer's fees and travel expenses. The minister may set limits on the fees and expenses charged.

Although tonnage measuring is obviously important, we hope the fees and expenses remain reasonable so we limit possible additional costs being passed on to shippers and we can have cost competitive access to our own markets. This is something to consider and watch for in the future.

The current part I of the Shipping Act will be replaced with a new part I that will modernize the registration of ships. Certificates of registry will have an expiry date. The subject of expiration is understandable in the context of a transitional period, updating the registration of ships under the old act to registration under the new act.

However, section 48 outlines many sweeping changes the governor in council may make. One area of concern under this section is the issuance and renewal of certificates of registry. Although it is important to have updated registration information about all ships, we hope future changes that may be made will not mean more bureaucracy and excessive costs associated with too frequent registration requirements.

Also under the bill the Department of Fisheries and Oceans will be provided with greater authority to regulate pleasure craft. In this regard we are somewhat concerned that the government not go too far and have too much regulation of pleasure craft. If there is a safety risk we are certainly in favour of it. However let us not have regulation for regulation's sake. We would encourage caution here. The parliamentary secretary stated that they plan on making amendments to pleasure craft at the committee level. We are very pleased to hear this.

We are pleased with certain aspects of the legislation. Clauses pertaining to definitions are important. Passenger safety will be enhanced by eliminating the specific reference to owner or charterer in the current definition of passenger, which in the past has possibly permitted some charterers to get around meeting specific safety regulations. Therefore we think this is good.

Another area we believe is good is with respect to small vessels. Presently the legislation deals mostly with large vessels and has not

taken into account that small vessels are often built by manufacturers or individuals that may have fallen outside regulations that apply to larger vessels. It is important for these manufacturers to comply with construction and manufacturing standards as manufacturers of larger vessels have to do.

We support the bill. It is long overdue. It is unfortunate the legislation was not passed when it was originally introduced in the previous parliament as Bill C-73. However, it is here now and we support most of it. Certain parts of the bill warrant further analysis at committee. We should look more closely at the area of pleasure craft and how much further regulation is required. The parliamentary secretary referred to the point that they would be making amendments concerning pleasure craft at the committee level. We think this is very good and we are pleased to participate in a constructive fashion at committee.

We look forward to phase two of the reforms that will be implemented in 1999.

The Acting Speaker (Mr. McClelland): Before we go to questions and comments for the hon. member for Fundy—Royal, I made a mistake by going right to debate. The member for Churchill was entitled to 10 minutes of questions and comments.

If the member for Churchill re-enters the Chamber, at that time I will ask for the indulgence of the House to allow 10 minutes of questions and comments because it was my mistake. We will now go to questions and comments for the member to the member for Fundy—Royal.

• (1120)

Before putting the question, I had better put on record that because we are now putting the question we will obviously not open it up again if the hon. member for Churchill comes back. It was my mistake, I say for the hon. member for Churchill to read in *Hansard*. I am sorry.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. McClelland): Accordingly the bill stands referred to the Standing Committee on Transport.

Government Orders

(Motion agreed to, bill read the second time and referred to a committee)

* * *

[Translation]

CANADIAN PARKS AGENCY ACT

The House resumed, from March 18, 1998, consideration of the motion that Bill C-29, an act to establish the Canadian Parks Agency and to amend other acts as a consequence, be read the second time and referred to a committee.

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I rise today to speak to Bill C-29, known in brief as the Canadian Parks Agency Act and introduced by the Minister of Canadian Heritage.

The aim of the bill is to turn Parks Canada, one of the three programs of the Department of Canadian Heritage, into an agency separate from the department, to be known as the Canadian Parks Agency.

At the moment, Parks Canada has 5,000 employees, more than a third of whom work seasonally. It administers 38 national parks and national park reserves, three marine conservation areas, 131 national historic sites, seven historic canals, 165 heritage train stations and 31 heritage rivers.

In addition, Parks Canada works with 661 national historic sites it does not own. It administers policy on some 1,000 heritage federal buildings and shares responsibility for eight world heritage sites with UNESCO.

The government gives three reasons for the creation of a new agency to replace Parks Canada: to simplify structures, improve administrative efficiency and establish more flexible staffing and financial procedures.

In order to achieve these objectives, the agency will have new or revised financial, administrative and human resource management powers. To this end, the agency will become a separate entity, a public corporation as defined in schedule II to the Financial Administration Act and will become subject to part II of schedule I of the Public Service Staff Relations Act.

In terms of responsibilities, the agency will report directly to the Minister of Canadian Heritage, who will be accountable for the agency's activities to Parliament. The Agency will report to Parliament by tabling the following five documents: an annual report on the agency's operations; a summary of the five-year corporate plan; management plans for the national parks, national historic sites and other protected areas; a report every five years on the human resources management regime; and a biennial report on the state of protected heritage areas.

In addition, the agency's financial statements will be examined by the auditor general, who will report to the government and who will also assess the agency's performance against its mandate, its objectives and its corporate plan.

The Canadian Parks Agency will remain subject to official languages, employment equity, human rights, access to information and privacy legislation.

• (1125)

As for financial provisions, the bill will give the agency several new financial powers, including: a two-year budget better suited to the investments made to develop parks and historic sites; the power to keep and reinvest all revenues, except fines; the creation of a standing dedicated account funded through parliamentary appropriation and the sale of excess property.

This account will be used to finance new parks and national historic sites. Finally, the agency will be able to make advances for unplanned land acquisitions when the context is favourable. It will have to repay these advances subject to current interest rates.

As for human resources management, the agency will be a separate employer under the Public Service Staff Relations Act. The CEO will have the authority to appoint employees and to define the conditions of employment of agency personnel, including collective bargaining, and the implementation of classification and staffing regimes.

These changes will give the agency the necessary flexibility to develop the human resources management regime best suited to its operating context. The parks and historic sites network spans the country, operates around the clock in several different time zones, four seasons a year, and employs many seasonal, temporary and part time workers.

All employees performing duties that will be transferred to the Canadian Parks Agency will receive a job offer. Their present job is guaranteed by Treasury Board for two years. The federal government claims that the establishment of a Canadian parks agency will allow it to fulfil more efficiently and at a lesser cost the mandate currently held by the Parks Canada program, under the Department of Canadian Heritage.

Let us not forget that, in the last four years, the government reduced Parks Canada's budget by \$100 million. That budget is used, among other things, to develop the network of national parks and marine conservation areas, and to maintain and promote national historic sites and monuments.

The financial constraints imposed on Parks Canada led the government to consider a restructuring of the program's operations. The bill before us is the result of that exercise, and the proposed change is the creation of a Canadian parks agency.

The Bloc Québécois has long been asking the federal government to streamline its operations wherever possible, and to fight

Government Orders

waste, instead of cutting in social programs and education. This is why we support the principle of the bill, provided it will truly improve the effectiveness of the parks' management, without jeopardizing the mandate to preserve, protect and develop Canada's national parks and historic sites for future generations and for all Canadians and Quebecers.

At a briefing, government officials gave us the assurance that this bill is not the first step toward the privatization of our parks. In fact, when he appeared before the Canadian heritage committee, on November 20, the Secretary of State for Parks Canada said "There's something I have said over and over again, and I will take an opportunity to say it here when we are talking about finance. It is not the intention of this government to either privatize or commercialize Parks Canada. We believe the maintenance of our special places in Canada is an important trust given to us by Canadians. That stewardship Canadians want to see exercised publicly, and we will continue to do that through our agency and through the oversight of Parliament".

• (1130)

An issue of major concern to the Bloc Quebecois about this bill is to guarantee that, once in operation, the agency will ensure continued accessibility of parks to all citizens. This bill reflects an unequivocal desire on the part of the government to raise fees on park users.

Given that taxpayers already contribute to funding parks through their taxes, fees imposed on visitors should not be increased beyond a reasonable limit.

In addition, extra revenue from user fees, royalties or the sale of assets should be used to provide more services, better fulfil the parks' mission or expand activities. This increase in revenue should not be used as an excuse by the government to further cut appropriations allocated to the agency.

In the same vein, we want to ensure that the agency's fiscal targets and the federal government's stated wish to see the number of visitors increase in order to maximize economic benefits do not lead to an overuse of parks and historical sites.

We would like this bill to state that the agency must balance the need to preserve and maintain natural or historical sites against the increase in the number of visitors and the related expansion of tourist and commercial activities.

The Bloc Quebecois' concerns are shared by many. In November 1996, the auditor general presented a meaty report to Parliament on the protection of national heritage in Canada. The auditor general had examined the systems established by Parks Canada to maintain and enhance the ecological integrity of national parks.

At the time, the auditor general pointed out that park management plans focus mainly on economic and social factors and little on ecological factors. He noted also that Parks Canada should upgrade its knowledge of the condition of natural resources in national parks in order to be able to select a sensible management approach, based on the ecosystems.

Following this report, Parks Canada took a number of corrective measures and, last fall, the secretary of state forwarded to us Park Canada's response to some criticisms made by the auditor general. The bill calls for measures relating to the creation and implementation of park management plans.

Much still remains to be done, however, before all the auditor general's recommendations can be implemented. The data on park conditions still needs to be updated, and the policies on ecological conditions need to be applied on an ongoing basis as well. The ecological objectives set out in the legislation must be translated into concrete actions if they are to become reality in spite of budget restrictions.

Parks Canada has drawn up some ambitious development plans aimed at completing the national parks system, expanding the network of national historic sites and creating a system of maritime conservation areas. At present, 24 of the 39 natural regions defined by Parks Canada are represented in its system, and its objective is to develop the remaining 15 by the year 2000.

The federal government claims these objectives will be attainable because of the enhanced efficiency resulting from reorganization, which will enable it to do more with less. As well, the government is committed to not decreasing the parliamentary votes allocated to the agency.

• (1135)

Nevertheless, we question the new agency's ability to consolidate and fully develop the existing sites, while maintaining its objectives of expansion in today's context of budgetary restraint.

What we do not want to see happen is for there to be a very vast but badly maintained system, with insufficient services and no ecological integrity. We wish to ensure that the development of the system of national parks and historic sites is durable and sustainable.

Our support at second reading of this bill must not be interpreted by the government as a blank cheque, however. We have let the government know that, when this bill is studied by the Standing Committee on Canadian Heritage, we want the committee to call as witnesses representatives of all groups of employees, including seasonal and part time workers, whose status might be changed as a result of the bill's planned changes. We want to ask them to tell us about their concerns with respect to this bill, to check what guarantees they have been given with respect to job security and

Government Orders

working conditions, and to see whether these guarantees are contained in the bill.

In addition, we want the committee to hear from representatives of environmental protection groups, in order to find out where they stand on the bill and the creation of the agency. Among other things, we would like to know whether environmental groups feel that the reorganization proposed in the bill will allow the new agency to fulfil its ecological mandate.

We also want to ensure that the bill will provide a means of controlling contracting out, and ensuring impartiality and transparency in the tendering process for all contracts awarded by the Canadian Parks Agency. The new structure and wide-ranging authority of the agency's CEO in the management of human resources must not pave the way for arbitrary decisions and patronage appointments.

The government can count on our support in principle for Bill C-29 establishing the Canadian Parks Agency.

We will, however, be vigilant during clause-by-clause study of this bill in the Standing Committee on Canadian Heritage, in order to ensure that the bill makes it possible to deliver services more effectively, while respecting the existing mandate of Parks Canada.

[English]

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, I am rising to speak against Bill C-29, an act to establish the Canadian parks agency and to amend other acts as a consequence.

The Liberals would have Canadians believe that the purpose of this legislation is to improve Parks Canada. In fact, the Liberal background papers for Bill C-29 speak of organizational simplicity, administrative efficiency, human resources flexibility and improved financial procedures. Quoting them, they use words such as business-like manner.

Their language flows pretty in its terms, in its fancy window dressing which hides the real reason why Bill C-29 is coming into effect. The real reasons are financial and fiscal and that is why the bill is in the House today.

Canadians will be outraged when they finally realize that the details of this proposal will be understood in the near future. Words like program review are hidden. These are the reasons given for cutbacks resulting from our financial situation in the country.

But the Liberals are quick to state that Bill C-29 has nothing to do with privatization. No, the Liberals know a lot better than that. It will create a lot of trouble. Whisper privatization in anybody's ear, especially dealing with national parks, and there will be a major outrage. The repercussions will take several years to recover from.

• (1140)

Canadians voiced their opposition loud and clear when the Liberals originally tried to take this approach. Our parks are a sacred sanctuary. Our parks are a part of our national identity. Our parks help us define what it means to be Canadian. They are very special and distinct places in our country that reflect the ecological, cultural and geographical integrity for the generations to come.

Our parks are a legacy, a legacy which began in Banff in the mid-1880s and which continues to this day. Bill C-7, the Saguenay-St. Lawrence marine park, was the latest legacy which was introduced and recently passed in this House. The New Democrats supported it wholeheartedly. From Banff to the St. Lawrence these parks are alive into the next millennium; a century of noble effort and honourable intentions to be laid waste for short term plans and misguided Liberal fiscal policy.

The reason this bill is being introduced is for financial deficits and cutbacks. It is to control the financial roller coaster that nobody seems to be in control of.

The finance minister stated several weeks ago that we have reached a balanced approach. But we never know where this roller coaster is going to go. We are putting our parks in jeopardy by continuing to look at a cherished institution for the sake of expediency, financial accountability, transferability and transparency.

During the deficit battle, like many other programs, departments and services, Parks Canada was attacked. It lost hundreds of millions of dollars, it lost jobs, services were reduced and user fees were increased. If we continue to operate it in business-like manner pretty soon it will be like a hockey game. How many people can afford an NHL hockey ticket today? Who will be able to afford to a part of this legacy for all Canadians, to go to a national park, to experience the beauty of Banff and Jasper, of the polar bears, the marine parks, the heritage sites? User fees will skyrocket. There will be contracting out, pay per person, private companies, loss of dedicated staff and plenty of complaints.

Canadians are angry that our national legacies are not being protected. Canadians are angry that our heritage is disappearing bit by bit, service by service, program by program. The New Democratic Party shares these concerns and is fighting for the very principles that this government and other parties are willing to squander for the sake of business-like practices. Principles are being squandered when it comes to the dollar. The legacy of national parks needs to be protected. It cannot be measured by dollar value.

Bill C-29 does not seem to be the answer. If this nation has met the deficit challenge, why are we considering packaging Bill C-29, gift wrapping it for an organizational corporation like Walt Disney to purchase? Why should we consider something like that? The

Government Orders

mentality for the last few years has been to axe policies and chop programs. That has to stop. Let us stop it at the national parks. Close the gate, as the Reform leader did at Stornoway, create a gate and stop it.

We should not continue the dismantling of federal responsibilities, especially not our parks and our historical sites. I call on my colleagues to stop an enabling legislation that will impact 38 national parks and 786 historical sites. These are important symbols of our identity. We must think long and hard before we embark on this path.

We will have a Canadian parks agency, a crown agency, reporting to the minister. Why is this necessary? Can we not fix the current problems identified by the recent round of consultations? Can we not fix it by having the employees labour, the service industries and the communities around the national parks addressing these issues with the existing structure? What is stopping us from implementing these changes and keeping Parks Canada intact?

• (1145)

Canadians have witnessed the spins and angles which the Liberals have used to damage our country. The Liberals did not say anything about scrapping the GST, did they? They did not mention anything about the BST in Atlantic Canada and how it would reduce cost and impact Atlantic Canadians. No, they did not mention anything like that. Again they are not mentioning that the agency is not for privatization.

Bill C-29 will save the parks and the heritage sites. That is what they are saying.

When I received my brief from department officials, I immediately felt something was wrong. It just could not be right. The bottom line was to be financially accountable and to make things affordable. However, if they make things affordable and business-like, it will be at the cost of employment services and program services. Services will be eliminated and there will be user fee hikes. That is the mentality of business-like corporations.

The Disney corporation is more than happy to raise their costs to give us a much shinier project or a much shinier concept with a futuristic approach. If they get their hands on this, like they did on the Royal Canadian Mounted Police, the commercial rights will be owned by a foreign corporation. That is exactly what is happening.

Canadian parks are not being privatized, but they are on the road to being commercialized. A Reform member yesterday agreed wholeheartedly that it was the right way to go, to do it in a business-like manner. He said that if he was the minister of Canadian heritage he would do it that way. I think he was dreaming. It is a right wing, capitalist approach.

Let us keep the national parks as a Canadian entity. Let us keep them for all our children. Let Canadians continue to operate them in the generations to come.

The outcry, which is a whisper right now, can be compared to what happened with our national railways. They are now operating on American soil, on American rail lines. The Canadian dream of uniting our nation has been abandoned.

We had the experience with NavCan. It was packaged by the government to be sold to a private organization. Is that where our parks are going?

As well, a fine patronage plum will be created. Under Bill C-29 a new CEO position will be created. That person will oversee the agency responsible for our parks and heritage sites. The CEO will have exclusive hiring and firing powers. The CEO will be able to dispose of and acquire crown lands and assets, following the rules of course, and we know the kind of track record the Liberals have on following rules.

The CEO will also have the power to negotiate employee contracts. The contracts which exist for Canada Parks employees will be negotiated over the next two years. We do not know what kind of contract they will have. We do not know—

The Acting Speaker (Mr. McClelland): I am sorry to interrupt the hon. member, but could the hon. member for Churchill River advise the Chair whether he is splitting his time?

Mr. Rick Laliberte: Yes, I am, Mr. Speaker.

The Acting Speaker (Mr. McClelland): In that case, the hon. member is going to have to wrap up his remarks very quickly.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I believe there is an absence of government members on the other side. They are few and far between. I would like to call for a quorum count.

The Acting Speaker (Mr. McClelland): All right. I will ask the clerk to count the members present.

And the count having been taken:

The Acting Speaker (Mr. McClelland): I am advised that we have a quorum.

The hon. member for Churchill River will have one minute to complete his remarks.

• (1150)

Mr. Rick Laliberte: As I mentioned, the impact that it has on the 5,000 employees that the parks employ as seasonal workers, summer student employment in the summer, their first work experience at the park creating a natural, historic and cultural legacy for other generations, is truly an honourable process of how our parks have been utilized in creating employment and creating education for our biology, ecology and our culture and geography

students. We also look at the fate of agencies and the government's role with regard to DND employees and privatization. A British company is now operating employee status which will have a major impact throughout Canada.

The Acting Speaker (Mr. McClelland): The hon. member will have a chance to make a few more points in questions and comments.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I was interested to hear my NDP colleague's analysis. I would like to know whether he has seen what I have.

The former section 4 of the National Parks Act reads essentially as follows "The National Parks of Canada are hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations".

This section does not appear in Bill C-29. It is also closely related to the former section 7.(f), which provides that the government may set fees for the use of the parks.

Now, fees will be set, it appears, by the administration of the new parks agency. Its only obligation will be to publish them in the *Canada Gazette*, but that remains fairly haphazard. Will the fees be the same across Canada—a *mari usque ad mare*—or will they be set according to the clientele or the amount of traffic? Will there be different fees, for example, at Forillon National Park and at Banff National Park?

Could the member enlighten us on that?

[*English*]

Mr. Rick Laliberte: I thank the hon. member for raising that point. I have no idea about the future of this parks agency. Nobody has any idea. We are opening the door to an insecure future. There is no vision of what our national parks will be. It will be up to the chief executive officer of the agency that will be created.

It is said a percentage of 80% to 85% is government transfers and about 15% is user fees. Who is to say that in the middle of this century it will be 50% user fees and 50% government? By no means has Canada achieved the percentage of national parks that should be created. I believe it is a 12% commitment that has been made to Canadians that would be set aside as national parks. We have not achieved the percentage of lands to be set aside.

As the number of national parks increases in the future, the amount of transfer dollars available from the federal government will dwindle. Will that be decided through the corporate or management plan which will be one person planning to decide to raise the fees? It is uncharted waters and it is a scary thought.

Once you put a big bow tie on an agency such as Walt Disney, it could take over the administration of the parks and make it a truly

Government Orders

business-like plan operating at arm's length. The government says we can raise the issue with the minister every two years for a review. It will be designed like an umbilical cord from the minister to the parks agency. Some day it could be severed and that is the scary thought. I would hate to see the national parks depart from that.

In my riding we have the Prince Albert National Park.

• (1155)

Another legacy that Canadians should be aware of is potash heritage sites in my region, as well as Jasper, Banff, Terra Nova and the Cape Breton Highlands. All of these parks will be impacted as well as future parks. But at what cost? Who is going to design and manage them? It will be the chief executive officer. He will be negotiating contracts with the staff. We are giving him two years to come up with it.

What if they do not come up with a contract in two years? What happens to the employees? They will be operating without a contract. Who do they fall under? Who is going to be responsible for parks like Jasper National Park or the Cheviot mine that will be right next door to a national park which is a world heritage site? Who will decide how to procure these lands? One individual could decide to sell the parks or have an ecological impact on them. That is a scary thought.

[*Translation*]

Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP): Mr. Speaker, I am pleased to speak today on Bill C-29, since I am very close to it as a result of my past experience.

My first job was with Parks Canada in P.E.I. in 1981, and my last federal government job was at the Kouchibouguac National Park. So I have seen a lot of things first hand, particularly the developments between 1981 and 1997. It saddens me to see the direction our parks are taking today.

The first reason to create the agency is, as my colleague has said, downsizing, or job cuts. It is privatization. When the announcement came a couple of years ago that an agency would be created, I can still clearly remember our conference call with Mr. Tom Lee. It was clear that jobs were going to be lost.

We were also headed toward alternate service delivery, which means people get shown the door and then hired again on contract at a considerable loss in salary, from \$15 to \$5.50 an hour. When that first teleconference was held we were not fully in agreement, and those same concerns are still with us today.

I am giving you the real facts, for I lived them. If one looks at exactly what is going on in the parks today it is true that some have already got to another stage.

If people wonder what my job was, I was a cashier. I was the person who took money at the entrance. Often, families would turn

Government Orders

up who did not have the \$7 needed to get in and use the beaches, the bike paths, the walking trails. They had to turn their cars around and leave. We would have paid the fee out of our own pockets if we had been able to afford it, so that their kids could get to the beach.

That is where things have got to today. That is what the bill will bring in, a continuity of the process of making national parks accessible only to those who can afford the high fees to rent a camp site, use the bike paths and our beautiful beaches, enjoy nature. The national parks are very lovely, and they exist for a reason.

Today, they are in the process of being destroyed. Today, there is a charge for a little bundle of wood for a camp fire. Before people had to pay for wood, we had no problems with our camp sites. Now people are cutting down the trees in our national parks because they do not want to pay the \$3 or \$5 extra for firewood. Our parks are now being destroyed.

This agency cannot offer any guarantee that this is for the good of our parks, because that is not true. It is absolutely false.

• (1200)

We must also look at the reasons why national parks were established. They were established to protect nature and to make sure these places would still be there for future generations. Many national parks are located in high unemployment areas. Often, they are the main employer.

Back home, I was one of the best paid employees in the region at \$13 per hour, because the park was the main employer. Just think that people in these regions have to accept seasonal jobs that pay \$5.50 an hour.

There are other reasons that explain what the government is doing. As my colleague pointed out, the government wants the parks to become self-sufficient and self-financing eventually.

I can see it coming. I can also see how the human aspect is absent from our parks. When I started with the parks, in 1981, the focus was on client services. Clients came first. By the summer of 1996, the priority had become "give me your \$7", or "give me your \$18". Fees are unbelievably high and they are not consistent across the country. In some parks they are very high, compared to other places.

Those who cannot afford such fees have no way of seeing, of discovering the natural resources of our national parks, and the situation will only get worse.

As a former regional vice-president of the public service alliance for the Atlantic region, I have a pretty good understanding of national parks in that region. I heard people's concerns. At one time, people were given this alternative: either we create an agency, or we make this cut and that cut. People have no choice. No one likes this system. People have to choose the lesser of two evils.

The New Democratic Party clearly will not support this bill. It is unacceptable. It goes against what we believe. All Canadians should have access to our national parks. This access should not depend on their income.

The more the government increases the cost of services, the further it is pushing in the same direction. The philosophy is "if you do not have money in this country, too bad. We changed the rules and you will no longer have access to anything". That pattern can be seen in health care, education and the national parks.

It is very obvious that the government wants to follow the Reform Party's philosophy, which is "if you do not have money in this country, too bad". I have a problem with that, because at one time I was among those who do not have money. I was also one of those who were expropriated from Kouchibouguac national park. I am very familiar with national parks, and I know why we pay for parks. Today, I can see that the government is changing direction, and this is not acceptable.

Mr. Ghislain Lebel (Chambly, BQ): Madam Speaker, I congratulate the member for Beauséjour—Petitcodiac on a very caring speech.

Knowing that there are 500,000 poor children in the Montreal area, I wonder whether they will ever be able to set foot in a national park, given the new parks policy.

I raised this issue earlier with the NDP member. I am concerned that under the bill—I had a quick look at it—the Canadian government is turning the responsibility over to an agency.

For example, the agency created by the minister will develop policies, but the minister will not get involved in the areas listed under clause 13, which is at the heart of the way the agency will operate. Does this mean we might see the same situation as with Montreal airports where the transport minister can no longer get involved and has no say in the way airports are managed?

• (1205)

Will it be the same with the new agency? Could it be that once a given area has been shown to be profitable, contrary to section 4 of the old act, which said that parks were for the use and benefit of all Canadians, the minister will bring in an agency specializing in entertainment, or a huge corporation such as Walt Disney? This organization will then become responsible for the administration of the Banff National Park, for example, in return for a small fee and will be free to charge whatever prices it wants and to go after its usual clientele, namely the rich, the upper crust, while the poor, for whom national parks were designed and created in the first place, will no longer have access to them.

We are standing on a slippery slope. This seemingly innocuous bill has huge flaws and needs rethinking. I urge the minister to retain at least his power to get involved, especially under clause 13.

Government Orders

It is at the heart of Canada's national parks management system. Without it, we might as well sell them to for-profit corporations. In fact, this is where we are heading.

I would ask the member, who gave such a good speech, to reassure me in this regard, if at all possible.

Ms. Angela Vautour: Madam Speaker, I must say that I cannot reassure my hon. colleague because he told it exactly as it is. The chief executive officer has exclusive authority. We have to ask ourselves why the power to make all decisions regarding hiring, operations, everything, has to be concentrated in the hands of one individual. We clearly have to figure out exactly what the Liberal government is up to here. It is trying to pull a fast one, as we say.

However, some members of this House can see exactly what is going on. It is not fair, and that is a fact. This person obviously has too much power, and that is the direction we are headed in, as I indicated earlier. We are moving in the wrong direction, that is, toward the commercialization of our national parks. That is quite obvious. No one can argue that we are not headed in that direction, which will mean more pollution, more of everything.

Again, we must realize that unemployment is a big problem in this country. Affected employees will be guaranteed a job for two years only. They do not know where they will be working two years from now. Many employees across the country have no idea where they will be in two years.

I completely agree with my colleague that the government is moving in a very dangerous direction, which will certainly be harmful to our parks and to our economy.

Mr. André Harvey (Chicoutimi, PC): Madam Speaker, I am pleased to have this opportunity to make a few comments on Bill C-29, an act to establish the Canadian Parks Agency, which will be responsible for the administration of all legislation relating to national parks, national historic sites, national marine conservation areas and heritage areas. This bill will also make consequential amendments to other acts.

I am pleased to take part in this debate because I live in an area, the Saguenay—Lac-Saint-Jean area, that has always been known as having great potential for tourism. It took several decades before we could even hope that, some day, we would be on the list of Canadian national parks. With regard to the management of federal and even provincial parks, we realize that we must try to add new elements that will make park management more dynamic, if I can use that term, and that will involve local communities to a greater extent.

I will have the opportunity later on to make further comments on the contents of Bill C-29. In my own region, there is a provincial park, the Saguenay park, and there is also the marine national park. A co-operative effort is being made to try to meet common objectives for the development of our region and for the tourist

industry of Quebec and of Canada as a whole. The efforts to establish the new national marine park directly affiliated with Parks Canada have been successful.

• (1210)

But we realize that, in both provincial and national parks, we must try to provide funding so that our managers can initiate productive projects for the future and give guarantees in order to eventually promote the direct involvement of municipalities and the private sector, and so that we can bring more people into our parks.

Through the involvement of regional sectors, both private and public, perhaps we could make some interesting changes to the parameters and criteria underlying the management of national and provincial parks.

I know very well that some efforts must be made to increase the number of visitors in our national and provincial parks. Some major corrective action must be taken to provide these parks with new facilities that would help attract more people.

For example, in my region, 200,000 visitors go to the mouth of the Saguenay River, to Tadoussac, in Charlevoix, but not even a quarter of them go to the Saguenay provincial park and marine park. We have to rethink a number of things.

I believe that the initiative to establish this agency will allow us to increase the participation of the people in the area. At the present time, it is very difficult to set up new infrastructures in these parks. I am referring, among other things, to the Saguenay—St. Lawrence marine park in our case. As has been done at Montmorency Falls, at Val-Jalbert and in national parks in western Canada, we could provide some means of access so that people could get to the extraordinary lookout site of Cap Trinité. It takes four and a half hours to walk to the statue.

Therefore, the people in the area, with the support of their federal member of Parliament, are thinking about setting up perhaps a cable-car or some other way to provide access to this site that is quite extraordinary.

We have to redesign the existing infrastructure, and the establishment of the parks agency will certainly be an opportunity for increased financial autonomy, making this agency less vulnerable to government interventions that are not always timely. I am convinced stakeholders will feel this agency is more open to their needs and suggestions than Parks Canada has been in the last few years.

I think the best way to successfully manage the assets that remind us of our past is to bring in people into the regions in great need of economic development through tourist, cultural and heritage attractions. People will certainly be more than happy to suggest to the brand new agency ways to make these extraordinary

Government Orders

sites that are an important part of Canada's and Quebec's heritage more profitable and attractive.

I am sure people in the outlying regions will become more actively involved in the way parks are managed. If such an agency is established, as we hope it will be, I am sure it will be quite open to the recommendations of people who have an economic, cultural and social interest in bringing in more people to enhance our whole heritage infrastructure and boost park development.

There is still a great deal of work to be done, but the auditor general has told us he has serious doubts about the future of Canadian park development because of the budget cuts.

● (1215)

During the last few decades, funding was haphazard. I am sure that, with the new agency being established under Bill C-29, we will be able to consider more seriously the future of our heritage and tourist industry.

I am also convinced that my beautiful riding of Chicoutimi and my region of Saguenay—Lac-Saint-Jean will make a significant contribution to the development of our national parks. In my area, in particular, with the agency speeding up the structural development of national parks, we will be able to step up cooperation with existing provincial parks, as was done during the last few years.

Rest assured that our party will support this bill, because it is a step in the right direction. It is not perfect, but I am sure that the existence of this agency will make park managers more accountable. I remind the hon. members that Parks Canada was not even officially recognized. Under this bill, it will gain official recognition and receive guaranteed, statutory budgets. It will be assured of receiving the budget resources needed to promote development and also, I hope, to encourage cooperation among the stakeholders, who have different and very specific interests in regional development.

Our party will cooperate and support this bill which is a step in the right direction.

[*English*]

Mr. Nelson Riis (Kamloops, NDP): Madam Speaker, I listened to my colleague's speech very closely and I have two questions for him.

There a number of very poor Canadian families in the country. I think it was indicated this morning that about 1.4 million children are living in poverty. We heard on the news today that there are 200,000 young people out of work, largely school dropouts who do not appear on any statistical record.

Would my hon. friend agree that with the imposition of user fees certain Canadians, particularly children from low income families,

will have a difficult time accessing the use of some of our national parks?

While it is called commercialization of the national parks, would he not agree that this is another euphemism for the privatization of Parks Canada?

[*Translation*]

Mr. André Harvey: Mr. Speaker, I thank the hon. member for his important comments.

He alluded to poverty. I do not come from a very wealthy region. Since it is always better to talk about what we know best, I can tell you that, in the communities where these parks are located, 40% to 50% of the workforce has trouble finding work.

Fees will be charged, but there is a downside. I get messages from communities affected by the establishment of national parks, and even provincial parks, to the effect that they would like to be in charge of the development of these infrastructures. For example, there is a provincial park at home that was established 25 years ago, but very few jobs were created.

Local people are telling us they want to improve their financial status, as mentioned by the hon. member, and take on more responsibilities. It would really be in everyone's interest to let these municipalities and villages take on some of the responsibilities, so that they could play a role in the creation of new infrastructures that will bring in more people.

● (1220)

For example, back home, 200,000 people travel to the mouth of the Saguenay River, in the Tadoussac—Baie-Sainte-Catherine area. Only 30% to 35% of them make it to the heart of the Saguenay park. This means the region loses out on a lot of revenue, because of a lack of infrastructures.

For instance, It is indicated that these are conservation areas. However, wildlife and plant life alone will not attract tourists. Some major infrastructures are necessary to make it easier for the tourists. Let us not forget that, economically speaking, seniors are currently the most appealing group of tourists.

In order for these elderly to have safe access to certain sites, certain infrastructures must be built.

I really appreciate the hon. member's question. Indeed, if local people are more involved, I think it will greatly promote job creation and economic development. It will also indirectly allow these people to have access to the new sites that they have helped develop in an intelligent way that takes their views into account.

[*English*]

Mr. John Godfrey (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, I am pleased to rise in the House today on the occasion of the second reading of Bill C-29, an

act to establish the Canadian parks agency and to amend other acts in consequence thereof.

[*Translation*]

This bill will make it possible to modernize the agency responsible for managing Canada's national parks, national historic sites and other protected heritage areas.

[*English*]

The mandate of this organization, presently known as the Parks Canada program of the Department of Canadian Heritage, is to play the leading role in federal government activities related to recognizing places representative of Canada's natural heritage and places of national historical importance, protecting these places and presenting them to the public.

Along with national parks and national historic sites these special places include historic canals, a system of heritage railway stations, heritage rivers, federal heritage buildings and the vibrant federal archaeological program as well as Canada's UNESCO world heritage sites including most recently a favourite of mine, the old town of Lunenburg in Nova Scotia.

The establishment of the Canadian parks agency will bring two main benefits to Canadians. First, and I say this to reassure and to respond to the concerns of the member for Churchill River. It is to assist in the creation of new national parks, the designation of additional national historic sites and the management of other related protected heritage areas including the creation of national marine conservation areas. In other words this is not an act of retrenchment. It is an act which permits the ultimate expansion of these programs.

The second is the continued delivery of quality service to Canadians at existing parks and sites.

[*Translation*]

Canadians attach great importance to their system of protected natural and cultural heritage areas. Our national parks, our national historic sites and other protected heritage areas are characteristic of the geography, history, culture, economy and even the identity of our country.

Canadians are joining forces to protect these exceptional sites and to further expand our system of national parks, national historic sites and other protected heritage areas. In so doing, we are not just protecting our environment and our historical and cultural artifacts; we are preserving what makes us Canadians, what sets us apart from the rest of the world.

We have every reason to be proud of these sites, which represent Canada and which are evidence of the sound and sustainable management of the cultural and environmental resources of our heritage.

Government Orders

[*English*]

I also reassure the member for Churchill that the new Canadian parks agency will not change the mandate of the Parks Canada program.

• (1225)

The act creating the agency will support and wherever possible strengthen that mandate, enhancing its stewardship role in relation to Canada's natural and cultural heritage.

The Canadian parks agency will remain fully accountable to the Minister of Canadian Heritage and to parliament. The agency will report to parliament through the Minister of Canadian Heritage who will retain power of direction over agency activities.

Finally, the National Parks Act and other legislation setting out the mandate of the program will continue to be enforced. In short, we will not be turning our national parks into Disney theme parks despite the concerns of the member opposite. Indeed, if anybody attempted to try to sell off Canada's national parks or to reduce their territory, they would have to come back to parliament to do so.

What will change is that a new framework will be put in place to administer these existing pieces of legislation.

[*Translation*]

The Canadian Parks Agency will differ from the existing organization in two significant ways.

First, control of the agency will be through direct hierarchic links between it and the Minister of Canadian Heritage.

Second, administrative provisions will be made to measure so as to respond to the agency's specific objectives and unique operational requirements.

In practical terms, this means that the Canadian Parks Agency will use the tools and instruments that best suit its highly decentralized and diversified operations.

The member for Jonquière raised a number of justified concerns on the proposed agency's financial arrangements. I want to reassure her that its financial management practices will still be governed by the Financial Administration Act. It will continue to prepare its main estimates and to receive parliamentary appropriations. The agency will still be audited by the office of the auditor general.

One of the main reasons for creating the Canadian Parks Agency was to ensure Canadians continued to enjoy a high level of service. Another objective was, to respond to the concerns of the member for Beauséjour—Petitcodiac, to create a stable administration that would provide parks' employees with some assurance their jobs would remain. In fact, there is even the possibility of extending jobs, contrary to what she feared.

Government Orders

[English]

To this end new flexibilities are being created. Canadians will benefit from them in very concrete ways such as the way in which the new agency will now be able to work toward the completion of the national parks system and the expansion of the system of national historic sites and other protected heritage areas as I described earlier.

For example, the Canadian parks agency will receive the authority to keep and spend most of its revenue. This will result in additional dollars for investment in new national parks, new national historic sites and other protected heritage areas. A new non-lapsing account will be used to fund the creation of new parks and sites, as well as to complete those parks and sites which have not yet been fully developed. This account would be able to carry moneys forward into the future and will help the agency achieve existing government commitments.

A two year rolling budget will make it easier for the agency to plan and carry out its expenditures and will result in a greater stability of service for Canadians and a greater stability of regime for employees.

The agency will also receive a higher level of delegated financial and administrative authorities from Treasury Board. This will reduce the time needed to make decisions and to get approvals.

[Translation]

The agency will continue to come under Government of Canada contracts regulations, but will have increased powers to manage the purchase and sale of properties, award architectural and engineering services contracts and award construction contracts.

• (1230)

The agency will be able to negotiate the optional delivery of certain common services with the departments responsible. Examples of these are surveying, property assessments, disposal of surplus assets, printing and publishing. This will put managers in a better position to seek out the most economical and convenient services.

In discussing the organization's mandate, it is important to note that, even if it does not have a direct mandate for tourism, it does play an important role, as the hon. member for Chicoutimi has pointed out, in visitors' image of Canada, helps maintain a prosperous and solid economy, and encourages sustainable development to the benefit of local communities.

Canada's national parks, national historical monuments and other protected heritage sites generate more than \$2 billion yearly in direct and indirect economic benefits, which are of crucial importance to local economies in rural, isolated or economically

underdeveloped regions. Once again, I am picking up on what the hon. member for Chicoutimi has said.

It is therefore very important to note that the Canadian Parks Agency will continue to operate Parks Canada's corporate units and urban townsites revolving funds, which are used to administer the hot springs in Banff, Jasper and Kootenay national parks, the golf course in Cape Breton Highlands National Park and the six townsites within a national park.

The future integrity of Canada's natural and cultural heritage sites will continue to represent a priority for the Canadian Parks Agency, as it does for the present government. The challenges facing Canada's heritage areas will continue to increase, as will the demands upon them. It is essential not only to design policies that can protect these irreplaceable treasures forever, but also to ensure that the organization with key responsibility for our heritage is equipped with the necessary tools and structures to fulfil the mandate with which the people of Canada have entrusted it.

[English]

The legislation before us will enable the new Canadian parks agency to meet the challenges now facing our heritage areas in a most efficient way. It will continue to provide for the use and enjoyment of Canadians a system of national parks, national historic sites and related protected heritage areas and to manage these places in ways that leave them unimpaired for future generations.

The Acting Speaker (Mr. McClelland): Five members have indicated a desire to speak on questions and comments. We will start with the member for Lethbridge, then member for Frontenac—Mégantic, and third, the member for Cariboo—Chilcotin. If we have a chance, we will go to the member for Churchill River. With 10 minutes, it means we have approximately 60 seconds for the question and 60 seconds for the response.

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, I will try to make it quick. I have a national park in my riding, Waterton Lakes National Park, a hidden jewel of the west. We are very proud of it.

The parliamentary secretary mentioned that there will be new parks and that there will be expanded parks. Could he indicate to us whether in the discussions and in the proceedings they talked about jurisdictional overlap and the disputes that have arisen with other levels of government when it comes to developing a park? Is there a new mechanism in place to handle that? Has it been a consideration?

If the intent is to make the parks more efficient and to make the best use of the dollars available, can the member assure us that the user fees that are charged at the parks now are not going to get out of hand? Is there some formula? Is there something in place to

Government Orders

assure that the people who are enjoying the parks now will be able to afford to enjoy them in the future?

• (1235)

Mr. John Godfrey: Mr. Speaker, the first question was about the expansion of the parks system. The member asked if we are using new mechanisms to involve all the appropriate levels of government.

We are developing such mechanisms when we create things like the new national marine conservation areas. We are continually involving local populations and provincial governments in order to arrive at common objectives. As the member indicated, these are complex matters with many layers. Existing mechanisms are being adapted for new challenges such as these marine conservation areas.

Two things can be said on the second point of user fees. It is a mandate of the parks not to charge more than the service costs. In other words they are not designed to be profit centres. More important, under section 25(1) of the act, the minister is responsible for the setting of park fees and must do so only after consulting with the group of relevant people in the area to see what would be the consequences of raising those fees. If it were in any way a barrier, that would affect the final decision on the fees.

[*Translation*]

Mr. Jean-Guy Chrétiën (Frontenac—Mégantic, BQ): Mr. Speaker, in his speech on Bill C-29, the hon. member for Don Valley-West said the new parks agency would have a higher level of administrative authority and more power to manage the environment in a national park.

Could we have a commitment from him that we will never again see what we are witnessing in Alberta, where there is a beautiful national park threatened by the opening of a mine nearby? It would appear that nothing can be done to prevent this from happening even though this mine is sure to cause serious damage to this park established many decades ago.

Within the higher level of authority given to the new parks agency, would it be possible to plan for this kind of situation and include provisions allowing the board of directors of a park and the new agency to take control of the park and, if need be, to expropriate and enlarge the park so that hundreds of millions of dollars in investments would not be lost because of so-called progress?

Mr. John Godfrey: Mr. Speaker, the answer is straightforward. Since the present National Parks Act remains in effect, everything regarding economic decisions such as the ones mentioned by the member will remain in effect. Therefore, this new scheme will not allow the agency to go beyond the usual standards regarding the environment or consultations at the local level.

This bill deals strictly with organizational matters, and with regard to the kind of decisions mentioned by the member opposite, current procedures will remain. So the answer is no.

[*English*]

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I am pleased to be able to ask these questions of the parliamentary secretary.

The parks system is vast. There are 38 parks, 131 national historic sites, 661 sites operated by third parties, seven historic canals, three marine conservation areas, 165 heritage railway stations and 31 heritage rivers. The proposal seems to make some move toward organizational simplicity and administrative efficiency. There seems to be a delayering and more financial accountability.

The parliamentary secretary said that they are in the process of planning. I hear this so often from the government. What is the government doing beyond planning to bring these good ideas into practice?

• (1240)

Mr. John Godfrey: Mr. Speaker, let us talk about planning in two ways. In terms of creating a stable regime for the parks, like so many other government agencies Parks Canada has been subject to tremendous pressures through downsizing. This has been a difficult period for Parks Canada. That period is over. The thought now is to create a regime which will give the parks a better chance for stability by allowing them for example to keep moneys at the end of the year which they have made through their various ancillary activities.

The actual efficiency aspects will be coming in to place as soon as the act is passed. In terms of planning in the grander sense as to how we complete our national parks system, I think that as I suggested in my speech this law indirectly will allow that to happen by providing more money and a more stable regime. In that way we can either complete existing parks or get on with the new ones a bit faster.

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, with respect to the Canadian parks agency, the term Canadian parks is a change. It is now known as Parks Canada. How much money is going to be spent to advertise Canadian parks? Will the the letterhead, logos and signs be changed? Some people went into a flap about the beaver as our national parks logo. Is that going to be changed?

The chief executive officer has exclusive rights. In terms of user fees the minister only has to consult someone she thinks is interested in user fees. It could be the chief executive officer. He would be interested. That is all that is required in the act, whoever is interested, deemed by the minister.

Government Orders

I am interested. I live in Beauval, Saskatchewan. My children are also interested about what happens in Banff and Waterton. These are wonderful Canadian parks for Canadians. We are interested but we will not be consulted.

I think we should take a second look at this agency, the powers we are giving to it and the future of the legacy of our national parks.

Mr. John Godfrey: Mr. Speaker, on the second point of consultation, the regime described in the bill is simply a carryover of the existing practice. The minister is accountable in this House for those decisions. The minister is a politician like the rest of us. It is normal to expect the minister in order to avoid a political firestorm to consult widely to protect the government in the fashion which has been the practice up to the current moment. It is a practice which is simply being reincarnated in the proposed legislation.

As for the point about the renaming aspect of the bill, I would venture a personal opinion here. When we have a brand name like Parks Canada we would be a little careful about frittering away the benefits of that brand name. It may be that the agency aspect may simply be the title of record. Those are decisions we will have to make in due course.

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, I rise to voice my support for Bill C-29, the Canadian parks agency act. While it is rare that we see eye to eye with the government on issues, I feel that partisanship must be cast aside when good ideas emerge. This rarely happens on the other side though.

Canada is a country filled with natural wonders. Our natural environment is as much a symbol of our country as are the maple leaf and the beaver. From Riding Mountain National Park in Manitoba to Glacier National Park in British Columbia, our parks are national treasures.

I represent the riding of Calgary East, a stone's throw away from the beauty and splendour of Banff, Jasper and Yoho national parks. I can say that Calgaryans and indeed all Canadians are extremely proud of their national parks.

People come from around the world to take in the beauty of our country. In fact, our national parks and sites attract over 24 million visitors yearly and contribute over \$2 billion annually to the economy. While dollars do matter, we should not let this alone determine our commitment to preserving our parklands.

• (1245)

It is my hope that this bill will allow our national parks to flourish while at the same time dramatically reducing the amount of government resources needed to administer them.

Bill C-29 calls for the creation of a new agency, the Canadian parks agency. Nine times out of ten I cringe when I hear of the birth of yet another bureaucratic monolith. This usually means that the Canadian taxpayer is on the hook to pump in maximum dollars for minimum results.

However, in this case I see some merit in the establishment of the Canadian parks agency. Let me explain why.

Parks Canada is currently responsible for our country's 38 national parks and, among other things, 131 national historic sites. It manages over 225,000 square kilometres of Canada's natural and cultural heritage and employs roughly 5,000 people.

At present responsibility for Parks Canada falls under the Department of Canadian Heritage through the Secretary of State for Parks who reports to the heritage minister.

The new agency will remain accountable, through the minister, to Parliament. Perhaps the most significant change will be that the new proposed agency will be able to raise and keep its own revenue. This will no doubt contribute to more efficiency and will hopefully lead to a decrease in the fees Canadians pay to gain access to our national parks.

I have heard on numerous occasions from my constituents that the costs of visiting places like Banff and Jasper are too high. The user fees keep going up and up, discouraging Canadians from visiting the national parks to see their own heritage. We have an obligation to the people of Canada to make it as affordable as possible for families to take advantage of this beautiful country.

It is nice to see that once in a very long while the government gets it right. In this instance the Liberals have acknowledged that self-sufficiency in government is the right route to take.

The Canadian parks agency will be able to raise and keep its own revenue. It will have access to \$10 billion for parks and historic sites. Normally this is where the taxpayer alarm would sound. Another \$10 billion of people's hard earned money will be spent? However, in this instance any funds drawn from the \$10 billion account will be repayable to the crown with interest from revenue generated.

As well, third party operators will be permitted to administer certain facilities. Outsourcing to private business will improve service, increase revenue and deliver improved efficiency. This new financial independence will allow the revenue generated to flow back into the parks and sites. This in turn will allow for the establishment and expansion of new initiatives. What this means is that new parks will be created and those already in existence will be better maintained. This is how the government should work when it comes to areas such as this.

Government Orders

The agency will be able to bargain directly with its employees. The CEO will have the authority to appoint employees and establish terms and conditions of employment for agency staff. Hopefully this will afford the agency the flexibility to develop a human resource regime which is more responsive to the agency's operational requirements.

In terms of accountability, the agency will fall under the minister of heritage. She, in turn, will be accountable to Parliament.

Moreover, the Canadian parks agency will fall under the Access to Information Act. The auditor general will be able to audit the agency at his discretion.

• (1250)

Bill C-29 also commits the agency to hold consultations on a biannual basis. This will allow Canadians to share their views on the agency's program and to participate in the management direction. This is especially important because we have to be very careful that development is also balanced with the environmental requirements to maintain the parks. The maintaining of our environment is also very important.

The agency will consult directly with parties that may be affected by any new fees. This hopefully will bring more reasonable fees for Canadians to enter into the national parks.

The bottom line is that Parliament, the auditor general and, most important, the Canadian people will be able to hold this new agency accountable. What we have is a bill asking for the creation of an agency that will be fully self-sufficient, more efficient, more flexible and fully accountable.

It is also my hope that this new agency will contribute to the maintenance and enhancement of Canada's natural environment. This will ensure that future generations will be able to enjoy the many natural wonders that Canada has to offer.

I was proud to be in this House supporting the legislation introduced by the government which established the Saguenay marine park, the first marine park in the world. It was my pleasure to support that bill. I firmly believe that we have a moral duty to preserve Canada's natural environment.

In closing, the official opposition is committed to having our national parks and heritage sites administered in an accountable, efficient and cost effective manner. For the reasons outlined above I see little reason why I should not support Bill C-29.

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, the hon. member spoke at the beginning of his debate about hope, and at the end he also spoke of hope. How much hope do we have in the government?

I listen to this party every day which talks about the obligations of the government and the patronage appointments. Now we are

allowing another agency with a chief executive office to be created by this government for another plum patronage appointment. We are allowing the government to do that.

The other side will be going to question period raising an issue about appointments in the other place. How can people trust your point of view over what the Liberal government is proposing?

This is a capitalist form of commercialization of our national parks and eventually privatization when hon. members take their children, pay at the toll gate to lift the Stornoway gate up, enter Walt Disney national park and come out and negotiate the fee with the minister if she deems them to be of interest.

The agency does not create any assurances of your hopes of the ecological integrity of the national parks of increasing the amount of national parks that we have in Canada.

The Acting Speaker (Mr. McClelland): I remind hon. members that it works best if members address each other through the Chair. It tends to keep tempers down.

Mr. Deepak Obhrai: Mr. Speaker, it is my pleasure to respond to the hon. member's question.

He is right, I said hope. I did not give a full commitment about that. I do hope the government will not build this thing up with a patronage appointment. Please do not do it.

He is right regarding the question about whether this agency is going to consult people. It has the ability to consult people and to talk to Canadians. There is the question of who has the input over this. There is still a bureaucratic tangle over there. Some will say they do not trust those people.

• (1255)

At least here we have an arm's length agency hopefully that Canadians can have an input in. It is accountable to Canadians. Hopefully it will put down the user fees and will address the environmental issues and other things that concern us with reference to running a smooth parks network in this country. That is important to us. Parks are a natural heritage. We have parks here that are world heritage sites. We are custodians of these parks for the people of the world.

An hon. member: The people will be the custodians, not private enterprise.

Mr. Deepak Obhrai: We are saying that at least this agency is responsible to Parliament as well as listening to the Canadian people. Hopefully that addresses the hon. member's question.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, I find it interesting the evolution of this Liberal government's financing to its departments. In the last Parliament I was not here. I was out in the constituency and I was aware of what was going on.

Government Orders

It financed the Royal Canadian Mounted Police to the tune of \$100 million to set up 13 integrated proceeds of crime sections. The RCMP was forced to borrow that \$100 million and is now in the process of paying it back.

I see there has been an evolution in this 36th Parliament to a full retention and reinvestment authority for all revenues. I wonder if this, in the hon. member's opinion, would be a good thing to extend to the RCMP to fight crime, to have the moneys retained and reinvested in fighting crime as opposed to paying it back to the Treasury Board.

Mr. Deepak Obhrai: Mr. Speaker, what this has to do with this bill is that we are creating an agency which is responsible for keeping and administering the funds, not disappearing into the government coffers. I think that is what the hon. member is alluding to for the RCMP. This is a good point.

That is why we are supporting this one good idea of the government. Maybe this idea will spread to other institutions as well, including the RCMP, if it is feasible.

The government should start looking into this and doing these kinds of things more often.

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I listened carefully to the Parliamentary Secretary to the Minister of Canadian Heritage. I believe him to be a sincere member of Parliament. I believe that what he was stating was what he feels is accurate and true.

I appreciate that he is speaking on behalf of the minister, but he said that he knew we had a lot of questions about this bill but trust him, they will act in the best interests of Canadians. We could count on them reflecting the views of Canadians.

These are the same folks who were against NAFTA, for example. These are the same folks who were against the GST. When they got into government they became GST enthusiasts, NAFTA enthusiasts and now they are MAI enthusiasts. They even thought the GST was so good they would apply it in a blended sales tax throughout all of Atlantic Canada, knowing full well the people did not like that.

When a government says trust it, I become very suspicious. It is not a reflection on my hon. friend. When any government says trust it, it will act in our best interests, there is sufficient evidence to say that we ought to then panic. We then ought to say we know we are being conned, we know there is a snow job coming upon us.

Members can probably tell I do not support Bill C-29 at this point. I know today we are debating the principle of the bill and one ought to be generous when talking about the principle of the bill.

The bill says we should change the name of Parks Canada to the Canadian parks agency.

• (1300)

What is behind all of this? Why would he want to change the name Parks Canada? I suspect that if a global poll was done and citizens from Bangladesh, Dubai, Equador or wherever were asked: when you hear the name Canada what do you think about, what image comes to mind, it would probably be a toss up between a Mountie and some natural scenes, some park like settings, some pristine environment.

I think that is Canada. We are a geographic country, a country that is proud of our geographic heritage, the second largest country in the world. Canada is probably the most untouched pristine environment to be found anywhere on the globe. Our national parks system epitomizes that. Our national parks are sort of a Canadian icon that we leave for future generations.

I am pleased to say that we have expanded a number of national parks over the last number of years in some very crucial areas. I am proud to say that I am from British Columbia, a province that has established more parks than any political jurisdiction in the world, and for good reason. It is a tremendously and wonderfully beautiful province. Vast parts of it will now be preserved for generations and generations to come.

The theory of Parks Canada, or what is soon going to be called the Canadian Parks Agency, I think tells a great deal about Canada.

Is this act intended to improve the situation? From the government's point of view, I suspect it must think it is otherwise it probably would not introduce the act. Remember, these are the same folks who think the GST is a good idea and that the MAI is a good idea at this point, but I suspect they are going to change their minds on that eventually.

Although the government thinks it is a good idea let us be clear. Does it necessarily mean it is a good idea? The fact that we gave the Bronfmans a \$500 million tax break does not necessarily mean that was a good decision taken by the government. Just the fact that it is a government sponsored bill does not necessarily say that this is in the best interest of Canadians.

Let us also acknowledge that this bill involves a great deal of Canada, 31 national parks, 786 historical sites, a number of historical canal systems, 661 sites that are managed by third parties that are ecologically or environmentally significant, 165 heritage railroad stations, 31 heritage river systems and others.

Mr. Speaker, I suspect you and I would agree that the things that distinguish our country from virtually any other country is what we are talking about today, the natural geographic and historical significant parts of our country.

We take this very seriously. As New Democrats we have studied Bill C-29. I want to say the hon. member for Churchill has spent

hours and hours speaking with people who are involved in the parks system, speaking with people involved in Heritage Canada, knowledgeable people on the ground as well as in the park theory field. On balance, he tells us as caucus colleagues that he is concerned about this bill, that the kind of impression that he gleans from these extensive consultations is one of concern and worry.

As a matter of fact, not many people think this is a good idea. I suspect that we would save a great deal of trouble by just cancelling Bill C-29 when we come to the vote but I am not so neophyte to think that is likely to happen.

The background papers on Bill C-29 say that this is a contribution toward simplicity, toward administrative efficiency, toward human resource flexibility, toward improved financial procedures. These are euphemisms. These are words that George Orwell would have liked because when it says here human resource flexibility, what it means is that we want to lower wages and salaries of the people who work with Parks Canada, we want to pay people less.

Why do I have this idea? Why do I have this perhaps questionable or cynical approach to this human resource flexibility? It is because this is what is going on now with the Department of National Defence, that all the hundreds and thousands of civilian employees who work now on bases, who are paid a decent wage because of the collective agreements that have been negotiated year after year, are now being told they are all gone. We are going to privatize and rather than pay \$15 an hour, employees are now going to collect a minimum wage of probably \$5.50 depending on their provincial jurisdiction. That is the reality. That is what is taking place today.

If that is what the Department of National Defence is doing, why would we not think that is what this Canadian Parks Agency is going to do? That is what the government is doing, so we assume that what they do in national defence they will do now with the national parks agency.

• (1305)

Therefore, when the government talks about human resource flexibility, let us be clear that is what it means. We are going to have fewer people working in our parks, pay them less and have less dedicated personnel.

As someone who has used our national park system from coast to coast, both national and provincial, spending a good deal of the summer hiking, camping, canoeing and riding in these pristine environmental areas, if there is a group of men and women who epitomize the best of Canada it is those people who work in our park system. They are dedicated to the environment and to the work that they do.

Government Orders

However, when we pay someone the minimum wage as opposed to a decent salary now in Parks Canada, what is the signal we are sending? The signal is that we do not think much of this job. We are saying it is a low end job, a minimum wage job and a job that anybody can do. We are saying it is a job we attach little significance to. That is what we are telling them.

I do not think this is the way it should be in our society but in our society, which is a money based, capital based society, we measure people's value by what they are paid. Hockey players who are paid \$3 million are the superstars or rock stars. Others, I think it is fair to say, who are paid minimum wage are not normally those people who we hold in high esteem as a society. I think it should be the reverse but that is the reality.

We talk about improved financial procedures. That is scary language. If there is any language that should get us totally upset in this House it is when the government starts talking about improved financial procedures because everyone knows what that means. It means less money. It means it is going to put less money into Parks Canada and it is going to make the people who use our parks pay for them in user fees.

If someone is a wealthy person or from a high income family and somebody tells them that in order to use the parks they will have to pay \$10 to canoe down the river, \$20 per night for firewood and \$50 to park a tent for a day or two, it is no big deal. However, for increasing numbers of Canadians who see their disposable incomes going down and down, and for many people to zero and below, if we pass this legislation we are going to put access to Canada's national parks out of the reach of many, many Canadians.

An increasing number of Canadians who fall into the poor and low income category will not have the benefit of using our national parks because they will not be able to afford them.

How many of us as members of Parliament already hear regularly from our constituents complaining about the costs of accessing parks? A family with four and five kids who want to go camping for two weeks in a national park will not be able to afford it. With this legislation, we are now going to make it even more difficult.

Section 24 of the act deals with the fees. It states that "the minister must consult with any member who he or she considers to be interested". That is the consultation. Who is that? Maybe she is going to consult with the hon. House leader for the government. Maybe it is going to be the CEO of the Royal Bank. We do not know.

If we look at the track record, we can only assume that this does not mean good news. This does not mean that fees are going to go down. It means I suppose how quickly they are going to increase. Is that the kind of country we have become? Is that the kind of place

Government Orders

Canada has become? Are people going to have to pay to go canoeing or to walk down the paths in our parks? Yes it is and this legislation will simply make it worse.

This legislation is scary. I suspect that the government wants to get this through the House really quickly before anybody figures out what it is all about. I assume that my friends in the Reform Party, in the Bloc and in the Conservative Party will vote against it, and at least enough Liberals who are concerned about the environment and the future of Parks Canada will vote against. However, we will have to wait and see.

The government says that Bill C-29 is not about privatization. That is simply not true. It is not called privatization, it is called commercialization. It is a new word. Privatization is now considered by an increasing number of people to be bad news, not a good word, so it decided to change the word and call it something else. We will call it a commercialization. Fair enough. That is what it means. That is what it is.

• (1310)

It simply means that increasingly we will be turning the parks into some kind of a quasi-business operation. That is not what Canada is all about.

I want to close my remarks by saying let me look at this government. This year we are going to see cuts to Parks Canada's budget. This is at a time when the government proudly tells us that we are in a balanced budget situation.

As a matter of fact, we have some billions of dollars in surplus. There is so much money rolling in these days that the government is not quite sure what the surplus is. It is not positive. Next year, it looks like it will be at some unimaginable level.

If that is the problem the government has, if it does not know how much money it is collecting, why would it continue to cut services in Canada's national parks? Why would it continue to lay off park employees? Why would it continue to make life difficult for people who are trying to run our heritage sites if that is the situation? They tell us it is.

I suspect at the Liberal convention in the next few hours, we will see most Liberals with their arms in slings come Monday because they will be slapping themselves on the back for days on end, twisting themselves out of shape to say what a great job they have done balancing the budget. Still they want to impose this kind of damage on our park system. There are some serious inconsistencies here.

I could go on but I think I have probably said enough at this introductory stage. To repeat, I think the beginning of the massive change game, if there was another symbol other than the national parks, is the RCMP.

There is no other police force in the world any better than the RCMP. It represents the best of Canada, both past and present. I suspect it will also represent the best in the future.

What did the government decide to do? It decided to sell the rights of making money off the RCMP to Walt Disney. Disney now has the right to market Mounties around the world. There are little Mountie dolls, Mountie hats, Mountie statues in China, in Taiwan and it is all done by the great corporation of Disney.

If there is anything that is kind of embarrassing, I will bet the House leader for the government that there is not a single Canadian, other than himself, who thinks this is a good deal, who would actually stand up and say that one of the best things we have done as a Liberal government was to hand over the RCMP selling rights to Disney.

The government endorsed it. It liked this idea. I can imagine the members getting all excited and having a party that night when that happened. That is where we are. "We sold out the image Mountie to Walt Disney. Okay, we have done that". There goes a little Canadian heritage out the window. "Why not privatize the national parks? We will call it commercialization or we will call it a special agency".

I think I will leave it at that and simply end by saying that as New Democrats—thanks to our critic, the hon. member for Churchill—we have looked at this bill. We have talked about it in caucus at some length.

I can honestly say that we cannot find a single good point in this legislation. I will watch because, as I sit down, I suspect we will get to the vote. I will watch my friends in the Reform Party. They are sensitive people in certain areas.

I have not found any yet, but somewhere down there there is a sensibility or a sensitivity. We will watch them because this is the chance. How do we vote in terms of the future of Parks Canada?

Do we turn it into the Canadian parks agency, a private corporation to make money now out of our national parks system, or do we continue in the great tradition of Parks Canada to preserve our natural environment for generations and generations to come?

This is the question. We will decide it on this vote.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, I am quite interested in the financial aspects of this bill. Therefore I will make my question to the speaker quite simple.

What effect does he see, if any, of the MAI agreement that could come down on our national parks system in Canada? Is there a possibility of foreign interests getting involved in our parks system?

• (1315)

Mr. Nelson Riis: Mr. Speaker, I thank my colleague for that very thoughtful and insightful question. I think he knows the answer but has given me the opportunity to say what I think.

Obviously the answer is yes. According to a provision in the MAI any law that is passed like the recent law on MMT and that eliminates the right of a private corporation to make profits will be considered to be a form of expropriation. Consequently today the Government of Canada is in court, so to speak, with Ethyl Corporation of the United States because it is being sued for passing legislation against the MMT.

Let us imagine a significant ecological site next door to a potential mine. A decision is being taken, after the MAI is signed and after a German mining company has shown interest in developing the mine, to turn that area into a park for future generations. That decision would be challenged under the provisions of the MAI as a form of expropriation to that theoretical German mining company. The government would have to compensate with hundreds of millions of dollars to do that.

That is only part of the problem. The real problem is the chill effect of that threat. The government knows that if it makes a park of that area the German mining company will sue it for hundreds of millions of dollars. It probably will not make it into a park although it knows it should. In consideration of future generations of Canadians the government knows that it must be made into a park, but because it knows it will be sued and it will lose, it is chilled and will not do it. It will chicken out.

I guess we can call it the chicken out factor in the MAI that I would be concerned about. I appreciate the question from my hon. friend.

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, I listened to the speech of the NDP member from British Columbia. I am happy we are on the same side of an issue, which shows that people can get past politics to serve the country.

The member has some beautiful national parks in his province. I would like to think we have one in the province of Saskatchewan. The lack of a long range plan for parks across Canada bothers me more than anything else in the legislation. Could the member comment on how he sees this shortfall in the lack of a long range plan for parks across the country?

Mr. Nelson Riis: Mr. Speaker, it is unusual to have these thoughtful questions coming our way. I appreciate the seriousness of my colleague's question. When I think of the great province of Saskatchewan, one of the first images that comes to mind is the Waskesiu Park, one of the most beautiful in Canada. The member should be proud to live in such a province.

Government Orders

His question is well taken. We lack a national park policy that makes any sense just as we lack a national waterways policy or a national highway policy. Let us think of the value of our national park system and related parks, the value of waterways and the value of highways in Canada compared with any country in the world. It is rather peculiar to think that we do not have a national policy in these areas. The glaring shortcoming, as my friend point out, is well taken. We need to have a national policy to build the kind of legislation that allegedly is attached to the bill.

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

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. McClelland): Accordingly the bill stands referred to the Standing Committee on Canadian Heritage.

(Motion agreed to, bill read the second time and referred to a committee)

* * *

• (1320)

NATIONAL DEFENCE ACT

Hon. Don Boudria (for the Minister of National Defence) moved that Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. John Richardson (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, I am honoured to speak on Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts.

The legislation will strengthen the statutory framework governing the operations of the Department of National Defence and the Canadian forces, in particular the administration of military justice. It ensures an effective and fair military justice system, one that is capable of operating in conflict or peace in Canada or abroad.

There are four key components to Bill C-25 as it relates to military justice. First, these changes will enhance transparency and provide greater structure to the exercise of individual discretion in the investigation and the charging process.

Government Orders

Second, the amendments will modernize the powers and procedures of service tribunals, including the elimination of the death penalty under military law.

Third, the amendments will strengthen oversight and review the administration of military justice.

Fourth, the amendments will clarify, for the first time in the act, the roles and responsibility of the key figures in the military justice system and set clear standards of institutional separation for the investigative and prosecutorial defence and judicial functions.

I am especially pleased to speak in support of the changes on behalf of the minister, clarifying the roles of these key figures in military justice.

If we picture the manner in which the Canadian system of criminal justice functions in our cities and towns, there are four sets of key figures: the investigators, the prosecutors, the defence counsel and the judges. Each set of figures performs a discrete function in the criminal justice system. It is the interaction of these independent figures, each with a determined role, that produces fair outcomes in individual cases.

Each of these figures can be found in the military justice system. However, until recently their functions were largely carried out under the umbrella of the chain of command. Furthermore, the institutional separation between them was not as pronounced as in civilian criminal law.

A further complicating feature of military justice in Canada is that the Minister of National Defence has been assigned a variety of quasi-judicial duties under the act. This has meant that he played an active role in the administration of individual cases.

The roles, responsibilities and duties of the key figures are not precisely set out in the National Defence Act as it is presently laid out. This lack of precision has led to confusion, uncertainty and misunderstanding about the respective functions and relationships in delivering justice.

To ensure that these roles are clearly separated and to provide objective guarantees that cases will be administered impartially, Bill C-25 establishes the duties and institutional relationships among the prosecution, defence and judicial functions.

To this end there are five important features of the bill. It will remove the minister from the day to day administration of individual cases. It will set out the qualifications and role of the judge advocate general as legal adviser in relation to military law. It will fully separate the prosecution function at courts martial from the military chain of command by establishing the position of director of military prosecutions. The director will be appointed by the minister and responsible under the general supervision of the judge

advocate general for the conducting of all prosecutions at courts martial.

• (1325)

It will provide for the appointment of a director of defence counsel services whose sole responsibility will be the provision of legal services to accused persons in proceedings under the code of service discipline.

Finally, it will provide explicitly for independent military judges to be appointed by the governor in council for a fixed term. Military judges are not responsible to the chain of command in the performance of their judicial duties.

Let us look at the minister's role. The National Defence Act assigns the minister with the management and direction of the Canadian forces and all matters relating to national defence. This includes responsibility for administration of military justice. The act also gives the minister a variety of powers and responsibilities relating to the day to day administration of the code of service discipline.

The report of the special advisory group on military justice and military police investigation services, chaired by the Right Hon. Brian Dickson, former chief justice of the Supreme Court of Canada, recommended the elimination of the vast majority of the minister's duties and responsibilities for the administration of individual cases under the code of service discipline.

Bill C-25 implements that recommendation. This approach will avoid perceptions of interference or conflict of interest in the administration of individual cases and will enable the minister to devote more time to his or her normal political and policy role.

I would now like to address the responsibility of the judge advocate general. The JAG, as he is known in the armed forces, has advised the department and the Canadian forces on military history and law since 1911. However, the National Defence Act does not set out his duties and this has contributed to uncertainty about his roles.

Both the Dickson advisory group and the Somalia commission of inquiry recommended that the roles of the JAG be clarified through amendments to the act. Bill C-25 clearly sets out the JAG's duties and functions as legal adviser to the governor general, the Minister of National Defence, the Department of National Defence, and the Canadian forces in matters of military law.

In addition, the judge advocate general will superintend the administration of military justice in the Canadian forces. In fulfilling this mandate the JAG will be required to conduct regular reviews and file an annual report to the minister, a report which the minister must table in parliament.

These changes, in addition to clarifying the JAG's duties, will improve the oversight and review of the administration of military justice.

Government Orders

The National Defence Act is currently silent on the important role of the prosecutor at courts martial. In this regard both the Dickson advisory group and the Somalia commission recommended the establishment of a military prosecutor, independent of the chain of command, to deal with serious disciplinary and criminal charges and to be responsible for the conduct of all cases before courts martial.

Prosecutorial independence is a basic element in our criminal justice system. A clear separation between the prosecution function at courts martial and the chain of command provides greater assurance that prosecution decisions will be free from external influences and conflicts of interest.

Bill C-25 will achieve this objective through the establishment of the position of director of military prosecutions. In order to reinforce the director's independence from the chain of command, the director will be appointed for a fixed term of four years and will report to and act under the general supervision of the judge advocate general. In order to ensure ministerial accountability for military justice, the JAG's directions to the director will be required in writing and the minister will be informed.

Subject to certain limitations designed to protect the administration of justice in individual cases, the director will also have the duty to ensure that these directions are available to the public.

The Dickson advisory group also recommended that the judge advocate general's duties in respect of his or her separate defence and prosecution functions be set out in the National Defence Act.

Bill C-25 establishes a clear institutional structure for the defence function. It establishes a director of defence counsel services whose sole function will be to provide and co-ordinate the provision of prescribed services to persons subject to the code of service discipline.

• (1330)

These services include legal assistance to persons detained or arrested acting as defence counsel at courts martial and certain appeals and providing legal advice to individuals making an election to be tried by courts martial or summary trial. The judge advocate general will supervise the overall provision of these services. To protect the solicitor-client privilege of accused persons, the judge advocate general will not be allowed to give specific directions in individual cases.

These institutional arrangements will enhance the separation between military defence counsel and other figures in the system. They will provide greater assurance of independent legal advice for those who need it.

With respect to the judicial function, whereas the minister currently appoints officers to perform judicial duties, Bill C-25 will provide a statutory basis for the independence of these military

judges. It will do this by authorizing the governor in council to appoint military judges to a fixed five year term.

These amendments have a positive impact on how the military justice system is organized and conducted. The amendments secure a statutory basis for the authority exercised by key figures in the military justice system. The result is a modernized national defence act which for the first time explicitly defines the independent roles and functions discharged by each actor.

When viewed in their totality, these amendments will strengthen the Canadian forces as a vital national institution by promoting discipline, efficiency, high morale and justice among the men and women of the forces. I urge all members to support Bill C-25.

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, I am pleased to rise today to speak on Bill C-25, an act to amend the defence act.

Today I will talk about the stated purpose of the bill. Then by focusing on three different areas I will talk about what I think in reality is in this piece of legislation. The first area I will focus on is the reform to the military police. Second will be the reform to the office of the judge advocate general. Third will be something that is completely missing from this legislation, which is an implementation of an independent inspector general. I will focus on these three areas as I give the opposition reaction to this legislation.

I will close by talking about a component that is completely missing from the legislation and in fact from government when it comes to our military. The component which is completely missing is a true commitment to the military.

Bill C-25 amends the Department of National Defence Act. The government says that this bill is presented to make substantial changes to the military justice system in the Canadian Armed Forces. It goes on to say that Bill C-25 does that by clarifying the role and responsibilities of various players. Also it separates on an institutional basis the system's investigative, prosecutorial, defence and judicial functions. It is intended to complete summary trial reform. It will reform sentencing regulations. These are the things the government says this legislation will do.

• (1335)

The legislation will establish two independent oversight bodies external to the Canadian forces. The first is the Canadian forces grievance board and the second is the military police complaints commission. It will require both of these boards and the judge advocate general to file annual reports to the minister which will be tabled before Parliament.

The legislation will require the Minister of National Defence to have the National Defence Act reviewed and reported back to Parliament in five years.

Government Orders

The legislation will also abolish the death penalty as a punishment and will substitute it with life imprisonment for crimes committed in the military.

To be fair, there are some positive changes in this bill. I will focus on three areas. First I want to say that these changes while positive, absolutely do not go far enough. For that reason, Reform cannot support the bill at second reading.

Substantial amendments to the bill are needed. We will be presenting amendments at committee and at report stage. If substantial amendments are accepted then possibly we could support this bill, but we feel that substantial amendments are needed. To demonstrate this I am going to focus on three areas.

A critical area is that of implementing the position of an independent inspector general. This is something Reform has been proposing for some time and it was actually recommended recently in the report on the Somalia inquiry. Unfortunately it is not included anywhere in the legislation.

There currently is an inspector general. It is important to clarify this. The inspector general in the forces right now is not independent in any way from the military rank system. The powers are very narrow. The way it has been described to me is that the inspector general is there now more to inspect that the uniforms are right, that people are wearing them properly, that type of thing.

Clearly that is not the role we see for the independent inspector general. We see a very substantive role. We feel it is a role which is critical to fixing the military so that it is an organization which functions well to protect Canadians. That is the purpose of the military.

The Somalia inquiry recommended the creation of an independent inspector general. The government again has completely ignored that key recommendation of the Somalia inquiry in this legislation. This is despite the fact that the minister in the press release announcing this legislation said that part of the reason for this legislation was to respond to the recommendations of the inquiry. He has completely missed this critical aspect of the Somalia inquiry.

The minister has shown very clearly that he does not want an independent inspector general in the Canadian military. He said they did not need some outsider looking over their shoulders. That attitude is upsetting. We expect in Canada that we will have an outsider looking over the shoulders of those who run the military. Those outsiders are the Canadian public represented in the Parliament of Canada.

I would also suggest that the independent inspector general could do a lot to head off some of the key problems before they become big news stories. These have plagued the military and have done a lot of damage to morale over the past several years. The

independent inspector general is not just to dig out dirt on what goes on inside the military, far from it. The real key purpose is to find these concerns, to listen to men and women inside the forces and to act before there is another smudge on the military through some big story in the media.

● (1340)

Quite frankly the only media stories we need regarding the military are positive stories which right now are completely missed. There are many positive stories that should be told about the military. We have excellent men and women serving in the military. We have some excellent people in command positions in the military.

We also have an awful lot of very serious problems particularly in those command positions and other problems regarding the men and women which have driven morale to an unprecedented low. We certainly saw this as we travelled with the defence committee.

We do need someone looking over the military's shoulder and not just Parliament, although we certainly need more of that, but we also need an independent inspector general. I do not think there is any doubt from events in the past and the recommendations of the Somalia inquiry and some of the things that came out that this position is needed.

The government's response to this position was the minister announced the creation of the position of ombudsman in the fall of 1997. He agreed to create that post following the recommendations of the Somalia inquiry. That was another separate position that was recommended in the Somalia inquiry.

The minister still has not followed through on that commitment. Bill C-25 would seem to be a logical piece of legislation to implement the minister's version of the ombudsman, which by the way is much different from the version of the ombudsman that was recommended by the Somalia inquiry.

These changes we are debating here today do not mention the position of ombudsman at all. Not only has the independent inspector general been left out, but also the ombudsman has been completely left out in spite of the fact that the minister has called for this position to be created.

When we look at the minister's own briefing notes on his idea of the ombudsman, which is much different from the idea of the ombudsman that was presented in the Somalia inquiry, he made it very clear that the position would have very little power and would not really affect the changes that are needed.

Just to quote the minister, he says that the ombudsman has no formal authority, does not conduct formal investigations, makes no formal recommendations and publishes no report of findings. The ombudsman is a member of the organization but not a part of its

Government Orders

management structure. Rectification of problems continues to remain within the chain of command. As pointed out and recommended by the minister, that is the reality of what the ombudsman would do.

Not only do we not have the independent inspector general in this legislation, but there is no mention at all of the ombudsman in spite of the fact that the minister has actually said that he would institute an ombudsman. Those are the two glaring holes we see in this legislation.

The second area I am going to focus on is the office of the judge advocate general. I question whether there is a need for a change to the office of the judge advocate general. If we are making changes, we had better know there is a need for them. It has been demonstrated pretty well that there is a need for major reform to the office of the judge advocate general. The unfortunate thing about this is that the changes proposed in this legislation do not solve the basic problems which I will talk about in a minute.

First to answer the question of whether there is a need for change, clearly there is. In the Somalia debacle, the lower ranks were blamed for the actions of the higher ranks. Documents were destroyed and officers lied on the stand. This clearly points out the need for reform of the office of the judge advocate general.

● (1345)

The Dean Marsaw case, which was a well publicized case, points that out. There have been various individual courts martial that really show the need for reform in this office.

The Bakovici hospital case in Bosnia and the way that was handled shows a clear need for reform in the office of the judge advocate general.

Most recently, in the Simone Olofson case that I brought before this House last week, a letter was written from the judge advocate general to this lady who made a presentation to the standing committee in Cold Lake.

She presented after the minister and the chief of defence staff said "We encourage members of the forces to present. They can be assured that there will only be positives that will come from this". "We want to hear from people", they said. "Come, bare your souls. Be witnesses before this committee and we will listen carefully. We will take the information we get and try to make things better". That is what they said.

What did they do? They sent a threatening letter to Simone Olofson. They criticized her in the strongest terms for presenting before the committee. There was a threat that really was not veiled that if she speaks out again she is going to be in trouble.

This woman works on the base in Cold Lake on a contract basis. She is not a member of the forces. Her father works on the base along with her father-in-law and her mother-in-law. They can go through the list. There are a lot of people in her family who depend on work at the base.

The judge advocate general, or perhaps it was the deputy judge advocate whose name was on the letter, actually pushed this thing forward.

This could have come from the minister. We do not know. It could have come from any rank higher than this person. The way the military works, these people will write the letter they are told to write. I do not want to lay the blame just on that individual, although clearly the letter was wrong.

The minister said he apologized for it. I did not really see much of an apology but at least he did acknowledge that it was wrong, that it never should have happened. That letter shows clearly the need for some major reform in the office of the judge advocate general.

What Reform has said on this is that this office needs to be independent. Currently the JAG is appointed by the privy council office on advice from the chief of defence staff and reports to the chief of defence staff.

Members can tell from that that really there is no freedom, that there is not the kind of independence that is needed in this office. It was recommended again in the Somalia report.

It needs to be recognized that conflict of interest between the judicial, the prosecutorial and the defence roles no longer exist. We have been calling for that to be clearly separated.

In this legislation, if members were to read it and listen to the words that have been spoken about it, that happens. In reality there really is not the independence and they all still answer to the chain of command.

That independence just is not there. What is in this legislation is not as it is being presented by the government side. That is pretty clear. We have some great concerns about this office of the judge advocate general.

The minister again says that the changes have been recommended in order to further strengthen the independence of the JAG. It is clearly not there. His words just do not match up with what is in the legislation. Prior to these amendments, the National Defence Act did not list the requirements for the JAG to be a military officer.

What I want to do with this next minute or so is point out the changes that have been made in this legislation which actually make this appointment even less independent.

Government Orders

I will go through that step by step. Prior to this legislation, the amendments to the National Defence Act did not require that the JAG be a military officer.

As the National Defence Act states, the JAG will be an officer, a barrister or advocate with at least 10 years standing at the bar of a province. That is what is stated partly in this legislation.

The pool of individuals who would qualify for this position of judge advocate general, which was previously not limited by rank, has now been limited to a pool of very few people. Some say there are as few as four people in the military who would qualify under the guidelines which are laid out in the legislation.

• (1350)

Instead of making things better, it is pretty clear that this legislation makes things worse. It narrows the pool even more.

There is a problem with these changes, other than just the narrowing of the pool. The JAG will still be within the chain of command. He will have three levels of officers above him. He will be outranked by approximately 25 individuals. What we called for is more independence. We suggested that the JAG be taken out of the normal chain of command.

If that does not happen, he will be outranked by 25 people. We know what that means in the military. It means that when one of those 25 people give an order the JAG will listen.

The rank system still allows for influence to be held over the JAG. In fact, these changes will allow that to become law.

The present minister has already recognized the problem inherent in these amendments. In making the most recent appointment last week, the minister went outside of the current list of serving candidates to recall a retired lieutenant-colonel to fill the position of JAG. Lieutenant-Colonel Pitzul was promoted two rungs to become brigadier general, which is the required rank under this legislation.

This rank jumping negates the entire military hierarchical system which will make a mockery of the position. That is a fundamental problem with what has been done with the office of the JAG by this legislation.

The best person for the job may not be able to fill the position. If he is a civilian he will not be able to do that unless he has the proper background.

These changes, when we really look at them, will not increase the independence, as promised, but in fact will only make the system even more closed than before. Clearly, the office of the judge advocate general has not been reformed in this legislation as it should have been.

The third area is that of the military police. I will not talk much about it, but I want to give a very brief outline of what has happened in that area.

The military police should have been taken completely out of the chain of command and given more independence. It is a very similar problem to that of the office of the judge advocate general.

The military police should report to the attorney general in matters relating to the investigation of major disciplinary offences and criminal misconduct, particularly when the infractions occur in Canada.

Judge Warren was commissioned to report on the military police. He recommended they not have the power in Canada to conduct criminal investigations, and yet this recommendation was completely ignored in Bill C-25. It is another glaring gap in this legislation.

I have talked about some of the specific problems with this legislation. What I want to do now is talk about a missing component of this legislation and other legislation which may come forward. That missing component is the commitment of government to the military. That commitment must appear in three ways. It must appear in words. The government must reinforce, again and again, that the military is important to Canadians. We need our military. We need the kind of security which comes with a well trained and well equipped military.

• (1355)

The second thing needed is commitment in terms of dollars, and I will talk a little about that. The third is a commitment in terms of the change in the structure of the military.

In terms of the commitment in words, it might be thought words would be the easiest way a government could show commitment to the military. I want to ask the following of any of the government members. When is the last time a Liberal prime minister showed real commitment to the Canadian military? When is the last time a Liberal prime minister said we really need the military of this country? When is the last time a Liberal prime minister said the men and women in the military were doing a good job or that the reason the military maybe is not functioning as well as it should is because of the basic structure of the military? I challenge the members to find the last time the Prime Minister said things like that.

In fact, one would have to look back a long way. My guess would be about 30 years. Clearly the commitment to the military has not been there in words in any way. We have heard the defence minister on occasion show some support for the military. I think that is one of the jobs of the defence minister, but for the Prime Minister it has been an awful long time.

Give some credit to the Conservatives. Certainly the Conservative government and former Prime Minister Mulroney did show a lot more respect for the military, did show more commitment to the military and did express our need for the military. They did it not only in words, they did it in terms of dollars and in terms of change. Those are the things I will talk about when I rise to complete my presentation after question period.

STATEMENTS BY MEMBERS

[English]

ARCTIC WINTER GAMES

Mrs. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, this Sunday marked the beginning of the Arctic winter games in Yellowknife. More than 1,500 athletes and staff participated for one week of competitions, cultural exchanges and shared new experiences.

Since 1970 these games are held every two years and include participants from all regions of the circumpolar world. This year there were contingents from Russia, Greenland and Alaska joining the NWT, Yukon and Northern Alberta to compete in 18 different sports ranging from hockey to traditional Arctic sports. A number of cultural presentations from the different regions were also present.

These were the last games for the NWT as one territory. In the next games to be held in the year 2000, Nunavut athletes will represent a new territory for the first time and will have full participation in the event. This will give Nunavut residents the opportunity to express their distinct culture and share their experiences with other participants. The Arctic winter games provide—

The Speaker: The hon. member for Calgary East.

* * *

RACIAL DISCRIMINATION

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, March 21 is the international day for the elimination of racial discrimination. I take great pride in the fact that Canada in 1989 became the first country in the world to have a national March 21 campaign.

Unfortunately racism continues to be a problem in countries around the world, including Canada. Yesterday evening I had the honour to attend the finals in Toronto of the stop racism national video competition.

Students from across Canada produced brief segments of the problems of racism in Canadian society. These young Canadians

S. O. 31

showed an awareness to a problem we should all be addressing. Racism divides people and weakens society.

The Reform Party is committed to fighting racism. Therefore we pledge to work with all Canadians in order to ensure that discrimination is eradicated in Canada.

* * *

[Translation]

JOURNÉE INTERNATIONALE DE LA FRANCOPHONIE

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, tomorrow, March 20, Canada and every country where French is spoken will celebrate the Journée internationale de la Francophonie.

As we know, the international francophone community is an integral part of Canada's foreign policy and all Canadians benefit from this window on the world, as a result of the cordial relationships we have established with French-speaking countries on all continents.

• (1400)

As one of the most active members of this multinational community, Canada will continue to uphold the fundamental values we all share, values such as democracy, human rights and, above all, the rights of women and children.

I would like all members of this House to join me in wishing all francophones in Canada and around the world a great Journée internationale de la Francophonie.

* * *

[English]

RACIAL DISCRIMINATION

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I rise today to remind all hon. members that March 21 marks the 10th anniversary of the celebration of the International Day for the Elimination of Racial Discrimination and the 50th anniversary of the Universal Declaration of Human Rights which was crafted by a Canadian, John Peters Humphrey.

We live in a Canada that enjoys a worldwide reputation as a model society that values social justice and democracy above all else. In reality, racism and social discrimination continue to act as barriers to the realization of our full potential as a socially responsible, progressive and prosperous nation.

Let us resolve anew to build upon our determination to craft a society in which every citizen feels a proud sense of belonging, a society in which social justice is a reality and not just a dream.

S. O. 31

[Translation]

NEWFOUNDLAND AND LABRADOR

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I am pleased to address a number of issues which are important to the people in my riding.

[English]

I have said it in this House before and I will say it again. Newfoundland and Labrador is going to be the place to be in the brand new century, in the brand new millennium ahead. I want to share with my colleagues the enthusiasm I have for my riding of Humber—St. Barbe—Baie Verte. We are hosting the National Triathlon Championships and heading into the world qualifying matches. The world will be joining my riding, here with us, colleagues included. Mr. Speaker, you are invited as well.

We will start off the brand new 1999 with Soirée '99. It is Newfoundland and Labrador's 50th anniversary as part of Confederation when Canada also joined Newfoundland and Labrador. Mr. Speaker, you are invited to that as well. We are also celebrating the 1999 Canada Winter Games. Members of this House, including the Speaker, are invited to that event.

To cap it all off, the brand new millennium will be first hailed in in L'Anse aux Meadows, Newfoundland. We are ahead of our time, Mr. Speaker.

The Speaker: That is the best offer I have had today. The hon. member for Cariboo—Chilcotin.

* * *

BRITISH COLUMBIA ECONOMY

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, on Tuesday the Toronto Dominion Bank announced that the British Columbia economy is essentially in recession. It is not hard to understand why. For example, a Swedish company, Bolidon Limited, purchased Gibraltar Mines near Williams Lake less than three months ago. Last week it announced that it is permanently closing this mine with a 12-year ore reserve still in the ground. What it really wanted were the Chilean mines in the deal.

Two hundred and seventy-eight people will lose their jobs. The economic spin-off of this closure will only add to the economic devastation felt by the community as a result. The actions of both the provincial and federal governments have had an enormous detrimental impact on my riding of Cariboo—Chilcotin and on the entire province of British Columbia. While the national unemployment rate is falling, it rose by almost .5% last month to 9.7% which is higher than it was when this Liberal government began its economic reforms in 1994.

British Columbians are suffering. What does this government care? British Columbians demand changes—

The Speaker: The hon. member for Simcoe—Grey.

* * *

PARLIAMENTARY IMMUNITY

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, today I rise to point out a disgraceful act. I want to make you aware that members of this House are making allegations all the time, hiding behind parliamentary immunity. They have made accusations of bribery. However, they refuse to make these same statements outside of this House while they know full well they would be sued for their untrue allegations.

The Prime Minister of Canada is considered to be a man of integrity. He is one of the most highly respected politicians in Canada and in the world. Like many other Canadians, I am proud that this good Canadian is my leader. If the Reform Party leader would follow the Prime Minister's example, he too might carry some respect in Canada.

It is this simple. The Canadian people want Reformers to apologize or make their statements outside of this House. The leader and the deputy leader of the Reform Party quite simply and knowingly have lied, yes lied, Mr. Speaker.

● (1405)

The Speaker: Those words are not permitted in the House of Commons. I would like you to withdraw those last words.

Mr. Paul Bonwick: If they would withdraw their comments, Mr. Speaker.

Some hon. members: Oh, oh.

The Speaker: My colleague, I want you to withdraw your words. These words are not parliamentary. I would ask you specifically to withdraw those words.

Mr. Paul Bonwick: I withdraw those words, Mr. Speaker.

* * *

LEADER OF THE OPPOSITION

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, over the past two weeks the leader of the Reform Party has been abusing the parliamentary traditions of this House.

The leader of the Reform Party has been making false allegations, allegations that he is not strong enough to repeat outside the Chamber. Shame on the leader of the Reform Party.

We hope that the leader of the Reform Party is inspired by the higher goals of honesty and integrity.

[Translation]

CONSEIL DU STATUT DE LA FEMME

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, yesterday, as a former minister responsible for the status of women, I attended the ceremony commemorating the 25th anniversary of Quebec's Conseil du statut de la femme.

In the National Assembly's red room, the council's current chairwoman, Diane Lemieux, the Speaker of the National Assembly, Quebec's minister of employment and minister responsible for the status of women, Louise Harel, the opposition leader and the premier took turns at the microphone to pay tribute to the council and its successive chairwomen. In the evening, more than 400 women gathered to celebrate, reminisce and plan for the future.

In Quebec, the Conseil du statut de la femme is an important institution. In addition to providing assistance to women and women's groups in those regions where it is represented, the council conducts research, publishes information and makes policy recommendations.

Unlike the federal government, which abolished the Canadian Advisory Council on the Status of Women, the Government of Quebec not only supports but—

The Speaker: The hon. member for Saanich—Gulf Islands.

* * *

[English]

BRITISH COLUMBIA

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, on March 30 the voters of Port Moody—Coquitlam will have an opportunity to send a voice to Ottawa that will represent them. They will say “no” to this Liberal government that refuses to listen and continually ignores British Columbians.

Let us talk about the facts. Let us talk about this Liberal dismal record.

The B.C. Minister of Fisheries and Oceans has not only failed to move forward in the Pacific salmon dispute, but he has put us in a worse position than we were five years ago. He knows he is about to close the lighthouse on Vancouver Island, the very lighthouse which talked him to safety some 20 years ago. They closed CFB Chilliwack, the only armed forces base in B.C. This Liberal government raised taxes to the highest level since Confederation and cut millions from B.C. health care and education.

B.C. residents are sick and tired of being told by this government what is good for them. They want someone who will stand up and

S. O. 31

listen, someone who will fight for them. The Reform Party is the only party that will listen and stand up for B.C.

* * *

LEADER OF THE OPPOSITION

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, for the second time this week I am compelled to rise and address the disgraceful antics of the official opposition.

I have served in municipal, provincial and federal legislatures since 1978. In all those years I have never seen a leader of the opposition so shamelessly hide behind the veil of parliamentary immunity like the leader of the Reform Party.

He has made slanderous accusations against the Prime Minister in the House, yet he does not have the courage to make those same allegations outside the House. Why? Because he knows they are unfounded.

Reform campaigned on a promise to rise above this level. Its antics have shown otherwise. This is the true face of Reform. Canadians deserve honest and responsible representation. Not shameful antics designed to disrupt Parliament.

* * *

[Translation]

OTTAWA SUN

Mr. Odina Desrochers (Lotbinière, BQ): Mr. Speaker, Conrad Black owns half the newspapers in Canada, including two French-language papers in Quebec.

But it is only in his English-language newspapers that can be found all the substance, content, and depth of the federalist arguments for Canadian unity.

This morning's *Ottawa Sun* carried two columns that are real gems. Earl McRae has all kinds of nice words to describe sovereignists: seditious rats, dumbs, loud-mouths, devious, anti-Canada, treacherous turncoats.

● (1410)

As for Linda Williamson, she compares the sovereignist movement in Quebec to ethnic nationalism in Yugoslavia.

These brilliant columnists want the Bloc Québécois out of the House of Commons. That is exactly what we want too. In case they did not realize, we are working toward an independent Quebec. Conrad Black should publish editorials such as these in his French-language papers in Quebec. Their wish to do away with sovereignists in Ottawa would be fulfilled even sooner.

S. O. 31

[English]

BANKS

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the town of Lynn Lake is the latest victim of the Liberal government position: Let the banks decide.

The banks say bigger is better. They talk about providing better service at a better price.

Mayor Audie Dulewich of Lynn Lake and many in the community tried to keep services there. The bank, in spite of giving assurances to myself and the community, is not able to provide minimal service let alone better service.

Bank mergers, job loss, intimidation tactics, excessive surcharges, bank closures; what more does this government need? How many more communities will have to suffer the fate of the people of Lynn Lake before this government takes action and ensures that banks, in their privileged positions, have a responsibility to provide the service Canadians want?

* * *

[Translation]

LEADER OF REFORM PARTY

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I want to talk about Reform, but they will understand only half my statement because I will use both languages.

Over the last two days, the leader of the Reform Party has shown his true colours by refusing to repeat outside the House the serious accusation he has made here.

He is accusing a senator of buying a seat in the Senate, and the Prime Minister of receiving financial gains in exchange for this appointment. But he would not say a word about this outside the House.

[English]

Shame on the Leader of the Reform Party.

Yesterday, we saw the true face of the Leader of the Opposition. He stood in this place and accused the Prime Minister of allowing a senator to buy his seat. This is a very serious accusation against the Prime Minister, an accusation that the Leader of the Opposition does not have the courage to make outside of the House.

* * *

TRANS-CANADA HIGHWAY

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, businesses on the island of Newfoundland receiving goods from or exporting goods to Canada must run a gauntlet of toll gates on the Trans-Canada Highway in the maritimes. The one-way toll in Nova

Scotia is \$10 per truck and the one-way toll in New Brunswick will soon be \$27.50 per truck.

Therefore, a truck making one round trip a day every day for a year would have to pay over \$27,000 a year in tolls. This will drive up the cost of doing business in Newfoundland and will cause us to lose jobs and economic development.

I call on the federal government to exercise its constitutional responsibility and take action to ensure the free flow of goods and services in Canada. We do not have a railway in Newfoundland, so it is up to the federal government to allow us to keep on trucking.

* * *

[Translation]

SIMCOE NORTH FRANCOPHONE COMMUNITY

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, the Semaine de la francophonie gives all Canadians the chance to celebrate French-speaking communities throughout Canada. My riding has a proud French-speaking community that is not afraid to take its future into its own hands.

Through perseverance and solidarity with other French-speaking communities and successive governments, this community in Simcoe North has been able to get the means and resources to secure its collective development and well-being. For example, the French-speaking people of Simcoe North have their own community radio station, literacy centre, schools, community centre and newspaper.

This community is always facing new challenges, but I am sure it will be up to the task thanks to the solidarity that exists among its members and among all of Canada's French-speaking communities.

Long live the French-speaking community in Simcoe North and long live the Canadian francophonie.

* * *

[English]

GUN CONTROL

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, we can surely tell there is a Liberal convention in town judging by the antics of the Liberal last row members of Parliament on the other side today.

I want to quote from an article by Sean Durkan dated March 18, 1998. It states: "Did you know the Department of Justice completely misreported RCMP statistics on criminal use of firearms to make them look far worse than they were and bolster the argument for gun control. I agree with gun control but having the department alter figures to suit its purposes is outrageous".

• (1415)

I for one would like to know what else the justice department misreported. If justice officials deliberately misrepresented RCMP

crime statistics on gun use and violent crime, how do we know they did not mislead the public in other evidence?

This is just one more example of the Liberal way of ramming through distasteful legislation by concocting their own evidence.

ORAL QUESTION PERIOD

[English]

THE SENATE

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I have a question for the government about the Senate and please do not sue me.

The Liberals are being a touch sensitive about the lucky lackey in the Senate. David Black served on Viceroy's board of directors with the Prime Minister. He says that Viceroy rewarded the Prime Minister with shares. That is fine. It is even legal.

Why did the Prime Minister tell the House last week that he received no remuneration for his work at Viceroy? Why did he say it?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the important question is why did the Reform Party assert wrongdoing when protected by the privilege of the House of Commons in the House and not have the guts or the integrity to repeat the charges outside the House.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, if there is to be a lawsuit I expect the Prime Minister should be sued for false advertising. He broke his promise to end Senate patronage.

It is unbelievable the upset these Liberals are feigning. Yesterday the Prime Minister was so upset that he did something he has not done in years. He actually stepped outside and talked to reporters. Too bad he did not stay to answer their requests.

The Prime Minister said he received no remuneration. This is a simple question. David Black admitted that the Prime Minister was rewarded. Why is the Prime Minister still claiming he was not given remuneration for his work at Viceroy? Why is he still saying that?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, again I return to the real issue. Why, when the Leader of the Opposition stepped outside the House, did he not have the integrity, the dignity and the class to repeat these allegations if he thought they were true?

This proves they are not true and the members of the Reform Party are abusing the process and privileges of the House. They ought to be ashamed of themselves.

Oral Questions

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I think we can get third time lucky here. The reason Canadians are asking these questions is that the Liberals are breaking their election promises on integrity in government.

In 1990 the Prime Minister told Canadians "I am not interested in patronage because I am a Liberal. I know if I make my friend a millionaire he will become a Tory". This latest millionaire appointment is Liberal to the core.

Why did the Prime Minister promise to end patronage appointments and then continue to give his friends jobs in high places? Why?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, why has the Reform Party broken the pledge of the Leader of the Opposition made in the *Winnipeg Free Press* on January 16, 1994 "to do away with political cheap shots, personal remarks, booing, desk thumping and rude noises".

That promise has been broken and the question of the hon. member is nothing more than a rude noise which does not belong in the House of Commons.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, Alberta is having Senate elections this fall because they are sick of the Prime Minister's patronage appointments and they simply refuse to accept another Ross Fitzpatrick.

Day after day the Prime Minister has told the House he will ignore Alberta's wishes and will appoint his friends instead. Albertans are doing what the Charlottetown accord never would have allowed them to do, that is holding a province-wide election on senators.

Why does the Prime Minister think that his patronage appointments are more honourable than a democratic Alberta election?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, why did the Reform Party vote against the Charlottetown accord?

Some hon. members: Oh, oh.

The Speaker: The Deputy Prime Minister.

• (1420)

Hon. Herb Gray: Mr. Speaker, if the Reform Party had voted for the Charlottetown accord the last paragraph of clause 7 of the accord would have gone into effect which states "Matters should be expedited in order that Senate elections be held as soon as possible and if feasible at the same time as the next federal general election for the House of Commons".

If they had not voted against the accord, there could have been an elected Senate as far back as the elections of 1993.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, the arrogance of the government has no bounds. It simply refuses to listen to Canadians.

Oral Questions

How could any prime minister ignore what has gone on with Senator Thompson in his absenteeism? This Prime Minister did. How could any government ignore the wishes of Albertans who want to elect senators, not appoint them? This government is. How could the Prime Minister and the government so misread the mood of Canadians when it comes to Senate reform?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, if the Prime Minister had misread the mood of Canadians, why is it that he won a second back to back majority victory for only the sixth time in Canadian history?

* * *

[Translation]

OPTION CANADA

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, when I asked the heritage minister about Option Canada, she only managed to reply that she was not the minister at the time. Yet, to my knowledge, the principle of cabinet solidarity still exists.

Are we to understand from the minister's comments that she is beginning to distance herself from the decisions made by her predecessor, who authorized a \$2 million grant to Option Canada, 12 days before the application was submitted?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I already said that the comments made by the hon. member, and by the member for Rimouski—Mitis who keeps repeating them, are false.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, with replies such as this one, it is not surprising that the minister is no longer the Deputy Prime Minister.

But let us go back to the issue. The minister said that, following the auditor general's request, she asked the president of Option Canada to submit a report on the use made of the funds given to that organization.

Can the minister release the letter she claims to have sent to the president of Option Canada?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, any information that is released is on the public record.

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, clearly ridicule does not kill anyone, otherwise the minister would have died a long time ago.

My question is for the Minister of Canadian Heritage. Option Canada spent nearly \$5 million, and, two and half years later, still no one knows how.

I would like the minister to tell me if she has set a deadline by which the president of Option Canada must reply and, if so, quite simply, what is this deadline?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Indeed, Mr. Speaker, the expenditures involved exactly match those made by Option souveraineté Québec.

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, I wonder whose member's question the minister answered, but I will put another one to her.

Since Claude Dauphin, who was the president of Option Canada at the time the grant was awarded, now works for the Minister of Finance as an adviser on Quebec affairs, will the minister at least tell us who is currently the president in charge of Option Canada?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, the hon. member says he does not know whose question I answered.

The interesting thing about Bloc members is that, when they do not like the information they are provided with, they cast it aside. We will recall the Le Hir episode. Millions of dollars were spent by the PQ when they were intent on achieving sovereignty.

• (1425)

After looking into the matter, Mr. Le Hir distanced himself from the sovereigntist option and poof—he was gone. Poof—bye bye francophones! Any information they do not like they make disappear.

* * *

[English]

RACISM

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, my question is for the Deputy Prime Minister. On March 21, United Nations international day for the elimination of racism, a white supremacist meeting in Oliver, British Columbia, will try to solicit support for an Internet provider who has become an electronic news-stand for publications fostering hate against aboriginals, new Canadians, francophones, the Jewish community and other groups.

Racist groups are flaunting the law by using the Internet. What is the government doing to ensure that Canada does not become an electronic safe haven for hate mongers?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, this is a very important question. It is an issue that concerns all of us who are both encouraged by the prospects and opportunities that new technology creates and mindful of the downside.

All the criminal laws that apply to hate or pornography in other forms of publication apply with equal force to the electronic media. We will ensure they are enforced as stringently as possible.

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, as various white supremacist groups are now converging in the town of

Oliver, British Columbia, the city hall has called for an expedited investigation of the problems regarding the regulating of Internet material, specifically racism and hate literature including such topics as neo-Nazi, white supremacist and anti-Semitic literature.

Internet providers should be responsible for hate material stored in their systems.

Will the Minister of Justice take steps immediately to modernize the law to define the legal responsibility of Internet providers, especially when it comes to hate and pornographic materials?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, again this is an important issue. For that reason Canada is hosting a number of international meetings that will touch on it.

There will be a meeting of the OECD in October in Ottawa which will deal with electronic commerce and other aspects of the information highway. As well, there will be an international conference held in Canada that will raise the very issues the hon. member has raised.

It is complex from a legal point of view. However, I believe it is key to understand that nothing distinguishes electronic communication from other forms of communication. All aspects of the Canadian law with respect to pornography and hate mongering apply equally.

* * *

THE ECONOMY

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, Moody's, the firm that sets international credit ratings, has expressed fear that the government will start indiscriminate Liberal spending yet again.

Despite the claim of a balanced budget, Canada's credit rating is two levels below that of our international trading partners. When will the Prime Minister admit that the financial markets do not have confidence in his policies because they know he will choose spending over giving Canadians the meaningful tax relief they need?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the ultimate confidence in the financial markets of the world is expressed through interest rates, which have come down from being at least two percentage points higher when the Tories were in office to below across the board U.S. rates today.

If we had adopted Tory policies in this regard, including its massive tax cuts the last time, we would have been right down in the sewer.

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, I am surprised the minister did not mention the Canadian dollar, which

has shown some upward movement recently. The fact is that the only upward movement in the dollar is due to leadership, but not the leadership on that side of the House.

The Prime Minister's idea of leadership is to place blame on the provinces for the health care system this government destroyed and to place blame on the currency traders for the government's financial ineptitude. He sounds more like President Suharto than he does the prime minister.

When will the Prime Minister start taking some responsibility? When will he recognize that the dollar remains weak because the fundamentals of this economy are wrong?

• (1430)

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the ultimate in hypocrisy is the Tory party coming before us and suggesting that it has set the course for the good fiscal management of this country.

We have gone through a very difficult period. We will continue to take a balanced approach to keeping our fiscal house in order and to paying down our debt, reducing taxes and investing in the future of Canadians. Financial markets of the world have called Canada, for example, the economic miracle. We will continue that.

* * *

THE SENATE

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, let me read to members from a fiction novel: "I didn't want to be trapped into making decisions on patronage, local contracts and appointments that cause so much friction and bad blood". Members are probably asking where that comes from.

That fairy tale came from page 196 of the Prime Minister's own book called *Straight from the Heart*. If the Prime Minister will not listen to Canadians about patronage, for goodness' sake, will he at least listen to his ghost writer?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I think the Reform Party should be hired by a creative writing department at a university. When it comes to fiction, it is setting new standards, and they are very low standards.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, certainly the Liberals are feeling the heat on this one. They have stopped showing their arrogant side and now they are showing their bullying side, threatening to sue us and trying to shout us down, anything to stop Canadians from getting—

Some hon. members: Oh, oh.

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

Oral Questions

Mr. Jim Hart: Mr. Speaker, what I would tell the government is that seat in British Columbia does not belong to the Liberal Party of Canada. It does not belong to the front benches of the Liberal Party. It belongs to the people of British Columbia. They own that seat. Why is the Prime Minister treating it like it is Liberal Party property?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is using the Reform concept of creative fiction when he develops his second question. We are very conscious of the concerns and desires of the people of British Columbia and all of Canada.

The hon. member has yet to show, to quote the Leader of the Opposition "we have to demonstrate in five years to the people of Canada that we can do politics differently". Perhaps he has demonstrated that because he and his party have brought the standards of decorum in this House to new lows and—

The Speaker: The hon. member for Roberval.

* * *

[*Translation*]

OPTION CANADA

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in the controversial matter of Option Canada, in which money was spent without us really knowing where it went, we can say that the Minister of Canadian Heritage is as transparent as the door of a safe.

She just said that the letter she wrote was made public. If so, why has her office refused to give us a copy? If this is true, will she ask her assistants, upon leaving this House, to give us a copy of that letter?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I put everything in the file. I myself gave the members opposite about 118 pages of information, from which they drew their own conclusions. Unfortunately, no fewer than four times in this House, and also in Saskatchewan, the Bloc Quebecois has misled the public with regard to the contents of this file.

• (1435)

All I want is for you to stop—

The Speaker: The member for Roberval.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we will never know the end. How sad!

The last time the heritage minister gave that kind of answer, it was in the GST matter in which she had to resign. This is disturbing.

It is she who is misleading the House. Is she willing to make that letter public, as she just said? Will she instruct her officials to make that letter public when she leaves this House?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I want to tell the House that all the information is in the public domain. I am quite prepared to provide all the information they want, but they are not interested. All they want to do is play politics, as they are doing this week with the Semaine nationale de la francophonie.

When francophones have the opportunity to celebrate together, we see people like Sylvain Simard who shamelessly play politics with French Canadians. The Bloc Quebecois and the Parti Quebecois should be ashamed.

* * *

[*English*]

THE BUDGET

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, the auditor general is fighting back in response to the blistering letter he received from the government the other day. He has told the government to go take a hike because he will have no part in the minister's game of cooking the books.

My question is to the President of the Treasury Board. Why do taxpayers have to cough up two and a half billion dollars today when students will not see a penny of this for more than two years?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, we have come through a very difficult time but finally we have balanced the books and we are now starting to pay down our debt. This is due in large measure to the fact that we have adopted a policy of pay as you go combined with total openness and transparency so Canadians can understand exactly where we are. This is why we will continue to hold ourselves to the most rigorous possible standard of openness and transparency. This is our policy.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, this has nothing to do with pay as you go. The new policy of the government is take now and give it back later. If the taxpayer were to do his books that way he would be in jail because Revenue Canada would never stand for that.

When is the minister going to smarten up and realize this double standard is costing Canadian taxpayers a two and a half billion dollar tax break this year?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, what we have done here is very simple. We have adopted the proposition and the principle that when you commit to paying money you no longer have that money available to spend on something else. Every household and every business knows this. This is the policy of this government. When we commit, we pay.

Oral Questions

[Translation]

MILLENNIUMSCHOLARSHIPS

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, my question is to the Minister of Intergovernmental Affairs.

The minister stated yesterday that he wanted all the money that will be put into the millennium scholarship fund to go to students, which the Quebec government is not committed to do.

How can the minister lead students to believe that he wants to give them more money when his colleague, the Minister of Human Resources Development, said that Quebec just had to subtract from loans and scholarships any amount received from the millennium fund?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I hope the Quebec government does not intend to do that because the objective is for both governments to work together to help students.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Minister of Intergovernmental Affairs should speak to his colleague, the Minister of Human Resources Development.

Does the minister not agree that, if he really wants to give more money to students, he must not do so through the millennium scholarship fund but by giving back to Quebec the millions of dollars he cut in education?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, let us not forget that, from 1993-94 to this day, the Government of Canada has cut its own expenditures by nearly 11% and its transfers to the provinces by 7.4%.

• (1440)

Second, five of the ten provinces have surpluses and the others have deficits that are quite acceptable, except Ontario, which chose to reduce its taxes by \$5 billion—we have nothing to do with this—and Quebec, which took a year to hold a referendum and another year to recover from it.

* * *

[English]

EMPLOYMENT

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, last Friday the Parliamentary Secretary to the Minister of Human Resources Development stated that February's unemployment numbers showed that "Atlantic Canada and every

single province had a reduction in their unemployment rate this month".

It is amazing that the parliamentary secretary would make this statement considering that in British Columbia the unemployment rate rose from 9.3% to 9.7%.

I ask the minister is this just another example of this government's distorting the facts to congratulate itself or is it that it no longer—

The Speaker: The hon. parliamentary secretary.

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, yes indeed we are very proud that last month some 82,000 new jobs were created in Canada.

I did say that in every province in Atlantic Canada the unemployment rate did go down. That is exactly what I said. I also said that the unemployment rate did go down in Canada and it is a continued trend since this government's policies started to kick in. We will not be satisfied until every single Canadian has a job.

* * *

BRITISH COLUMBIA

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, on Monday the Minister of Finance stated that B.C.'s woes were due to the NDP government, yet he takes credit for all the good things that are happening in the rest of Canada. The only commitment he made was that this government would not be coming to B.C.'s rescue.

Does this mean that this government will continue to suck billions of dollars out of British Columbia, recognizing it is the only province that is suffering an economic downturn at this time?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, all of us are very concerned about the economic downturn in British Columbia. It is due in part to the fact that British Columbia is disproportionately suffering from the Asian crisis.

We are monitoring this situation very carefully. We have committed ourselves to helping B.C. deal with the Asian crisis and have made strong moves there. We will continue to monitor the situation in British Columbia, as we are very concerned about it.

* * *

[Translation]

THE ENVIRONMENT

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Madam Speaker, the Kanestake Mohawk Council, the people of Kanestake and the people of Oka, through their mayor, have expressed concerns about the serious consequences they could suffer because of an unregulated landfill located in Mohawk territory.

Oral Questions

Will the minister admit that the best way to solve the problem would be to intervene so that Quebec's environmental laws and regulations apply there as they do everywhere else?

[English]

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, we are all concerned about this issue of the Kanesatake First Nation.

The band council has held community meetings in this regard and we are working together with it to develop environmental auditing strategies.

I note that members from my colleague's department, the Minister of the Environment, have been on site and are taking samples. We are working in a participatory way to try to deal with this issue.

* * *

DONKIN MINE

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, Atlantic Canadians and in particular the people of Cape Breton Island are very much concerned about the statements and allegations being made by the member for Bras D'Or.

Today I would like the Minister of Natural Resources to explain to this House and to the good people of Cape Breton Island the future of the Donkin mine, in particular their employment with Devco.

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the member for Bras D'Or is playing the most vicious form of politics with the lives of Cape Breton miners on the eve of an election for her own partisan purposes. She is anxious to stir up fear and heartache not to help the people of Cape Breton but to try to save the political skin of the NDP.

I come from Saskatchewan and I know how the NDP operates. Let me be very clear that its allegations about Devco are utterly false and its tactics in this matter are beneath contempt.

* * *

● (1445)

BRITISH COLUMBIA ECONOMY

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, my question is for the Deputy Prime Minister.

A recent Informetrica report indicates that some 9,100 jobs will be lost in British Columbia by the year 2000 due to the increases in CPP contributions. A KPMG management consultant study suggests British Columbia has been shortchanged \$1.3 billion by federal government procurement opportunities.

The Prime Minister always talks about the APEC conference helping British Columbia. What else do they have to offer British Columbians to offset these jobs that we are losing in British Columbia?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, when we took office the tax for unemployment insurance was rising to \$3.30. We have cut it back. The last cut was \$1.4 billion.

Having said that, I am fully confident that the strong measures we have taken to put our fiscal house in order, to keep our inflation down, to make sure that we have a balanced approach to tax reduction, to investment in our future and to debt reduction are going to pay the dividends for all Canadians.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, B.C. really got hosed when the Liberals decided to make political hay from essential infrastructure funding. Communities throughout B.C. are still waiting. Cities like Cranbrook have bills to pay.

The minister blames B.C. but his excuses do not wash. What about the culture and heritage grants where volunteer labour and private donations go begging? Why does the government hold out money promises to B.C. then grabs it back when it applies for it?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I am amazed that the member would stand in the House and talk about culture applications because he also complains before the House about the kind of investment we have in organizations like Canadian heritage.

In fact Canadian heritage is one of the major cultural employers in British Columbia. The movie and film industry in British Columbia is one of the fastest growing industries and his party has done everything it can to cut off the cultural industries in British Columbia.

* * *

THE ENVIRONMENT

Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP): Mr. Speaker, the Department of Fisheries and Oceans may ignore a panel of inquiry and impose unfair oil spill response fees to be collected by big oil companies at the expense of small competitors.

There are serious concerns that the minister's decision may be retroactive and could increase gasoline and heating oil prices across Canada. Atlantic Canadians are still suffering from the HST impact on home fuels.

Will the minister commit today to implement the Gold report recommendations and say no to the retroactive fees?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I should point out to the hon. member that the

previous government set up a response organization system involving the private sector. For this to be effective and for there to be proper protection of our environment, naturally those who transport oil over water must pay and must be part of the system.

It is no surprise that the hon. member prefers to have lower prices rather than environmental protection. Environmental protection is one of the weak suits of the NDP.

* * *

EMPLOYMENT

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, my question is for the Minister of Human Resources Development. Cominco, one of Canada's largest companies, has shut down the Anvil Range mine in Faro, Yukon leaving hundreds unemployed and stranded. The minister's EI rules are keeping families trapped in the remote north with no hope of work or moving to get to work.

In light of the minister's huge surplus and considering the remoteness of the location involved, will the minister help these families with the costs of moving to a new job?

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, the member will know if she has talked to the local officials on the ground that there is a program in place to deal with laid off workers. If the member would spend a little time looking at this, we will be quite willing and prepared—

Ms. Louise Hardy: They need help. The government has money. Help them.

Mr. Robert D. Nault: Mr. Speaker, if the member would listen and not yell across the room, maybe she would hear the answer.

The answer is that there is a transitional program in place for workers who are laid off. Once we put in that program we will help the individuals who are laid off look for work and find work elsewhere.

* * *

THE ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, my question is for the Minister of the Environment.

Last week the minister reintroduced the Canadian Environmental Protection Act and stated in the House that her department had sufficient resources to deal with every element of the Canadian Environmental Protection Act in its current form. Yet her own deputy minister stated in committee that there were not enough resources to enforce all the existing regulations.

Oral Questions

• (1450)

How does the minister square what she said in the House last week to what her deputy minister has said? How does the minister expect her department to enforce a new act when it does not have the resources to enforce the existing act?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I am happy to respond to the question. What I said last week is that there is within my department resources available to deal with all enforcement issues necessary, including inspections.

The deputy minister was before the committee. He did respond that there is a review under way to find how we can reallocate some resources to make sure that we have effective enforcement within the department.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, if the minister is serious about inspections, she might want to listen to this point.

On February 26 one of the minister's officials stated when referencing what happens to a CEPA regulation in Ontario, "If we do not have the resources, then it basically sits in a file until an investigator is freed up, and if an investigator is not freed up over a period of a year or two years, then the file just gets closed".

Canadians want to know how many broken environmental regulations end up in a file that gets closed.

Why does the minister even bother having environmental regulations if she does not intend on having anyone to enforce them?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, all the regulations we put in place are enforced.

I would also like to say that enforcement is a serious concern to me as it is for many Canadians. I have asked my department to review our enforcement activities and to find the resources to make sure that our environment is adequately protected.

* * *

TAXATION

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

Millions of Canadians are now in the process of filing their 1997 income tax returns. In spite of assurances in the past, many taxpayers feel that they have little or no rights. What actions are being contemplated to ensure that those who pay the bills have rights and are treated with respect?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I want thank the hon. member for Durham for his question and his genuine interest in ensuring that Canadian taxpayers are treated with the respect that they deserve.

Oral Questions

Fair treatment for taxpayers is of foremost importance to both Canadians and the national revenue department. Just yesterday I released a public discussion paper entitled "Ensuring Fair Customs and Revenue Administration in Canada" in which I make a clear commitment to ensure that fairness is a cornerstone of our tax system.

I look forward to the input of Canadians and my fellow—

The Speaker: The hon. member for Surrey Central.

* * *

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, CIDA gives out contracts worth billions of dollars. My home province of British Columbia receives only 3% to 4% of these contracts, even after the open bidding contracting system was installed. The two central Canadian provinces received well over 90% of those contracts.

Can the minister come clean and explain the inequitable and unfair treatment that British Columbians are receiving? What has she done to address this unfairness?

Hon. Diane Marleau (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, we now have an open bidding system. The only way contracts can be won is to actually go out and bid on them.

I am sorry but British Columbians do not bid very much on those contracts. I have personally travelled to British Columbia to encourage people to try to make some bids on these contracts. If they bid on them, they have a very good chance of getting contracts.

[Translation]

VICTIMS OF HEPATITIS C

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, destruction of some documents, refusal to divulge others, court challenges, anything to hinder the work of the Krever commission.

This morning, we have learned that the federal government recognized, long before the final report was tabled, its responsibility toward victims of hepatitis C.

Again, how can the minister justify his government's contemptuous attitude in recognizing privately its responsibility toward victims, while claiming exactly the opposite before the commission and the Canadian hepatitis C society?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, Mr. Justice Krever received documents and heard the testimony of officials of the Department of Health on all the events, at the time.

• (1455)

We have now received Mr. Justice Krever's report. We have accepted the recommendations concerning the department and the ways of assuming our responsibilities.

We are holding discussions with the provincial departments, including the department in Quebec, to set up a compensation plan for victims. We will be announcing it when we are ready.

* * *

[English]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, evidence released today shows Monsanto, with its Liberal aides turned lobbyists, is behind a major campaign to get bovine growth hormone approved in the milk we drink.

The health minister rejected his own scientists' concerns and set up more review panels while including Monsanto on a Canadian delegation overseas that voted against further review of the rBST.

Will the minister let his own scientists do their jobs or will he let Monsanto dictate the health protection agenda for the country?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, in what is becoming a pattern the hon. member has her facts wrong.

The so-called delegation to Geneva was headed by the director general of food safety in the health protection branch. Invitations were sent to dozens of Canadian interests to accompany the delegation, including the Consumers' Association of Canada.

The decisions made and votes cast were those only by the officials. In fact there was a motion to prolong the study of rBST. That motion was adopted.

* * *

FIREARMS

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, yesterday I asked the Minister of Justice if the same flawed statistics that were used by the Liberal government to justify gun registration were also relied upon by members of her department when they made their pleadings before the Alberta Court of Appeal. She did not answer that question.

She also referred to a letter that she tabled in the House dated December 30. In that letter there is a reference by the commissioner to a letter from her department dated September 25. Will she answer yesterday's question and table that letter today?

Business of the House

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to point out to the hon. member, and I would be happy to file this with the Speaker, the report to which he refers incessantly is the “Illegal Movement of Firearms in Canada”. In annex A of the report the methodology is set out.

If the hon. member bothered to inform himself he would see that there has been no misrepresentation. There has been no attempt to in any way misuse or conceal data. In fact the statistics—

The Speaker: The hon. member for Lanark—Carleton.

* * *

INDUSTRY

Mr. Ian Murray (Lanark—Carleton, Lib.): Mr. Speaker, my question is for the Minister of Industry.

Many people in various regions of the country have worked long and hard to attract a semi-conductor manufacturing plant to Canada. Can the minister tell us if this effort has reached a dead end or is there still hope that a major chip fabrication plant will be built to serve our high tech industry?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, the effort to attract a major semi-conductor manufacturing facility to Canada continues to be a top priority of investment partnerships Canada. It is working together between my department and that of the Minister for International Trade in partnership with the provincial governments in British Columbia, Alberta, Ontario and Quebec, as well as the private sector and many representatives from various universities and colleges across Canada.

I am convinced, based on the information we have gleaned, that we remain a very competitive site for the location of such a facility. I am determined that Canada will win such a facility in the near future.

* * *

LIGHT STATIONS

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, 80% of British Columbians want their light stations staffed. The Minister of Fisheries and Oceans refuses to state his intentions to maintain staffing of lighthouses because of the byelection in British Columbia on March 30.

The government's retirement incentive for light keepers expires March 31 but light keepers cannot decide their future because the minister will not disclose the plan.

Will the minister commit today to maintain staffing of British Columbia light stations?

• (1500)

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member will recall that there is some period of months, in fact years, that this has not come to the decision he would like and in fact has not been made. The byelection he talks about has only been in progress for a few weeks.

It seems to me that the logic of his putting the two things together is totally false. I will be making a decision on that subject in due course at the appropriate time.

* * *

[Translation]

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of members to the presence in our gallery of the Hon. Yero Boly, Minister of Territorial Administration and Security of Burkina Faso.

Some hon. members: Hear, hear.

* * *

[English]

BUSINESS OF THE HOUSE

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, it is my honour and my delight and my privilege to ask the famous Thursday question and to inquire about the legislative agenda that is planned by the government for the coming days.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thank the hon. member across for this excellent question. At the same time, I want to thank hon. members on both sides of the House for their co-operation in dealing with legislation so far this week.

The real and serious work of this Chamber does not seem to sometimes excite much the people in the media, but I want to take this opportunity to point out that since my business statement last week, members of all parties have moved forward six important pieces of legislation. I hope for similar co-operation in the future.

This afternoon we will continue Bill C-25, the defence reorganization bill.

On Monday the first item will be Bill C-28, a bill to augment the Canada health and social transfer. We are looking forward to support on this. This will be followed by Bill C-12, the RCMP superannuation bill; Bill S-3 respecting pension benefit standards, and Bill C-25 if not completed today.

Government Orders

On Tuesday and if necessary on Wednesday we shall debate the budget implementation bill that was introduced this morning. We would then return to any leftover bills from Monday, followed by Bill S-4, the marine bill.

That is the weekly business statement. For the convenience of all hon. members, I would like to indicate the plans of the House for a little bit further. I hope to be able to announce a schedule in the future that will include among other things Bill C-27, the coastal fisheries bill, Bill C-26, the grain bill, the Judges Act amendments introduced this morning, as well as Bill C-3 and Bill S-5 if the Standing Committee on Justice and Human Rights reports them in time.

GOVERNMENT ORDERS

[English]

NATIONAL DEFENCE ACT

The House resumed consideration of the motion that Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I have held discussions with representatives of all parties on Bill C-25. Regrettably, the Minister of National Defence has not had the opportunity to speak on it and I understand that he is deemed to have spoken, Bill C-25 being in his name.

I would seek the consent of the House to allow the minister to participate at the next Liberal turn in the normal rotation and for the normal period of 20 minutes, subject to 10 minutes of questions and comments.

• (1505)

The Deputy Speaker: Does the chief government whip have the unanimous consent of the House for his proposal?

Some hon. members: Agreed.

The Deputy Speaker: When the House broke for question period, the hon. member for Lakeland had 15 minutes remaining in the time for his speech.

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, while I know you would be delighted to see me take my 15 minutes, I will probably take about 5 minutes to close.

Some hon. members: More, more.

Mr. Leon E. Benoit: All of the members are hollering for more, but I have to keep it to what I really have to say. I am pleased that

the minister will be speaking and be open to questions. I look forward to that.

All I have said about this legislation is not as important as a key component that has been missing from this government and from Liberal governments over the past 30 years. That component is a real show of support for and commitment to the Canadian military.

Before question period I was commenting on the three ways a government should show support for the military, the first being words, the second being money and the third being important and substantial change to the defence act and the way the defence department operates.

I commented on the words. To my knowledge, we have not seen a Liberal prime minister over the last 30 years stand up before the Canadian people and say very clearly that the Canadian military is absolutely essential to the security of Canadians in our country. I have not heard that the men and women in the military are good people who do their jobs as well as they can in the system they are forced to work within. I have not seen them show that kind of support for the people in the military. We hear that from the minister of defence but clearly that is his job.

It is absolutely essential for the Prime Minister of this country, the top person within the government of this country, to come out and show strong support for the military. Until that happens we are not going to have the proper level of morale, nor will we have a military that is functioning as well as it must function in order to offer the security that is so important for us. That commitment has not been there.

Money is the second key commitment that must be made by government. I go back to 1992 when Reform was putting together our zero in three plan, the plan to balance the budget in three years. We campaigned on this in 1993 for the election. In that plan we proposed reducing military funding from a level of about twelve and a half billion dollars a year down to about eleven billion dollars. We thought that was absolutely necessary based on the financial condition of the country.

This government has gone beyond \$11 billion down to \$9 billion a year that is being spent on the military. Our military cannot operate properly at that level of funding. The government has to show commitment by giving the men and women in the forces the proper equipment and the proper training. The men and women in the military right now do not even have proper personal equipment including uniforms and combat equipment. That is completely unacceptable.

On top of that, they need the best in terms of more significant, larger equipment like helicopters. There has been a promise to replace the search and rescue helicopters. What about the ship-borne helicopters? We all know that the Sea Kings are unfit to fly. They operate under much more severe conditions for the military than they do during civilian usage. The military does not put as many hours on helicopters as the hours put on civilian choppers, but because of the vigorous and difficult conditions they operate

under, they are not safe. This government will offer a replacement at the very earliest by the year 2005. That is the very earliest and that is not good enough. They just have not shown the commitment in terms of equipment and training. That has to happen before we will have proper morale in the forces.

• (1510)

Third, and this relates more directly to the piece of legislation that we are debating today, they have not shown a will, a desire or a direction when it comes to making the basic systemic changes that are needed to make this military operate properly.

This legislation, quite frankly, does not cut it. It is a series of half measures. Some of them are good and move in the right direction. However, when they are looked at and analysed, they really do not go anywhere near far enough.

We oppose this legislation. We will be making amendments and if the government will support our amendments, or put forth its own, offering the same kind of changes, then under those conditions we will support this legislation. It really depends on the government and what it will allow in terms of its own amendments and amendments from us and other opposition parties.

I will close by saying once again that I am looking forward to the minister and his presentation at four o'clock. I am looking forward to the questions that the opposition parties ask of the minister at that time.

[*Translation*]

Mrs. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I must say first that Bill C-25 is not only sizeable, but also ambitious. It is ambitious because it seeks to change our military justice system. For those who followed the work of the commission of inquiry into the deployment of Canadian forces to Somalia, we know very well that the present system has serious problems that deserve some special attention.

The Bloc Québécois is among those who believe that the role of members of Parliament in defence issues must be reinforced. This does not mean that we must play a huge role overseeing the conduct and business of the military, but that we must oversee them in such a way as to break down the walls of national defence and the Canadian armed forces, in the best interests of people in Quebec and Canada.

To be more effective in our role, we should have access to reports produced by non-political, independent organizations, such as those prepared by the auditor general. This is why, as the Létourneau commission recommended, we believe that an inspector general, working independently from the Canadian forces and accountable to Parliament, would ensure a fair, neutral and balanced analysis of the activities of the military, which the present bill will never be able to do.

Government Orders

As the Létourneau commission stated in its report "There is evidence that Canadians and members of the CF want a review process that is straightforward and independent. We also believe that a civilian inspector general, properly supported and directly responsible to Parliament, must form an essential part of the mechanism Canadians use to oversee and control the Canadian Forces".

Even if soldiers give up some of their rights when they join the army, they still expect to be treated fairly. During the Létourneau commission, some soldiers complained that their commanding officers were often insensitive to their concerns and that those who dared to complain faced informal retaliation or even put their careers in jeopardy. The members of the armed forces who feel the need to complain are faced with a dilemma: to suffer in silence or to fight the system and deal with the consequences.

The creation of an office of the inspector general would unquestionably meet the need for a fairer complaint processing mechanism. Instead of implementing the recommendation of the Létourneau commission and in order to really confuse the public and give the impression that he was agreeing to some kind of inspection, the Minister of National Defence chose to set up a review committee made up of eight distinguished Canadians.

• (1515)

These people will review the implementation of announced changes within the department and the armed forces. However, they will not have anything to say about the conduct of the armed forces.

According to the minister, these eight distinguished people will serve as a window for Canadians, a window that will be closed in two years since the mandate of the review committee does not extend beyond that period.

What will we be left with in the end? Simply a few annual reports here and there to meet accountability requirements. In short, we will not know anything more about the important things that will continue to go on in this galaxy.

Like the Létourneau commission, we agree with the idea of appointing an inspector general of defence, who would be responsible for conducting investigations not only on the way the military justice system works, but also on any other aspect of national defence that he or she would deem appropriate.

Any member of the Canadian Forces and any employee of the Department of National Defence could contact the inspector general directly for any reason without having to obtain prior authorization from anybody else within the Canadian Forces or the Department of National Defence.

We know that, right now, civil employees of the department are worried about the proposal to privatize services within the Canadian Forces and the possible consequences of such a decision in terms of job security.

Government Orders

At the Longue-Pointe garrison, in Montreal's east end, it seems that the privatization process could result in the loss of 250 civilian and 150 military jobs. The same goes for the Saint-Jean-sur-Richelieu garrison, where 300 jobs could disappear.

The inspector general would be the most appropriate authority to review any privatization of services by the Department of National Defence. An inspector general could address the individual or general problems of all DND and Canadian Forces personnel without these people having to fear some form of punishment.

To be able to express oneself freely without fear of retaliation is fundamental to anyone who wants to expose a delicate situation. Therefore, a member of the military should not be required to indicate to his or her superior that he or she is filing a complaint, especially if the complaint is against the superior.

Inspections, checks, investigations or reports following a complaint by a member of the military should not give any indication whatsoever of the complainant's identity.

The threat of reprisal is not an imaginary concern. The hearings conducted by the Létourneau commission revealed that some members of the military had been threatened and badgered for their part in the commission's work.

Corporal Purnelle and Major Armstrong were among them. The latter, in fact, required physical protection while in Somalia after he had made serious allegations of misconduct to his commanding officers.

By refusing to follow through with a proposal to create a position of inspector general, the defence minister is clearly showing that the armed forces do not intend to clean up their act and instead are determined to keep on operating in isolation.

To justify his rejection of an independent review body, the minister said in the fall that the position of inspector general would cloud his authority before Parliament. It would make the responsibilities and accountability of the chief of the Defence staff and the deputy minister ambiguous.

The minister even said that the high command did not want an inspector general constantly looking over their shoulder. However, the civil authorities have the duty to look over the shoulder of the military.

Why are the defence minister and the Canadian armed forces afraid of an institution which has a proven track record in the United States, and with which the American armed forces get along well?

• (1520)

It is the whole concept of accountability that is at stake. And by refusing to allow an independent control, the minister is reinforcing

the idea that the government and the military are accountable to no one.

With regard to the minister's promise to create an ombudsman position, something the military personnel are still waiting for, we must be clear. This position is not the same thing at all as an office of the inspector general. While the function of the ombudsman, or ombudswoman, if you will, is generally limited to receiving grievances and making recommendations in this regard, the inspector general would have wide ranging inspection, control, inquiry and assistance functions. The functions of the inspector would include those of the ombudsman.

Thus, as was recommended by the Létourneau commission, these two functions should be brought together and carried out by a single entity, that is the office of the inspector general.

Finally, if the national defence minister had really wanted to ensure greater openness in the military justice system, he would have supported the establishment of the position of inspector general. This would have indicated a clear willingness to make changes. So we can forget about openness.

As I mentioned a little earlier, the minister also stated, in his response to the recommendations of the Létourneau commission, that the implementation of the changes to the National Defence Act would increase the fairness and effectiveness of the military justice system.

We, in the Bloc Québécois, believe that all military personnel must be treated fairly. They must, like any other Canadian citizen, be able to benefit from the constitutional guarantees provided by the Canadian Charter of Rights and Freedoms. As the Létourneau commission said, the military justice system should follow the civil justice system, except when there are clear reasons to depart from it.

Therefore, the question we must now ask ourselves is this: will the changes brought about by the bill ensure, as the defence minister is claiming, fairness in the military justice system?

In Canada, this system is administered according to two main types of procedures, namely the summary trial and the court martial. Summary trials are aimed at dealing with minor military offences. This type of trial is at the heart of the military justice system, since more than 90% of all offences committed by members of the armed forces are only heard summarily.

Usually, summary trials are presided by commanding officers. The purpose of such trials is to deal quickly with disciplinary offences within the unit and to send the offender back to his or her unit as soon as possible. We understand that the goal to keep order and discipline within the armed forces somehow justifies the summary nature of this type of trial.

However, during the hearings of the Special Advisory Group on Military Justice, chaired by former Chief Justice of the Supreme

Government Orders

Court Brian Dickson, several members of the armed forces criticized the summary trial system of justice and even questioned its legitimacy, since it violates some of the fundamental rights guaranteed under the Canadian Charter of Rights and Freedoms.

The right to counsel and the right to be tried by an independent and impartial tribunal are both being violated. In that respect, this bill provides for minor changes to the summary trial process and appears to reinforce its constitutional validity.

In particular, the bill now prevents commanding officers from presiding at summary trials in which they are involved. Also, the accused person can have access to a lawyer before electing to be tried by court martial or by summary trial.

This does not mean that the accused has the right to counsel, only that he or she can consult with a lawyer. It is true that the commanding officer has the discretionary power to allow the accused to have access to a lawyer, but that is not a right granted to the accused, just a discretionary right enjoyed by the commanding officer.

• (1525)

The purpose of these few changes is quite simple. They are meant to change summary procedure just enough to let the commanding officers go on imposing their own discipline during summary trials. Even though this procedure still infringes on the constitutional rights of the accused to be heard by an impartial and independent court and to be represented by counsel, amendments in this bill will reduce the seriousness of these violations so that they can be reasonably justified under section 1 of the Canadian Charter of Rights and Freedoms.

This section states that rights and freedoms are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

In this case, the purpose of the bill is to make minimal changes to the summary procedure so that it can withstand any challenge under the charter, even if commanding officers are in no way impartial and independent in the legal sense defined by the supreme court in the *Généreux* case.

While the objective of maintaining order and discipline within the armed forces is important enough in itself to justify denying a constitutional right under certain circumstances, in wartime for example, we do believe that under normal circumstances, when the freedom of the accused is at stake, violating the right to be heard by an impartial and independent tribunal and the right to counsel, which are guaranteed by the Canadian Charter, is not justified under section 1 of the Charter.

The constitutional guarantees provided by the Charter apply to all citizens, whether they are civilians or members of the military.

In the absence of criminal sanctions, violating rights guaranteed under the Charter is not as serious an issue. It is, however, a different matter when the accused may lose his freedom.

In this respect, section 7 of the Charter states that, "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice".

This provision therefore guarantees the right to counsel of a person facing the risk of being deprived of his or her freedom. In addition, section 11(d) of the Charter entitles any person charged with an offence to a fair hearing. This right entails the right to counsel.

It is true that both the bill and the Queen's Regulations and Orders for the Canadian Forces provide that the accused may choose between summary and court martial proceedings when faced with a jail term.

The accused who chooses to be court martialled is entitled to counsel. Under the QR&Os, however, this right must be exercised within 24 hours. If the accused chooses a summary trial, can we honestly say that he knowingly relinquished his constitutional right to counsel and to be heard by an impartial and independent tribunal?

The choice between a summary trial and a court martial can have serious consequences. That is why we think the accused should be free to opt for a summary trial and have the right to counsel when faced with a jail term.

As for the right of the accused to be heard by an impartial and independent tribunal, section 11(d) of the Charter provides that any person charged with an offence has the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal. So, in the case of disciplinary infractions punishable by detention, the accused should be heard by a totally impartial tribunal capable of making a decision on the sole basis of the evidence presented.

• (1530)

But can we seriously believe that, when a commanding officer presides over a summary trial, there is not a reasonable risk that the accused will be subject to prejudice? The commanding officer will be required to judge a member of his unit and will probably have extensive knowledge of the accused's professional record. Furthermore, since the commanding officer is responsible to his superiors for the maintenance of discipline within his unit, he has a direct professional interest in the outcome of the summary trial.

The person making the decisions should not be influenced by the parties, or by outside forces, except in so far as he is convinced by the arguments and pleadings on the questions of law at issue.

Government Orders

Finally, we believe that breaches of discipline that may result in the suspension of liberty should be treated differently than other disciplinary offences. In our view, only a more formal and independent tribunal offering the accused the right to call on the services of a lawyer, should have the power to hand down a 30-day detention. This having been done, the military justice system should provide the accused with procedural guarantees consistent with the charter. The only way for a summary trial to ensure the accused these guarantees would be to restrict summary trials to offences not likely to result in criminal charges.

The advent of the Canadian Charter of Rights and Freedoms obliged the Canadian forces to make adjustments to their military justice system in order to comply with charter rights and freedoms. When I say obliged, I am not exaggerating.

On reading a study by Martin Friedland on the handling of military misconduct, I was astonished to learn that the armed forces tried, in the past, to obtain a general exemption from the application of the charter, but that the Department of Justice was opposed. I admit that this says a great deal about how the military establishment viewed the charter. The armed forces therefore had no choice, and had to comply with the charter in order to ensure the survival of their military justice system.

In the *Généreux* case in 1992, the supreme court ruled that the court martial court in which this case was tried did not constitute an independent tribunal within the meaning of section 11(d) of the charter. Before the court could even bring down its decision, changes had already been made to the Queen's Regulations and Orders for the Canadian Forces, particularly to remedy the major shortcomings relating to the judiciary independence of the Judge Advocate.

These changes called for military judges to be appointed for a set period of up to four years, but no less than two. They also required the judges to hold no other duties for the duration of their mandate. These changes also called for the Chief Military Judge, and no longer the Judge Advocate General, to have the express power to appoint a judge advocate to the court martial.

Without running down the whole list of changes that have occurred since and the ones proposed by the bill, particularly those concerning the authority to call a court martial, we must admit that these amendments as a whole have considerably improved the military justice system.

We believe, however, that the bill could have gone further in order to ensure greater independence for the military judges. These must be officers who have been barristers or advocates of at least 10 years' standing at the bar of a province. According to the bill, they are appointed during good behaviour for a term of five years, and this is an improvement over the current situation.

Since military judges are appointed for only five years, unlike civilian judges who are appointed until they reach retirement age, there is no guarantee whatsoever that they would not be compromising their careers as military judges by bringing down judgments in favour of the accused rather than the prosecution. I believe that military judges, like civilian judges, ought to benefit from security of tenure, sheltering them from any possible type of interference.

● (1535)

In addition, the irremovability of military judges is threatened because they may be removed before the end of their term under the discretionary power of the governor in council.

On the matter of independence, the approach in the U.K. is different from ours. There, a civilian and totally independent judge advocate general appoints the court martial judge advocates. The judge advocate general holds office up to the age of 70. Like civilian judges, he may be relieved of his duties only for failure to carry them out or for improper conduct.

The various judge advocates are civilian lawyers who cannot be removed. We believe Canada should draw on the British practice and use civilian judges who are totally independent and without military ambitions.

The *Létourneau* commission made a recommendation in this regard that the chief military judge and all other judges appointed to decide on matters of military misconduct by civilians be appointed under the federal Judges Act.

In a real effort to ensure institutional separation between the prosecution and defence functions of the military justice system, the bill creates the new positions of director of military prosecutions and director of the defence counsel service.

Furthermore, the bill establishes more precisely the role of the judge advocate general. The various roles played by the office of the judge advocate general have raised a lot of questions as to its impartiality. The fact of providing legal advice at the investigation and charge laying states and of being part of the prosecution, the defence and the judgment on military offences have drawn attention to the conflicting nature of the various functions performed by this office.

The bill, to its credit, removes the office of the judge advocate general from the prosecution function, which it gives exclusively to the new director of military prosecutions. Under this bill, this person will decide the charges laid against individuals to be judged by court martials and conduct the prosecution.

Unfortunately, the institutional separation is only superficial, since the director of military prosecutions will be acting under the supervision of the judge advocate general, who may issue guidelines or provide instructions on prosecutions. So, there is a risk of interference from the judge advocate general that undermines the integrity and independence of the director of prosecutions.

Oddly enough, the same thing goes for the new position of director of defence counsel services set up under this bill. By establishing defence counsel services, the bill separates the prosecutors from the defence counsel, since the defence counsel services no longer report to the office of the judge advocate general.

However, since the director of defence counsel services works under the general direction of the judge advocate general, once again, the bill fails to create the arm's length relationship that could reassure the members of the armed forces.

To achieve the proper arm's length relationship, should the defence counsel services not work under the direction of some other authority?

Finally, I know that I have just skimmed over the bill and that several other changes included in this piece of legislation deserve consideration, but unfortunately I will not have the time to address them today.

However, for all the reasons I mentioned earlier, I will vote against Bill C-25. How sad to realize that what Georges Clémeau used to say at the beginning of the century still rings true today. He said "Military justice is to justice what military music is to music".

* * *

• (1540)

MESSAGE FROM THE SENATE

The Deputy Speaker: I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill S-9, an act respecting depository bills and depository notes and to amend the Financial Administration Act, to which the concurrence of this House is desired.

* * *

[English]

POINTS OF ORDER

TABLING OF DOCUMENT

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I rise on a point of order. I would like to have unanimous consent to table a document that the Minister of Justice mentioned in answer to a question from a Conservative member.

The Deputy Speaker: Does the House give its unanimous consent to the tabling of this document?

Some hon. members: Agreed.

Government Orders

NATIONAL DEFENCE ACT

The House resumed consideration of the motion that Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I must say it is a privilege to speak to Bill C-25, an act to amend the National Defence Act, involving primarily military justice. The title of the bill does not state it all. I want to mention some of the highlights of this bill before I get into the discussion of its content.

Bill C-25 includes proposed amendments to the National Defence Act that attempt to clarify the roles and responsibilities of the military justice system's principal actors, including the Minister of National Defence and the judge advocate general. It also attempts to establish clear standards of institutional separation between the investigative, prosecutorial, defence and judicial functions. It establishes two independent oversight bodies external to the department and the Canadian forces, one a Canadian forces grievance board and the other a military police complaints commission.

The bill also abolishes the death penalty as a punishment and substitutes it with life in prison.

The bill requires the Canadian forces grievance board, the military police complaints commission and the judge advocate general to file annual reports that the minister must table in this House. These reports are in addition to the annual reports of the ombudsman, the chief of defence staff and the Canadian forces provost martial. It also requires the minister of defence to have the National Defence Act reviewed and the results of that review reported to Parliament within five years.

Mr. Speaker, I know that you stay awake late at night worrying about all of these different tablings and so on. I am sure that you will appreciate this process is appropriate within our parliamentary system.

It really is a joy for me to join the debate on Bill C-25, a bill which I have indicated changes and modernizes the National Defence Act and in particular the code of service discipline.

As most members of this House know, the main focus of Bill C-25 and a key focus of the National Defence Act is the military justice system, a distinct system of penal law applicable to members of the Canadian forces and other persons subject to Canadian military jurisdiction.

We all recognize that the military justice system in recent years has been under increasing scrutiny and pressure for change. A number of factors have contributed to the introduction of this bill.

One factor is undoubtedly the extended and unprecedented period of time since Canada was last involved in a major war and

Government Orders

the perception that chances of such involvement are now very remote. This situation tends to lead people both inside and outside the military to be less tolerant of any perceived systematic unfairness in the system and its retention of punishments perceived as excessive or rather out of date.

I would like to take this opportunity to say that while we have been fortunate enough not to be involved in a major war for many, many years now and in fact for some decades, we do not forget the fact that many of those serving in our armed forces are serving in very troubled hot spots around the world. As we debate this change to Bill C-25, they are carrying on their best efforts as peacekeepers and peacemakers on behalf of Canada.

Another factor has been the adoption of the Canadian Charter of Rights and Freedoms. This constitutional change has brought the military justice system as well as the Canadian legal system generally under increased scrutiny as regards procedural safeguards for accused persons and principles of fairness and equality of treatment generally.

• (1545)

Particular attention has been drawn to aspects of the military justice system that reflect the disparity of treatment between soldiers and civilians or among military personnel. These include the lack of certain traditional criminal law safeguards at summary trials, the fact that only junior ranks, privates and corporals, and non-commissioned officers, master corporals and sergeants, can be summarily sentenced to detention or reduction in rank.

Also, commanding officers had considerable discretion in deciding to proceed or dismiss charges, including very serious criminal charges, the fact that persons exercising judicial fact functions, or what would be judicial functions in the civilian system, are often members of the chain of command who have no legal training and have other apparently conflicting responsibilities for administering the code of service discipline.

Let us be very clear. All of us in this House today know what is behind Bill C-25. In the last two years, such issues and concerns have been brought to the forefront by various high profile cases such as those relating to the misconduct by a handful of selected forces members in Somalia and Bosnia and the cases of Lieutenant Commander Marsaw and Corporal Purnelle.

The 1997 report on both the Somalia Inquiry and the Dickson report recommended a series of changes to the military justice system. There have also been a number of other internal and external studies dealing with possible reforms of the military system when it comes to justice.

New Democrats appreciate the efforts of the Minister of National Defence to bring the military justice system more in line with the civilian justice system. We are very concerned about the issue of

accountability when it comes to the military justice system. Unfortunately, the efforts of the Minister of National Defence in this regard just do not go far enough. We regret that greatly. We were hoping for significant changes in the area of accountability, but unfortunately this has not happened with this particular piece of legislation.

We know that something went terribly wrong in Somalia. We sent Canadian troops to Somalia to help keep the peace. Some ended up killing the same people they were sent there to help. It is a horrible thing that happened. It would not be right to sweep this under the rug and pretend it never happened. Nor would it be right to simply deny it. It would not be right to deny why this happened. It is certainly not right that certain individuals involved in this terrible incident are not now held accountable.

All of this has happened. This is a fact. What is more shocking than the incident itself is the cover-up that happened and occurred after, a cover-up that included some of Canada's senior defence personnel.

Canadians first learned about the Somalia incident through some enterprising news reports. Some talented inquiring reporters broke the story. We learned more when Canadian soldiers with a conscience blew the whistle as well. However, during this time soldiers in the upper levels of the military were busy little beavers tampering with some documents, destroying some, distorting others and stonewalling at every opportunity.

Canadians, in spite of their efforts, could not get the full story no matter how hard they tried. In 1994 the Liberal government set up the Somalia Commission of Inquiry. In the beginning the Liberals appeared very keen to get to the truth. They were going to get to the bottom of things. I remember time after time various ministers and others speaking in this House saying it was important to get to the bottom of the Somalia issue.

When the commission started working, they too were stonewalled by military brass in their attempts to avoid having the truth come out. To say the least, this frustrated the commissioners. We all remember night after night on the news various commissioners in their own adroit way explaining the frustration that they experienced in terms of getting to the facts.

Nevertheless, the commission continued and the Liberal government got scared. They were now well into their term of office and preparing for an election call. I guess they did not want the defence department's dirty laundry being aired on the eve of an election. We all know what happened next.

Doug Young, the former minister of defence, shut the Somalia inquiry down. One of the commissioners called the shutdown the most brazen cover-up in denials of responsibility in the history of this country. He also said that the Liberal government's actions were a brazen cover-up and a denial of responsibility.

Government Orders

• (1550)

Because the government snuffed out the inquiry, Canadians will never know the truth about what happened in Somalia and Canadians will never know who was really responsible for all the cover-up.

I just grabbed a handful of newspaper clippings of that time from my file. I thought it would be appropriate to read some of the headlines into the record.

One of the panelists said of the commission that the Department of National Defence got away with it. Others went on to say some very questionable things. I do not think our rules would allow me to use some of the language in these presentations. I will set those aside.

One headline says "An inquiry insider slams the federal government's response". A second says "Prime Minister acting in a most irresponsible fashion". Another headline says "Canada's military remains not accountable". Another says "The government kow-tows to military brass". Others say "The Somalia inquiry proves a major embarrassment to the armed forces and to the government of the day" and "Outside supervision of military ruled out". The sub-headline says "Military remains responsible for their own: Inquiry exposes areas of incompetence". It is depressing to read these headlines. One says "The defence stonewalled: Defence unable to obtain documents".

It says—again this is the minister—"The minister has betrayed the Canadian armed forces, particularly their future". Another one is "Panic in the armed forces". Another one says "The Somalia inquiry a mess". Still another says "Cutting off the inquiry will backfire in terms of political fall-out". I am not sure if that happened but this was a prediction.

Another one says "Government calls the whole thing off before embarrassment" and another says "The deadline lets the brass off the hook: A previous Prime Minister shielded from reality". It says "Minister of defence not told the truth: Grits shielded from military scrutiny".

I could go on. This is just a handful. I am very reluctant to even mention these in my presentation because they are so distasteful. I guess we have to nevertheless do these things.

I must say that in spite of all the stonewalling and in spite of all the denials and cover-ups, despite being shut down mid-way through its work, the Somalia commission still issued recommendations.

Wouldn't you know it? The Liberal government has again responded with some arrogance, I am afraid to say. The Minister of National Defence called the inquiry's work an insult. The arrogance of this minister is unbelievable, how he would call the inquiry work an insult and not the fact that it was stonewalled and shut down prematurely.

I think we should tell the minister that this piece of legislation before the House today is an insult. This bill completely ignores—

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, it seems to me that with such a good speech as this being given that the minister should be on hand to take note.

The Deputy Speaker: I am sure the minister would be taking note of the speech some place. I know the hon. member knows it is improper to refer to the presence or absence of members.

Mr. Dale Johnston: Perhaps then, it would be in order to ask whether the Speaker sees a quorum in the House.

The Deputy Speaker: I do not see a quorum. Perhaps we could ring the bells.

• (1555)

All the bells having rung:

The Deputy Speaker: Order, please. I see a quorum. The hon. member for Kamloops has the floor.

Mr. Nelson Riis: I can hardly take that, Mr. Speaker. I have never experienced this before in my life. I do not want to overdo it and change their minds very quickly. Thank you, that is more like it.

I am going to end my remarks in my presentation by simply saying that we believe the minister is not going far enough in subjecting our armed forces to an outside and independent review process.

This concerns New Democrats a great deal because we feel that the insular culture of the military was in fact in large part responsible for the cover-up that occurred in the Somalia affair.

The measures introduced by the minister in Bill C-25 may be a bit of a help, and I acknowledge that they may be a bit of help, but they really do not address the problem of a military beholden to itself.

The Somalia commission's principle recommendation, the establishment of a formal inspector general system to watch over the military's performance, has been rejected by this minister and his Liberal government. Instead, the minister will allow the military to continue to investigate itself in these matters.

I know that the minister is a very thoughtful individual but I find it hard to believe that he was attached to this because would anybody really believe that the military will continue to investigate itself in a clear fashion. It is a bit like asking the coyote to keep an eye on the chickens in the henhouse and make sure everything is peaceful there.

We point out what appears to be a glaring error in the draft of this legislation and perhaps we will have a chance to change it later.

Government Orders

The minister has also rejected a key recommendation of the Somalia inquiry aimed at protecting both those individuals who report wrongdoing in connection with the Somalia mission and those who may do so in the future. This might be called whistle blowing. Also rejected is the recommendation that military police be more independent of the defence department and report to the solicitor general instead.

The minister also has not accepted the commission's proposal that Parliament set the ground rules for future peacekeeping operations.

I believe this minister has perpetuated the notion that the old boy network in the military is alive and well and that when problems arise, they will be settled clearly within the family. Given the terrible shape of our military these days, I am afraid that is not in any way assuring Canadians.

Bill C-25 reminds us of the government's failure to get to the bottom of the Somalia affair and the government's failure to bring forth the key recommendations of the Somalia commission in this bill indicates to us in the New Democratic Party that there is more secrecy to come and there will still continue to be a great lack of accountability in Canada's military.

Bill C-25, the department of defence response to the need for change in the military justice system, fails to deal with the contentious issue of accountability and responsibility within the senior echelons of the Canadian Armed Forces. That is why we are not terribly enthusiastic about this legislation at this time.

To reiterate, I think it is fair to say that the two areas of serious concern are, first, the fact that there is no protection for whistle blowers, in other words those men and women in the Canadian Armed Forces who see a serious wrongdoing, see something that simply should not take place, who do not feel free to inform others, including the public, of this problem. Until that happens there will always be this sort of cloudy pall hanging over the armed forces with people wondering if everything is going on above board. There is also the matter of accountability. The two are related but there is still the lack of accountability in terms of what is happening, particularly at the leadership level in our forces.

That is what we do not like about the bill but, like everything else, there are good points and there are some bad points. I have emphasized in my role as a critic today some of the more negative and downsides of Bill C-25. But there are positive aspects. I could list a few, but it just is not part of my personality in the House to list positive things. However, I will focus on one positive and that is the removal of the death penalty.

• (1600)

The minister is here in his place and I want to applaud him for his efforts.

Many countries around the world have eliminated the death penalty for their armed forces. The death penalty has been abolished in many western nations with which Canada has very strong ties. Among our NATO allies are countries such as Belgium, Denmark, Germany, France, Greece, Iceland, The Netherlands, Norway, Portugal and Spain. I could list a number of countries which have done away with the death penalty as a punishment for all civil and military offences. Countries outside the NATO sphere have also abolished the death penalty for civil and service offences. Our Commonwealth friends such as Australia, New Zealand and South Africa have also abolished the death penalty.

The odd state in the U.S. retains the death penalty. It is interesting that those states which have kept the death penalty are those states which have the highest amount of violent crime. There seems to be an inverse relationship to the death penalty when it comes to safety.

Mr. Speaker, I know that you as a learned individual know full well all of the reasons why we have abolished the death penalty in Canada. Now that the Minister of National Defence, through this legislation, has eliminated the death penalty for Canada's armed forces, we join those nations which are the most progressive in the world. I believe it is fair to say that the countries which are the most favourable in the world in which to live, almost inevitably, are those countries which have taken steps to abolish the death penalty. It is a clear signal of the values they place on human life.

I am loath to say that we will not support the bill at this stage. However, we hope that by sending out a clear message to our friend, the minister of defence, there will be a chance to amend it in committee. We will be working hard in committee to improve the legislation.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, I am happy to speak to this bill today. The government has decided to address the issue of justice in the Canadian forces and we believe it is about time.

Addressing the issue of justice in the military is both important and urgent. My party understands that if we are to do something, we might as well do it right. Unfortunately, while there are some interesting points in the bill, it does not address the real problems faced by the Canadian forces today.

There are several questions which we must ask ourselves. What events brought us to the point to have this bill read in Canada's House of Commons? Did the government act in an appropriate way and does the bill address the need for change? If passed, will the bill work in a practical way when it is applied?

While all these questions are connected, it would serve us well to take the time to ensure that they are answered to the satisfaction of Canadians.

Government Orders

The first question is perhaps the most important. The key for this bill is what events brought us to this point.

I believe all members of the House are aware of the events which transpired as a result of other events in Somalia. However, they are worth repeating and repeating.

The Somalia inquiry was shut down for political and personal reasons last year. That brings us here today. Inquiry commissions are created because there is a public concern which needs to be addressed. As elected officials of this House it is incumbent on all of us to take such matters very seriously. It seems to me that if there is a good enough reason to begin an inquiry, then there is a good reason to complete it.

I would like to quickly outline what was the cost, in real terms, of prematurely shutting down the Somalia commission.

Robert Fowler, then deputy minister of national defence, now Canada's ambassador to the United Nations, said that on March 19, 1993 he told defence minister Kim Campbell's acting chief of staff, Richard Claire, that Somalia teenager Shidane Arone had died three days earlier as a result of foul play at the hands of Canadians.

• (1605)

Richard Claire, then acting chief of staff to minister of defence Kim Campbell, said he did discuss the death with Fowler and Vice-Admiral Larry Murray, then vice-chief of defence staff on March 19, but nobody mentioned foul play. He said at that time the death was still a mystery to him.

The Right Hon. Kim Campbell, then minister of defence, said that she was aware that there was an investigation going on from March 17. She knew this because she received a briefing note on that day. In that briefing note the death of the Somali was listed as perplexing and that Canadian forces had acted appropriately.

The Right Hon. Kim Campbell also knew from the same briefing book that Corporal Marchi had tried to kill himself because "he had roughed him up", meaning Shidane Arone, "the truth was that he beat him to death". It was not until March 30, 11 days later, that Kim Campbell learned that there was an investigation into the death.

Because the Somali inquiry was cut short, this has never been resolved. The result is that Canada's fine military has been dragged through the mud and still there is no resolution. The result is that Canadians have less faith in their public servants as Robert Fowler remains Canada's ambassador to the United Nations and Larry Murray has just been appointed assistant deputy minister in the Department of Fisheries and Oceans, and still there is no resolution.

The result is that Canadians do not know the true story and still there is no resolution. That is why we are here today. We are not

here because the government all of a sudden cares about justice in the military but because the government made a mistake and it knows it made a mistake and now it wants to hide that mistake as best as possible.

That brings me to the second point that I outlined earlier. Did the government act in an appropriate way and does the bill address the need for change? I would like to refer to the words of one of Canada's most respected sons, Chief Justice Brian Dickson. In a speech given in November, 1997 Chief Justice Dickson said: "Something is drastically wrong when the public feels that its military is incompetent and led by an inept if not corrupt hierarchy".

I do not bring up Chief Justice Dickson for no reason. In fact, Chief Justice Dickson is an important player in the making of the bill because much of what is in the bill stems from the recommendations made to the minister of defence in March, 1997 by a special advisory group chaired by Chief Justice Dickson. It is worth repeating the words of Chief Justice Dickson: "Something is drastically wrong when the public feels that its military is incompetent and led by an inept if not corrupt hierarchy".

My party agrees with Chief Justice Dickson. There is something drastically wrong. Does the bill address the need for change? I just told the House I disagree with the way the bill arrived here. However, there is much in the bill that my party agrees with. The problem, however, is that when one tries to cover up something rather than address the real issues, as this government so often does, the result is very often inadequate.

Similarly, because the government is introducing the bill for the wrong reasons, it does not go far enough in addressing the real problems. Indeed the government missed an excellent opportunity to instil new confidence in the military. The government could have taken measures that would have truly made a difference, measures the Canadian public could point to and say "my government listened and I now have faith in the way the military operates". The government did not listen. Instead it shut down an inquiry and stifled debate and now the Canadian public will feel cheated, and justifiably so.

The government feels proud when it says that it is fulfilling 80% of the recommendations of the Somalia inquiry. I want to make two points about this not so great accomplishment. First, the Somalia inquiry was cut short and so we do not know what the full recommendations would have been. Second, while the government thinks 80% is something to brag about, my party's answer to that is quality is far more important than mere quantity.

The Somalia inquiry commissioners recommended that the judge advocate general be a civilian. The government ignored this recommendation. The Somalia inquiry commissioners recom-

Government Orders

mended that the office of the inspector general be created. The government ignored that recommendation as well.

My party proposed in our election platform last year and we maintain today that creating the office of an inspector general would be the best way to make the military both accountable and increase transparency to give the public more confidence in its armed forces.

We proposed in our platform let the future begin: "Establishing an inspector general for the armed forces to act as an ombudsman to address concerns which cannot be dealt with in a routine chain of command".

• (1610)

In the government's response to the Somalia inquiry, a document that for one reason or another my party has not yet figured out, called "A Commitment to Change" the government turns down the proposed inspector general. In "A Commitment to Change" the government states that the commissioners themselves are confused and that introducing an inspector general of the kind that they envisioned would demand the very sort of counter-expert body the commissioners consider inappropriate in chapter 44 of the Somalia report.

My party has looked very closely at chapter 44 of the Somalia report and found one thing has nothing to do with the other. Chapter 44 is entitled "The Need for a Vigilant Parliament". The chapter does not speak about the office of the inspector general but rather how to better inform Canadian parliamentarians.

In chapter 16 of "A Commitment to Change" the government misleads Canadians into believing the Somalia commissioners asked for an inspector general and then said in chapter 44 an inspector general was not needed. That is not the case, and the minister and the government know this very well.

If that was not clear enough, my colleague for Compton—Stansstead put forward a motion on November 29, 1997 at the defence and veterans affairs committee because he knew it was very important to clarify this precise issue.

I would like to read the motion that my colleague presented at that time: "That the committee invite the three Somalia commissioners to appear before this committee to speak on chapter 44 of the Somalia report, 'The Need for a Vigilant Parliament'".

I am sad to say this motion for the need for a vigilant Parliament was turned down. This is shameful behaviour on the part of this government. It ends an inquiry and misleads Canadians in its response to the inquiry. When the defence committee wants to have things clarified, as is its right, the motion is turned down.

This government does not want a vigilant Parliament because if Parliament were too vigilant this government might not get away

with all its schemes. Is this why 80% of the recommendations of the Somalia inquiry do not include the recommendation for a detailed annual report to Parliament? Instead of listening to the recommendations made by the Somalia commissioners this government chose to follow the advice given by the Dickson special advisory group. What my party cannot accept is the way this government picks and chooses what recommendations to follow.

The government might want an example and this might surprise it. Recommendation 35 of the Dickson report, which has not made its way into this bill, calls for "an independent office of complaint review and system oversight such as a military ombudsman be established within the Canadian forces and that it report directly to the Minister of National Defence".

The Somalia commissioners call it an inspector general. The Dickson report calls it an ombudsman. My party calls it an inspector general to act as an ombudsman. And still this government does not act. In the words of the Minister of Defence, the military does not need someone looking over its shoulder.

Why is this minister convinced that the Department of National Defence does not need an independent inspector general when experts who have studied for months and made recommendations to his department tell him he does need an inspector general?

Before I move on to my final points I want to tell this House about another recommendation made by the Somalia commissioners that did not make it into the government's 80%: "That the National Defence Act be amended to provide clearly that any individual in the Canadian forces or any civilian can lay a complaint with the military police without fear of reprisal and without having first to raise the complaint with the chain of command".

This recommendation does not appear in the bill before us today because in "A Commitment to Change" it is written plainly this recommendation is not accepted.

If passed, will this bill work in a practical way? My party will ensure during the committee stage of this bill that we invite witnesses who can enlighten the committee. I hope the government does not interfere with this process.

• (1615)

It is my understanding that my colleague from Compton—Stansstead will put forward motions to invite the Somalia commissioners. They are experts and they have something to add to this bill. He will also want to hear from those who worked closely on the Dickson special advisory group. But that is not all. It will be important to hear from the Americans, the British, the French and other like-minded nations on the operation and success of their military justice systems. It will also be important to hear from the stakeholders, namely members of the Canadian forces.

Government Orders

This bill addresses the issue of military summary trials, that is, trials run by military officers with no legal training.

When being briefed by the Department of National Defence on this bill, my party asked what sort of training company commanders were given. The answer that there was no formal training astounded us. Although Chief Justice Dickson recommends a certification process that allows officers to hold summary trials, the issue is not addressed in this bill.

Through my colleague, my party will argue that this bill should go further to create real change. We want the public to know the military serves them and not itself. I hope the government takes my party's suggestions seriously.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I am pleased to participate in the debate on Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts.

The legislation is a comprehensive package of amendments that will strengthen the statutory framework governing the operations of the Department of National Defence and the Canadian forces. It deals primarily with the military justice system. The amendments proposed in the bill are the most extensive amendments to the National Defence Act since it was first put in place in 1950.

The men and women of our armed forces have maintained our defence forces at a high state of readiness in the face of many challenges. They have contributed with enthusiasm and professionalism to our wide range of international and domestic commitments. In the Saguenay, in Red River in Manitoba, in central, eastern and Atlantic Canada they have played a crucial role in protecting the health and the safety of Canadians.

[*Translation*]

During the recent ice storm, one of the worst natural disasters in our history, almost 16,000 members of the Forces provided relief to literally millions of Canadians who were without power.

[*English*]

They helped restore power, set up evacuation centres, assisted police and other emergency response teams and comforted people in need. Their very presence helped Canadians cope with the disaster and face it with added confidence and resolve. The Canadian forces demonstrated once again that it is truly a vital national institution. We and all Canadians have good reason to praise the dedication and the professionalism of these men and women.

We must also remember that the Canadian forces are an armed force trained for combat and requiring a distinct system of military justice. This requirement derives from the uniqueness of the

Canadian forces' mandate, purposes and roles as well as special responsibilities and obligations to its members.

Military personnel may be required to risk injury or death in the performance of their duties. This puts a premium on the discipline and cohesion of military units. This operational reality has specific implications for military justice.

● (1620)

First, the Canadian forces require a justice system that can try offences against the ordinary law of Canada and offences that are unique to the military, such as mutiny or being absent without leave.

Second, the military chain of command which is accountable not only for the maintenance of discipline but for carrying out the missions assigned by the government, must play a key role in the administration of justice.

Third, the system must be able to try and punish violations quickly so that individuals can be returned to service as soon as possible.

Finally, the system needs to be portable so it can function wherever the forces are deployed in times of peace or conflict, either here in Canada or abroad.

Discipline is the lifeblood of any military organization. Whether in peace or war it spells the difference between military success and failure. It promotes effectiveness and efficiency. Its foundations are respect for leadership, appropriate training and a military justice system where equity and fairness are unquestionably clear to all.

In recent years however, the capacity of the military justice system to promote discipline, efficiency, high morale and justice has been called into question by a number of incidents. The government looked closely at these events and has acted decisively.

In March 1995 the Somalia commission was established and the commission brought us a great number of recommendations. Over 80% of those recommendations, including many on military justice, are being implemented. It has been asked what about the inspector general recommendation. It is here in other forms. There are other people responsible for the military justice system who will carry out those same functions. Indeed there will be independent monitoring, looking over the shoulders of the military to ensure that in fact they are implemented.

In December 1996 the government commissioned a special advisory group under the right hon. Brian Dickson, former chief justice of the Supreme Court of Canada. We asked him and his colleagues to assess the military justice system and the police investigation services.

The group reported on time and under budget. The minister of the day supported the recommendations in his report to the Prime

Government Orders

Minister on the leadership and management of the forces of March 25, 1997. The Prime Minister endorsed early action on the recommendations and work began immediately to pursue their implementation.

The special advisory group was also asked to examine the quasi-judicial role of the minister in the military justice system. I am pleased to accept the recommendations it has made. They are also being implemented.

When the government saw that the military justice system was one of the key areas where change was needed, we took action. We sought advice from within the military, from the public at large and from distinguished Canadians with specialized knowledge. The amendments under Bill C-25 are a product of that process.

Bill C-25 addresses a broad range of provisions in the National Defence Act. It will modernize the provisions with respect to boards of inquiry. It will clarify the legislative authority and performance of public service duties by Canadian forces members such as those during the recent ice storm.

Bill C-25 is primarily about the modernization of the military justice system. The four principal thrusts of this initiative will first, establish in the National Defence Act for the first time, the roles and responsibilities of the key figures in the military justice system and set clear standards of institutional separation, a very important element, for the investigative, prosecutorial, defence and judicial functions.

Second, it will enhance transparency and provide greater structure to the exercise of individual discretion in the investigation and charging processes.

• (1625)

Third, it will modernize the powers and the procedures of service tribunals, including eliminating the death penalty under military law.

Fourth, it will strengthen, not weaken but strengthen, oversight and review of the administration of military justice.

[*Translation*]

Each component is a major building block in the revitalization of the Canadian military justice system.

Allow me to present a brief overview of each, so that the totality of the improvements are apparent.

[*English*]

The roles, responsibilities and duties of the key figures in the military are not precisely set out in the National Defence Act as it is presently constituted. This has led to a degree of uncertainty and misunderstanding about their respective functions and relationships in the overall process of delivering justice.

The amendments contained in Bill C-25 will establish in clear terms the duties and relationship between the prosecution, defence and judicial functions. The bill clearly defines the role of the judge advocate general as a legal adviser to the Governor General, the Minister of National Defence, the forces and the Department of National Defence in matters of military law.

The bill will establish the office of the director of military prosecutions who under the general supervision of the JAG will be responsible for deciding which charges are tried by courts martial and for the conduct of all prosecutions at a courts martial.

It will provide for the appointment of a director of defence counsel services who will provide legal services to accused persons in proceedings under the code of service discipline.

It will provide explicitly for independent military judges to be appointed by the governor in council for fixed terms.

Under the system as it now stands, the Minister of National Defence is also a key figure and plays an active role in the routine administration of individual cases under the code of service discipline. Bill C-25 will remove the minister from such day to day administration. This will reduce potential conflict of interest between the minister's duties in individual cases and the minister's responsibility for the overall management of the department and the Canadian forces. It will enable the minister to focus on other duties and responsibilities.

These amendments will also complement the recent initiative to establish the national investigative service of the military police. This organization will be independent of the operational chain of command and will have jurisdiction to investigate serious and sensitive service offences. They are people who are being well trained to carry out that function.

Bill C-25 will also improve the structure of the investigation and charging process and enhance transparency within that process. The current system has been criticized for its lack of transparency and for the broad discretion it gives to a commanding officer to make final decisions concerning not only minor offences but also serious and sensitive offences that may implicate interests well beyond his or her individual unit.

The amendments to the act will remove from commanding officers the power to dismiss charges. They will provide a clear statutory basis for tailoring the jurisdiction of summary trials to those minor offences necessary for the maintenance of internal unit discipline. They will also require that a charge that is beyond the jurisdiction of commanding officers is referred to the director of military prosecutions.

Changes to the act and to the regulatory administrative provisions dealing with investigations and charging of service offences will increase openness and refocus the exercise of individual

discretion. At the same time they will ensure the valuable and essential participation of the chain of command in the process.

The amendments under Bill C-25 will also modernize powers and procedures associated with the two types of service tribunals that try military offences, summary trials and courts martial.

Reform of the summary trial process is already well under way. Amendments to the Queen's regulations and orders enacted on November 30, 1997 restrict the jurisdiction of summary trials to more minor offences that affect internal unit discipline. They also grant accused persons the right to elect trial by courts martial in all but the most minor cases.

• (1630)

In addition, commanding officers are being provided with more comprehensive training in their military justice duties and responsibilities.

Bill C-25 will complement those ongoing reforms of the summary trial process by reducing the powers of punishment at summary trial in keeping with its disciplinary focus.

The maximum period of detention that may be awarded at a summary trial will be reduced from 90 to 30 days. The power to reduce in rank will be limited to one rank below the rank held before the summary trial.

In respect of courts martial, they will deal with more serious offences and will be conducted in accordance with rules similar to those at a civilian criminal court.

Currently general and disciplinary courts martial are composed of a judge advocate who officiates at a panel of officers headed by a president. Even though the president and the officers and the panel are not required by the act to possess any legal training, they nonetheless make judicial decisions and determine sentences. Moreover, as it now stands, only commissioned officers can sit as members of general and disciplinary courts martial panels.

Bill C-25 will recognize the judicial nature of the courts martial. As such, it will eliminate the position of president of the courts martial panels. It will authorize the presiding military judge to make all decisions of a legal nature, contrary to what I was hearing earlier from a colleague opposite.

It will enable a military judge presiding at courts martial rather than the members of the court martial to determine the sentence. These people are well qualified to do that.

Moreover, Bill C-25 will permit a non-commissioned member of the rank of warrant officer or above to serve as a member of a general and disciplinary court martial when the accused is a non-commissioned member.

Government Orders

This participation, which is for the first time, will enable the Canadian forces to tap into the considerable wealth of experience and leadership offered by their senior non-commissioned members, men and women who also have a significant role to play in the disciplinary process.

We are moving to enhance accountability and transparency within the military justice system. Oversight and review mechanisms must be in place to ensure that day to day decisions are monitored effectively and are capable of being assessed.

Bill C-25 will establish two oversight bodies, both of which will be independent of the Department of National Defence and the Canadian forces.

The first is the military police complaints commission. Its mandate will be to receive and investigate complaints by any member concerning the conduct of military police in the performance of their duties.

It will also investigate complaints by military police about improper interference in their investigations by members of the Canadian forces and senior departmental officials. That is something that is not done in other police complaints commissions.

Second, the Canadian forces grievance board will make findings and recommendations on certain categories of grievances prior to their being referred to the chief of defence staff for final decision.

If any finding or recommendation of the grievance board is not acted upon, the chief of defence staff will be required to provide reasons in writing for not doing so.

In addition to these oversight bodies, Bill C-25 will impose new review and reporting requirements. The Minister of National Defence will be required to report to parliament on the operation of the act within five years of the amendments coming into force.

Moreover, the Canadian forces grievances board, the military police complaints commission and the judge advocate general will be required to report annually to parliament. This will provide a great deal of opportunity for oversight of many reports coming into the public forum for examination.

These measures will greatly enhance accountability, transparency and increased competence in the military justice system.

[*Translation*]

The proposed amendments contained in Bill C-25 are the most extensive in the history of the act. They will provide a more modern and effective statutory framework for the operations of the department and the Forces.

• (1635)

They will more closely align military justice processes with judicial processes applicable to other Canadians.

Government Orders

[English]

In conjunction with other elements of our comprehensive program of institutional change, these amendments will increase the effectiveness and the efficiency of our armed forces and enable the men and women of the Canadian forces, who do so much for us and do it so well, to do it all even better.

[Translation]

The Deputy Speaker: Order, please. Pursuant to Standing Order 38, it is my duty to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Madawaska—Restigouche, Courts in Campbellton; the hon. member for Kamloops, Health Care; and the hon. member for Waterloo—Wellington, Atomic Energy Control Board.

[English]

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, I would like to ask the minister a couple of questions stemming from the comments he made in his speech.

He said that the position of an independent inspector general, which was recommended by the Somalia inquiry, was not needed as a result of changes made by the legislation. I would like to ask him specifically how what was done in the legislation replaces the position of an independent inspector general laid out by the Somalia inquiry.

The minister proposed that there be an ombudsman. That was also recommended in the report of Somalia inquiry, as well as in other reports. The position recommended in the Somalia and other reports called for an independent ombudsman. The one being proposed by the minister is not independent. However it is notable that the position of ombudsman is nowhere in the legislation.

Has the minister gone as far as he is going to go in this area, or will he implement a position of ombudsman? Again, could he explain where the rather phantom independent inspector general is in the legislation?

Hon. Arthur C. Eggleton: Mr. Speaker, I thank the hon. member for his question. It gives me an opportunity to say that the functions he proposes in terms of an inspector general are covered in other positions, not just in terms of the legislation but also in other provisions that are being made by the government.

In the legislation, as I have mentioned already, there is the grievance board and the police complaints commission. There is an ombudsman who indeed will be independent. It will not be someone who reports to the chain of command or who is part of the chain of command. The person will be independent and will be from outside the Canadian forces. When a report is issued, the report can be examined by parliament, can be examined by the

committee which is a part of the parliamentary process and does such things. It will be fully available and open to scrutiny and examination.

That I call accountability and transparency. It addresses the issue of the examination of what is going on in the military.

I am not afraid to have people looking over the shoulders of the military. I said that we did not need an additional person to do that when we already have the functions covered. They are covered by the ombudsman, by the grievance board and by the police complaints commission. There is also a chief of review services who does a lot of work in examining what the chain of command has authorized, what it is carrying out and whether it is being carried out within the mandate and is being done in a proper fashion.

A very substantial overview will happen not only as a result of these amendments but of decisions of the government to implement oversight mechanisms to make the Canadian forces all the more accountable to parliament.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, on March 12 there was a press release from the minister's department announcing that Jerry Pitzul was the new judge advocate general. This appointment seems to exactly hit on what the minister is looking for. It has the element of a civilian and the element of a former military person.

• (1640)

I understand Mr. Pitzul has been out of the military since 1995 when he took on a position with the Nova Scotia government as director of the public prosecution service. It now appears he is being brought back into the military with a new rank, a raise in pay and new responsibilities.

He is praised in this release as being an extremely competent man. Was an appraisal done of his performance in the province of Nova Scotia? It speaks of his immense experience in Nova Scotia but the man never tried a case there.

I ask the minister if there is any beginning to the wisdom of this latest appointment.

Hon. Arthur C. Eggleton: Mr. Speaker, given that the hon. member once worked for him—

Mr. Peter MacKay: He fired me.

Hon. Arthur C. Eggleton: He fired him. Yes, that is true. I guess if you get fired you do not particularly like the person who fired you. Well, too bad. Perhaps he had good reason to do that; I am sure he did. I guess it does not hurt members who get fired because they get elected to the House of Commons.

Mr. Pitzul has considerable experience in the military. He spent most of his legal career in the military. He has been a judge. He has

Government Orders

occupied other positions that have given him a great deal of information, knowledge and understanding of the military justice system. On top of that, he now has experience from outside having gone to Nova Scotia and having performed duties in a civilian role in that province. That adds to the depth and experience he brings to this position. It also shows that we are willing to bring in new blood, to bring in people from the outside and to make reforms in the military justice system.

I know that the new judge advocate general, Mr. Pitzul, will do that and do it well.

The Acting Speaker (Mr. McClelland): We have one minute for a question and one minute for a response so that we can get them both in.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, the minister mentioned that 80% of the Somalia inquiry recommendations were being implemented in Bill C-25. The minister shut down the Somalia inquiry so 80% may not be an accurate figure.

The inquiry was not allowed to complete its work because the government shut it down. That 80% figure is probably a bit erroneous. Even so, the 20% the government chose not to implement includes some of the most important things that could be done for the Canadian Armed Forces including the implementation of an inspector general.

I will ask the minister directly one specific question about reducing the sentence for mutiny. In this country mutiny can be very serious. The minister has pointed out that we require a strong military system for good order and discipline. Where is the wisdom in the government that would see a sentence for mutiny reduced to 14 years where we are dealing with heavy expensive equipment like CF-18 aircraft and we—

The Acting Speaker (Mr. McClelland): The minister of defence.

Hon. Arthur C. Eggleton: Mr. Speaker, let me comment about the Somalia commission of inquiry. We are implementing over 80% of the recommendations.

The member talks about the other 20%. We are by and large implementing all the recommendations. We have different ways of implementing some. We do not agree with every letter of every recommendation. We have a different way, a preferable way of implementing but the spirit and intent of just about all recommendations are being implemented, not necessarily all by the legislation but certainly by government action in many different respects.

The inspector general is a good example because it will come into the 20%. I have said that all those functions are covered. We have covered them with other positions.

On the question of mutiny, all these changes are to bring about a legal system that is in accordance with modern day legal practices, akin to what is happening in civilian courts and takes into account the charter.

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, it is very impressive that the minister is willing to overhaul the whole institution, in particular when it comes to justice.

• (1645)

As he said, we expect every soldier to be willing to give his or her life so why on earth should we hold them to another code of conduct and a whole other code of justice than what we would hold ourselves accountable to? I think this is important. What is wrong with our own courts? Why on earth can we not have our justice system deal with our military so that they can count on our justice system if they are going to give their lives for us?

Hon. Arthur C. Eggleton: I thank the hon. member for the question. By tradition there is a separate military justice system because of the nature of dealing with matters swiftly.

As I emphasized in my remarks, discipline and cohesion are very important because not only can what some of our soldiers do threaten their own lives, it can threaten the lives of other people who are part of the team they are working with. It is important to be able to deal with these matters for that reason very swiftly. In some cases they may be abroad at the time. They may be involved in war or peacekeeping in other parts of the world and so it is necessary to have a portable system, have a system that can operate in a very swift fashion in terms of the military justice system.

The Supreme Court of Canada has indicated there is justification and a need for a separate military justice system. What we are attempting to do is to bring it as close as possible to the civilian system so that indeed the charter and the questions of fairness and equity within the judicial system will be there for the soldiers as much as they are for the civilians.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I rise on behalf of the constituents of Okanagan—Coquihalla to speak on Bill C-25, an act to amend the National Defence Act. The act represents the government's attempt to respond to the failings of the military justice system which became so evident to all Canadians during the Somalia inquiry.

Canada has an obligation to protect its interests both internationally and domestically. This frequently involves committing military resources which is a task that is becoming increasingly difficult for the underfunded, undertrained and under-equipped Canadian Armed Forces.

Government Orders

I would like to stress that this statement is in no way an attack on the good men and women who serve our country. I would like to put it in complete context by telling the House, and telling Canadians, that I served in the Canadian Armed Forces. I served five years in the regular armed forces with the navy on three Canadian destroyers, the HMCS *Gatineau*, the HMCS *Yukon* and the HMCS *Qu'Appelle*. Later in life I also served in the Canadian Armed Forces Reserve.

I come to this debate with a little knowledge regarding the forces. I see you also, Mr. Speaker, have served in the Canadian Armed Forces, and maybe other members have too. I think there is a strong feeling that the military is very important to Canadians. It certainly is to me and it is not lightly that I enter the debate on Bill C-25.

Many people in eastern Canada had to do little more than to look out their windows recently to see the dedicated men and women of the armed forces in action. Operation Recuperation had more than 12,000 military personnel deployed in Ontario, Quebec and New Brunswick to assist in humanitarian relief operations.

Floods in the Red River Valley also highlighted the important role of our military forces and how they help with domestic problems in Canada. Recently, internationally, we see unrest in the Yugoslavian province of Kosovo which has Canada and the United States considering the sending of more troops to that region. Currently, Canada has some 1,300 troops located in Bosnia. Recently we sent a small contingent to the Persian Gulf.

In my history as a member of Parliament and as a military person, most recently I have seen the good work of the Canadian Armed Forces internationally in Bosnia in 1994 where we had reserve members and regular force members. They do Canadians proud each and every day of the week.

Just last week, as a matter of fact, we saw Her Majesty's Canadian ship, the *Okanagan*, a submarine located in Halifax, rescue two men who had drifted out to sea in the Bahamas after the motor of their fishing boat gave out. I congratulate the entire crew of the HMCS *Okanagan* for a job well done.

• (1650)

The men and women of our armed forces do a wonderful job and they deserve the support of this government for their hard work and dedication. However, members of the Canadian Armed Forces do not have the commitment from this government that they need to do their jobs. Spending cuts have decimated the Department of National Defence since the Liberals took power in 1993. In the last five years, the department's budget has dropped from approximate-

ly \$11 billion to just over \$9 billion. This has dramatically reduced the readiness and capability of the forces.

As I said earlier, the men and women of the Canadian Armed Forces do their best with whatever they have and they have been able to complete their tasks, no thanks to this government and this Liberal administration.

Cuts to the defence budget have lowered the standard of living of lower ranks to near poverty levels. They have cut the number of personnel to below minimum levels and have reduced training to below minimum requirements. In fact, I have introduced a private member's bill that will seek to address the substantial training deficits faced by our reserve forces in Canada. This bill will entitle reservists employed by the federal government and crown corporations a period not to exceed two months annually for the purpose of training or serving in the Canadian reserve force.

Presently, reservists have been forced to use their own hard-earned vacation time to attend training courses. This is just not right when they could be sent away to do the government's bidding and the government's will. We need to make some concessions in our system for those reservists, those citizen soldiers who work so hard for us. This is certainly a tremendous sacrifice for them and their families. Therefore, I encourage every member of the House to show their support for the fine work of our armed forces reserve and support this bill when it comes to this House on Monday.

The Somalia inquiry exposed very serious deficiencies within the military justice system. As I looked through one of the many volumes from the Somalia inquiry, volume 5, it just highlights some of the problems that the Somalia commissioners found when they were involved in that massive review of the military justice system: too few military police and military police with inappropriate skills; commanding officers slow to call in the military police; guidelines for calling investigations not followed; guidelines not followed when it comes to summary investigations; witnesses' statements not taken correctly; conflict of interest; problems in military investigations; lack of co-operation when people were interviewed by military police; difficulty investigating superior officers because of the chain of command in the military—military police had a lot of difficulty with that— and influence of commanding officers over investigations.

The volumes and volumes of books that we have and still not complete point out the true problems that we have in the military justice system. We have to try to get to the heart of those problems: problems surrounding the murder of a Somalia civilian; the cover-up of the murder; the failure of the general staff and the government to hold anyone accountable for their actions or omissions; the cultural secrecy within the Department of National Defence; and the double standards in the military justice system all became very evident during the Somalia inquiry.

Government Orders

If this Liberal government was really concerned about our troops and our men and women in the Canadian Armed Forces, it would have let the commissioners of inquiry complete their work and finish the recommendations instead of just coming up with 80% of the problem completely solved. I do not think that is fair to our men and women in the forces. They deserve much better.

The amendments in Bill C-25 give the appearance of an attempt to address problems with the military and the justice system, yet the amendments do not address all the concerns expressed by the commissioners in their incomplete report. In fact, they actually add a whole new set of problems to the military justice system.

The first problem is that the bill creates more bureaucracy. If there is one thing the Canadian Armed Forces does not need, it is more levels of bureaucracy. We have more military personnel located in Ottawa in a bureaucratic function than we have on the pointed edge of the army in actual military roles. There are more bureaucrats here for the Canadian Armed Forces and this bill will add more bureaucracy to that already top heavy system. That is not good enough.

• (1655)

The military police complaints commissioners is created. That sounds fine. The problem is it is going to create seven more order in council appointments. I think Canadians are pretty fed up with order in council appointments. We would like to see a system where they appoint more people who are fully qualified and have the background, not more patronage appointments that we saw this week in the Senate chamber. We do not want to see more of that here and this department creates seven more order in council appointments. It is unbelievable. What we need in this system of military justice is openness, accountability and independence, not a more complex system.

Another problem is with the office of the judge advocate general. Currently the judge advocate general wears three hats. He is responsible for investigative, prosecutorial and judicial functions of the system. One office is responsible for the military police who investigate the potential violations for the prosecutors who prosecute the cases and for the legal officers who may preside over courts martial that may result. It is not hard to understand that the JAG may find himself in a conflict of interest in these duties.

In the days leading up to the murder of Shidane Arone, the judge advocate general was actively involved in providing the executive staff of the Department of National Defence with daily legal advice. You have a person offering the chief of defence staff the military command, the military hierarchy, legal advice when he would only weeks later be expected to oversee the military justice system that was going to prosecute people. So you can see there is a conflict of interest.

Nowhere was this conflict more evident than in the Somalia affair where the JAG was providing from the start legal advice to the minister, the deputy minister and the military police. He did provide that judicial advice to his military trial judge division. Clearly judicial responsibility should be removed from the JAG branch. The judicial function must be seen as independent and clearly this cannot happen when the JAG is appointed directly by the chief of defence staff.

The other problem with the judge advocate general being of military background is that he is always beholden to the person who appoints him. There is only one person who can do that. That is the chief of defence staff. He is offering him legal advice. He is also very thankful that he received this appointment. It is a difficult position to put anyone in and they should change that system so there is more independence.

The third problem with this bill is the failure to create the inspector general which was recommended by the Somalia inquiry. The inspector general would receive information from all sources, investigate complaints of corruption, abuse and mismanagement. We could give you many examples of why this is important.

The other day during question period my colleague for Lakeland brought a case forward where the inspector general had actually sent a letter to a person intimidating that person regarding a committee that was being heard. That is why an inspector general is so important. What are people who are intimidated by the office of the judge advocate general to do? Where are they to go? The problem is that they have nowhere to go at all.

If they have an inspector general who works as an ombudsman for men and women in the Canadian Armed Forces who find themselves in this particular situation where they are being attacked or being told to keep quiet about a certain situation that is happening on a base, we want to know about that in this House. That is why an independent inspector general is so very important to a military justice system that is going to carry us through the 20th century.

The inspector general would also advise the minister concerning ethical interests including conflict of interest. This office must be filled by a civilian. This would be the mechanism for ensuring civilian control of the military system. This is a fundamental principle of Canadian society.

• (1700)

Another problem with this bill is clause 28 and the reduction of the penalty for mutiny without violence. The reduction is from a maximum of life imprisonment to 14 years. Clearly this change could dramatically affect the relationship between the ranks which is vital to good military order. The minister acknowledged that himself. We need a strong military justice system for the good

Government Orders

order and discipline of our troops. One of the key reasons for that is that there is no other department in Canada where we ask our troops to put their lives on the line, that they may actually have to die for their country.

We have frigates in the Canadian Armed Forces that are worth millions of dollars. We have CF-18s that are also worth millions of dollars. What would happen if internally within Canada there was a situation where a group of military personnel for one reason or another decided they were going to do away with a couple of those CF-18s and move them elsewhere?

A term of 14 years is not enough. This is not nearly enough to ensure that we have good order and discipline in the Canadian Armed Forces. It should be a life sentence and there is no question about it.

Canada is a nation that recognizes its obligations both internationally and domestically. The ice storm, the Manitoba flood, Bosnia and the recent mission of the submarine *Okanagan* all demonstrate to Canadians what a wonderful job the men and women of our Canadian Armed Forces do.

Yet we find this Liberal government has shown it is no friend to the Canadian Armed Forces or people with military service. The government has demonstrated this quite clearly through spending cuts. In 1993 it dramatically reduced the readiness and capability of our forces.

We had a chief of defence staff, Boyle, who said to the international community in Brussels that our Canadian Armed Forces could not meet the readiness capability of going into battle. Exactly what we have a Canadian Armed Forces for is to make sure it can protect our interests and our sovereignty at home and abroad. Yet we do not have a military that is at that level, according to a former chief of defence staff.

The reductions this government has imposed have hurt the Canadian Armed Forces. This does not stop the Liberal government from sending our troops into potentially dangerous areas like Bosnia, the Persian gulf or Kosovo. As a matter of fact when the Prime Minister thinks it might help his political points by sending more troops to Rwanda or other places, even though we do not have the troops to fill that need, the Prime Minister makes a commitment anyway. We all know the result of that was just a bunch of hot air. Those in the military circles knew very well we could not have met the commitment the Prime Minister made.

The government has now introduced Bill C-25 to deal with the problems created by the Somalia inquiry. However the changes in this bill fail to address the fundamental root of the problem, that the government, not the men and women in the forces and not the forces itself, but the government has failed to provide openness and accountability in our Canadian Armed Forces.

Recommendations of the Somalia inquiry continue to be ignored by the government. The government has done our armed forces no favours whatsoever. It has allowed a cloud to hang over the military by shutting down the Somalia inquiry when it was just getting to the root of the problem. True things were coming out. But the government felt it was in danger itself of being tainted with some of the things that were going on during the investigative process.

I strongly support substantive changes to the military justice system. I believe that Canadians also support changes to the military justice system. However, any changes must address the issues of accountability, openness and independence within the Canadian forces. Changes must, for me to support them, include an inspector general.

• (1705)

The Canadian people will be watching this government and the decisions it makes on this very important issue. Canadians condemn the Liberal government for interfering with the inquiry and turning a blind eye to the destruction of evidence and the intimidation of witnesses.

The problems are at the top with politicians; let us make that very clear, they are right here on the front bench across the way. It is not with the lowest ranking members of the Canadian Armed Forces who serve with the willingness to put their lives on the line for those very people in the front row opposite. No, it is not with members of the forces. It is with them across the way.

The government now has the opportunity to address the problems. We will be watching very closely on behalf of the men and women in the Canadian Armed Forces. We will be watching on behalf of all Canadians to make sure that the changes to the justice system that are required for our men and women in the Canadian Armed Forces are the proper ones.

We will be putting forward many amendments on this bill. The way it stands right now, we cannot support this bill.

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, earlier I heard the minister tell us that the role of the independent inspector general that was so very vigorously proposed in the Somalia inquiry and by others was found in his legislation or in something yet to come. It was not completely clear from his answer. The member who has just spoken has indicated that the minister has created a new bureaucracy and several new patronage appointment opportunities for his Liberal friends. The minister has not in fact put in place someone or a group who would perform the function of that independent inspector general.

I ask the member which is it. Is it what the minister says, that the position is covered in these changes or is it not? Is what has been created a new bureaucracy?

Government Orders

Mr. Jim Hart: Mr. Speaker, I would like to thank the member for his question. Unfortunately, under the test of independence that I would certainly apply, there does not seem to be the independence we would like to see that an independent inspector general would provide for the Canadian Armed Forces.

One of the reasons for the independence requirement as I mentioned during my remarks is that in one recent case a military person was actually intimidated by the judge advocate general's office.

We need the independence to make sure that the office will not interfere with the military structure whatsoever and that it will act as an ombudsman for people in the military structure, either family members in the military, the military personnel themselves or civilian members of the Canadian Armed Forces who are involved with the military.

That is what we mean by independence. There would be no connection whatsoever and they would have investigative power to investigate complaints. It would be similar to a provincial ombudsman role.

There is evidence around the world that an independent inspector general is very effective. The United States armed services has an inspector general. Millions of dollars in fraudulent expenditures, et cetera have been uncovered in the armed forces internally. People who have been intimidated by the chain of command or by other forces in the armed forces structure itself have been helped.

● (1710)

Independence is very important. The government's reaction to this does not meet the test of independence. Therefore I would suggest that we would be putting forward amendments that will see a true independent inspector general in the new military justice system.

Mr. Leon E. Benoit: Mr. Speaker, to nail this down a little more, I want to get back to the case the member referred to. Last week I brought this to the attention of the House.

Miss Olafson from Cold Lake appeared before the House of Commons Standing Committee on National Defence and Veterans Affairs, having been encouraged by the minister, the chief of defence staff and others. She was somewhat critical of the department, like some people on the base at Cold Lake. After, she received a letter from the deputy judge advocate, Colonel Barber, who strongly criticized her for what she had said at the committee meeting. At the end of the letter he threatened her against continuing.

Under the current system, before this legislation which is being proposed passes, independence is an issue. It is a critical issue. Who indicated that the letter should be written? Was it Colonel Barber completely, the deputy judge advocate who decided to write

that letter, or was it the base commander, or was it the minister of defence who said to the deputy judge advocate to write the letter? We do not know because the independence is not there.

Under the new proposals the minister has put forth, would there be the proper level of independence so that the judge advocate's office would not write the letter unless it felt it was proper, and not as a result of pressure from above?

Mr. Jim Hart: Mr. Speaker, I do not think it would have the same independence as we are suggesting with an inspector general. The system the minister has proposed is about patronage appointments, order in council appointments. Appointments would be given to friends of the Liberal government across the way. Those people I suppose with a stretch we could say are independent, just as much as the Liberal senator from B.C. who was appointed has independence from the Liberal government. There is no independence.

The structure in the bureaucracy would involve military people and civilian people who are connected either through the chain of command or through the bureaucracy on the civilian side of the Canadian Armed Forces.

To answer the member's question, I fail to see how the government's solution offers the security of independence at all. I would strongly urge the government to reconsider this very fundamental point that there be independence in a justice system. I strongly urge the government when we put our amendment forward to wholeheartedly accept the amendment of installing an independent inspector general.

Mr. Hec Clouthier (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, I am honoured to speak to Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts.

Bill C-25 is the most extensive package of amendments to the National Defence Act since enactment in the year 1950. The amendments deal with a wide variety of issues ranging from updating the boards of inquiry provisions to putting some of the Canadian forces domestic duties, such as duties during the recent ice storm, on a firm legislative footing.

But Bill C-25 is primarily about military justice. In that regard it sets out a comprehensive strategy to modernize the code of service discipline in a way that is consistent with the values and expectations of Canadians and meets the Canadian forces requirement for a military justice system that is swift, fair and portable.

● (1715)

As part of this comprehensive strategy, Bill C-25 puts in place a number of mechanisms designed to improve oversight and review of the administration of military justice. Both the report of the special advisory group chaired by the Right Hon. Brian Dickson

Government Orders

and the Somalia commission of inquiry recognized the importance of strengthened oversight and review of military justice.

The Dickson advisory group made two important points in this regard. First, military justice by definition must include an effective, independent channel or mechanism through which service members can express their concerns about any aspect of the military establishment. Second, in their opinion, such a mechanism would ultimately strengthen the military chain of command.

The mechanisms in Bill C-25 are based on the principle put forward by the Somalia commission that oversight and review mechanisms should be strengthened. Bill C-25 contains a variety of mechanisms to strengthen oversight and review and to complement other specialized mechanisms. It is these mechanisms to strengthen oversight and review which I would like to address.

Bill C-25 will establish the Canadian forces grievance board and military police complaints commission, both of which will be external and independent oversight bodies. It will establish a military police code of conduct. It will create a new requirement for the judge advocate general to review and report on the administration of military justice.

Finally, it will require that the Minister of National Defence review the provisions and operation of the National Defence Act and report to Parliament within five years of the amendments coming into force. All of these amendments will substantially enhance both accountability and transparency in the administration of military justice.

My colleague is exactly right when he said transparency is our ultimate goal. The amendments will also ensure that there is a means through which day to day decisions in the administration of military justice can be monitored and assessed.

First, let me look at the current grievance system as authorized by section 29 of the act. Today the language of section 29 does not clearly define the circumstances in which a member may submit a grievance. In addition, while the grievance process has generally been seen to be achieving its objectives, it involves too many levels of review. This leaves the perception that the process is slow and unresponsive. Also, it is perceived as being too closely linked to the chain of command and lacking any external input.

The grievance process has been under active review within the Canadian forces. It has also been the subject of observations in three recent reports. The Somalia commission recommended that the Minister of National Defence have no adjudicative role in redress of grievance matters. The Dickson advisory group recommended that the minister not be involved in grievances related to summary trials and noted that the report of the Minister of National Defence to the Prime Minister in March 1997 indicated

that it was inappropriate for the minister to act as the final arbiter in grievance processes.

Bill C-25 will act upon many of the recommendations of these reports. For example, it will make three important changes to the grievance system. First, it will clarify the circumstances in which a member may submit a grievance. Second, it will establish the Canadian forces grievance board which will be external to and independent of the department and the forces. Third, it will authorize the chief of defence staff to be the final decision maker in the grievance process.

• (1720)

The grievance board will review prescribed categories of grievances before they are sent to the chief of defence staff. The CDS will have the option of referring any other grievance to the board. The board will provide findings and recommendations and submit them to the CDS. The CDS will not be bound by the board's findings or recommendations, but will be required to provide reasons when any findings or recommendations are not acted upon.

The grievance board will establish its own internal process and, for the purpose of conducting its tasks, will have the authority to hold hearings and compel the attendance of witnesses and the production of documents.

Bill C-25 will require the board to file an annual report with the Minister of National Defence, who will be required to table this report in Parliament.

Bill C-25 will also create a military police complaints commission. This commission will be independent and external to the department and the forces and will have the mandate to deal with complaints from the public about the conduct of military police in their policing duties.

It will also have the mandate to deal with complaints by military police concerning improper interference by members of the forces and senior officials of the department in the conduct of military police investigations.

This commission will have the power and resources to investigate complaints and the power to conduct public hearings. It will also have the power to subpoena witnesses and documents and take testimony under oath.

As is the case with independent bodies which provide similar oversight to civilian police, the complaints commission will have the authority to make findings and recommendations to the minister.

Bill C-25 will require the commission to file an annual report which will be tabled in Parliament by the Minister of National Defence.

Bill C-25 will also make specific provision for a military police professional code of conduct to be established in regulations. The code of conduct will establish a clear standard of professional

conduct for military police. The code of conduct, which is a feature of most Canadian civil police forces and which was recommended by the Dickson advisory group and the Somalia commission, will help to enhance both the professionalism and accountability of military police.

In addition to these important steps to improve oversight and review, Bill C-25 will also make the military justice system more open and transparent through two other new review and reporting requirements.

First, five years after Bill C-25 amendments come into effect the Minister of National Defence will be required to review the operation of the act. This review will be tabled in Parliament.

Second, the judge advocate general will be required to report annually to the minister on the administration of military justice in the Canadian forces.

These reports, in addition to those I mentioned earlier by the Canadian forces grievance board and the military police complaints commission, will enhance openness and accountability.

The proposed amendments contained in Bill C-25 are the most extensive in the history of the National Defence Act. They follow through on the recommendations of the Dickson advisory group and respond to those of the Somalia commission. They provide a more effective statutory framework for the operations of the department and the forces.

In terms of oversight, the amendments to the grievance process provide an open and responsive process through which members of the Canadian forces can seek review of decisions in the administration of the Canadian forces.

The amendments associated with the military police complaints commission establish a rigorous and transparent process to review military investigative activities. The new reporting requirements mandated by Bill C-25 will enhance the effectiveness of parliamentary oversight in a number of important areas.

A famous military man once said "There is no security on earth, only opportunity". We have here an opportunity to propose and move these very specific amendments which will enhance our Canadian military. I urge all hon. members in this House to lend their unqualified support, which I am sure we will get, to these amendments.

• (1725)

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, I have a bushel of questions for this hon. member. I will start with a few.

At the close of his presentation, the hon. member talked about the opportunity presented through this legislation. I agree with the

Government Orders

hon. member in a way that this is the time of opportunity in terms of reforming the military. We have had calls from many different places for major and positive reform to the military. We have had the Dickson report. We have also had the Somalia inquiry with a report that recommended substantive change, including the establishment of the office of an independent inspector general, which is not in this legislation.

The hon. member listed one after another after another new bureaucratic bodies that are being created by this legislation. I know the hon. member has a background in the military or certainly a background knowledge of the military. I will ask him a straight question. Does he believe the Department of National Defence needs more bureaucracy? Does the Department of National Defence need more bodies, more places to make patronage appointments, more complexity? Does the hon. member really believe that is what the Department of National Defence needs?

Mr. Hec Clouthier: Mr. Speaker, I will gladly reply to the hon. member for Lakeland. He asked what the military needs. The military certainly needs the tools to do the job. With this government it will get the tools to do the job.

I believe the Reform Party fresh start campaign was a no start for the military—

An hon. member: Jump start.

Mr. Hec Clouthier: Jump start is also a good term. Reform wanted to reduce funding to the military. Instead of trying to do the job with the tools we need, we would be doing the job with Tonka toys if it were up to Reformers.

We talked about the JAG, the judge advocate general. I would like to use that acronym for the hon. member for Lakeland and say that he is just another grumbler. We are doing everything we can possibly do to help the military. All they want to do is make vituperative and splenetic remarks about it and indulge in nothing more than crass political opportunism.

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, I have a comment and a question. My riding was one of the ridings affected by the ice storm. I will take every opportunity I can to put on the record that the minister spoke about what the military did and the reservists too. I am glad that point was made by the hon. member opposite. He was characteristically humble as were most of the military people I encountered through that.

The military saved lives in my riding. I will say that time and time again. I was very proud of the Canadian military which brings me to my question. What problem are we trying to solve here? I have listened quite intently to this debate. The members on the defence committee are guilty of engaging in acronyms that I do not understand which leads me to my concern.

Private Members' Business

Reform is very good at these rather simplistic solutions. Have an independent counsel. It will take care of itself. Let us think of what the Americans did during the Watergate crisis. Independent counsel. Now we have Kenneth Star and the executive branch of the U.S. government embroiled in some kind of three ring circus. If this is some way of cutting through red tape, if this is an elimination of bureaucracy, I do not know where that is headed.

If the Reform Party wants to do something constructive, let us bring some balance to the debate. This issue is not as simplistic as Reformers would have us believe. There are different ways of accomplishing the same goal.

The member has a base in his riding. Does the member think it brings anything to the picnic in terms of morale and recognizing the good works of the Canadian military to constantly dredge up and dwell on the small minority of negative comments?

I will end by quoting a commander who left eastern Ontario after the ice storm to cheering crowds. He said: "This is the 99% of the military you haven't heard about in —"

• (1730)

The Deputy Speaker: Order, please. I am reluctant to interrupt the hon. member. The House will have to wait in suspense until the next time this bill comes up for consideration for the response of the hon. member for Renfrew—Nipissing—Pembroke.

It being 5.30 p.m., the House will now proceed to the consideration of Private Member's Business as listed on today's order paper.

PRIVATE MEMBERS BUSINESS

[English]

MACKENZIE-PAPINEAU BATTALION

The House resumed from December 11, 1997 consideration of the motion.

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, I am pleased to be able to speak to the motion by the hon. member for Kamloops calling on the government to extend veterans benefits to Canadians who served in the Spanish civil war, the surviving members of the MacKenzie-Papineau Battalion, also known as the Mac-Paps.

This is a motion which on the surface has some merits. It is one which many people have mixed feelings about. However, my first difficulty is a tendency to revisit history and try to apply retroactive judgments about who fought on the right side and who fought on the wrong side.

At the time Canada was not at war with Spain. We had laws prohibiting our citizens from fighting in this foreign war. This matter has been debated in the House before. In 1980 a motion similar to the motion presented by the member for Kamloops was presented by Bob Rae, the then member of Parliament for Broadview—Greenwood. The issue was also debated and discussed in great lengths in 1986 at the standing committee on veterans affairs.

The committee concluded that the losses incurred by the battalion are indeed to be mourned and the qualities, endurance and courage shown by the battalion are to be admired. These were brave individuals fighting for a cause they believed in and we should definitely not fault them for that.

The standing committee concluded, however, that these Canadians, the Mac-Paps, cannot be considered in the same light as Canadians who served in the wars in which Canada was involved as a nation. The committee also concluded that there can be no thought of treating them in the same manner by making them eligible for benefits under the veterans legislation.

Those men who went to Spain and waged war on the fascists are to be commended for their efforts. One can applaud their bravery in the face of a better manned and better equipped enemy. Spain has publicly thanked these men who joined the international brigade. However, the indisputable fact is that they were soldiers of conscience. They went on their own to fight the fascist aggression.

At the time of the Spanish civil war, Canada chose to be neutral and did not recognize the war. Canada was not at war. The Canadians who participated in the Spanish civil war did so on an individual basis. They let their conscience be their guide. These men went to Spain in defiance of the laws of Canada at the time. They fought on behalf of their own conscience, not on behalf of the people of the Government of Canada.

We recognize the sincerity behind this motion. This debate allows us the opportunity to once again say to these men that they are not criminals and what they did was what they honestly felt was right. No one can fault them for that.

They were courageous individuals. However, this House cannot say that the laws are wrong. We as a country did not support this war. We salute their bravery but simply cannot agree that men who fought in a war not sanctioned by Canada are entitled to benefits which are reserved for people who answered their own nation's call to arms.

We should think for a few moments about what it would mean internationally if this House recognized officially the fight of these volunteers.

• (1735)

Whether we want it or not, we would be approving the actions of other people who may want to interfere in the internal affairs of other countries. The government would create an extremely dan-

gerous precedent by recognizing officially these volunteers as Canadian soldiers.

Where would we stop? How could we justify giving benefits to all Canadians who fight in other countries for what they consider to be just cause? I would not in any way want to encourage Canadians to feel that they would receive sanctions to take part in, let us say for the sake of argument, the conflicts and violence that are occurring in Ireland or Israel for that matter.

We believe it is appropriate that we recognize their valour and ensure their memory as a part of history. However, we do not feel that it is right to bestow the status of Canadian war veteran to members who were not part of the official Canadian force.

We in our party support the rule of law and do not view it as appropriate to advocate a position which would in effect legitimize that which was illegal at the time. This would set an untenable precedent.

Mr. George Proud (Parliamentary Secretary to Minister of Veterans Affairs, Lib.): Mr. Speaker, I am pleased to rise today to speak to Motion No. 75 put forward by the hon. member for Kamloops.

Veterans status is a unique honour and it confers special privileges to those who have served Canada. In recognition of the sacrifices they made a grateful nation has provided benefits to help provide for their war related needs. I consider it an honour to play a role as parliamentary secretary in the government's approach on veterans issues.

This motion, as it is written now, would give veteran status and benefits only to those Canadians who fought for one side in the Spanish civil war. Let me remind my hon. colleague that Canadians fought on both sides in the civil war.

[*Translation*]

Canadians answered the call to serve their country during two world wars, the Korean War, and in several peacekeeping operations.

However, as the member mentioned, some Canadians served under different flags, during other conflicts, notably with the opposing factions during the Spanish civil war.

[*English*]

About 1,300 Canadians volunteered for the international brigade to fight against Franco. Incidentally, in the first hour of debate of this motion, the member for Chateauguay indicated that 52 countries participated in the civil war. I do not know where the member got that figure. But of the 1,300 Canadians who participated, some fought in the Mackenzie-Papineau battalion, the Mac-Paps, others in the Abraham Lincoln battalion, the British battalion and other

Private Members' Business

units. They suffered heavy casualties. Only 646 returned to Canada.

Let me make it very clear about the government's view of their efforts. No one will deny that these Canadians fought bravely. No one will deny that they believed deeply in the cause for which they fought. They were not fighting for Canada. They were fighting in direct contravention of Canadian policy and Canadian law.

I remind this House that Canada had a policy of neutrality in the civil war that divided Spain. It was a sound policy. If the hon. member for Kamloops believes that Canada should have weighed in on one side or the other of the Spanish civil war, I ask him to look back to the political realities of those times.

In 1937 J.S. Woodsworth, one of the founders of the CCF, which we all know is the precursor of the New Democratic Party, presented a motion to this House advocating strict neutrality in all European conflicts. To enforce Canada's neutrality, this House passed the Foreign Enlistment Act in 1937. It continues in force to this day. It prohibits Canadians from joining the armed forces of, or otherwise supporting, a foreign state which is waging war against another foreign state which is on friendly terms with Canada.

The government has authority to make regulations to apply this act to civil war. That is what it did with respect to Spain in 1937. On July 31 of that year it became a crime to fight on either side of the Spanish civil war.

• (1740)

Although in previous speeches some members mentioned that these Canadians were subject to job discrimination and surveillance by the RCMP, to the best of my knowledge no veteran of the Spanish civil war has ever been prosecuted under this law.

It is important to remember that these men disregarded the law and by adopting this motion we would in effect reward them for doing so. I would ask hon. members to consider what kind of precedent this would set. What kind of example does it make for young people today? Are we saying that it is permissible to violate the law rather than work through democratic processes to change it?

[*Translation*]

Are we going to set a precedent granting the status of veteran not only to those who served Canada when their country called them, but also to those who served under a foreign flag in a conflict in which Canada had remained neutral? What message would we be sending to Canadian veterans? This would stain the honour granted those who answered their country's call and who fought for Canada.

[*English*]

Moreover, I wonder if the member for Kamloops has contacted the Royal Canadian Legion to obtain its views. I have a letter

Private Members' Business

addressed to the Minister of Veterans Affairs from the president of the Royal Canadian Legion, Dominion Command:

Dear Minister:

[The member for Kamloops] recently presented a private member's motion recommending the government consider the advisability of giving the members of the MacKenzie-Papineau Battalion and other Canadians who fought with Spanish Republican forces in the Spanish civil war the status of veterans under federal legislation.

The Royal Canadian Legion does not support the granting of veterans status to those who fought in the Spanish civil war. It was an offence under Canadian law at the time to fight on any side during that war. The Legion supports the rule of law and does not view it as appropriate to advocate a position at this late date which would in effect legitimize that which was illegal at the time. This could set an untenable precedent.

Yours sincerely,

Joseph Kobolak

Dominion President.

In fact, adopting this motion would open the floodgates to other groups such as Canadian veterans of the Vietnam war who, contrary to what the member for Chateauguay said in his speech, do not qualify under our legislation for Canadian veteran status.

This is an emotional issue. It deals with elderly Canadians who in their youth were governed by their conscience to risk their lives in one of the most brutal conflicts of the century. They fought like heroes and left many of their comrades behind in the cemeteries of Spain.

As I said earlier, no one is denying their courage and their commitment to their cause. Although the motion does not specifically call for it, the member for Kamloops mentioned that we should look at the possibility of setting this issue before a committee. As the member for the Progressive Conservative Party said, this issue has been raised in this House many times, the most recent being in 1986-87 when the standing committee on veterans affairs, chaired by a former member from Malpeque in my home province, studied the issue in great detail. After very careful research, deliberation and consideration that committee decided against recommending veteran status to Spanish civil war veterans.

I do not think this House in responding today to the motion from the hon. member for Kamloops should overturn the considered judgment of the committee that took several months to look into the issue in great detail.

I ask my colleagues to vote against the motion. In so doing I remind the House of the words of the report that the committee tabled on the issue. I think those words speak eloquently of the Canadians who fought in the MacKenzie-Papineau Battalion. Many were killed, the report says. Many endured great hardship and displayed great courage. We mourn the loss and admire the qualities these men displayed. They acted out of conscience and

this merits respect whether one agrees with them or not. May their twilight years be spent with the comfort of their own beliefs in the cause they served.

However, Canadian veteran status and veterans benefits are reserved for those who fought for Canada. That is how the law should remain. That is why I am voting against this motion and I urge my honourable colleagues to do the same.

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, the purpose of this motion is to have this House investigate ways of granting some form of recognition to a noble group of Canadians, the MacKenzie-Papineau Battalion. They are a unit of 1,300 volunteer soldiers who banded together to go abroad and fight the suppression of democracy, the fascist powers of Europe.

• (1745)

These were Canadians who had the wisdom and the foresight to see the real dangers of fascism well before governments around the world. In return for this wisdom and foresight and willingness to stand up to fascism, these volunteers were subsequently made criminals by our own government through the Foreign Enlistment Act.

We are at a time when our government is making apology after apology. The Japanese were apologized to, as should have been done. At that time the laws were not good. People were just obeying the laws by putting Japanese Canadian citizens in internment camps and taking their property.

The minister of aboriginal affairs has just apologized to First Nations people. I went to school with a man who at the age of four along with his brother were scooped up off the hillside by a truck that came to town and were taken to a residential school, not to return home for eight years. They were just obeying the law. No question, they did not do anything wrong but it was wrong. It was wrong then and it is wrong now and the government had the foresight to recognize this and apologize for it.

We have here people who fought for our country who were right then and they are right now. We recognize that what they did was right and it was a just cause. It made a difference in the history of this decade, the freedoms of peoples and we will not recognize their efforts. As a country we will not even look at a way to recognize it.

The Spanish civil war was in many ways a dress rehearsal for the second world war and there was therefore an early test of the resolve of the free world to make a stand against the forces that were there to crush democracy. That is putting it very mildly. As we all know, it was the death of millions of minority groups around the world.

Private Members' Business

The Mac-Paps fighting alongside other international brigades distinguished themselves in a number of major battles against Franco's phalange, the Italian Black Shirt divisions and the German Condor Legion of the Luftwaffe. Among those Canadians was Dr. Norman Bethune. The casualty rate was staggering but even worse was the fact that those who survived were not allowed to enlist and fight for their country so were doubly denied any chance to be seen as veterans.

There are only 40 of these people alive. I do not think it would be setting a dangerous precedent to recognize what they have done. The government has already shown that it has the courage to recognize where we went wrong in the past. We went wrong here and we should have the courage to apologize and recognize as a country what these people did for our country. It is not about money, it is about recognition of Canadian citizens and their efforts to make sure this country remains free.

[Translation]

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, I have the privilege today of participating in the debate on Motion M-75 tabled by my NDP colleague, the hon. member for Kamloops.

I rise today to speak in support of Canada recognizing the loyalty and sacrifice of members of the MacKenzie-Papineau Battalion. I call today on the good will and generosity of my fellow citizens.

Three years before World War II, the Spanish civil war broke out pitting brothers against brothers, sisters against sisters. Franco and his army won the war and the fascist dictatorship lasted 40 years, in fact until the dictator died in 1976.

[English]

This conflict was not merely a civil war for the repercussions went far beyond. Claude Bowers, the American ambassador to Spain between 1936 and 1939, said at the time: "History will declare that the six months intervening between the fascist victory in Spain and the invasion of Poland were a mere armistice in one war, the second world war".

In my view the Spanish civil became the powder keg that ignited the second world war just as an infamous assassination in Sarajevo laid the groundwork for World War I.

[Translation]

The Spanish republican government, democratically elected and therefore legitimate, appealed to the international community for help.

• (1750)

In spite of the stated neutrality of their governments, volunteers came from Argentina, Cuba, Poland, Sweden, the U.S.S.R., Great Britain, the United States, France and other countries.

Brave antifascist citizens of Italy and Germany risked their lives and that of their families to help the cause of a democratic country that Franco would transform into a dictatorship for 40 years. In Canada, close to 1,250 men and women with names like Maurice Constant, Peter Johnston, Hugo Koski and William Dent, to name but four, left their homeland for the battlefields of Spain.

These Canadians, most of whom were of European descent, had suffered from the consequences of the first world war. However, the vast majority of them were not soldiers and had never even handled a firearm. Most were blue collar workers, journeymen, students, citizens of Canada at a time when our country was still suffering from the severe economic depression of the 1920s and 1930s.

[English]

Norman Bethune was one of these brave Canadians. As head of an innovative battlefield blood transfusion service, Bethune witnessed the horrors and became rapidly conscious of the stakes of war. He is often quoted as having said "The time to stop fascism is now and the place to stop it is Spain".

Another brave Canadian was Maurice Constant, then staff lieutenant for the 15th International Brigade and now emeritus professor at the University of Waterloo. Constant recalls living through the Great Depression. He said "People of my generation had the same feelings as young people now; the feeling of helplessness. There were no jobs to go to. We students thought the political-economic system was a failure".

[Translation]

The Great Depression had a profound impact on Canadians. Therefore, it is logical to say that, for the brave soldiers of the Mackenzie-Papineau battalion, participating in the war was a way to escape marginalization, a way to relate to some absolute, to make it through the ideological undertow toward the certainty that the fight against European fascism was honourable and necessary.

Let us not forget—and this is fundamental—that General Franco overthrew an established democracy. In 1986, when he testified before the Standing Committee on National Defence and Veterans Affairs, Walter Dent, secretary for the Mac-Paps battalion, said "General Franco decided to overthrow the government. Therefore, what is at issue is not kind of people that were fighting fascism. We were fighting to protect the country's democratic institutions. This must be pointed out very clearly, so that there can be no doubt whatsoever".

[English]

In 1980 during a debate very similar to this one Bob Rae, then a federal member of Parliament, stated when speaking of the Mac-Paps that they were anti-fascist before it was fashionably popular to be so.

Private Members' Business

The presence and popularity of pro-fascist sentiments in the Canadian population and institutions led to the birth in 1936 of Canadian legislation which partially reflected the state of mind of a certain fascist electorate.

[Translation]

The Foreign Enlistment Act of 1936 made it illegal for volunteers to fight against fascism in Spain because, at the time, Canada was playing it safe and professed neutrality on the international scene.

Is it not in the Canadian nature to want to preserve democracy? Is altruism not a Canadian trait? Is it not typically Canadian to fight for peace, order and good government?

[English]

Why are we still talking about the Spanish civil war in Canada today? For the simple reason that some of our fellow Canadian citizens have not reached closure on this matter.

[Translation]

Religious, political and philosophical beliefs aside, these brave Canadians had the vision and courage to recognize that Franco's army not only posed a threat to Spain but also jeopardized the foundation of democratic nations in Europe and the balance in their relations with Canada.

[English]

Who are the veterans of the MacKenzie-Papineau battalion today? Following their heart-wrenching defeat, about 650 veterans returned to Canada. They were greeted as heroes in Toronto, where a crowd of over 10,000 had gathered to meet them. Groups such as the friends of the MacKenzie-Papineau battalion organized fundraising events to help survivors and the families of those fallen comrades. But soon the plight of the Mac-Paps was engulfed by the overriding priorities of World War II.

• (1755)

[Translation]

Today, there are fewer than 35 members of the battalion still alive, most of them in their 90s. They could however benefit from the federal government's financial support, because they were never recognized as veterans by our government.

These Canadian citizens are brave men and women who survived harsh fighting in the Spanish Civil War. These men and women, motivated by their love of freedom, engaged Franco's nationalist forces in Spain without the support of their government.

[English]

These once defiant individuals have lived for over 60 years as model Canadians. They came home to Canada and they went back

Youth and idealism do not excuse illegal acts. However, knowing what we know today, would it not be possible for us to find it in our hearts to forgive and honour those valuable members of our society.

Why cannot Canada at long last recognize these people's courage. Other nations have embraced their Spanish war veterans. France has given them veteran's status and has given them dignity, respect and a place of honour among its citizens.

[Translation]

After 60 years, the Spanish government invited the civil war veterans over and granted them honorary Spanish citizenship.

[English]

Here in Canada in the province of Ontario, after many years of government inaction, the veterans of the MacKenzie-Papineau battalion were finally honoured in 1995 with a Canadian monument. On the lawns behind the Ontario legislature at Queen's Park lies a plaque affixed to a stone from the battlefields of Gadesa in Spain.

During the unveiling ceremony on June 4, 1995, the consul general of Spain spoke eloquently of adolescents braving the world to stand on the side of the poor. He spoke of courage and innocence.

Would it not be possible for members of the House to speak that same language and come together in acknowledging the courage and innocence of the men and women of the MacKenzie-Papineau battalion?

[Translation]

I know that the Hon. Minister of Veterans Affairs does not support the request made by the Mac-Paps. Neither does the Royal Canadian Legion. The Legion is a national treasure with more than 500,000 members. I had the honour to meet these men and women on several occasions at the Legion's branch in my riding of Laval West. They all know how much respect and admiration I have for them, because we talk about it often whenever we meet.

Recently, the Canadian Legion made the following statement about Canada "We believe in a united Canada, where all Canadians are equal before the law and where the rights and freedoms of every Canadian are nurtured and safeguarded".

[English]

I wholeheartedly agree with this important statement. Respecting the law is fundamental in any democracy but in a democracy we also have the right to question, criticize and re-evaluate our laws.

[Translation]

Canadian law is dynamic and must always reflect what Canadian society thinks. I understand their views, but I would have expected

more generosity from men and women who, although they did not fight with the Mac-Paps, did fight for the ideals we all share.

The Deputy Speaker: I am sorry to interrupt the hon. member, but her time has run out.

[*English*]

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, this is a rather extraordinary day as we wind down in anticipation of the convention being held nearby. Considering that we do have time, could I seek unanimous consent to allow the member to complete her presentation?

Some hon. members: Agreed.

[*Translation*]

Ms. Raymonde Folco: Mr. Speaker, I want to thank the member. Let us reflect together on an important question. If democracy had won in Spain, would there have been a second world war? The answer is no. These soldiers—and yes, they were soldiers—fought for freedom and democracy ahead of time.

It must be noted that we are discussing a situation where monetary compensation is not the only solution these veterans want.

• (1800)

To the survivors, psychological and emotional redress is even more important. I think that discussing this amounts to questioning the democratic and egalitarian foundations of our citizenship, to questioning our solidarity.

In conclusion, I would like to share with you an interesting discovery. In the course of my research on this matter, I found a photograph taken in June 1937 on the battlefield in Jarama, Spain. The photograph showed a handmade sign that said, and I quote:

[*English*]

“To our fallen comrades, our victory is your vengeance. June 1937”.

[*Translation*]

Today as in 1937, a positive conclusion to this matter would give that victory to the survivors and to those who fell on the battlefield. I am very proud of their courage.

[*English*]

They had the courage to stand up and be counted.

[*Translation*]

I support this motion.

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I am pleased to address Motion M-75, moved by the New Democrat member for Kamloops.

Private Members' Business

The motion reads as follows:

That, in the opinion of this House, the government should consider the advisability of giving to the members of the Mackenzie-Papineau Battalion and other Canadians who fought with Spanish Republican forces in the Spanish Civil War between 1936 and 1939, the status of veterans under the federal legislation and making them eligible for veterans' pensions and benefits.

Let me say from the outset that some of my colleagues are using all sorts of excuses not to support this motion, including the financial impact and the fear of setting a precedent. I remind them that, if the motion is adopted, it will not be binding.

Indeed, the motion merely asks that a committee consider the advisability of recognizing the contribution made by Canadian soldiers in the Spanish Civil War to protect democracy. The committee will be free to make whatever recommendations it deems advisable.

In a letter dated November 20, 1997 and addressed to the hon. member for Kamloops, the Minister of Veterans Affairs wrote the following, concerning the 1987 review made by the veterans affairs committee on the Mackenzie-Papineau Battalion “I agree with the committee's conclusions that we should deplore the losses suffered by the Mackenzie-Papineau Battalion, and that we should admire the endurance and the courage displayed by the battalion”.

If the minister was sincere when he wrote these lines, he should support the motion. The Canadians who participated in the Spanish Civil War left their homeland for a far away country, where they were going to risk their lives, along with other volunteers from all over the world. These people were united by the same cause, namely the defence of democracy and the right of people to freely choose their government through an election.

These men and women were not adventurers. They left their families, their work and their country to join an under equipped army that was fighting seasoned troops fully supported by the fascist governments of Germany and Italy.

Over 40,000 volunteers from 52 countries answered the call of a democratic Spain. These volunteers were not equipped, fed or housed adequately, and almost half of them were killed, while many others were injured.

These volunteers were fighting to protect Spain's democratic institutions. The word “antifascist” was written on their pay slips. It is important to remember that the Spanish government which fascist generals were trying to overthrow was an elected, democratic and liberal government.

The international brigades fought under the command of the legitimate Spanish government's army. The Mackenzie-Papineau Battalion was part of the 15th brigade, which also included a British, an American and a Spanish battalion.

Private Members' Business

• (1805)

The Canadian battalion, named in honour of the two leaders of the 1837 rebellions in Upper and Lower Canada, was formed on July 1, 1937 at Albacete, Spain. It was made up of some 1,200 volunteers and distinguished itself particularly in four campaigns: the attack on Fuentes on the River Ebre in the fall of 1937; the defence of the city of Teruel during the winter of 1937-38; the spring retreat of 1938; and finally, the push beyond the River Ebre in the summer of 1938, which was to be the last great offensive of the republican forces.

In September 1938, the soldiers of the international brigades were withdrawn from the front lines and repatriated. Only half the Canadian volunteers came back. The other half had been either killed, reported missing or captured, with the exception of a few who remained in Europe.

When they returned home, some of the Spanish War veterans were given a heroes' welcome. Money was raised to help them out and to provide the casualties with medical care. Within a few months, however, their sacrifice and heroism was forgotten. Canada soon declared war on the Axis and called for the nation to mobilize against the fascists.

Of the fifty or so countries whose men and women took part in the Spanish Civil War within the international brigades, only two, Canada and the United States, did not confer war veteran status on these volunteers.

Today, about forty of the Canadian international brigade volunteers are still alive, although very advanced in years. Passage of the motion by the member for Kamloops would not cost the federal government much, but it would have great symbolic importance. It would recognize the some 1,200 Canadians who volunteered to defend democracy and to prevent the birth of a fascist regime in Spain on the eve of the second world war.

The democratic and patriotic ideals that inspired their struggle and their heroic sacrifice also inspired the Canadians who, later, fought fascism during the second world war.

Walter Dent explained that a number of the former volunteers on the international brigades contributed directly during the second world war through their experience. One of them became the chief instructor of the armoured tank corps in Alberta. Another taught officers how to read and draw maps.

The principal organizer of the British Home Guard was the former commander of the English battalion in Spain. The chief instructor of the secret war, who wrote a manual that was used by the American and British armies, was Bert Levy, a former brigade member, who was an American of Canadian origin. A number of parachuters dropped behind enemy lines were Spanish war veterans.

Proof that these volunteers were first and foremost believers in democracy lies in the fact that many of them returned to the countries of eastern Europe after the war and continue to defend democracy. They were punished and persecuted by the totalitarian regimes.

In 1980, the councils of seven Canadian cities passed resolutions asking the federal government to recognize the volunteers in the Mackenzie-Papineau battalion. They are Calgary, North York, Ottawa, Thunder Bay, Toronto, Winnipeg and Vancouver.

In 1995, all parties in the Spanish Parliament voted in favour of making all survivors of international brigades honorary Spanish citizens. Citizenship award ceremonies were held in November 1996, and 12 of the 40 Canadian veterans of international brigades took part.

Spain provided a small commemorative plaque in memory of the Mackenzie-Papineau Battalion, which was installed on the grounds of the Ontario legislature by the National Historic Sites and Monuments Board in 1995.

• (1810)

The inscription on the plaque is to the effect that Spain will not forget those Canadians who fought and gave their lives on behalf of democracy. It is finally time for Canada as well to pay tribute to these heroic individuals who volunteered their services to defend democracy. That is why the Bloc Quebecois will be voting in favour of this motion.

[English]

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Mr. Speaker, I am pleased to rise today to discuss private member's Motion No. 75.

I congratulate the hon. member for Kamloops on his efforts in bringing this important matter before the House. He like many hon. members understands that Canadian veterans of the Spanish civil war have not received the recognition they deserve.

Many of those brave men fought and died in defence of a democratically elected government. A great many of the 1,300 Canadians who went to fight for republican Spain between 1936 and 1939 did not live to see their Canadian homeland again.

Members of the Mackenzie-Papineau Battalion were the first Canadians to take up arms against the fascist forces of Hitler and Mussolini. It appears in hindsight that they knew what others only suspected, that 1930s Europe was being pushed closer and closer to a full scale war by the spread of fascism in general and Nazism in particular.

However, having said all this, I feel obligated to oppose Motion No. 75. My reasons for this are simple and straightforward. The Mackenzie-Papineau Battalion was not a recognized unit of the

Canadian Armed Forces. Its soldiers were not authorized members of a Canadian fighting force. The Mac-Paps, as they came to be known, fought in Spain against the express wishes of the Canadian government which took a neutral position early in the Spanish civil war along with Britain, France and the United States.

I therefore find unacceptable the hon. member's assertion that we should retroactively make the Mackenzie-Papineau veterans members of the Canadian Armed Forces. I am not alone in holding this position. Previous committees and subcommittees of the House of Commons have expressed similar views. So too has the Royal Canadian Legion.

It is not that I do not value the sentiments of the hon. member for Kamloops. On the contrary, I welcome any and all dialogue concerning ways this country can recognize Canadian veterans of the Spanish civil war. However, in Motion No. 75 there seems to be a leap in logic.

The hon. member will know that in addition to the many Canadians who fought on the republican side in Spain, a handful of Canadians also took up arms in the name of Dictator Franco. Would the hon. member for Kamloops suggest that these men as well who fought to re-establish fascism in Spain should be recognized as veterans? Would the hon. member say that these men and their widows should receive veterans benefits? I think not.

I think the hon. member realizes that what he is asking for is both illogical and untenable. Canadians have at times chosen to go off on their own and fight in various wars, conflicts and uprisings. This is true today and it will, no doubt, continue to be true in the future.

• (1815)

Some Canadians volunteer their military services for money, others do so out of ideological conviction, but never have Canadian mercenaries and freedom fighters asked to be designated veterans, nor will they unless the hon. member's motion is granted.

This is not to pass judgment on the role of the Mac-Paps in the Spanish civil war. It is simply to say that we cannot and should not rewrite history.

My colleague, the hon. member for Pontiac—Gatineau—Labbelle, brought to the attention of the House last hour the similar findings of the standing committee on veterans affairs.

That committee stated a decade ago that its decision not to grant veteran status to the Mac-Paps was "without regard to the rights or wrongs of the actions of those Canadians who are veterans of the Spanish civil war".

This cuts right to the heart of the matter. The member for Kamloops is proposing that the political correctness of the Mac-Paps cause should qualify them for veteran status.

Private Members' Business

Similarly, the member for Chateaugay questioned why Canadians who served in a politically incorrect war like Vietnam should be considered veterans when the Mac-Paps are not.

What both members seem to forget is that Canada recognizes as its veterans only those who serve Canada or its allies in a war in which Canada was a combatant.

The Mac-Paps did not meet this criterion in 1936 and they do not meet it now. However valiant they may have been in their defence of Spanish democracy, the members of the MacKenzie-Papineau Battalion fought as civilians in the eyes of the Canadian government.

It matters not that they are now only few in number or that it would not involve significant sums of money should this motion succeed. In my mind there is nothing that would justify changing this situation 60 years after the fact.

There are, however, compelling reasons to honour the Mac-Paps in other ways. The member for Kamloops mentioned in his speech that a memorial was erected recently at Queen's Park and that similar plans are under way in Vancouver.

It is my belief that many members of this House would be more than happy to support some kind of federal initiative that would not only preserve but promote the proud history of the Mac-Paps. I will not endorse the politically motivated revision of history that is called for in Motion No. 75.

In closing, I oppose the motion before the House but would like to commend the hon. member for Kamloops for his efforts to increase public awareness of Canadian involvement in the Spanish civil war.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I too am pleased to rise to speak on Motion No. 75. I wish to commend my hon. colleague from Kamloops for having brought this motion before the House even though I disagree with it in principle and will vote against it.

I think history is important. It is important for us to not dismiss issues such as this and the question of the legitimate status as veterans for those who fought in the MacKenzie-Papineau Battalion.

I will take a slightly different perspective from that which prevailed in this debate. It has been suggested that those 1,300 Canadians who entered into the Spanish civil war of their own volition did so out of a commitment to democracy and out of a desire to fight and defeat fascism.

• (1820)

I have no doubt that they felt so motivated, that they felt called and they felt the courage of their convictions in engaging in this war. Nor do I deny that many of these veterans acted heroically in

Private Members' Business

the action they faced. The fact that so many of them died is one of the tragedies of war which we all mourn.

Several people who have spoken to this motion have rendered a simplistic and incomplete picture of the history of 1937 and the Spanish civil war. They have painted the contribution of the MacKenzie-Papineau Battalion and the Republican forces in the Spanish civil war as being, without question, beyond repute and on the side of the angels. They have suggested that the forces they were fighting were merely an extension of the unquestionably evil forces of fascism which were then gaining force in Nazi Germany.

I think it is important for us to recognize that when this House and this Parliament gave passage to the Foreign Enlistment Act in 1937 it understood the greater complexity of the situation as it then unfolded in Spain, as did the Canadians who left to fight in Spain on behalf of the Falangist cause.

No argument can be made that there was a unanimous view in this country about which side in this very complex and messy war had the moral upper hand.

I believe it was the hon. member for Laval West who said that the Foreign Enlistment Act, which prohibited Canadians from enlisting in a foreign war which was not recognized by this country, was passed in part under pressure from a fascist constituency in the Canadian electorate. I really think that does a disservice to Canadians, now and at the time. It does a disservice to our history. It is based on a gross misunderstanding of the reasons for this enactment.

The reality is the Spanish civil war was not a battle between good and evil. The Spanish civil war was a complex war between, on the one hand Republican forces which included communists, Stalinists, Trotskyites, anarchists and, admittedly, democrats. It was a strange and tempestuous coalition which itself came to blows internally. In fact, some of the most brutal actions in the Spanish civil war, as any historian will say, were within the republican movement itself, as the communists and Stalinists, fed by the tyrannical designs of the Russian Stalinists, attempted to seize control of the Republican movement and were largely successful in so doing.

On the other side, it was not simply a uni-dimensional coalition of fascists supported and motivated by Adolf Hitler. Indeed the German and Italian fascists supported elements of the Falangist cause, but there were democrats, monarchists, Catholics and others who opposed the Republican cause because they saw it as an encroachment of a foreign tyrannical political movement, communism, and its threatened imposition on Spain.

The reasons different people were motivated to take different sides in this war are complex. We do a great disservice to history and to those Canadians who fought on both sides of this war to suggest that it was as simple as has been presented here.

• (1825)

In fact, we have heard from many speakers about the atrocities committed by the Franco forces in the Spanish civil war, and understandably so. One can make no moral apology for the evil that was done in that respect.

However, it is important to enter into the record some historical consideration of the kinds of terrible evils perpetrated by the Republican cause which was supported by the Mackenzie-Papineau Battalion. I do not suggest for one moment that the Canadian combatants in that war were engaged in these kinds of atrocities, but the fact is they fought alongside Stalinists and Trotskyites and anarchists and others who were motivated as much by a kind of anti-Christian and anti-Catholic hatred as by a desire to establish democracy in Spain.

The eminent historian Hugh Thomas in his book the *Spanish Civil War* published in 1961, somebody regarded as generally a pro-Republican historian, detailed in his book the kinds of atrocities committed by the Republicans during the war. Among other things, he says that of the 86,000 people killed under the Republic, 7,900 were clergy or religious, 12 were Bishops, 283 were nuns, 5,200 were priests, 2,500 were monks and 250 were novices. These were not people killed as innocents in the war. These were religious people, not direct combatants in the war, who were sought out and killed by Republican forces.

He reports that nuns were raped and murdered in Pozuelo de Alarcon near Madrid. He reports of parish priests being seized by leftist militia men, scourged, tied to wooden beams, given vinegar to drink, crowned with thorns and then shot. He reports a crucifix was forced down the throat of a mother of two Jesuits. He reports that 800 faithful Christians were thrown down a mine shaft. He reports that in Cenera rosary beads were forced into monks' ears until their ears ruptured. The historical record shows priests having been castrated and their castrated organs being forced into their mouths. He reports priests who were burned alive.

These are all documented incidents. Faithful Christians were burned alive after digging their own graves. Others were burned or had their eyes gouged out. Churches and convents were indiscriminately sacked and burned. There were 150 churches totally destroyed and nearly 2,000 more than half destroyed.

That is just one small historical review of the record of the wonderful Republicans in the Spanish civil war.

I submit that in considering this bill and in considering the history of the passage of the Foreign Enlistment Act, which this motion essentially seeks to undo retroactively, we must be mindful of the historical complexities of the time and must not allow ourselves to be the victims of the kind of historical revisionism which suggests that one side in this combat was all sweetness and light. That is not what the record shows.

Adjournment Debate

Because Parliament still recognizes the Foreign Enlistment Act some have argued that we cannot and should not extend veterans benefits to the remaining surviving Mac-Pap veterans. I would argue that if people engage in civil disobedience, as these people knowingly did, they agree to accept the consequences.

John Stuart Mill, the great political philosopher, says in his magnum opus *On Liberty* that those who engage in civil disobedience do so while accepting the sanctions the state imposes for such civil disobedience. Those who engaged in the Mackenzie-Papineau Battalion knew full well at the time and with conscious deliberation decided to act with civil disobedience.

I suggest that 60 years later we cannot undo a decision they made at that time. I call on my colleagues to oppose this motion.

• (1830)

[*Translation*]

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

ADJOURNMENT PROCEEDINGS

[*Translation*]

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

COURTS IN CAMPBELLTON

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, on February 6, I brought to the attention of the House the fact that courts in the Restigouche region were overloaded.

Let me give a brief historical overview of this issue. In 1992, the number of judges sitting in Campbellton dropped from two to one. A few months later, the only judge serving the region was transferred to the judicial district of Fredericton.

While waiting for a replacement, the region of Campbellton was without a permanent judge for about three months. The ensuing backlog would probably not have been insurmountable, except that the court registered an increase in the volume of cases, including family law cases.

The judge who is currently sitting is making superhuman efforts to hear as many cases as possible, but it is now obvious that his valiant efforts are not enough to ensure quick processing of the

cases. Not a single small claims case has been heard for a year now, and some civil cases will not be heard before 1999.

Some members may think this is a provincial matter. Normally, I would agree. However, there have been a number of developments in which politics clearly impeded the judicial process.

The new chief justice in New Brunswick did everything within his power to find a solution to the court's backlog. Now, the bar association in Restigouche, the crown attorney's office, the chief justice of New Brunswick and the New Brunswick bar association all agree on the solution: Campbellton needs an additional judge. The two levels of government are the only ones dragging their feet.

When I raised the issue in the House, the solicitor general—the Minister of Justice was not present—said that the federal government was aware of the situation. If so, what is it waiting for to act?

We were told by the federal Department of Justice that nothing can be done until a written request is received from the provincial government.

Meanwhile, the New Brunswick justice department tells us that the request was made and that they are waiting for a reply from the federal government.

It is my hope that the provincial and federal governments will quit passing the buck on this and will finally accept their responsibilities, so that access to justice will no longer be jeopardized in the region.

The government's inaction impacts very heavily on the human level. Mothers can wait up to eight or nine months for a support order to allow them to feed their children properly.

Since small claims court cases have not been heard for a year, business owners really have no recourse when they have been wronged. I have also heard of accident victims who have had to go on welfare while waiting for their cases to come up.

This situation cannot continue. The people feel there is no longer any justice for them, and it would seem, unfortunately, that they are right.

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would first reassure the member that the Minister of Justice shares his concerns on the delays in the legal proceedings. However, as the hon. member mentioned, the matter is a provincial responsibility.

That said, the Province of New Brunswick will determine the number of judges appointed to superior and provincial courts. The Minister of Justice simply appoints judges in the event of vacancies in the province. Currently, all positions on the court of Queen's bench in New Brunswick are filled.

*Adjournment Debate**[English]*

The issue here is one of ensuring the effective allocation of existing judicial resources. The level of judicial service in any part of the province is the shared responsibility of the provincial attorney general and of the chief justice of the court of Queen's bench.

• (1835)

It is not a political problem as the member would like us to believe. The minister has heard from the attorney general of New Brunswick and is in discussions with the New Brunswick minister on this issue. There are ongoing discussions.

It is also important to clarify that the minister supports all initiatives that will take place to the access to justice and to reduce delays in legal proceedings.

[Translation]

Today in fact, the minister also announced a federal initiative to promote the unification of family courts. At the request of a number of provinces, new judges may be appointed to simplify access to the justice system on family matters.

These initiatives testify to the importance the government places on the right of all Canadians to have access to the justice system. The minister shares the hon. member's concerns on the situation faced by the residents of Campbellton, and I can assure him that the matter will be raised with her New Brunswick counterpart.

[English]

HEALTH CARE

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, tonight I have the opportunity to say a few words about the state of health care in our country.

I notice with interest that at the Liberal convention coming up in a few hours there are a number of resolutions pointing out the concern of delegates from across the country attending the Liberal convention regarding the state of health care in Canada. They are pointing out that in their judgment some cases are actually at a crisis level. I think the Minister of Health actually used that word in a couple of comments in the last little while.

Overall it is fair to say that the Liberal government does not take health care seriously. Canada is now 17th among the 28 industrialized nations of the Organization for Economic Co-operation and Development in public spending on health care. Between 1986 and 1997 the public portion of Canada's health tab declined from 77% to 70%. By 1999 it is expected to drop to only 60%.

Today private spending in Canada's universal public system exceeds the total of federal health care dollars. I might add that only 20% of Canada's health care funding now comes from the federal government.

Since 1986 Ottawa has slashed a total of \$36 billion from health care according to Dr. Fuller of the Health Sciences Association of British Columbia.

I also want to mention that medicare's complete privatization appears to be the goal of at least two provincial governments these days, the governments of Alberta and Ontario.

I read with interest just a few days ago how impressed the B.C. Reform member for North Vancouver was at the service he received in a Florida hospital while he was on vacation. He said "It really put to shame what happens in Canada. I do not think there is any harm in having some competition. I know it is widely supported in my riding and there should be some competition to get efficiency into the system".

As a result of these fiscal and ideological pressures on our system, privatization is well under way across the country. In Manitoba people with means to do so are hiring their own nurses to care for them in hospital. The fact they have to do this is a reflection of the crisis in our health care system.

Last week apparently with the blessing of the Alberta government, the Royal Bank of Canada and the Alberta Medical Association reached an agreement that will see patients able to charge uninsured medical services on their credit cards or debit cards right at the doctor's office.

I could go on at some length. I think it is fair to say that if there was a poll conducted across the country, Canadians everywhere would consider that we are in a crisis.

In conclusion, I simply want to say that health care in Canada has become a \$75 billion marketplace. United States based international corporations armed with free trade agreements threaten to dominate the provision of services shortly with the support of some provincial governments, most large employers and a large section of organized medicine.

For profit companies are benefiting from government participation in joint ventures, lucrative contracts with ministries of health, outsourcing arrangements with hospitals, generous tax breaks for venture capital investors, access to medicare payments and direct grant allocations.

One could go on and on. I can summarize by simply saying our health care system is in serious trouble. Medicare is being challenged from coast to coast. It is time that the federal government took this issue more seriously than it is at the moment.

• (1840)

Mr. John Harvard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the question has arisen as to when Canadians can expect the federal government to come forward with a financial commitment for home care.

Adjournment Debate

Home care is already an integral part of our health care system. It is not an add-on or a new idea. It is an essential component of the care that many Canadians receive on a regular basis. What is new is how home and community care can be used within the system in this era of modern technology and the potential of home care to meet needs created in the system by the extensive restructuring and reform seen in most jurisdictions.

The time has come to examine home care programs in all jurisdictions and, as members might expect, that task will not be a simple one. While we are committed to taking steps toward the future, delegates at the recent national conference on home care have made it clear that the task is large and complex. Delegates urge all levels of government to work together on the development of a national home care approach.

We recognize the need to develop a national approach to home and community care for Canadians, an approach that will ensure Canadians that wherever they go across the country, they can receive the care they need. Recognizing that there is a need and knowing in detail how to meet that need are two different matters.

To develop a national approach of this calibre, we must work together in partnership with provincial and territorial governments, with care providers across all parts of the health system and with Canadians in all walks of life. We need the results of pilot and evaluation studies that are being sponsored by the health transition fund and other research studies that have been undertaken to inform our discussions.

At this point an immediate new financial commitment in respect of home and community care is not appropriate, but I can say that the government will be there to fulfil its responsibility with a contribution in an appropriate amount when we see the size and the shape of the solution—

The Deputy Speaker: The hon. member for Waterloo—Wellington.

ATOMIC ENERGY CONTROL BOARD

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, as the former chairman of the Kitchener-Wilmot Hydro Commission, I have a strong and keen interest in the generation of electricity in the province of Ontario. I have a particular interest in the use of nuclear power and the generation of that electricity.

Ongoing concerns have been expressed in relation to the use of nuclear power in Ontario. The safety of the system has been repeatedly questioned. I am not here to debate whether or not to use nuclear power. Rather, I think it is important to ensure that residents of Ontario have faith and confidence in Ontario Hydro. This includes the use of nuclear power.

Accordingly, I was dismayed recently when the Atomic Energy Control Board was reported to have said that Ontario Hydro's

failure to show detailed plans on how it will improve slipping nuclear safety was "entirely unacceptable". It would appear that there are ongoing concerns on the part of the Atomic Energy Control Board regarding missed promises and commitments by Ontario Hydro in this regard. This is unacceptable to residents of Ontario.

In any event, people in Ontario need to know and be reassured that everything is being done to ensure a safe and secure system in the generation of electrical power in Ontario. I would ask the Parliamentary Secretary to the Minister of Natural Resources to give that assurance today to both this House and to the people of Ontario.

Mr. John Harvard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Atomic Energy Control Board is responsible for regulating all nuclear facilities and activities in Canada. Its role is focused strictly on health, safety and environmental protection. It is not mandated to interfere in the business practices of its licensees unless those practices have safety implications.

The problem with Ontario Hydro is one of management and operational performance, not public safety. Public safety and environmental protection are the Government of Canada's highest priorities. Safety has never been compromised. We have very high nuclear safety standards and strong enforcement of those standards through the AECB which played a key role in getting Ontario Hydro to take aggressive corrective action.

Technology is not the problem. The Candu technology is one of the best, if not the best in the world, as demonstrated by the excellent safety and operating performance record of Candus around the world. Atomic Energy of Canada Limited, AECL, has taken a proactive role in assuring its customers that this is an internal management problem at Ontario Hydro and that its Candu technology is sound and robust.

• (1845)

As you are well aware, the Atomic Energy Control Board has concluded that Ontario Hydro nuclear generating stations continue to be operated safely under the conditions of its licences and for the duration of the licences. This conclusion is consistent with the findings of Ontario Hydro's own investigation and with the report of the Ontario Select Committee on Ontario Hydro Nuclear Affairs.

The public may be assured that the AECB will continue to monitor the situation very closely. The AECB has inspectors on site to monitor operations and to ensure that anything of safety significance is dealt with immediately. If there is any evidence to cause any source of concern, the control board will not hesitate to impose restrictions as it always has.

Adjournment Debate

The new Nuclear Safety and Control Act and its supporting regulations which are expected to come into force in late 1998 will provide the board with modern regulatory tools to enhance its regulatory capabilities. The government's intention is to ensure that Canada continues to have a strong independent nuclear regulator which focuses on the safety of people and environmental protection.

[*Translation*]

The Deputy Speaker: Order, please. The motion to adjourn the House is now deemed adopted. Accordingly, this House stands adjourned until Monday, March 23, 1998 at 11 a.m., pursuant to a special order.

(The House adjourned at 6.46 p.m.)

CONTENTS

Thursday, March 19, 1998

ROUTINE PROCEEDINGS

Government Response to Petitions

Mr. Adams 5091

Special Import Measures Act

Bill C-35. Introduction and first reading 5091
Mr. Peterson 5091
(Motions deemed adopted, bill read the first time and printed) 5091

Budget Implementation Act, 1998

Bill C-36. Introduction and first reading 5091
Mr. Peterson 5091
(Motions deemed adopted, bill read the first time and printed) 5091

Judges Act

Bill C-37. Introduction and first reading 5091
Mr. Boudria 5091
(Motions deemed adopted, bill read the first time and printed) 5091

Senator Selection Act

Bill C-382. Introduction and first reading 5091
Mr. Gilmour 5091
(Motions deemed adopted, bill read the first time and printed) 5091

Petitions

Taxation

Mr. Riis 5091

Multilateral Agreement on Investment

Mr. Riis 5091

Retirement Packages

Mr. Riis 5092

Tax Exemption for Volunteer Firefighters

Mr. Asselin 5092

Nuclear Weapons

Mr. Adams 5092

Iraq

Mr. Adams 5092

Emergency Personnel

Mr. Szabo 5092

Natural Products

Mr. Guimond 5092

Criminal Code

Mr. Iftody 5092

CRTC

Mr. Goldring 5093

Questions on The Order Paper

Mr. Adams 5093

GOVERNMENT ORDERS

Canada Shipping Act

Bill C-15. Second reading 5093
Mr. Boudria 5093
Mr. Keyes 5093
Mr. Goldring 5094
Mr. Guimond 5096
Mr. Bellehumeur 5097

Mr. Guimond 5097
Ms. Desjarlais 5099
Mr. Herron 5101
(Motion agreed to, bill read the second time and referred to a committee) 5103

Canadian Parks Agency Act

Bill C-29. Second reading 5103
Ms. Girard-Bujold 5103
Mr. Laliberte 5105
Mr. Laliberte 5106
Mr. Goldring 5106
Mr. Laliberte 5106
Mr. Lebel 5107
Mr. Laliberte 5107
Ms. Vautour 5107
Mr. Lebel 5108
Ms. Vautour 5109
Mr. Harvey 5109
Mr. Riis 5110
Mr. Harvey 5110
Mr. Godfrey 5110
Mr. Casson 5112
Mr. Godfrey 5113
Mr. Chrétien (Frontenac—Mégantic) 5113
Mr. Godfrey 5113
Mr. Mayfield 5113
Mr. Godfrey 5113
Mr. Laliberte 5113
Mr. Godfrey 5114
Mr. Obhrai 5114
Mr. Laliberte 5115
Mr. Obhrai 5115
Mr. Hilstrom 5115
Mr. Obhrai 5116
Mr. Riis 5116
Mr. Hilstrom 5118
Mr. Riis 5119
Mr. Kerpan 5119
Mr. Riis 5119
(Motion agreed to, bill read the second time and referred to a committee) 5119

National Defence Act

Bill C-25. Second reading 5119
Mr. Boudria 5119
Mr. Richardson 5119
Mr. Benoit 5121

STATEMENTS BY MEMBERS

Arctic Winter Games

Mrs. Karetak-Lindell 5125

Racial Discrimination

Mr. Obhrai 5125

Journée internationale de la Francophonie

Mr. Patry 5125

Racial Discrimination

Mrs. Jennings 5125

Newfoundland and Labrador	
Mr. Byrne	5126
British Columbia Economy	
Mr. Mayfield	5126
Parliamentary Immunity	
Mr. Bonwick	5126
Leader of the Opposition	
Ms. Leung	5126
Conseil du statut de la femme	
Mrs. Lalonde	5127
British Columbia	
Mr. Lunn	5127
Leader of the Opposition	
Mr. Mahoney	5127
Ottawa Sun	
Mr. Desrochers	5127
Banks	
Ms. Desjarlais	5128
Leader of Reform Party	
Mr. Coderre	5128
Trans-Canada Highway	
Mr. Doyle	5128
Simcoe North Francophone Community	
Mr. DeVillers	5128
Gun Control	
Mr. Kerpan	5128

ORAL QUESTION PERIOD

Senate of Canada	
Mr. Strahl	5129
Mr. Gray	5129
Mr. Strahl	5129
Mr. Gray	5129
Mr. Strahl	5129
Mr. Gray	5129
Mr. Gilmour	5129
Mr. Gray	5129
Mr. Gilmour	5129
Mr. Gray	5130
Option Canada	
Mr. Duceppe	5130
Ms. Copps	5130
Mr. Duceppe	5130
Ms. Copps	5130
Mr. Bergeron	5130
Ms. Copps	5130
Mr. Bergeron	5130
Ms. Copps	5130
Racism	
Mr. Riis	5130
Mr. Manley	5130
Mr. Riis	5130
Mr. Manley	5131
The Economy	
Mr. Brison	5131

Mr. Peterson	5131
Mr. Brison	5131
Mr. Peterson	5131
The Senate	
Mr. Hart	5131
Mr. Gray	5131
Mr. Hart	5131
Mr. Hart	5132
Mr. Gray	5132
Option Canada	
Mr. Gauthier	5132
Ms. Copps	5132
Mr. Gauthier	5132
Ms. Copps	5132
The Budget	
Mr. Williams	5132
Mr. Peterson	5132
Mr. Williams	5132
Mr. Peterson	5132
Millennium Scholarships	
Mrs. Gagnon	5133
Mr. Dion	5133
Mrs. Gagnon	5133
Mr. Dion	5133
Employment	
Ms. Meredith	5133
Mr. Nault	5133
British Columbia	
Mr. Schmidt	5133
Mr. Peterson	5133
The Environment	
Mr. Dumas	5133
Mrs. Stewart (Brant)	5134
Donkin Mine	
Mr. Hubbard	5134
Mr. Goodale	5134
British Columbia Economy	
Mr. Reynolds	5134
Mr. Peterson	5134
Mr. Abbott	5134
Ms. Copps	5134
The Environment	
Ms. Vautour	5134
Mr. Anderson	5134
Employment	
Ms. Hardy	5135
Mr. Nault	5135
Ms. Hardy	5135
Mr. Nault	5135
The Environment	
Mr. Herron	5135
Mrs. Stewart (Northumberland)	5135
Mr. Herron	5135
Mrs. Stewart (Northumberland)	5135
Taxation	
Mr. Shepherd	5135
Mr. Dhaliwal	5135

Canadian International Development Agency	
Mr. Grewal	5136
Ms. Marleau	5136
Victims of Hepatitis C	
Mrs. Picard	5136
Mr. Rock	5136
Health	
Ms. Wasylycia-Leis	5136
Mr. Rock	5136
Firearms	
Mr. MacKay	5136
Ms. McLellan	5137
Industry	
Mr. Murray	5137
Mr. Manley	5137
Light Stations	
Mr. Duncan	5137
Mr. Anderson	5137
Presence in Gallery	
The Speaker	5137
Business of the House	
Mr. Epp	5137
Mr. Boudria	5137

GOVERNMENT ORDERS

National Defence Act	
Bill C-25. Second reading	5138
Mr. Kilger	5138
Mr. Benoit	5138
Mrs. Venne	5139
Message from the Senate	
The Deputy Speaker	5143
Points of Order	
Tabling of Document	
Ms. Bakopanos	5143
National Defence Act	
Bill C-25. Second Reading	5143
Mr. Riis	5143
Mr. Johnston	5145
Mr. Riis	5145

Mr. Herron	5146
Mr. Eggleton	5149
Mr. Benoit	5152
Mr. Eggleton	5152
Mr. MacKay	5152
Mr. Eggleton	5152
Mr. MacKay	5152
Mr. Eggleton	5152
Mr. Hart	5153
Mr. Eggleton	5153
Ms. Hardy	5153
Mr. Eggleton	5153
Mr. Hart	5153
Mr. Benoit	5156
Mr. Hart	5157
Mr. Benoit	5157
Mr. Hart	5157
Mr. Clouthier	5157
Mr. Benoit	5159
Mr. Clouthier	5159
Mr. Jordan	5159

PRIVATE MEMBERS BUSINESS

MacKenzie-Papineau Battalion	
Motion	5160
Mr. Dubé (Madawaska—Restigouche)	5160
Mr. Proud	5161
Ms. Hardy	5162
Ms. Folco	5163
Mr. Riis	5165
Ms. Folco	5165
Ms. Girard-Bujold	5165
Mr. Provenzano	5166
Mr. Kenney	5167

ADJOURNMENT PROCEEDINGS

Courts in Campbellton	
Mr. Dubé (Madawaska—Restigouche)	5169
Ms. Bakopanos	5169
Health Care	
Mr. Riis	5170
Mr. Harvard	5170
Atomic Energy Control Board	
Mr. Myers	5171
Mr. Harvard	5171

MAIL  POSTE

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

03159442

Ottawa

If undelivered, return COVER ONLY to:

Canadian Government Publishing,

45 Sacré-Coeur Boulevard,

Hull, Québec, Canada, K1A 0S9

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à:

Les Éditions du gouvernement du Canada,

45 boulevard Sacré-Coeur,

Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :

<http://wwwparl.gc.ca>

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9

On peut obtenir la version française de cette publication en écrivant à Travaux publics et Services gouvernementaux Canada – Édition, Ottawa, Canada K1A 0S9.