



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, December 14, 1999**

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

Tuesday, December 14, 1999

The House met at 10 a.m.

Prayers

## ROUTINE PROCEEDINGS

• (1005)

[English]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to four petitions, and I move:

That the House do now proceed to the orders of the day.

[Translation]

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, I rise on a point of order.

**The Deputy Speaker:** Is the point of order being raised by the Bloc Québécois whip related to the motion put by the Parliamentary Secretary to the Leader of the Government in the House of Commons?

**Mr. Stéphane Bergeron:** Mr. Speaker, the point of order was prior to that. In fact, I have been on my feet ever since prayers, waiting to be recognized. You recognized the parliamentary secretary first, and what I simply wished, Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights—

**The Deputy Speaker:** Order, please. There is a problem. I indicated that the House would proceed to tabling of documents and recognized the hon. parliamentary secretary. I heard nothing of a point of order at that time. I shall therefore propose the motion to the House at this time.

[English]

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

• (1055)

[Translation]

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

(Division No. 660)

### YEAS

#### Members

Adams	Alcock
Anderson	Assadourian
Augustine	Baker
Barnes	Beaumier
Bélair	Bélangier
Bellemare	Bennett
Bevilacqua	Blondin-Andrew
Bonin	Boudria
Bradshaw	Bryden
Bulte	Byrne
Caccia	Calder
Cannis	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Saint-Maurice)	Clouthier
Coderre	Collenette
Copps	Cotler
Cullen	DeVillers
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Duhamel
Easter	Eggleton
Finlay	Fontana
Forseth	Fry
Gagliano	Galloway
Godfrey	Goodale
Graham	Gray (Windsor West)
Grose	Guarnieri
Harb	Harvard
Hubbard	Ianno
Jackson	Jennings
Jordan	Karetak-Lindell
Keyes	Kilger (Stormont—Dundas—Charlottenburgh)

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Kilgour (Edmonton Southeast)	Knutson
Kraft Sloan	Lastewka
Lee	Leung
Limoges	Lincoln
Lunn	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)	Matthews
McCormick	McGuire
McKay (Scarborough East)	McLellan (Edmonton West)
McTeague	McWhinney
Minna	Mitchell
Murray	Myers
Nault	Normand
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Obhrai
Pagtakhan	Paradis
Parrish	Patry
Peterson	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Proud	Proulx
Provenzano	Redman
Reed	Richardson
Robillard	Saada
Scott (Fredericton)	Serré
Speller	St. Denis
St-Julien	Stewart (Brant)
Stewart (Northumberland)	Szabo
Telegdi	Thibeault
Torsney	Ur
Valeri	Vanclief
Volpe	Wappel
Whelan	Wilfert
Wood—139	

Strahl	Thompson (Wild Rose)
Tremblay (Lac-Saint-Jean)	Turp
Vellacott	Venne
Wasylcia-Leis	Wayne —89

## PAIRED MEMBERS

\*Nil/aucun

**The Deputy Speaker:** I declare the motion carried.**GOVERNMENT ORDERS**

[Translation]

**POINTS OF ORDER**

## TABLING OF DOCUMENTS

**Mr. Stéphane Bergeron (Verchères—Les Patriotes, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights and in view of the fact that debate on it will begin in a few minutes, I ask for the unanimous consent of the House to table a document that will clarify matters for the House.

It is an article from *Le Devoir* of March 16, 1995 showing that the 50% plus one rule applies everywhere in Canada, which there seems to be a desire to—

**The Deputy Speaker:** Is there unanimous consent?**Some hon. members:** Agreed.**Some hon. members:** No.

**Mr. Yvan Loubier:** Mr. Speaker, further to the Prime Minister's announcement that he intends to introduce a bill denying the fundamental rights of Quebecers, I ask for the unanimous consent of the House to table a document which would enlighten the House. The document is the statement made by Premier Lucien Bouchard to the effect that Ottawa—

**The Deputy Speaker:** Is there unanimous consent?**Some hon. members:** Yes.**Some hon. members:** No.

**Mr. Michel Gauthier:** Mr. Speaker, I would like to submit to your kind attention the fact that all parliamentarians in this House are fully entitled to express themselves as they wish and on issues that are of interest to them.

The rules clearly provide—and there is absolutely no doubt about this—that every member, whether or not he or she belongs to

**NAYS**

## Members

Abbott	Alarie
Anders	Asselin
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Bailey	Bellehumeur
Bergeron	Bernier (Bonaventure—Gaspé—
Îles-de-la-Madeleine—Pabok)	Bernier (Tobique—Mactaquac)
Bigras	Blaikie
Borotsik	Brien
Brison	Canuel
Cardin	Chatters
Chrétien (Frontenac—Mégantic)	Crête
Dalphond-Guiral	de Savoye
Debien	Desrochers
Dockrill	Doyle
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Dubé (Madawaska—Restigouche)
Duceppe	Dumas
Duncan	Earle
Epp	Fournier
Gagnon	Gauthier
Gilmour	Girard-Bujold
Godin (Acadie—Bathurst)	Godin (Châteauguay)
Grewal	Grey (Edmonton North)
Gruending	Guay
Guimond	Hart
Harvey	Herron
Hill (Macleod)	Jones
Lalonde	Laurin
Lebel	Lefebvre
Lill	Loubier
Lowther	MacKay (Pictou—Antigonish—Guysborough)
Marceau	Marchand
Mark	McDonough
McNally	Ménard
Mercier	Meredith
Mills (Red Deer)	Muise
Perron	Picard (Drummond)
Power	Proctor
Reynolds	Robinson
Rocheleau	Sauvageau
Solomon	St-Hilaire
Stinson	Stoffer

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the government majority and regardless of what our friends opposite may think, has the right to express himself or herself. Every member has the right to point out to the House the relevance of certain documents—

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

[*English*]

**The Deputy Speaker:** Is the hon. member rising on the same point of order?

**Mr. Chuck Strahl:** Yes, Mr. Speaker.

[*Translation*]

**The Deputy Speaker:** Order, please. I thought the hon. member for Roberval had risen on a point of order and had finished, as he then sat down.

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

**The Deputy Speaker:** Fine. I will give him the floor again if he so wishes.

**Mr. Michel Gauthier:** Mr. Speaker, I sincerely believe that all of us, that is you, the members of this House and myself, will have to be extremely careful in the minutes to come to ensure that what will take place here is not misinterpreted.

The reason I sat down is because it was absolutely impossible to speak in the House, because members of the Liberal majority were yelling so loudly. And that is a fact.

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

**Mr. Michel Gauthier:** If I sat down, it was because it is your duty to ensure that my right to speak is protected in this House. I am now asking the Chair to ask them to be quiet, so that I can conclude my point of order.

• (1100)

**The Deputy Speaker:** I would like to assure the hon. member for Roberval that I can hear him. Had I thought it was impossible to do so I would certainly have taken action. I can indeed hear him and I would ask him to speak directly to his point of order so that I may give a ruling.

**Mr. Michel Gauthier:** Mr. Speaker, a while ago we had a conversation outside the House to discuss a problem, that of being unable to hear my colleague, the Bloc Québécois whip. Somehow you can hear me in all this noise when I cannot hear myself for the racket from the other side. That is what I wished to tell you.

Now that they have settled down a bit, I simply wish to tell you—

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

**Mr. Michel Gauthier:** Now that they have settled down a bit, I simply wish to tell you that members on this side, regardless—

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

**Mr. Michel Gauthier:**—of members from Quebec on the other side who are put out, are perfectly entitled to seek your attention, to raise a point of order, to suggest that material relevant to the debate we are now having be read or considered. That is our perfect right and I call on you to observe the Standing Orders, to protect the right to speak of members in this House, and to ask the members of the government party to be quiet, whether they like it or not.

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

[*English*]

**Mr. Chuck Strahl (Fraser Valley, Ref.):** Mr. Speaker, it does seem to me to be perfectly logical that the Bloc members want to table documents. I have no problem with that. However, it would not hurt to have a little debate before they head off in the direction they are going in now. Why do we not enter into the debate and afterward, if they want to make dilatory motions and so on, let us have that.

**The Deputy Speaker:** The Chair is cognizant of the fact that sometimes there is some noise in the Chamber, not all on one side, I may say. The Chair cannot stop members from yelling but the Chair does try to encourage order in the debate.

[*Translation*]

The Chair has an obligation to ensure that each member has the right to express his or her views in the House and I would always wish to protect this right, even those of the hon. member for Roberval, when other members have something to say. I am here to rule on a point of order.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I rise on a point of order. Before the Minister of Intergovernmental Affairs sees fit to address in this House the bill denying the basic rights of Quebecers, I would like to table a speech made by the Prime Minister of Canada on November 28, 1999, where he said—

**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Michel Bellehumeur:** Mr. Speaker, you are not letting me finish.

**Mr. René Laurin (Joliette, BQ):** Mr. Speaker, I rise on a point of order. Before the House begins consideration of the bill, I would like to table in the House a study released by the Library of Parliament on the basic rights of Canadians and Quebecers. The study was carried out in 1984 and revised in—

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**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mrs. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, I rise on a point of order. Further to the announcement by the Prime Minister that he intends to introduce a bill denying the fundamental rights of Quebecers, I would ask for the unanimous consent of the House to table a document that could enlighten the House. It is an article from *La Presse* that clearly indicates to what extent—

**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1105)

**Mr. Réal Ménard (Hochelaga—Maisonnette, BQ):** Mr. Speaker, I know that you always strive to serve the House well and I realize that there is a fundamental right at stake here, the right of all parliamentarians to express their points of view and not only to say what they have to say, but also to get fair and relevant information.

Under the circumstances, I would ask for the democratic, unanimous and informed consent of the House to table a document, further to the announcement by the government that it intends to introduce a bill that shamelessly changes the referendum rules in Quebec.

I ask for the consent of the House.

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, first of all, as a question of privilege, I would like to point out that before asking if there is unanimous consent of the House, it would be important for the House to hear the member who is seeking such consent explain what he or she is asking for exactly.

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

**Mr. Pierre de Savoye:** In my case, I have here an excerpt from the referendum act of Nebraska, in the United States. I ask for the unanimous consent of the House to table this document.

**The Deputy Speaker:** The member for Portneuf has a point, but I must say that points of order should not give members the opportunity to make a speech.

When members rise on a point of order, they must say specifically what their point of order is about. After that, if they have

indicated that they want to table a document, I think it is the duty of the Chair to put the question to the House, and that is all I am doing. I do not have to give each member the opportunity to explain the whole content of the document. That is not what I am supposed to do.

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, which is a serious threat to democracy, I want to table a document that will enlighten the House.

This document is the International Covenant on—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, I have here a document entitled "Commission nationale sur l'avenir du Québec", the chapter on sovereignty.

I would ask for unanimous consent to table this document so that members can read it.

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, following the Prime Minister's announcement that he wants to table a bill denying Quebecers their basic rights, I ask for the unanimous consent of the House to table a paper that will enlighten the House.

It is a paper prepared by the Library of Parliament on the basic rights of Canadians and Quebecers. The study, released in 1992, is entitled "Human Rights Legislation and the Charter".

No doubt that—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. René Canuel (Matapédia—Matane, BQ):** Mr. Speaker, at the request of people from my riding, I wish to educate the House and provide it with supplementary information. Here is what my constituents have asked me to table this morning. It is an extract from the referendum act of the state of Wisconsin, in the United States of America.

I ask for unanimous consent and hope that I will get it.

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

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**Some hon. members:** No.

**Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ):** Mr. Speaker, following the announcement by the Prime Minister that he wants to introduce a bill denying Quebecers their basic rights, I would like to table in the House an extract from the report on the territorial integrity of Quebec in the event of its accession to sovereignty, which was presented to the Commission d'étude des questions afférentes à la souveraineté.

This report states that, according to international law—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1110)

**Mr. Richard Marceau (Charlesbourg, BQ):** Mr. Speaker, last night, I was a guest on a television program of the parliamentary channel CPAC. The hon. member for Notre-Dame-de-Grâce—Lachine was also invited. Unfortunately, she was afraid to show up.

I ask for the unanimous consent of the House to table the transcript of that television program at which she was afraid to show up.

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Benoît Sauvageau (Repentigny, BQ):** Mr. Speaker, I have in my possession a statement made by Mario Dumont, the leader of the Action démocratique, according to which the bill presented today is an attack against the dignity and the pride of Quebecers.

I ask for the unanimous consent of the House to table this document that will enlighten parliament.

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, I would like to table a research paper published by the Library of Parliament on the issue of fundamental rights of Canadians and Quebecers. This study, prepared in 1990 and revised in 1995, is entitled Electoral Rights: Charter of Rights and Freedoms.

Many members of the government would certainly need to reread such document in order to remind themselves of the fundamental rights that exist in Canada.

**The Deputy Speaker:** Is there unanimous consent that the hon. member table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Bernard Bigras (Rosemont, BQ):** Mr. Speaker, I have here a text paying tribute to René Lévesque, who defended Quebec's interests and democracy.

I ask for the unanimous consent of the House to table this text.

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, I have here an article from *La Presse* dated December 11, 1999, and entitled "The National Assembly attacked by Ottawa. The people must react".

I ask for the unanimous consent of the House to table this document which will enlighten the House.

**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Daniel Turp (Beauharnois—Salaberry, BQ):** Mr. Speaker, I ask for the unanimous consent of the House to table a document which will enlighten all members of this place. It is the "Loi sur la consultation populaire du Québec", a pillar of our democracy.

**The Deputy Speaker:** Is there unanimous consent that the hon. member table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Ms. Hélène Alarie (Louis-Hébert, BQ):** Mr. Speaker, I would like the House to be aware of the content of a very interesting article that was published in *Le Soleil* in October 1999 and which mentions that 50% plus one is enough in the United Kingdom and in Scotland.

I ask for the unanimous consent of the House to table this document.

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

*Government Orders*

**Mr. Maurice Godin (Châteauguay, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, I ask for the unanimous consent of the House to table a document that will clarify matters for the House.

It is an article from the December 11 issue of *La Presse* which comments on the commotion caused—

**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Gérard Asselin (Charlevoix, BQ):** Mr. Speaker, now that the Prime Minister has announced his intention to introduce a bill denying Quebecers their fundamental rights, I ask for the unanimous consent of the House to table a very informative document.

It is a document from the Quebec director general of elections explaining what real democracy is all about, and what truly democratic rules are.

**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, since the government has announced its intention to introduce a bill to change the referendum rules in Quebec, I ask for the unanimous consent of the House to table part of the referendum legislation of the State of Illinois, in the United States of America.

**The Deputy Speaker:** Is there unanimous consent that the hon. member table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ):** Mr. Speaker, I have here a document entitled "Un pays, c'est normal pour un peuple qui se tient debout", and I ask for the unanimous consent of the House to table this action plan of the Coalition des partenaires sur la souveraineté.

**The Deputy Speaker:** Is there unanimous consent for the hon. member to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1115)

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, I have here a document entitled "Rapport de la Commission sur l'avenir

du Québec" about the new relations between Quebec and Canada. If this document were tabled, it would help the House understand why sovereignists are doing what they are doing, because—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying the fundamental rights of Quebecers, I am asking for the unanimous consent of the House to table a document that will enlighten the House.

It is the report by the chief electoral officer of Quebec on the results of the 1995 referendum, in which 93% of—

**The Deputy Speaker:** Is there unanimous consent of the House for the hon. member to table the document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Paul Mercier (Terrebonne—Blainville, BQ):** Mr. Speaker, in view of the extreme importance of the comments I will be making, I would ask you to see to it that I complete them without being interrupted by catcalls and other noises.

Further to the Prime Minister's announcement that he intends to introduce a bill denying the fundamental rights of Quebecers, and I think everybody understands what I mean, I would ask for the unanimous consent of the House—

**Some hon. members:** No.

**Mr. Paul Mercier:** I want to be heard to the end.

I am asking the unanimous consent of the House to table a document that will enlighten the House. It is a—

**The Deputy Speaker:** Does the hon. member have the unanimous consent of the House to table the document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, before the government uses the House of Commons to limit the powers of the National Assembly of Quebec, I would like to ask for the consent of the Minister of Intergovernmental Affairs to table an excerpt from the referendum legislation of Maryland, which he would certainly find inspiring—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.



**The Deputy Speaker:** I must advise the hon. member that, like yesterday, we will have only one point of order per member. I would like to recognize other members who have not yet asked to table documents now in order to know whether there is unanimous consent.

**Mr. Michel Gauthier:** Mr. Speaker, I do not know what standing order you are basing your ruling on that the point of order I am making deals with something you do not want to hear about.

You are required to show objectivity. I am the House leader of this political party and I fully intend to make all the points of order we need to ensure our rights are respected. Otherwise, our jurisdictions will come into conflict.

**The Deputy Speaker:** I have to inform the House that the Chair has taken into consideration the fact that all the points of order that have been heard today, and it was also the case yesterday, dealt with the same point. It is a point of order asking permission to table a document.

I am sure the Chair is entitled to proceed with the business of the House. Yesterday, during the submissions, the Speaker ruled on that point. He said that one submission per day per member would be enough. I believe that the situation is the same today. There is no difference.

I would like to continue with the other members, but I think the ruling handed down yesterday was fair for all the members in the House. I think it is appropriate.

There is no precise rule on this point, but the Speaker's ruling is always reasonable, as the member for Roberval should know, and I am sure that he will agree with that.

• (1120)

**Mr. Serge Cardin (Sherbrooke, BQ):** Mr. Speaker, my colleague from Jonquière referred a little earlier to a serious threat to democracy. I would say, rather, that the government is simply trying to kill democracy in Quebec.

I have here an article that was published in *Le Soleil* on October 4, 1995, emphasizing that the 50% plus one majority rule is acceptable everywhere in Canada except Quebec.

Further to the Prime Minister's announcement that he wants to introduce a bill denying the fundamental rights of Quebecers, I am asking for the unanimous consent of the House to table a document that will enlighten the House.

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Odina Desrochers (Lotbinière, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, namely Bill C-20 sponsored by the minister for interference with the provinces' and

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Quebec's jurisdictions, I ask for the unanimous consent of the House to table a document that will enlighten the House.

It is an article from the June 8 issue of *Le Devoir*—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[English]

**Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.):** Mr. Speaker, I rise on a point of order. We would like to appeal to members of the House that there are other members who would like to speak for their constituents. We would like the other Canadians to be heard as well.

I would like to invoke Standing Order 1 on unprovided cases so that the Speaker may look at the applicability of this rule to make a ruling so that an obvious attempt to stifle the work of parliament may be prevented.

**The Deputy Speaker:** The Speaker tries to be fair to all hon. members. I have indicated that the practice the Speaker adopted yesterday seems to the Chair to be a very fair one. That was to allow each member who wished to obtain leave of the House to present a document might have that opportunity. I am doing that and I intend to finish.

[Translation]

**Mrs. Maud Debien (Laval East, BQ):** Mr. Speaker, the government has announced that it wants to introduce a bill changing the referendum rules in Quebec.

I ask for unanimous consent to table part of the referendum act of the State of Massachusetts, in the United States of America, which will certainly enlighten the House.

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ):** Mr. Speaker, I rise today on this sad anniversary. Exactly 162 years ago today, Dr. Olivier Chénier and 11 patriots lay down their lives in the church in Saint-Eustache in the name of democracy.

Further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, I ask for the unanimous consent of the House to table a document that will enlighten my friends opposite. It is an article—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Ghislain Lebel (Chambly, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill

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denying the fundamental rights of Quebecers, I am asking for the unanimous consent of the House to table a document.

It is an article published in *The Gazette* commenting on an exchange of letters between the intergovernmental affairs ministers of Canada and Quebec, dated October 20—

**The Deputy Speaker:** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Maurice Dumas (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, the Minister of Intergovernmental Affairs having stated his intent to introduce a bill undermining the basic human rights of Quebecers, I ask for the unanimous consent of the House to table a document that should answer some of the questions the House might have.

The document is a newspaper article published in—

• (1125)

**The Deputy Speaker:** Is there unanimous consent of the House for the hon. member to table that document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Ghislain Fournier:** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, I ask for the unanimous consent of the House to table a document that will clarify matters for the House.

It is the text of the referendum question of May 1980.

**The Deputy Speaker:** Is there unanimous consent of the House for the hon. member to table the document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mrs. Monique Guay (Laurentides, BQ):** Mr. Speaker, I have here a story from the December 11, 1999 issue of *Le Droit*, which clearly indicates how the government intends to stop Quebecers from deciding freely their own future.

I am asking for the unanimous consent of the House to table this document.

**The Deputy Speaker:** Is there unanimous consent of the House for the hon. member to table the document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, further to the Prime Minister's announcement that he wants to introduce a bill denying Quebecers their fundamental rights, I have with me an

excellent document on the new Quebec-Canada partnership put forward by the Bloc Québécois. That document explains extensively how we could establish partnership with our friends from Canada.

It seems to me that to clarify matters for the House it would be important that people could be aware of its contents.

**The Deputy Speaker:** Is there unanimous consent of the House for the hon. member to table the document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Ms. Caroline St-Hilaire (Longueuil, BQ):** Mr. Speaker, I hope you will allow me to continue to speak since I have here an excerpt of the referendum legislation of the State of Washington, in the United States of America.

I would like to have unanimous consent to table this document.

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, I sincerely thought you were saving the best for last, but my turn came too soon.

I have here the working document of the focus group on partnership, produced by the Bloc Québécois, which shows a new way to view the relations between Quebec and Canada, one based on mutual respect.

Since the government tabled a bill negating the fundamental rights of the Quebec people, I am asking for and hope to get the unanimous consent of the House to table a document—

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Réjean Lefebvre (Champlain, Ind.):** Mr. Speaker, following the government's announcement that it wants to introduce a bill changing the referendum rules of Quebec, I ask for the unanimous consent of the House to table a document which will enlighten all the parliamentarians in this House.

It is an excerpt—

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Mr. Speaker, in order to facilitate the debates, I seek the unanimous consent of the House to table an excerpt of the referendum legislation of the State of Florida, in the United States of America.

**The Deputy Speaker:** Is there unanimous consent that the hon. member table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** I believe everybody had an opportunity to ask for the unanimous consent of the House. I would now like to proceed with—

**Mr. Jean-Paul Marchand (Québec East, BQ):** Mr. Speaker, I rise on a point of order.

The voters in my riding have asked me to table a document for the federalist members from Quebec who are denying the voters of Quebec-East their fundamental rights.

I respectfully ask that you allow me to table this document, which is not very long and which—

**The Deputy Speaker:** Does the hon. member have unanimous consent to table this document?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1130)

**The Deputy Speaker:** I believe this puts an end to the points of order on tabling of documents for today.

**Mr. Stéphane Bergeron (Verchères—Les Patriotes, BQ):** Mr. Speaker, I respectfully submit that our colleagues must be given the opportunity to make the request before we can seek unanimous consent.

I now ask for unanimous consent of the House to revert to motions, in the spirit of courtesy and collaboration appropriate to this time of the year.

**The Deputy Speaker:** There are two things I want to point out. First, I always gave members the opportunity to say something about the tabling of their documents. I believe the Chair is not required to allow lengthy discussions about documents when there is no unanimous consent.

The Chair has recognized that problem and I believe I was fair with all members who wanted to table some documents in the House.

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

**The Deputy Speaker:** Order, please.

Also, the Bloc Québécois whip is right in saying that we all want to speak about these things. There will be other opportunities during debate to quote the documents and that is the important point here.

Now, is there unanimous consent to revert to presentation of motions?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Jean-Paul Marchand:** Mr. Speaker, I think you were very unfair to me. When I tried to table my document, I did not even get a chance to read its title. I think I can and I must tell you—

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

**The Deputy Speaker:** Order, please. We will now proceed to debate.

\* \* \*

**AN ACT TO GIVE EFFECT TO THE REQUIREMENT FOR CLARITY AS SET OUT IN THE OPINION OF THE SUPREME COURT OF CANADA IN THE QUEBEC SECESSION REFERENCE**

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.)** moved that Bill C-20, an act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference, be now read the second time and referred to a committee.

He said: Mr. Speaker, this bill on clarity, that I have the honour of discussing today at second reading, clarifies the circumstances in which this House would declare whether the Government of Canada would be obliged to enter into negotiations on the separation of a province from Canada.

An eventual break-up of our country is a serious and sad matter. But, paradoxically, it reveals how much Canada is a real country. It is because the ties that unite us have been so closely knit over the years that endless precautions would need to be taken, should we, unfortunately, one day undertake to break up our country.

This bill is in keeping with the supreme court's opinion of August 20, 1998 and gives effect to it. It defines the unavoidable responsibilities of the Government of Canada and the House of Commons, while respecting the prerogatives of the Government and National Assembly of Quebec and all other political actors in our federation.

If the population of a province clearly expressed its will to secede from Canada, the Government of Canada would have to undertake negotiations on secession. But in the absence of that clear will, the Government of Canada ought not undertake such negotiations. This is the Government of Canada's position. It is reasonable. It just makes good sense.

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And it is good sense that has guided the Government of Canada in the past, in 1980 as well as in 1995.

• (1135)

Faced with the confusing question of the 1980 referendum, the then Prime Minister stated on May 14, 1980 that, if the yes side obtained a majority, he would say to the then Premier of Quebec—and I am quoting the Prime Minister of Canada, Pierre Elliott Trudeau—“If you knock on the sovereignty-association door, there is no negotiation possible”.

On September 18, 1995, the Prime Minister of Canada stated in this House, and I quote: “For months and months I have asked the Government of Quebec to ask a clear question. It is asking an ambiguous question”. The Prime Minister of Canada also declared that a majority of 50% plus one was not enough to break up Canada.

The day after the referendum, on November 1, 1995, the Leader of the Official Opposition, who is now the Premier of Quebec, took note of the Prime Minister of Canada’s position. The former Leader of the Official Opposition said as follows: “We will recall that [the Prime Minister of Canada] said in this House he reserved the right not to honour a narrow yes majority in favour of sovereignty”. I would ask the present Premier of Quebec to remember what he said back then.

On January 27, 1996, two days after I was sworn in as minister, I was quoted in *Le Soleil*, Quebec City, as saying “In the unfortunate eventuality that a strong majority in Quebec were to vote on a clear question in favour of secession, I believe that the rest of Canada would have a moral obligation to discuss the division of the country”. I believe that the supreme court had something similar to say. I have reiterated that position in open letters to the Premier of Quebec and his ministers.

[*English*]

The Attorney General of Canada also said in announcing the supreme court reference in September 1996 “in the unlikely event that the population of Quebec were to decide that they do not want to remain in Canada, we will be negotiating”.

That is exactly what the supreme court said in its opinion issued two years later on August 20, 1998. The court wrote that we are obliged to negotiate secession if things are clear. The court assigned to the political actors the responsibility of determining what constitutes a clear question in a referendum on secession and what constitutes a clear majority.

[*Translation*]

To negotiate secession where there is clarity, and not to negotiate where there is not: this has been the Government of Canada’s position in the past, this is what the supreme court’s opinion enjoins it to do, and this is what it says in the bill on clarity.

This bill specifies the unavoidable responsibilities of the Government of Canada and the House of Commons. At the same time it fully respects the prerogatives of the government and the National Assembly of Quebec.

The Government of Quebec can ask Quebec voters the question of its choice. But the Government of Canada and the House of Commons, as political actors, have a duty to make their own assessment of whether the question and the majority indicate a clear support for secession before concluding that the Government of Canada is bound to enter into negotiations on the breakup of Canada.

It is self-evident that the House of Commons would be duty-bound to evaluate the clarity of support for secession before the Government of Canada could undertake to negotiate secession, because the negotiations would aim to terminate all the responsibilities, those of the House of Commons as well as those of the Government of Canada, toward part of the Canadian population.

Even the Bloc’s intergovernmental affairs critic and his leader have agreed with that. In fact, on December 8, the Bloc’s critic and MP for Beauharnois—Salaberry said “According to the court’s opinion, if there is a justifiable role for the federal government it is after the referendum, in determining the clarity of the question and the majority required, so as to conclude whether there is an obligation to negotiate”. We are not that far apart, really.

• (1140)

[*English*]

The decision that the Government of Canada must undertake negotiations on secession would be a major one for the House. It could not ignore the enormous consequences for Canada’s population as a whole.

A referendum on secession is not just an ordinary election. Voters will not have the opportunity to review their choice four years later. Negotiating the dismantling of a modern democratic country is an enormous, unprecedented task.

A number of difficult and complex questions would be raised affecting the rights and interests of all the country’s citizens. The House could not conclude that the Government of Canada could impose such an ordeal on Canadians unless there is a clear will in favour of breaking up.

[*Translation*]

We Quebecers have the same rights as other Canadians to have our two constitutionally authorized governments, our provincial government and our federal government, fully respect our right to Canada.

In tangible terms, this means that if we clearly indicated in a referendum that we wished to stop being part of Canada in order to make Quebec an independent country, our federal government would have an obligation to undertake negotiations to terminate

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our belonging to Canada, to terminate its constitutional responsibilities toward us. But in the absence of this clear desire for secession, our federal government has the opposite obligation: the obligation to maintain peacefully the constitutional responsibilities it has toward us, and to safeguard all our prerogatives as Canadians, in Quebec, throughout Canada and around the world.

This is our right to Canada. For its part, the Government of Canada intends to respect that right of Quebecers. That is the reason for this bill.

No one can seriously maintain that the Government of Canada would be obliged to negotiate no matter what the question was. The question must clearly be about secession. A confusing question would make negotiations impossible. It is only reasonable that, to trigger negotiations on secession, you need a clear question on secession.

The question would have to state clearly that the province would cease to be part of Canada and would become an independent state. That is what the bill stipulates.

The notion of the will to effect secession is essential. The supreme court speaks of "no longer wishing to remain in Canada". It does not speak of the will to confer a mandate to negotiate. It speaks of no longer wishing to remain in Canada. One undertakes negotiations on secession because one wants to secede, not to find out whether that might be what one wants.

The bill indicates that a clear question must address secession exclusively. That is obvious. Introducing other elements would make it impossible to know whether voters really want secession or not. No negotiations could result from a question such as the one in 1980 or 1995, referring to the notions of association or an offer of partnership with Canada, because it would be impossible to know if the yes supporters really wanted to secede from Canada.

I return to the clarity of the majority. Under both Quebec law and Canadian federal law, a referendum is a consultation. The political authorities assess the importance of such a consultation on the basis of, among other things, the clarity of the question and the clarity of the result. Accordingly, Quebec's Referendum Act sets no threshold, be it 50% plus one or anything else, so we might perhaps ask the Government of Quebec and Bloc Quebecois members to respect Quebec's Referendum Act.

• (1145)

The white paper on referenda stated that:

The fact that referenda are a consultation makes it unnecessary to include provisions about a required majority of a level of voter participation.

It is customary in democracy to require a clear referendum majority before proceeding with a radical change whose consequences would be virtually irreversible. This is the case with a vote that could lead to negotiations on secession. Such negotiations

should never be undertaken on the basis on an uncertain majority that might not hold firm in the face of the inevitable difficulties engendered by the breakup of a country.

It is not worth imposing that risk on everyone, because the chances that such an attempt at secession will succeed are slim to none in the absence of a clear majority. That is accepted in Quebec.

One does not break up a country with support of 50% plus one. That has just never happened. On the contrary, outside the colonial context, referenda held as part of a successful process of secession have always garnered majorities of over 70%. Separatist leaders around the world say "Let my people vote under fair conditions and you will see that they want to separate". They are not saying "Half of my people want to separate".

Quebecers have already said no twice to secession even when they were asked questions designed to artificially boost support for the yes side. And each time the PQ government promised it would be back with another referendum. It said "See you soon", "See you next time", instead of taking into account the will of the voters. The PQ government has indicated that it wants to hold a third referendum on secession by the end of its current mandate. And it is not saying it will accept "three strikes, you are out" either.

As long as the Quebec population answers no, the separatist leaders intend to keep proposing their secession plan. But if they ever chanced to get a yes, no matter how slim, they would try to effect secession. That would have irreversible consequences, because it is almost impossible to rebuild a country after breaking it up. The no supporters would have no opportunity to say "See you soon" or "See you next time".

The consequences of saying yes to secession are very different from the consequences of saying no. No means not now, but yes means forever. Only a yes can give rise to an irreversible change that is binding on future generations. There must be a clear majority before negotiations are undertaken on the possibility of effecting such a change.

The fact is we have no choice. The supreme court requires the political actors to assess the clarity of any future majority in favour of secession. It used the expression "clear majority" no fewer than 13 times in its opinion. The qualifier "clear" means that more than a slim majority is required.

But the court also added that there is a qualitative dimension to assessing clarity, requiring a political evaluation and a full understanding of the actual circumstances.

It is therefore impossible to determine what constitutes that clear majority at this time, in the calm atmosphere of a united Canada, outside the turbulence of a referendum, because the circumstances in which that political assessment would have to be made are unknown to us.

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The government of the province would first, following a referendum in which a clear question had been asked, need to seek to enter into negotiations on secession. It is conceivable that, faced with a majority that was not clear, the government itself would conclude that it was better not to proceed. It would be ridiculous, for example, to have such a grave decision hinge on a judicial recount.

[*English*]

But in the eventuality that the Government of Canada was called on to negotiate, the House of Commons would proceed to consider and, by resolution, set out its determination as to whether in the circumstances a clear majority had expressed itself in favour of secession, again taking into account the other points of view that would be expressed.

• (1150)

The final subsection of the bill stipulates that no minister of the crown can propose a constitutional amendment to effect the secession of a province from Canada unless the Government of Canada has addressed in the framework of negotiations the terms of secession expressly mentioned by the court, such as the division of assets and liabilities, any changes to the borders of the province, the rights, interests and territorial claims of aboriginal peoples of Canada, and the protection of minority rights.

While the court requires the parties to such possible future negotiations to address these issues, the court also requires them not to determine any results in advance. Here again the clarity bill respects the supreme court's opinion.

[*Translation*]

With respect to borders, for example, the supreme court had this to say:

Nobody seriously suggests that our national existence, seamless in so many aspects, could be effortlessly separated along what are now the provincial boundaries of Quebec.

Borders could be subject to negotiation. To be sure, under Canada's constitution, a province's borders cannot be modified without the agreement of the province's legislative assembly. It may be, however, that democracy and a sincere quest for justice for all would make an agreement on separation contingent on modifying the borders. But the bill provides no certainty about that, to any party.

The bill does not reiterate the position once advanced by the Bloc's intergovernmental affairs critic to the effect that the aboriginal peoples living in Quebec would have the right to continue to remain in Canada in the event of the province's secession.

Aboriginal populations in Quebec have twice demonstrated through referenda, in 1980 and 1995, their clear will to stay in Canada. If aboriginals were to express such a clear will once again,

the Government of Canada could not guarantee in advance what fate would await them, but it is committed to taking that factor into account during negotiations on secession. The government would have all of its responsibilities to all Canadians at heart.

The House of Commons, every member of this House, would have the opportunity to assess the way in which the government conducted these infinitely painful, serious and difficult negotiations.

This bill is reasonable, and is in everybody's interest, including that of my fellow Quebecers who desire Quebec independence. They can and must acknowledge that their plans for political independence can only be realized in clarity and legality.

To act otherwise, to try to reach independence through ambiguity, with no legal safety net, is to show disrespect for Quebecers and to doom the independence initiative to failure, to an impasse that would be disappointing and costly for everyone.

In this matter the separatist leaders do not defend the rights of Quebecers. None of our rights as Quebecers is threatened. No one in this country wants to hold back Quebecers against their will. No, what the separatist leaders defend is their capacity to maintain confusion on their project. They are upholding their so-called right to confusion.

• (1155)

So far the Government of Quebec has reacted to the announcement of this bill with a most regrettable display of polemic frenzy. Among other niceties it has said that the bill is of Soviet inspiration, designed to turn Canada into a prison, and that it dishonours Canada in the eyes of other democracies. If Canada is to be described as a "prison" for not contemplating its own divisibility other than through legality and clarity, just how would we describe all those democratic countries that declare themselves to be indivisible, starting with the United States?

The Bloc Quebecois should stop asking its researchers to swarm the library of the House of Commons to try to find out about the referendum acts of American states. The United States' constitution provides that the country is indivisible. The same goes for France, Italy, Spain and Australia. And how should we describe the indivisible country into which the separatist leaders want to transform Quebec? A prison?

The truth is that by obliging itself in law to negotiate secession under circumstances of clarity Canada is displaying unprecedented openness in the democratic world in the face of the secessionist phenomenon.

[*English*]

By the way, for my many fellow citizens who have Canadian unity at heart and who will thus be saddened to see their parliament pass legislation that contemplates the possible breakup of Canada,

they may rest assured that their federal government is firmly convinced that if things are clear Quebecers will never renounce their full-fledged Canadian support.

[*Translation*]

The Government of Canada is convinced that Quebecers will always choose to stay in Canada, will always work from the inside to make Canada better, will always accept a helping hand from their fellow Canadians, and in return will never deprive them of the remarkable contribution of Quebec's culture and vitality. As Quebecers, we will never want to deprive anyone, be it ourselves or our fellow human beings, of the benefits of Canadian unity, here at home and throughout the world.

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

[*English*]

**Mr. Peter MacKay:** Mr. Speaker, I rise on a point of order. I wonder if, through you, we could request unanimous consent that the minister have questions posed to him by members of the opposition and his own government.

• (1200)

**The Deputy Speaker:** Is there unanimous consent to have a question and answer period for the minister?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[*Translation*]

**Mr. André Bachand:** Mr. Speaker, I rise on a point of order. There was and there is still some shouting in the House, but, with all due respect to the Chair, now that things have calmed down, I would like you to seek unanimous consent. I am convinced that, given his great generosity, the Minister of Intergovernmental Affairs is prepared to answer questions. With all due respect to the Chair, I ask you to seek unanimous consent again.

[*English*]

**The Deputy Speaker:** The Chair is very reluctant to keep putting the question on such points of order. Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Grant Hill (MacLeod, Ref.):** Mr. Speaker, the unity debate in Canada has surfaced again with a vengeance. Most Canadians are neither keen to open this subject nor ready for the arguments that follow. I feel the country has referendum or unity fatigue.

However, the Prime Minister has decided that there is no better time than now to clarify referendum rules so I will speak to the bill

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in the following way. First, I will speak to why the official opposition supports the basic principles behind the bill. Second, I will present some suggested changes. Third, I will suggest that there is a major missing component to the bill. Fourth, I will review the history to show how visionary the official opposition leader has been on unity.

Reform, as the official opposition, supports the bill because it does improve the chances that a referendum on secession by any province will be conducted fairly.

The bill lays out specific criteria for Canada's elected representatives to respect the principle of clarity. Is it reasonable to expect the question on such a serious matter as secession to deal with only that topic? I think so.

Is it reasonable for the question to specifically refer to a province "ceasing to be a part of Canada"? I think so as well.

These ideas are fundamentally fair. A province may ask any question of its population, but to be clear enough to divide a country the question cannot be ambiguous.

It is important to state that the province must propose the question and only the province can do that under our referendum law. No one else can provide the wording, but to have legitimacy everyone should be able to accept the result of a question posed that cannot be misunderstood.

A clear majority has also been referred to in the bill. On this point I also concur. I feel that a clear majority should be defined in such a way that no one could misunderstand exactly what that means. I will return to that point later.

I will now reflect on the changes that I think would improve the bill. First, there is the issue of a clear question. Since the subject is open to debate, I believe it would be wise to place a sample question in the bill as a suggestion to a province intending to hold a secession referendum. I stress the word suggestion. The following is the official opposition's sample question that meets our personal test of clarity.

[*Translation*]

"Should—the name of the province—separate from Canada and become an independent country with no special legal ties to Canada, yes or no?"

This is only a proposal. Why should sovereigntists oppose such a question?

• (1205)

[*English*]

Now to the somewhat more complex issue of the clear majority. The government treats this issue a bit like a poker game. Both the Prime Minister and the intergovernmental affairs minister have

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said that 50% plus one is not good enough. They then, however, hold their cards close to the vest and refuse to say what is good enough. I listened carefully to the arguments that state that this cannot be defined. However, this issue is not some tactical battle. It is not a poker game. It is an issue that involves millions of Canadians. I believe that the plain truth is always better than tactical strategy.

I will use a hockey analogy to show how I feel changing the rules can backfire and fail. In 1955 the Montreal Canadiens won the Stanley Cup. What a team it was, so fast, so difficult to check. Jean Béliveau scored three goals during one penalty and it was determined that was too big an advantage. In 45 seconds there were three goals, a hat trick. That summer the rules of hockey were changed. A minor penalty was now to be terminated as soon as a goal was scored. This rule was changed for but one reason: to slow down this fast skating team from Montreal. The rule change failed. An even more determined Canadiens team went on to win four more consecutive Stanley Cups. The rule change backfired.

Let us fast forward to 1984. The Edmonton Oilers were then the dominant force, another fast, offensive oriented team. Coincidental minor penalties for four on four gave them an advantage. Four on three was even more of an advantage. They won the Stanley Cup in 1983-84. The rules were changed that summer so that coincidental minor penalties gave no advantage to this fast skating team. The rule change failed again. They went on to win three of the next four Stanley Cups, even more determined than before to overcome the rule change. Again the rule change backfired.

I believe changing the rules on a suitable majority could backfire as well. The last two referendums were run under 50% plus one.

**An hon. member:** No, they were not.

**Mr. Grant Hill:** The intergovernmental affairs minister says “no”. Let me simply say that when the Prime Minister said that this issue would be irreversible, and when the Prime Minister, right after the referendum, said “We won”, he in fact said that this rule was the one we expected.

I listened very carefully because I said this was debatable. I say to my colleagues across the way that they should bring forward the powerful arguments they have to make this debate clear to every Canadian. I simply ask for that.

Reform supports and argues for 50% plus one of all the ballots cast, including spoiled and rejected ballots. That would prevent electoral shenanigans from affecting the result. We also believe—and this is the flip side of that coin—that 50% plus one is a powerful deterrent. If 50% plus one could divide Canada, 50% plus one could also divide Quebec.

We have laid out and, if an unclear question were asked under a provincial secession referendum attempt, we propose a two pronged question. I will shorten the question. First prong,

“Should—a province—separate from Canada, yes or no?” Second prong, “If—the province—separates from Canada should your community remain a part of Canada, yes or no?” What a mess. What chaos. Who would enter such a disaster knowingly? One other issue that could and should be improved in the bill is the level of public consultation. The government rightly notes that this is not just an issue for the province wishing to secede, but neither is this just an issue for politicians nor just for journalists and professional commentators. This issue cries out for public consultation, public hearings and vigorous debate. The debate should not be conducted behind closed doors. It should be conducted around the kitchen tables of the country.

• (1210)

The bill has highlighted some problems with secession that would need to be negotiated, namely the division of assets and liabilities, any changes to the boundaries of a province, aboriginal claims and the protection of minority rights. This list is not exhaustive. I might suggest that the bill could also mention citizenship, passports, pensions, creditor confidence, the Canadian dollar, international agreements, an access corridor if the province is in the centre of Canada, defence issues, military assets and a potential rejoining of Canada. All these issues make separation chaotic and very unappealing.

When the official opposition put forward its ideas for improving the federation and laying the clear rules for secession, we made it plain that the secession rules would be debated and passed in parliament but never proclaimed unless a secession attempt were made. That was in the hope and belief that positive changes to the federation would make this legislation unnecessary. I suggest the bill before us could well be improved by exactly the same proposal.

Now to the gaping hole in the bill. It may be unfair to call this a hole in the bill, but along with this bill we believe there should be specific measures to improve our federation. When this issue is raised in questions to the government, we hear that the government has actually made significant changes. I hear that the recognition of distinct society, a regional veto and the social union are evidence of those changes.

However, these are not the sorts of changes that I think Quebecers and other Canadians want. Once again the official opposition has put its significant changes to paper in “Loi sur le nouveau Canada, Partie A—Améliorations au fonctionnement de la fédération”.

*[Translation]*

These fundamentals are designed:

- (a) to treat all Canadians with fairness and equity;
- (b) to promote equality of opportunity for all Canadians;
- (c) to respect the equality of rights and the dignity of all Canadians, as well as their various needs;
- (d) to recognize that all provinces, despite their different characteristics, have the same legal standing.



We wish for a better sharing of powers under the constitution; reduced federal spending powers in areas of provincial jurisdiction; a dispute settlement mechanism and a change in policies and programs for aboriginal people; and a democratic reform of federal institutions, especially the House of Commons, the Senate and the supreme court, to make them more accountable to Canadians.

These changes must be made if we want to avoid problems with the federation in Quebec and outside Quebec.

[English]

These are changes that would leave us with an option other than the status quo or separation. These are positive and constructive changes.

Finally, I will put a historical context on the unity debate and place on the record what the official opposition has said and done on this debate both here in Ottawa and even prior to our arrival here.

• (1215)

The Leader of the Opposition in chapter 17 of his book *The New Canada*, and I ask my colleagues to read chapter 17, laid out with a clarity of vision the unity issue and foresaw exactly where we are today. I invite any student of Canadian history to look at the copyright date, which is 1992. This is a short quotation from the book:

This revival of the concept of Canada as an equal partnership between founding races was doomed from the start. Even in the 1960s it was profoundly out of step with the times. The Québécois wanted to be "maître chez nous". . . . Federal politicians responded by trying to bolster a national duality that had been in decline for ninety years. The cultural backgrounds of people in English-speaking Canada were becoming more and more varied. Quebecers were calling for less bilingualism, not more bilingualism, in their own province and in the other provinces.

Most importantly, Canadians outside Ontario and Quebec were beginning to realize fully the real significance of the "two nations" theory of Canada. A Canada built on a union of the French and the English is a country built on the union of Quebec and Ontario in which the other provinces are little more than extensions of Ontario. Moreover, arrangements giving special constitutional status to the French and the English as "founding peoples" relegate the twelve million Canadians who are of neither French nor English extraction (including aboriginal peoples) to the status of second-class citizens.

It goes on to say that this history describes the constitutional road that federal politicians and their predecessors have travelled for a very long time. It is a road marked by signs in both official languages that say things as equal partnership between French and English, founding races languages and cultures, and special status based on race. It largely bypasses the constitutional concerns of Atlantic Canada, western Canada, northern Canada, aboriginals and the 12 million other Canadians who are of neither French nor English extraction.

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In other words, this road leads to an unbalanced federation of racial and ethnic groups distinguished by constitutional wrangling, deadlock, regional imbalance and a fixation with unworkable linguistic and cultural policies to the neglect of weightier matters such as the environment, the economy and international competitiveness. That was in 1992.

On June 9, 1994 the Leader of the Official Opposition published an open letter to the Prime Minister asking him to bring clarity to the issues of a secession referendum. He asked the Prime Minister:

Prime Minister, we cannot stand by passively and allow Quebec voters to make the decision—separation or Canada—without offering them a vigorous defence of Canada, including a positive federalist alternative to the status quo. And we cannot let them make their decision without disputing the separatist contention that separation will be a relatively uncomplicated and painless process.

That was in 1994 before the last referendum. He went on to lay out 20 issues that would need to be negotiated, including division of assets and liabilities, boundaries, native rights and minority rights. Does that sound familiar?

Then in the spring of 1996 we brought out our 20:20 vision for a new Canada: 20 proposals for a new confederation; 20 realities of secession. That was clear as a bell.

Bill C-341 was given first reading October 30, 1996. That bill was Stephen Harper's act to establish the terms and conditions that must apply to a referendum relating to the separation of Quebec from Canada before it may be recognized as a proper expression of the will of the people of Quebec. It set out the ground rules for a clear question. Does that sound familiar?

• (1220)

Also in October 1996 we released a fresh start for unity, again laying out ways to rethink the Canadian federation and improve it.

On August 20, 1998 there was the supreme court reference, which we supported alone among the parties opposite the government, the government having asked for it. We asked for two things: clarification on secession rules and new partnership rules to make Canada work better.

In May 1998 we brought out the new Canada act, once again putting forth positive changes to fix the federation. After public consultation we introduced the new Canada act this month, taking into consideration the Prime Minister's wish to finally clarify the secession rules.

I have spent this time going over the historical record so that everyone in Canada will know that the Leader of the Official Opposition has ploughed this ground before.

In summary, Bill C-20 does provide some clarity on the issue of a question that could result in separation. It leaves undefined the issue of what would be a suitable majority and I repeat, I think that is unwise. I urge the government to put forward positive changes to

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the federation that will truly put the secession issue forever into the annals of history.

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Madam Speaker, today is a very sad day indeed as the House of Commons prepares to deny the legitimacy of the national assembly, to trample upon democracy in Quebec.

In order to have a proper understanding of what is going on, we must go back over history to learn from it and to identify the key figures of yesterday and of today.

The Quebec people, who were then called Canadiens or even Canayens, were conquered by the British in 1760. This was a victory for one side and a defeat for the other.

Since then Quebec has had no desire for revenge. In fact there have instead been several attempts to reach an agreement between the two peoples. The Canadiens of the time, who later became French Canadians, and still later Quebecers, invested all of their imagination, their goodwill, in getting along with Canada.

There is, however, one fundamental and undeniable requirement for this: recognition of what we are, a people.

That objective has not been attained, despite much effort. Throughout history democrats in Canada have stood up to open their arms to Quebec, but their point of view has never won out. This, unfortunately, has been the case for a number of peoples. Some Canadiens, later French Canadians and still later Quebecers, offered their services to the conqueror, and now to the rest of Canada, in order to put the people of Quebec in their place, to do a number on their fellow Quebecers, which they could do a far better job at than their masters.

History is replete with individuals for whom principles and the defence of their own people are of very little importance compared to the power they can gain, the kudos they get from it, and the perks of all kinds that are forthcoming to those who do the dirty work for others, who are only too pleased not to have to do it themselves. That held true yesterday, and holds equally true today.

Throughout its history the Quebec people have resisted, have fought for their rights and have obtained some, even in 1774 with the Quebec Act.

• (1225)

There people, by their resistance fighting, got one of the first parliaments in the world, the parliament in Quebec City in 1791. Our democratic roots go a long way back. In Quebec we have a long tradition of democracy.

The 1791 parliament did not really have much power, no more than the modern parliament in Quebec has every power, as it is not sovereign. The people were denied power then and will again be denied power now, 200 years later.

The people of Quebec are a tolerant and peaceful people, but they will not live on their knees or let others decide on their behalf. This is as true today as it was then. Men and women rebelled against the uncompromising attitude of the British back then. They were called the Patriotes. Our ancestors are a true inspiration to us.

They were definitely ahead of their time. Forerunners of the modern Quebec, they fought for their people, not for an ethnic group. Among them were men like Robert Nelson and Wilfred Nelson. They recognized native rights. It took 150 years for another Patriot, René Lévesque, to rise in 1985 and recognize, before any other Canadian province and the Canadian government itself, the first nations' right to self-government, as provided for in the motion of the national assembly that was not unanimously accepted because Quebec Liberals voted against it.

The Patriotes fought along with the Upper Canada Patriots, the democrats of the time, against the family compact or la clique du château, laying the foundations of the kind of co-operation that is needed between democratic neighbours and treating each other as equals. This was long before sovereignists started to talk about this. These were the first steps in what we now call a partnership between equals.

The Patriotes were crushed, as we know, but their legacy is still alive. At the time, however, the authorities did not learn anything from these rebellions. They responded with the Durham report, which said that the people of Quebec, the people of Lower Canada, were a people with no history and no culture. Today, 160 years later, this government denies the existence of the people of Quebec, makes Quebec culture a regional component of the Canadian culture and is trying to undermine our democratic institutions.

Durham laid the foundations of the union of the two Canadas, the Province of Canada, the plan for a single Canada that now has a much more subtle, pernicious and dangerous look. This plan was based on equal representation in parliament, even though the population of Lower Canada was significantly larger than the one of Upper Canada. Today, we are told that all provinces are equal, Quebec only being a province like the others, no more no less.

The only official language of the parliament of the time was English. Today Ottawa, the federal capital of this supposedly bilingual country, is not even bilingual. And this is what the government wants to hold up as an example. How history repeats itself.

Lower Canada paid for the debt of Upper Canada, which did not have debt. Today we are told about the great generosity of the

federal government, which paid off its deficit on the backs of the provinces, knowing full well that the one who has the money is the one who sets the rules. This was once called fair play, and still is. In my view, this was once hypocrisy, and still is.

Those who wielded power at the time even went so far as to burn down the parliament building in Montreal. Today their heirs want to give us lessons in democracy. Let us talk about democracy.

• (1230)

When the men known as the Fathers of Confederation signed the 1867 pact, they did not allow the people of Lower Canada to hold a referendum. They were satisfied with the votes of a few parliamentarians, as was the case in 1982 for the patriation of the constitution. The assemblies of the other provinces and the House here made the decision without ever consulting the people of Quebec.

That is when a whole series of attacks began against French-speaking Canadians from coast to coast. Now the House is paying tribute to Riel, who was hanged. But the problems that gave rise to the situation with Riel were never resolved. The Metis and the natives are second-class citizens in Canada. Francophones in the other provinces are more than ever in danger of becoming assimilated, despite the laudable efforts they are making across Canada to resist assimilation. The figures do not lie.

Legislation was passed in Manitoba and Ontario on behalf of the majority and for the sake of fair play to hinder the development of francophone minorities. That is what I call hypocrisy.

However, the French Canadians who believed they were one of the founding nations of this country never gave up. I am thinking, for instance, of people like Bourassa. Hon. members from the province of Quebec have always been asked to help Canada put Quebec in its proper place. It happened before, and it is happening again today.

There are members from Quebec in this House whose ultimate job is to put Quebec in its place. As time went by, as Canada developed as a country, the consolidation of Hugh McLennan's two solitudes became more and more obvious. We can think of the conscription in World War I, where the militia even went as far as opening fire on people in Quebec City, killing a few protesters.

The anglophone majority was counting on its parliament in Ottawa and on London to put Quebec in its place. It did happen in 1927, with the privy council's decision concerning Labrador, but French Canadians kept trying to make Canada their country, and they were consistently deceived.

Promises concerning conscription were broken in World War II. Today, the government would have us believe that by not determin-

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ing what would be an acceptable majority in a Quebec referendum it will keep its promise. We have heard that before. The federation became increasingly centralized with the creation of the unemployment insurance program in Ottawa and the introduction of income tax for the duration of the war, or so they said at the time.

French Canadians continued to fight. We were patient. Then came a great awakening, the quiet revolution, when Quebec discovered itself while discovering the world. "Masters in our own home", said Lesage. Our own home meant Quebec. It could no longer be anything else. At that time only Quebec was considered home by all Quebecers. It was true then, it is true now, and it will still be true tomorrow. "A mari usque ad mare" was a dream, and it became an illusion. The quiet revolution marked the start of an overwhelming impulse, with Quebecers moving from resistance to affirmation. The Quebec culture was flourishing like never before. Quebecers were taking control over their own affairs and penetrating the business world. We were being told that we were not able, that we could not create Hydro Quebec. It was always the others, always the same who were telling us "You cannot do it".

I remember this beautiful slogan, popular in 1966, "We can do it". We were told "You are not good at business". We certainly had enough blows. Ottawa reacted by establishing the Royal Commission on Bilingualism and Biculturalism. In 1963 we found out that, on average, Quebecers had a grade nine education. Enough to be water boys but not nation builders.

• (1235)

Quebec then focused on education. It took control over its destiny. Quebecers developed a taste for freedom, and we all know that those who get a taste for it never have enough.

This is when the sovereignist movement appeared in all its modernity. It provoked reactions in Canada. I think of Lester B. Pearson who spoke of "a nation within a nation", and of Robert Stanfield who referred to "two nations". Some people were starting to see us for what we were, for what we are, a distinct people, a nation.

Then came out of Quebec a French Canadian who was ready to play the role that Canada generally assigns to those who agree to put Quebec in its place. Pierre Elliott Trudeau did not miss a chance to criticize Quebec's modern nationalism. According to him, nationalism was a good thing for all other peoples around the world. It was good for Canadians, but a shameful disease for Quebecers.

Then a real nation building effort started, the Canadian nation building, in which Quebec never had its place, still has no place and will never have a place.

Yet Quebec persevered. We have great patience. Daniel Johnson Sr. put forward the concept of equality or independence. Nobody

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listened. He was even rebuffed by Pierre Elliott Trudeau. We understood then that there could never be equality without independence.

This is the great hope, the blueprint for the future that was put forward by the Parti Québécois, a resolutely modern and democratic party, the bearer of a project of hope, a contemporary and modern project that finds its inspiration in Europe, where various sovereign countries are getting together into larger entities such as the European Union.

The federalists have denounced this project; they would have had the people believe, back then as today, that Europe was taking Canada as a model. How I would like to see the Prime Minister go to the national assembly of France and predict to its members and senators that within 15 to 20 years France will no longer be a sovereign country. How I would like to see the Minister of Intergovernmental Affairs go to Westminster and announce to the British people that within 15 to 20 years Great Britain will disappear into a large European entity, having lost its status as a sovereign country. And while we are at it, why not have the Secretary of State for Amateur Sport go to the Bundestag in Berlin and bring the good news to the Germans.

This is a modern project we are proposing. Ottawa's answer to this modern plan was scaremongering, a favourite tactic on the part of those who have nothing to offer. Then came the Brinks affair, and the War Measures Act whereby hundreds of innocent people were thrown in jail. We can already see the hand of today's Prime Minister in this.

He was so sure he had succeeded that in August 1976 Pierre Elliott Trudeau turned prophet: "Separatism is dead in Quebec." Three months later, René Lévesque and the Parti Québécois formed the first sovereignist government in Quebec's modern history.

Quebec witnessed then a tremendous momentum. It was the scene of many achievements in the area of democracy, opening up to others, to Canada, to the world. René Lévesque offered a policy of reciprocity regarding Quebec's anglophone minorities and Canada's francophone minorities, which are supposedly a concern of this legislation. The Canadian provinces turned him down.

We can see the hypocrisy of some people, such as the hon. member for Notre-Dame-de-Grâce—Lachine, who says that anglophones in Quebec are being discriminated against. Let us look at the facts. Anglophones in Quebec have access to a state-of-the-art hospital network while, right here in Ottawa, the only francophone hospital in Ontario, the Monfort hospital, has to repeatedly fight for its life before the supreme court. There is no comparison.

Quebec's anglophones have access to a school network ranging from elementary school to high school to college, with three universities of their own, McGill, Bishop and Concordia. They

have rights and so they should. Look at the painful situation of francophones outside Quebec. They have their own social and cultural institutions.

• (1240)

Compare this to an assimilation rate of 70% in British Columbia, over 60% in the prairies, 40% in Ontario, and even 8% in Acadia where the francophones, a courageous breed, the Acadians, are fighting with all their might and are dreaming of enjoying the same living conditions as anglophones in Quebec.

The Parti Québécois government proposed a referendum that would provide it with the mandate to negotiate a new framework for Quebec's relationship with Canada, the kind of relationship between two sovereign nations, and the kind of modern association that can exist between two sovereign nations. That was a project based on the European model, a project, I repeat, which was promising. Was it not the U.S. president himself, Bill Clinton, who in Mont-Tremblant used the evolution of the European Union as an example of federalism development in the future? How is it that, if it is so promising for Europe, it could be so bad for Quebec and Canada?

The response of the federal government was to try to scare Quebecers in the 1980 referendum, telling them that they would lose their old age pension, showing no respect for Quebec's democratic referendum process, spending federal funds to interfere in that process without any consideration for the Quebec referendum legislation and promising change, sticking its neck out.

Quebec got scared. It believed in change one more time, but the disappointment was huge. We then saw the patriation of the Constitution, following the night of the long knives, in which, once again, the present Prime Minister took part. This is one thing that has remained constant in our history over the last 40 years.

The constitution was patriated despite a very large consensus in Quebec among all parties represented in the national assembly. Not one Quebec premier, federalist or sovereignist, from Lévesque to Ryan, leader of the opposition, to Robert Bourassa, to Daniel Johnson Jr., to Pierre-Marc Johnson, to Jacques Parizeau to Lucien Bouchard, signed the constitution, and Jean Charest would not sign it either.

What was done to Quebec at that time would have never been done to Ontario or even to Prince Edward Island. And it was done without a referendum. That insult, that injustice, did not bring Quebec to capitulate. It continued to fight and tried to work toward a reconciliation. This was the "beau risque", which paved the way to the Meech Lake accord. Once again Quebec was isolated and once again we saw the current Prime Minister say "Thank you, Clyde" for a job well done.

At that point, Robert Bourassa said that English Canada must clearly understand that whatever happens and whatever is done, Quebec is and always will be a distinct society, one that is free and quite capable of taking charge of its own destiny and development. He created the Bélanger-Campeau commission that carried out broad democratic consultations and recommended that a referendum on sovereignty be held if renewed federalism were to fail.

Quebecers tried to figure out what they would do either within Canada or as a sovereign nation and they examined the pros and cons. It may be about time for Canadians to ask themselves the same question. How do they see Canada with Quebec and how do they imagine Canada without Quebec. They should address this issue. It would be the responsible thing to do.

However, Mr. Bourassa lacked confidence in his fellow Quebecers and backed down. He signed an agreement that had yet to be drafted—talk about clarity—an agreement based on legal documents that had yet to be drafted, an agreement that would never have been distributed to the population were it not for the opposition party. The agreement fully embodied the two solitudes. Both sides voted no, but for very different reasons: the agreement was not enough for Quebec and too much for the rest of Canada.

A new government was elected in Quebec, a sovereigntist government that submitted for a second time to Quebecers a sovereignty project along with a new partnership proposal.

• (1245)

The question was clear. Nowhere in the opinion of the supreme court does it say that the question was not clear. Nothing in it excludes a partnership proposal with some federal or confederal bodies.

For Ottawa, there is only one kind of federalism on this earth and it is the one in existence in Canada. There is only one kind of relationship, one kind of collaboration possible, and it is what we have now in Canada. For Ottawa, the rest of the world does not exist.

As I remember, during the referendum campaign the Prime Minister very eloquently predicted that we were going to get it, that we were going to get under 40% of the votes. We know what the results were, even after the love-in that was held, with total disregard for the Quebec referendum legislation, where people came to tell us that they love us when we are subservient, when we are pliant, when we are down on our knees and when we are Liberal. More promises were made after that.

The distinct society motion had no substance at all. We were told that “The motion would impact on all the bills passed in the House”. However, take the Young Offenders Act. All of the political parties represented in Quebec’s national assembly as well

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as all the lawyers, judges, social workers and even police officers have stated “We do not want this new bill. Let us keep the system we have in Quebec, which has given us the best results possible in this area”. What impact did the distinct society motion have on the recognition of this consensus? None, none at all. It had no substance at all. We knew it and we see it once again today.

A so-called veto was also given to all of the regions. This led to total paralysis, as we saw with the Meech Lake accord, where not only a province or a territory, but a single individual was able to block what Quebec wanted. To top it off, we were offered a social union. There were two distinct views: one in favour in Canada and one opposed in Quebec. The Liberal members in this House, a minority here, we remind them, once again supported the Canadian view, ignoring the view in Quebec.

This belittling of Quebec is a true obsession with the Prime Minister. Inspired by his muse, the Minister of Intergovernmental Affairs, he is now going after the powers of the national assembly. He would like to impose the wording of the question on the national assembly. Yet, in 1994, the Minister of Intergovernmental Affairs said that the words secession, separation, sovereignty and independence all meant the same thing.

Apparently, this is no longer the case. He has changed his mind. I suppose he would also say that Quebecers are not intelligent enough to decide if a question is clear; the folks in Vancouver, Moose Jaw, Halifax, Toronto and Regina, who know all about clarity, must be consulted.

He tells us that elected representatives in the national assembly are incapable of clarity, as are the federal members from Quebec in the House of Commons, the 44 Bloc Québécois members in Ottawa and the four members of the Progressive Conservative Party who are not in agreement with the bill. The Liberal members from Quebec are in the minority, but we would not understand. The 26 Liberal members from Quebec know what is best. This is nothing more than contempt and arrogance.

This same bill questions the rule of 50% plus one. Let us consider Newfoundland. Why? Two referendums. Why did 50% plus one apply in the case of Newfoundland? Why was Quebec never consulted when Newfoundland joined confederation in 1949? Why this double standard? Why did the government not set figures, rules, percentages and thresholds in its legislation? Undoubtedly because it was afraid of being challenged internationally or in the courts.

• (1250)

If it was dangerous to set a percentage beforehand, why is it any less so to set one once the results are in? How can Ottawa be judge and judged? What are these relevant conditions for setting the percentage? Again, Ottawa will decide.

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Is the federal government, the Liberal party, essentially the sole bearer of the truth, the whole truth? By raising the issue of partition in this bill, is the government not going back on all its positions with respect to maintaining the borders of new countries, such as the Baltic countries, the Ukraine, the federated republics of the former Yugoslavia? How can it take one stand internationally outside the country and another here in the House for Quebec?

They who have so much to say about consensus and clarity, do they not see a great consensus in Quebec within our civil society, among all parties represented in the Quebec national assembly, even federalist parties, among the vast majority of members from Quebec who were democratically elected to this House, within the Progressive Conservative Party, I suppose, and I hope within the NDP, which recognized Quebec's right to self-determination? Those are the ones who are on the side of democracy, but this government just ignores them.

Who do we find on the other side, on the side of the Prime Minister's Liberals? The Reform Party, which has a great presence in Quebec and a good understanding of Quebecers, Guy Bertrand, Bill Johnson, Keith Anderson, Howard Galganov. Is that the Liberal consensus in Quebec? Is that their great consensus?

How did we get to this point? Because support for sovereignty went from 8% in the 1960s to 49.6% in 1995. In his 35 year career the Prime Minister will have seen sovereignty surge like never before in our history. Seeing this incredible surge and unable to propose anything to Quebec, he thinks the best thing to do is to prevent Quebecers from making a decision.

Nothing can resist the will of the people. Quebecers will not give in to Ottawa and will remain masters of their own destiny. Someday we will see two peoples who respect each other, who appreciate each other and who do not prevent each other from going forward in the direction they each want to follow.

I move:

That the motion be amended by deleting all the words after the word "That" and substituting the following:

"this House declines to give second reading to Bill C-20, an act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec secession reference, because the bill contravenes the inalienable right of the Quebec people to decide freely their own future."

Someday Quebec will be sovereign. Canada can certainly count on that.

• (1255)

[English]

**The Deputy Speaker:** The Chair will take the amendment under advisement and return to the House in a few moments as to its admissibility.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, it is my privilege today to rise to participate in a remarkable debate in the history of our country. Today we speak frankly and openly about how our country might break up through legal and democratic means. That this is a debate that arouses great passion should surprise no one, great passion among parliamentarians and among Canadians in general.

[Translation]

Today, we are talking frankly and openly about a sensitive issue: how to legally and democratically break up our country.

[English]

Every federalist who participates in this debate must do so with the determination to make sure that possibility never happens.

I will briefly outline some recent efforts of the federal New Democratic Party to do just that. I will share the basis of my optimism: that if we proceed with appropriate sensitivity, with careful deliberation and mutual respect, we can succeed and we can emerge a united, strengthened Canada.

Immediately after the 1997 federal election the New Democratic Party launched its social democratic forum on the future of Canada, a party task force that undertook a thorough study and broad consultation on possibilities for improving the way Canada works for all of its citizens. Over the subsequent two years we held literally dozens and dozens of meetings in every corner of Canada. We talked to ordinary Canadians and representatives of organizations who are earnestly engaged in the work of trying to make Canada work better for all of its citizens.

What did we learn from those meetings and those discussions over the past two years? We learned that there is a real appetite to make Canada work more effectively and that there are a lot of good practical ideas about how we can accomplish that. We found that vast numbers of Canadians remain committed to doing the work that is needed to make our federalism more responsive to a rich diversity, the rich diversity which is Canada.

[Translation]

They remain committed to making it a responsive federalism, a federalism presenting all the advantages of a common citizenship and preserving all the rights inherent with that citizenship, and a federalism reflecting the many regional, linguistic and cultural differences which make Canada the country that it is.

[English]

One of the main pillars of responsive federalism must be an effective social union. In the framework we advocate, social

programs would have enforceable Canada-wide standards as a right of citizenship, but those standards and mechanisms would be co-decided between the federal and provincial governments acting as genuine partners.

For the social union to work and for the unity of this country to be strengthened, provinces must have the flexibility to respond to local conditions effectively, and the federal government must be a reliable fiscal partner. If there is one thing this government has not been in recent years it is a reliable fiscal partner with the provinces.

To strengthen Canadian federalism, the number one thing the government must do is to undo the damage it has inflicted on our health care system, post-secondary education programs and critically important social welfare programs administered by the provinces. Through careful investment of the surplus the government can improve the quality of life of individual Canadians and strengthen the bonds of federalism at the same time.

• (1300)

Another quality of responsive federalism is to craft federal institutions and relationships that accurately reflect the unique position of particular cultural and linguistic communities in Canada.

Since the quiet revolution in Quebec the country has been grappling with exactly how to recognize Quebec's unique character both in terms of constitutional language that accurately and symbolically describes that uniqueness and in terms of particular federal arrangements that practically recognize that unique character.

[Translation]

That project failed, but we have to find a way to cut the Gordian knot if we do not want another referendum to be held in Quebec.

[English]

Canada's aboriginal people represent an other community whose unique place in Canadian society cries out for action. Recommendations of the Royal Commission on Aboriginal Peoples have still not been implemented.

New Democrats joined with others in celebrating the passage yesterday of the Nisga'a treaty legislation. However let us make no mistake about it. The work of attaining justice for our aboriginal people is only just beginning. If we are sincere about national unity we must redouble our efforts to pursue the simple, positive project of making Canada a better place to live for all its citizens.

In short, and let me make it very clear, discussion of the legislation before the House today can never be a substitute for improving the Canadian federation to prevent a future referendum that would result in the breakup of Canada.

The bill we are debating had its origins in the opinion of the Supreme Court of Canada on questions relating to the right of Quebec to secede from Canada.

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[Translation]

The essence of that opinion was that Quebec could legitimately separate from Canada if a clear majority of Quebecers answered yes to a clear question.

The supreme court also said that negotiations on the secession should be held in accordance with the principles of federalism, democracy, the constitution and the rule of law, and in a context of respect for minorities.

[English]

This opinion establishes two essential things about the way a future referendum should be handled within the framework of Canadian democracy and federalism.

The first is that Quebec under certain conditions could legitimately secede from Canada. In the words of the court, "the continued existence and operation of the Canadian constitutional order could not be indifferent to a clear expression of a clear majority of Quebecers that they no longer wish to remain in Canada".

As a party that supports and has always supported Quebec's democratic right to self-determination, New Democrats welcome that confirmation of Quebecers' democratic values and perspectives on the Canadian federation.

In setting out that the rest of Canada would be obliged to negotiate secession with Quebec only on the basis of a clear majority on a clear question, the supreme court also established that the elected representatives of Canadians would have a legitimate circumscribed role to play in a future referendum. As committed federalists and democrats, New Democrats also support this principle.

The bill before us today is an attempt to set out a framework for the response of this parliament to a future referendum according to the supreme court ruling about the role of parliament.

• (1305)

[Translation]

We do not think this is an exact reflection of the supreme court opinion, and there are many complex elements both in the opinion and in this bill which require a more thorough examination.

[English]

Changes in the bill are advisable. There is work to be done, but New Democrats will be supporting the bill in principle at second reading.

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I assure all Canadians that we take very seriously our responsibility to play a constructive role in working out a framework for an appropriate federal role in a future referendum that lives up to the supreme court decision. We intend to play that constructive role. We take it seriously. We invite all Canadians to draw inspiration from the supreme court ruling where it underscores that "a functioning democracy requires a continuous process of discussion".

Today I implore the Prime Minister in particular to listen to the court's urgings. Regrettably there is no evidence so far to suggest that the Prime Minister is willing to do so.

[*Translation*]

From the outset, the Prime Minister could have taken a number of initiatives to discuss this issue and consult all interested parties in order to determine how we could discharge the obligations set out in the supreme court opinion.

[*English*]

The Prime Minister could have referred the supreme court decision to a parliamentary committee to offer suggestions but he chose not to do so. The Prime Minister could have held a first ministers conference to consider the question but he chose not to do so. He could have initiated a dialogue between the House of Commons and the Quebec national assembly to see if there were some common ground but he chose not to do so.

In short, he could have acted responsibly and democratically in the spirit of the court's opinion and reflected the longing of Canadians for constructive nation building, but to date he has chosen not to do so.

From the moment the Prime Minister began weeks ago issuing mysterious statements about his intentions, escalating the insulting and disrespectful rhetoric toward the Quebec people, and challenging other federalists to agree with a position which he refused to clarify, he defiantly set out to antagonize other federalists, other federalists in the House, federalists in Quebec and a good many federalists across the country.

It is a transparent and shameless attempt to play politics with the future of the country. It is a deliberate ploy to distract the public from the pressing responsibilities and many failures of the government.

The fact that the Prime Minister chose to announce his intentions literally hours before the 10th anniversary of the pledge of the House to eradicate child poverty in the country speaks volumes. The Prime Minister wants to play politics with this important

question. His actions over the past couple of weeks have made that clear, but we cannot and we will not let him.

Today New Democrats pledge our willingness to offer a constructive contribution to the study and the improvement of the bill in committee. We want to make sure that the bill reflects as closely as possible the democratic responsibilities set out by the supreme court. We will be proposing amendments that we believe are necessary to achieve that.

The section of the bill dealing with the clarity of the majority sets out a framework where the rules of the game would not effectively be set until after secession vote is held. Fears have understandably been aroused about the potential for abuse by the House of Commons in arbitrarily rejecting a clear majority after the fact.

• (1310)

The bill goes out of its way to say that the views of the Senate should be taken into account in the deliberations on the clarity of the question and the majority. Surely this is an absurd notion for a bill that is supposed to live up to a democratic ideal.

I have to say that I was astonished that the Conservative Party had taken the position that the Senate deserves an even greater role than the one set out for it in the bill. In the entire process of consideration and negotiation the role of first nations also needs to be carefully considered if the bill is to truly reflect Canadian reality and Canada's obligations.

My colleagues and I look forward to considering these as well as other issues raised by Canadians in the process of studying the bill. We urge the government to take a similar approach of being open to amendments in its work at committee. Indeed the way the government treats the committee process and its openness to amendments will be the test of the Prime Minister's true motives.

[*Translation*]

Does the Prime Minister really want a bill that is a true reflection of the supreme court opinion, or does he want to go on playing little games that are dangerous for the future of our country?

[*English*]

Throughout the debate we will be seeking a truly democratic and constructive process, one that can open the door to all federalists. In some cases that means reopening the door to some federalists so that they can all work constructively on building a united Canada.

Most of all, I hope the work on the bill does not distract the Prime Minister or parliament from the critically important task of building a better Canada, one that meets the hopes, dreams, needs and aspirations of all our citizens so that the legislation that we are debating today will never be required.



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[Translation]

**The Deputy Speaker:** The amendment moved by the leader of the Bloc Québécois is in order. Debate is now on the amendment.

[English]

**Mr. Scott Brison (Kings—Hants, PC):** Mr. Speaker, my question for the leader of the New Democratic Party is very simple. She listed a number of very convincing arguments on why this is bad legislation and why the government is playing meanspirited politics with the national unity issue to advance its own short term goals at the expense of the long term interest of Canadians.

Having articulated so forcefully why this is bad legislation, how could she possibly be supporting the legislation?

**Ms. Alexa McDonough:** Mr. Speaker, the member raises a very understandable question. Given how very distressed we have been and remain about the actions of the Prime Minister, about the cynicism and the crass political manoeuvring that preceded the introduction of the bill, why would we be willing to consider it in good faith?

• (1315)

I will answer the question. We are prepared to look at the bill on its merits and to consider it in good faith because that is the job that is required of us as parliamentarians. We must try to make a distinction between whatever the political motives may be or whatever the political manoeuvring of the party in power may be. I think we all have some pretty big suspicions about that. I have outlined some of them today. We have to separate that from what is truly in the interests of Canada and what is truly the route to a strengthened united Canada that is going to work better for all of our citizens.

As I indicated, there are improvements needed. The manner in which government members and the Prime Minister participate in that process will indicate whether this is a project worthy of support and whether the final results can indeed advance a stronger united Canada. We are prepared to take our responsibility as parliamentarians to play a constructive role in that process.

**Mr. Reg Alcock (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, I simply wish to thank the leader of the New Democratic Party for her willingness and ability to put aside partisan politics and focus on this very important question. It is not an easy issue for all of us. As she has so rightly pointed out, it involves the future of our country. We look forward to working with her as this debate unfolds.

I note that her party's critic and House leader is one of the few members in the House who has been through both referendums. He has often spoken to me about some of the difficulties in sorting out these questions. We want to thank them for their willingness to work with us in trying to find a solution.

**Ms. Alexa McDonough:** Mr. Speaker, I hope that the member on the government bench takes under serious advisement our urging that government members come to the committee process and participate in this debate in a way that is absolutely respectful to the rights and interests of all people of Quebec. They must be sensitive to the fact that there obligations upon all of us to understand that we have to find new ways to create a more flexible federalism that will respond to the particular conditions of Quebec, just as we need to do the same as it relates to aboriginal Canadians. If government members are prepared to do that, then I think we will all discharge our responsibilities as representatives of the interests of all Canadians within Quebec and across this great country of ours.

[Translation]

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Mr. Speaker, last summer I was an observer at the NDP convention in Ottawa and I could see what was decided there.

I read with a great deal of interest one of the resolutions that the convention adopted, clearly recognizing Quebec's right to self-determination, and going as far as recognizing Quebecers as a people. This is the first federal political party that did that. The NDP recognized that Quebecers are indeed a people.

How can the NDP leader now explain that, in an unbelievable flip-flop, she is accepting that the federal government can make a pronouncement on the acceptability of the referendum question asked by the national assembly? How does this position square with the resolution passed last summer?

[English]

**Ms. Alexa McDonough:** Mr. Speaker, I very much welcome that question. I am not sure whether the member was listening to my comments, but that is precisely why I opened my discussions of the New Democratic Party position on this debate with a proud reference to the social democratic forum and the recommendations that were endorsed overwhelmingly at our federal convention in August. It recognizes the right of self-determination of the people of Quebec. That is what the bill is about.

• (1320)

What the supreme court ruling did, and we welcomed this clarification, is it acknowledged the right of self-determination of the Quebec people. It also said that there is an obligation on the

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federal government under certain conditions to recognize a vote, a clear decision on a clear question that would indicate that the people of Quebec want to separate from Canada.

The supreme court decision that is reflected in the legislation now before us acknowledges exactly that right. It also makes it clear that it is not possible to take the view that there is no other impact, that there are no other implications for the rest of Canadians. Therefore it acknowledges both a right and a responsibility, a circumscribed, very particular, limited role on the part of the federal government. It is around our doing the most careful and sensitive job possible of defining what that role is in which the Parliament of Canada is now engaged.

[Translation]

**Mr. André Harvey (Chicoutimi, PC):** Mr. Speaker, in any parliamentary debate, the NDP leader is considered to be, as a rule, very sensitive to social issues such as health care, education and poverty.

Would she not agree that the government is wasting our time with such a bill giving effect to a supreme court's decision?

It is going to drag on for months and months. In the meantime, the House will be monopolized by this one issue. Does the NDP leader not believe it is a waste of time not to deal with more practical issues the NDP usually cares about?

[English]

**Ms. Alexa McDonough:** Mr. Speaker, I guess I should not expect that members listened to my comments over the last half hour but that is precisely the point I made. New Democrats have no intention of allowing the government to use the bill as an excuse for not dealing with the critical problems of child poverty and homelessness, with the worst agricultural crisis in this country since the great depression, with the deterioration of our health care system and with the access barriers to post-secondary education that have been erected for our young people.

I am in total agreement and so are my colleagues that those are the priority issues. That is why we implore members on the government benches but we also implore our colleagues on the opposition benches to participate with us in dealing with this issue in a reasoned, responsible, sensitive way, while none of us on this side of the House let the government off the hook on its responsibilities to Canadians.

[Translation]

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, this morning, and even this afternoon, we have had the "pleasure" to listen to several speeches, including one by the intergovernmental affairs minister. I must say that if I were at home, if I were a mere individual and not an MP, listening to the

minister, I would say it is as though tomorrow morning Quebec is going to say yes to a referendum on sovereignty. When listening to the minister's speech, one had the definite impression this government is giving up on Canada and any improvement to the federation. This is exactly what it is doing.

This bill says: "Here is the recipe to break up the country." We cannot support it. On behalf of the Progressive Conservative Party I have the following message for the government: Step aside. It is going to be all right. We will put forward some positive proposals. We are going to talk about the real problems Canadians and Quebecers are facing. We will take care of the future of the country.

• (1325)

The governing party used to say: "We want to keep the country together. We want to keep Quebecers and Canadians united." For the past few days and weeks, Canada has never been as divided as it is today.

Quebecers themselves have never been this divided. Canadians have never been this divided. For years now parliamentarians have never been this divided. I must say that even within our own caucus some members are having reservations and questioning the strategy to follow. Nevertheless, our party's line is clear: we will fiercely oppose the Liberal government's initiative.

This bill on clarity is also an instrument of division. It shows us how to break up our country and, in the meantime, how to shatter the common interests that parliamentarians share in the hope of eradicating poverty. Why not try to build something positive to solve this problem? Instead we are given the instructions on how to break up a country. We are told how to destroy parliament. We are told how to drive a wedge between family members, individuals and the provinces.

Let us talk about the provinces. The supreme court has always referred to the politicians. The federal government has decided to act on its own and ignore the provinces. How many provinces today have stated that they agree with the federal government? They are divided. Is that what the federal government's strategy is all about? This is pure machiavellianism. It is more than machiavellianism 101. It could give us a lecture on this theme.

Where are the provinces that support the federal government in today's newspapers?

**An hon. member:** Where does Ontario stand on this issue?

**Mr. Nick Discepola:** Four out of four.

**Mr. André Bachand:** They are divided, that is true. Is that the kind of country you want? Not me.

What is important here, and it is even mentioned in the bill, is that the role of the provinces is a residual one. It is subject to the

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federal role. Even though Quebec and Ontario are the two main trade patterns, Ontario has officially no say in this. Nowhere does the opinion of the supreme court give the federal government an additional role compared to the provinces. However, the federal government has decided to negotiate on behalf of the provinces and to take into consideration their points of view.

Take into consideration? Did it consult the other provinces about this? Did the provinces introduce a bill like this one? Did they give to the great federal government the authority to negotiate secession on their behalf? I am not sure that Albertans would agree to that. I am sure that Ontarians would disagree. I am not sure the maritime provinces would support the Liberal government and say "Yes, if Quebec separates, go ahead and negotiate on behalf of maritimers. You have the authority to do it. We rely on Ottawa to negotiate on our behalf and on behalf of western Canada". This is hogwash.

There is more. In addition to excluding the provinces from the negotiations following the secession of a part of Canada, there is talk of excluding the opposition here. There are speeches about uniting during the Christmas holidays, but here we are talking about dividing as a country before the Christmas holidays. But that is another matter.

Mr. Speaker, I had forgotten to tell you something. First, I really appreciate having you as a Speaker and, second, I will divide my time with the hon. member for Pictou—Antigonish—Guysborough.

In the bill, the government, in addition to excluding the provinces, is technically excluding the four opposition parties here. Why? Because it talks about the House of Commons. It says the House of Commons will analyze all this. Looking at the way the Liberals have been conducting their business since 1993, we see that it is the PMO that makes the decisions. However, the PMO, the Prime Minister's Office, is not Canada. Is it clear enough? The decisions should be made by all parliamentarians.

The government bill is silent. The government talks about negotiating sovereignty, secession, and says that parliamentary rules will remain the same. It does not even talk about free votes.

I was talking with the hon. member for Tobique—Mactaquac this morning. I asked "Why not have a free vote on that?" He said "Why not?"

But they are not saying what we will be voting on. We do not even have a resolution. There is no analysis of what a clear question is. We do not even know if our negotiations in this House are clear.

• (1330)

What percentage will be needed for the House to say that there is a clear majority? What percentage of the votes cast? Will we use

the parliamentary rule which requires 50% of the votes plus one? Will the governor in council or the Prime Minister's office decide if the question and the majority are clear?

Why not say in the bill that members of parliament will be more involved and, above all, that provinces and regions of Canada will be involved? There is nothing like that. It is the silence of the lambs. There is absolutely nothing to that effect.

The only one who is given a role is the Prime Minister, so that he can say that the question is not clear and that the majority is not clear. There will be a short debate in parliament, but, knowing the parliamentary process as we know it, we can anticipate a closure motion and the debate will be cut short. We will be told "Enough talking. We find that it is not clear enough". The provinces will be told "You can write a letter if you want and tell us what you think, but we will make the decision".

This is not what the supreme court said. The bill was introduced last Friday thanks to a little trick. They used to accuse the former premier of Quebec, Mr. Parizeau, of trickery. However, promises were made and agreements were concluded with the House leaders. They were told "This is an important bill, an important draft bill. We will wait for everybody to recover from the madness the Reform Party put us through, and we will come back with it next week, when everybody is rested".

But no, the draft bill was tabled. What is going on? What a great beginning for negotiations. If the government is not even capable of treating parliamentarians with respect, imagine the provinces, imagine Quebec. This is nothing to be proud of. It is not just the Minister of Intergovernmental Affairs, I realize, there is a little gang of people controlling the procedural aspects of the government. This is a slap in the face of democracy. They could have waited until Monday.

What happened is that he introduced it and then he took off. After that, out came the ministers, one after another. The Minister of Finance came out first of all with his "Hi there, how are you? I am in agreement with it". Then, two minutes later, the Minister for International Trade said "Oh yes, we are fine with it". That is the way it was done. All the people who had nothing to say on the matter, who remained silent, were anxiously waiting to be told "Go out there, we will be timing you". That is the way it went—a lovely sight to behold.

I was off in my riding, settling some real business, like making sure some people on unemployment would at least get a cheque for Christmas, because they have children too. It is important.

There were the ministers all saying, one after another "Oh yes, it is reasonable". But at that time no one had seen the bill. Many MPs were off in their ridings. There were the initial reactions. Mr. Clark

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put it very well, borrowing a quote from Robert Stanfield “Nothing is easier to do than to turn the majority in a country against a minority”. Nothing is easier to do than to divide this country.

Now we have a bill. Hooray. We are one of the few countries in the world that now has such a thing. We have a recipe book. The finest country, the best place to live, now has a recipe book on how to break up. That is really something.

I know my time is nearly up. I can get emotional. When Quebec is being discussed, it affects me. When they come up with such a piece of legislation, when I am taken for a fool, it affects me. It upsets and offends me.

**Mr. John Bryden (Wentworth—Burlington, Lib.):** Mr. Speaker, I have a question for my hon. colleague.

Is it true that one of the winning conditions for the separatists would be to have as prime minister a party leader like Joe Clark, since Mr. Joe Who likes to be chummy with the separatists? If we had not a clear question, everything would be lost with Mr. Clark as prime minister.

• (1335)

**Mr. André Bachand:** Mr. Speaker, the hon. member who just spoke is part of a political party that will go down in history as one that always went around major constitutional conferences to find a solution with long knives. Thus I do not need him to give me any lessons.

With regard to Mr. Clark, the hon. member should come to Quebec to see how well Mr. Clark is, a priori, appreciated and respected by Quebecers. This morning the newspapers were saying that Mr. Clark is consistent. So, on that score, the Liberals have nothing to say to us.

There are many parties in the House that are flip-flopping. First, there is the government party that is flip-flopping on the issue, to an unbelievable extent. It was against the Meech Lake accord, against the Charlottetown accord. It centralizes everything in the Prime Minister's office. It gives nothing to the provinces. And now it has decided to deal with national unity. Reform flip-flops. The NDP members are also flip-flopping. It is unfortunate, but I must say that we are the only federalist party which still believes in Canada and which is against this bill.

It is not easy for Mr. Clark. However, if they think that Mr. Clark is a winning condition for sovereigntists, they are wrong because he is a winning condition for the country, including Quebecers. When the time comes, Quebecers will decide what their future will be. Once they decide to vote for the Progressive Conservative Party, they will do it. It is as simple as that, and we have no lesson

to learn from them, particularly from the Liberal Party. The Right Hon. Joe Clark is taking a stand, and it is not easy because he is faced with quite a problem.

In fact, everybody agrees on certain elements of the secession process. By the way, we use words like secession, sovereignty, independence, sovereign country interchangeably. Secession is a process; the result is sovereignty or independence. If Mr. Clark, the Right Hon. Joe Clark, comes to power, unlike the present Prime Minister, who feeds on the sovereignty movement, he will put a stop to that, he will find a way to co-operate in a completely different way and as fast as possible, I hope. I think it is high time we stopped working ourselves into a state over all this.

**Mr. Jean-Paul Marchand (Québec East, BQ):** Mr. Speaker, at the outset of his speech the member said that this bill is an admission of failure by Canada because the government, whether it is Liberal or Conservative, cannot succeed in improving the constitution nor the country to accommodate Quebec and to do what Quebec has always requested.

It is indeed an admission of failure. Obviously, the federal government wants to reject Quebec and to treat it like any other minority instead of recognizing that Quebecers really form a single people. It is an admission of failure, and I must say to the Conservative Party member that it does not matter whether the government is Liberal or Conservative, because Canada does not accept Quebec.

**Mr. André Bachand:** Mr. Speaker, I mentioned earlier people who are working themselves into a state and the problems of the ultra federalists and of the ultra separatists, who both exist and need each other to live. What is clear is that when I mention the admission of failure, it is the failure of this government I am talking about.

Clearly, the Conservative Party has a completely different vision of the way our federation should work and of the respect that should be shown for the regions and the provinces. It is that spirit that has to be developed here.

I ask the member to prove to me that a man like Mr. Clark tricked Quebec. I know that is impossible to prove. Our party did not trick Quebec. There were hard times in the history of our country, but I can assure members that the Conservative Party gives Quebec the recognition it deserves and that it also gives Canada the recognition it deserves, that of a country where Quebec has its place.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I commend my dear colleague for Richmond—Arthabaska. Unfortunately, I cannot express myself in the other

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official language of Canada, but my passion for the French language, for Quebec and for the country is as great as his.

[*English*]

History has been very kind to this country. We have enjoyed a great deal. We have enjoyed freedoms, bountiful gifts of natural resources, prosperity and peace for much of our history. However, we continue to struggle with national unity. Although our country was forged from the fire of two warring nations on this continent, we continue to be engaged in some form of warfare. That is not the wish of the Conservative Party.

• (1340)

There is little that is certain about the aftermath of this debate, but one thing can be sure: passions will be inflamed and emotions will run high. This bill makes secession respectable and more accessible. This bill is not about clarity; it is about confusion. It will not lead to a conclusion, but more confusion.

It is ill-timed to introduce this legislation before the country. The national agenda has been hijacked and it will cause contentious debate to erupt at a time when the focus should be elsewhere.

My fear is that the Liberal definition of clarity will give separatists the winning condition which they have sought. A red flag has been waved. We question, as Conservatives, the process and the timing.

Strategically, the Prime Minister has brought this legislation before the House immediately prior to the holidays, ensuring that this debate will continue without opposition. We understand that this was done over the protestations of senior cabinet ministers, caucus colleagues and many advisers within the province of Quebec. As before, Canadians will once again embark on this divisive, destructive debate.

This legislation is not a positive framework for negotiation. It is in fact a provocative and threatening attempt at undermining a lasting relationship that we have enjoyed in this country. Instead of drawing Canadians together, this legislation provides a road map to secession. It codifies a process to permit a province to leave confederation and it says nothing of actions to create a common purpose, but it will bring about fear and loathing.

This is not progress for Canada. It is not leadership. It is not the leadership that we should expect from a government and from a prime minister. We have already received an opinion from the Supreme Court of Canada which clearly recognizes the requirement of a clear question. No one is against clarity. Why is it necessary to repeat this in legislation? It becomes a classic double-edged sword.

It will allow or be perceived to allow the federalists the power to cut off disingenuous separatist tactics. Premier Bouchard is once

again going to be elevated into his rhetorical and lofty debate over self-determination. He will tell Quebecois that English Canada has abandoned them and in the end it will be imposing its will over Quebec.

Why are we allowing this to happen at this time? This issue detracts from many important issues: health care, unemployment, education, brain drain, agriculture, fisheries and, of course, poverty. All of these issues are real issues, real issues that face Quebecers and all Canadians. These are some of the pressing issues that we should be debating at this time. Positive efforts to address them are being delayed by this ill-timed, ill-conceived initiative.

Government efforts should clearly be focused elsewhere. We should be convincing Quebecers to stay rather than making provocative threats. Like the sword of Damocles, this legislation will hang precariously over the heads of Quebecers from a thread.

We are left to believe that the Prime Minister is embarking on a legacy building attempt. Running roughshod over the objections of others, he calls this nation building. We know the often quoted phrase that patriotism is the last refuge of a scoundrel. Canadians should not forget about the Prime Minister's participation in flawed constitutional repatriation attempts or how he helped cynically to torpedo past attempts at putting the country's contentious unity debate to rest.

Canadians will, of course, recall how he disappeared in the 1995 referendum campaign. What confidence should Canadians and the provinces have that the Prime Minister will do their bidding? He has clearly demonstrated in the past that he does not understand nor respect Quebec. He appears as the Prime Minister who is trying to define or defend his legacy with the imposition of this bill.

Canada should not be put in jeopardy to appease the Prime Minister's ego or afflict his legacy in envy on the rest of the country. This is a personal, meanspirited and divisive process meant to provoke Mr. Bouchard and Quebec at a time when the Quebec premier is mired in real issues, issues such as labour unrest, high unemployment and financial problems in health care and education.

The Liberals are going to try to capitalize on what they perceive as a vulnerable period in the life of the Pequist government. The Bloc, the Pequist and Mr. Bouchard appear to be at their lowest level of popularity, but this issue, make no mistake about it, will breathe new life into the debate of separatism. The smiles on the faces of our Bloc colleagues here, members of the House, signal that this has begun. The war has begun. The Bloc and Bouchard will reload and get ready for this divisive debate. Obviously the Conservative Party opposes this legislation for reasons much different than the Bloc. The Liberals will carefully word their press releases and try to spin it that somehow we are cozying up to this movement. Let us make it very clear that is not the case.

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● (1345)

The Conservative Party has always stood proudly for a united country. Our party has always sided with history on nation building from Macdonald to Clark. Make no mistake about the love of this party for our whole country. It is a birthright that we will not neglect.

The possibility of an early referendum and an early election is signalled by the introduction of this legislation. Let us be clear on one thing. The timing, the wording and the method all indicate that this legislation is about crass politics, putting Liberal electoral fortunes ahead of the long term fortunes of the country.

The Prime Minister has proven time and time again that he is a ruthless, reckless partisan. This is a very dangerous game. While it is politically clever, it ensures Bloc seats, helps the Reform Party, keeps the country polarized and the implications for Canada are grave. The potential backfire of this manoeuvre could cost us dearly.

It is ironic that the Reform Party has aligned itself with the Liberal government. This is the same party we all recall that ran ads with red slashes through the faces of Quebec leaders in the 1997 general election, and yet it purports to understand Quebec.

We just heard from the NDP leader who spoke adamantly against the bill, railed against the politics of the Prime Minister's move, and yet she stated that her party will support it, a weak and submissive move.

There is currently no provision in our constitution for a province to secede. However, for the first time in our history, this bill would have Ottawa spell out the steps for separation. The legislation will now give Canadians an entrenched plan through legislation to dismantle the country. It legitimizes the separatist movement. It is not necessary but it is temporarily politically popular.

I hope I am wrong in my prediction of an early referendum, but I suspect we will see an unclear question, not about separation but about the right of self determination, which sadly the separatists could win.

The Liberal government and its brand of federalism is autocratic and insulting. The Prime Minister and his government are acting like bullies. Co-operation and compromise, the essence of federalism that built this country, are put aside. Parliament is ignored, the caucus that the government has brought together has been brought in line and some cabinet ministers have been silenced. That is not democracy.

Mr. Charest, who went to Quebec for the right reasons, is finding that now he has to fight a prime minister as much as he has to fight the separatists. The federal Liberals continue to wound the man who has preserved stability in Quebec. As he has done on many

occasions in the past, the Prime Minister has directly undercut Mr. Charest.

Provincial premiers will wait to see how this plays out but there is certainly unease. No real discussion or consultation took place, just perfunctory calls informing them of the legislation. They were not given the opportunity for input or opinion. Instead, they were dictated to. The responses from the premiers have been less than enthusiastic. We have seen from the provinces of Ontario, Alberta and certainly New Brunswick that there is increasing discomfort with the Prime Minister's pre-emptive move.

Lukewarm support is not going to help the country at this time. All parts of the country will be affected. My home area of the maritimes is certainly very much in jeopardy as a result of what has occurred. It will not be clarity. There will be a profound negative effect if the government continues on this line.

The legislation is silent on the issue of 50% plus one. We know that 50% plus one in this House will defeat a bill or will defeat a government. The Prime Minister himself received the electoral support of only 38% of the Canadian population, so he is very unclear on this particular aspect of the legislation. It is contrary to democracy to suggest that anything other than 50% plus one is to be accepted. This is a hasty and poorly drafted piece of legislation.

The Progressive Conservative Party has always endorsed the approach of co-operative federalism. We have often liberated the country from the straitjacket of false federalism of the Liberal Party of Canada. Currently, we are involved in national grassroots policy consultation to best determine how Canadians would make this legislation acceptable.

In the season of goodwill and reconciliation, the Prime Minister has chosen the opposite direction. He has undermined the historic partnership and widened the two solitudes. We hope to be able to introduce some useful amendments that would at least enhance the legislation. We will wait to see, with anxious hearts, how the Liberal government will react to those legislative changes.

● (1350)

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Speaker, the hon. member is an experienced orator and debater. I take it he can confirm that the position of his entire party, the Conservative Party of Canada, is that a 50% plus one vote of those who vote will dismantle the country. If that is the case, how is it that we cannot change our own constitution on 50% plus one? Why is it that we need to have a much greater and clearer majority to change our constitution than Mr. Clark appears to want to have to permit the breakup of the country?

I ask the member, who is also a barrister and solicitor, if we are to take it that Mr. Clark disagrees with the Supreme Court of Canada that a clear majority is not required and that 50% plus one is all it takes to destroy Canada.

*S. O. 31*

**Mr. Peter MacKay:** Mr. Speaker, obviously the hon. member has not stated the position of the Conservative Party or Mr. Clark at all. We very clearly said that the issue of 50% plus one is completely absent from the legislation. It is a very reckless piece of legislation in the sense that it puts forward just part of the equation. Fifty per cent plus one is the rule of democracy and it has always been that way. It is how elections are decided. It is the democratic principle the world over.

Fortunately, we have never been faced with that situation nor do I suggest we would ever be faced with one person deciding the breakup of the country. This legislation does not speak to that issue nor does the Supreme Court of Canada clearly pronounce itself on what 50% plus one would do if the situation ever arose.

[*Translation*]

**Mr. René Laurin (Joliette, BQ):** Mr. Speaker, first I want to thank my colleague from the Progressive Conservative Party for supporting us in the debate on this legislation.

I would like his opinion on this: When the government speaks of self-determination, what does that mean for him? Does it mean the same thing for him as for the Liberal Party?

The Liberal Party says “Quebec has full entitlement to self-determination”, except that the Canadian government wants to tell Quebec how self-determination is to be achieved.

Even before the process is under way, the Canadian government, through the Liberal Party, will tell Quebecers how they must move toward self-determination to be recognized by the Canadian government. We know very well that, no matter how clear the question, the Liberal government will never recognize it.

In the 1993 election campaign the Liberals promised the taxpayers “If we are elected, we will scrap the GST, we will put an end to the GST, we will tear up NAFTA.” Could something be clearer than that? People believed them and elected them, but they never kept their promises.

Can we believe them when they say “If the question is clear, we will be ready to negotiate”? In their minds, clarity has nothing to do with the facts. They will go on doing as they please.

Does my colleague agree with me? I would like his comments on this.

[*English*]

**Mr. Peter MacKay:** Mr. Speaker, I will say right off the bat that we are not supporting the Bloc position on this. We are clearly opposing this for very different reasons, reasons that pertain to national unity as opposed to setting up a plan for dismantling the country as this bill will do.

The hon. member has very articulately and clearly set out a less than proud record that the Liberal government has amassed. He has chronicled some of the reversal of unfortunate positions that the government has engaged in over the last 50 years. It has occurred on wage and price control and on the price of gasoline. It occurred on the GST. It occurred on free trade. The list goes on and on.

• (1355)

The hon. member is perfectly right when he suggests that the trust that Canadians should place in the Liberal government at this time should be very suspect. We should be very wary of where the government is going with this legislation at a time when its record is obviously not the best, when it has asked Canadians in the past to trust it and upon being elected has simply done the opposite.

The question is very timely and very apt given the amount of trust that the government is seeking from the people of Canada on this important issue.

**Mr. Bob Kilger:** Mr. Speaker, I rise on a point of order. As you will probably resume the debate on this important subject after question period, I will give notice through the Chair to the House at the present time that all Liberal members participating in this debate today will be splitting their time.

**The Speaker:** That will be noted and it will then not be necessary to notify us as we go along. I will recognize the hon. member for Sudbury on debate and she will have the floor when we return.

[*Translation*]

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

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## STATEMENTS BY MEMBERS

[*Translation*]

### MANIFESTO 2000

**Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.):** Mr. Speaker, on December 1 the parliamentary group in support of UNESCO launched Manifesto 2000 for a culture of peace and non-violence and proposed it to all members of the two Houses for their endorsement.

[*English*]

This manifesto 2000 is not an appeal nor a petition addressed to a higher authority. This manifesto was written by the Nobel Peace Prize Laureates to create a sense of responsibility starting on a personal level.

*S. O. 31*

The goal is to present 100 million signatures to the United Nations General Assembly meeting at the turn of the millennium in September 2000.

[Translation]

Manifesto 2000 was made public in Paris on March 4, 1999, and seeks signatures of the general public throughout the world. It has already been endorsed by more than 250 parliamentarians in both Houses of this Parliament.

\* \* \*

[English]

### CHRISTMAS CHARITY CAMPAIGNS

**Mr. Werner Schmidt (Kelowna, Ref.):** Mr. Speaker, I wish to pay tribute to two charitable Christmas initiatives in my riding of Kelowna. The first is the Be an Angel Fund organized by one of our local newspapers, the *Daily Courier*.

For three weeks, beginning on December 3, in words and pictures it has shown what it is like to face the holiday season with fear instead of joy, with despair instead of anticipation, with a tear instead of a smile. The angel fund receives donations on behalf of the Salvation Army and the food bank, and publishes stories explaining what the donations do to turn these situations of hopelessness to happiness.

The Tree of Hope campaign features a 110-foot tall tree where individuals and groups purchase lights on the tree. The money goes to local children's charities: Central Okanagan Foundation and the Rainbow of Opportunities. This year the campaign raised over 30% more than last year.

Together these two campaigns prove that there truly are angels who spread the light of hope during the Christmas season.

\* \* \*

### THE LATE MATT COHEN

**Mr. Tony Ianno (Trinity—Spadina, Lib.):** Mr. Speaker, today I rise with sadness to recognize the passing on December 3 of a great Canadian, Mr. Matt Cohen, this year's winner of the Governor General's Literary Award for fiction.

Mr. Cohen was both an esteemed writer and a neighbour. He contributed significantly to the Canadian literary scene. It was in 1969, at the age of 26, that Mr. Cohen published his first novel, entitled *Korsoniloff*. From then, he was involved in 30 books, including novels, Quebecois translations, children's books, short story collections and books of poetry. It was for his novel, *Elizabeth and After*, that he recently received the Governor General's Literary Award for fiction.

Mr. Cohen pushed for the right for writers to be able to receive payment for the library use of their works. Mr. Cohen kept writing even through his illness. Therefore, even as we mourn his loss, we can anticipate a book of his short stories that will be published by Knopf Canada next spring; his last gift to Canadians.

On behalf of the people of Trinity—Spadina, I would like to offer our condolences to his wife Patsy and his family.

\* \* \*

● (1400)

### NATIONAL POLLUTANT RELEASE INVENTORY

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, the national pollutant release inventory revealed that in 1997 the pollutants released in Ontario totalled 62,000 tonnes, of which 8,000 tonnes of industrial chemicals were flushed into sewers.

In Ontario, industries put five times more chemical waste into the sewer systems than all the other provinces and territories combined. In 1997, industries in Ontario released 6,000 tonnes of cancer causing industrial waste, of which approximately 81% ended up in the air, 18% in landfills and 1% in water. These figures are incomplete because resource extraction industries are not required to report in the inventory, and not every pollutant must be reported.

How long will it take for the Ontario government to realize it has a role to play in preventing pollution and protecting public health?

\* \* \*

### CULTURE OF PEACE

**Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.):** Mr. Speaker, in keeping with the United Nations proclamation that the year 2000 be the International Year for the Culture of Peace, UNESCO mobilized the Nobel Peace Prize Laureates meeting in Paris for the celebration of the 50th anniversary of the Universal Declaration of Human Rights, to draft the Manifesto 2000 for a culture of peace and non-violence.

The year 2000 must be a new beginning for us all. Together we can transform the culture of war and violence into a culture of peace and non-violence. This demands the participation of everyone. It gives young people and future generations values that can inspire them to shape a world of dignity and harmony, a world of justice, solidarity, liberty and prosperity.

The culture of peace makes possible sustainable development, protection of the environment and the personal fulfilment of each human being.



**LONGHORN LIMO**

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, this year's bonehead bureaucrat award goes to federal transport employee Bertrand Boily.

It is a well known fact that we in western Canada love our pickup trucks. Mike Nickerson was visiting Texas when he saw every cowboy's dream, a stretch limousine pickup truck. Realizing a market exists for such a truck in Calgary, he mortgaged his farm and risked his life savings to purchase the \$200,000 vehicle.

The truck passed Alberta safety regulations with flying colours and business was booming. Even Tom Selleck hired the longhorn limo.

Alas, enter bonehead Boily who called Nickerson stupid for thinking a stretch pickup would be allowed in Canada. Then without even looking at the vehicle, he declared it unsafe and seized it.

According to Boily, if Mr. Nickerson wants his truck declared street legal, all he has to do is crash it into a wall and set it on fire to see if it is safe. And he calls Nickerson stupid.

Maybe Boily's boss, the Minister of Transport, should volunteer to be the crash test dummy. Maybe then Mr. Nickerson might agree to the test.

\* \* \*

**DR. CHARLES DRAKE**

**Mr. Bob Wood (Nipissing, Lib.):** Mr. Speaker, I am pleased to announce today that future students of medicine and health science at the University of Western Ontario will benefit from the legacy of the late Dr. Charles Drake.

The Drake family has committed a gift of \$1 million to Western to establish the Charles Drake Student Awards in Medicine. The gift, to be matched by a combination of university based and government sponsored programs, will boost the awards to a total of \$2.13 million.

A Companion of the Order of Canada, Dr. Charles Drake was an internationally renowned neurosurgeon at the University of Western Ontario. He pioneered surgical procedures that are now taught around the world.

Dr. Drake passed away in September 1998 at the age of 78. Dr. Charles Drake's son John recently stated, "My father was committed to building excellence in medical education and research in London. We are pleased this gift will help the next generation of students and faculty to pursue that dream".

I am sure that all members will join me in celebrating the generosity of the Drake family.

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[Translation]

**MEMBER FOR ABITIBI—BAIE JAMES—NUNAVIK**

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, Bill C-20 limits the democratic rights of the Quebec people. The position of the hon. member for Abitibi—Baie-James—Nunavik is clear: he is opposed but will vote in favour. A local newspaper quotes him as follows:

I am not in agreement with our government's passing a bill on the question. I do not believe it is up to Ottawa to dictate to Quebec the procedure it must follow.

He even indicates that he is not the only one in his party to disagree. Having revealed his thoughts, however, and led people to believe he was opposed, the member for Abitibi—Baie James—Nunavik hastens to add that he will be voting with his government. This is a clear illustration of how brave the Quebec Liberal MPs are.

In this debate, the masks are off. The choice between their personal future in politics and the interests of their constituents is clear: a good little Liberal looks after his interests, his political future, first. For the ministers, that means the reward of a limousine. For the backbenchers, it means continuing to be yes-men.

\* \* \*

• (1405)

[English]

**HEALTH CARE**

**Mr. Hec Clouthier (Renfrew—Nipissing—Pembroke, Lib.):** Mr. Speaker, during this joyful holiday season many Canadians are spending time in hospitals either as patients or visiting loved ones. It may not be very pleasant but we can rest assured that Canadians enjoy world class medical care.

In my great riding of Renfrew—Nipissing—Pembroke we have a number of wonderful health care facilities, including the Renfrew Victoria Hospital. This facility's caring, compassionate staff is under the very able administration of Mr. Randy Penney. He is one of those rare, young, talented individuals who makes an immediate positive impact on the community.

In fact, 75 kilometres up the road from Renfrew, Mr. Penney is also administrator at St. Francis Memorial Hospital in Barry's Bay. His talents are so much in demand that he has acted as a consultant to foreign hospital administrations.

Last Friday night I participated in the Renfrew Victoria Hospital's tree of lights ceremony which funds many health care programs. Mr. Penney and his staff are brilliant beacons of hope for patients and their families in the upper Ottawa Valley.

*S. O. 31*

### LOIS HOLE

**Mr. John Williams (St. Albert, Ref.):** Mr. Speaker, it gives me great pleasure to offer sincere congratulations to the Hon. Lois Hole, the new lieutenant governor of the province of Alberta and a resident of my riding of St. Albert.

Lois Hole is well known across Canada as the author of six best-selling books on gardening. She and her husband Ted are co-founders of Hole's Greenhouses and Gardens in St. Albert, perhaps the largest retail greenhouse operation in western Canada.

Not only is she known for her green thumb but also as a tireless advocate for education, serving as a trustee and chair of school boards in the St. Albert area, a member of the Athabasca University governing council and now the 16th chancellor of the University of Alberta.

Through her tireless work in the community, Lois Hole is recognized as a leader not only in St. Albert but across the province. She was named a member of the Order of Canada in 1998. I know she will serve Albertans well in her new role as lieutenant governor.

Once again, on behalf of the people of St. Albert, congratulations, Lois Hole.

\* \* \*

### REFORM PARTY

**Mr. Steve Mahoney (Mississauga West, Lib.):** Mr. Speaker, what is in a name? In the case of the united Reform led alternative, I have some suggestions for them to name the new party.

How about Reform-R-Us-Eh? Given that they behave like little children I think it works. Or it could read Reform-R-U.S.A., given their preference for American style government. Or how about Tor-E-Form or Lack-of-Form, or No-Form-At-All. Take your pick.

Given the pain most Canadians feel in their backs over this embarrassment, how about Con-Form since the whole thing is a con job designed to prop up the Reform Party. Or how about Obus-Form so that once and for all we can relieve Canadians of their lower back pain caused by these people, who, let us face it, cannot unite the right, cannot unite their own caucus, and certainly could not unite this country, no matter what they call their party.

\* \* \*

### FISHERIES

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, today marks the 50th day of a hunger strike by a fisherman by the name of Mr. Dan Edwards on the west coast of British Columbia.

Mr. Dan Edwards is on a hunger strike to symbolize the hunger and starvation thousands of west coast fishermen and their families are facing due to the Fraser River sockeye crisis which is happening right now. In fact, on Sunday they got together and formed a resolution which basically states that the committee make one more effort to bring all the governments to the table to develop a fair and open consultative process.

I was speaking to Mr. Edwards' doctor the other day. He said that if he continues on his hunger strike any longer, his body will suffer irreparable damage.

My statement to the Minister of Fisheries and Oceans is for once to get off his high horse and speak directly to Mr. Edwards. He should open a consultative process so that all fishermen on the west coast can have fair and equal access to the salmon fishery.

\* \* \*

[Translation]

### BILL C-20

**Mrs. Monique Guay (Laurentides, BQ):** Mr. Speaker, according to the Minister of Intergovernmental Affairs, the anti-democratic intentions in Bill C-20 are based on the 1998 supreme court advisory opinion.

Yet, in 1991, in the reference on Saskatchewan's electoral boundaries, the supreme court concluded "There is a further, equally important aspect of the right, namely that each vote must be relatively equal to every other vote. To water down the importance and significance of an individual's vote is to weaken the democratic process".

• (1410)

We remind anyone getting ready to question the rule of 50% plus one that in 1991 the supreme court ruled, and I quote "A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing inadequate representation to the citizen whose vote is diluted. The result will be uneven and unfair representation".

One thing is clear: with Bill C-20, democracy hangs in the balance.

\* \* \*

### PARLIAMENTARY INTERNS FOOD DRIVE

**Mr. Denis Paradis (Brome—Missisquoi, Lib.):** Mr. Speaker, the parliamentary internship program has been around for over 30 years. Every year 10 young people from across Canada are selected to work with MPs. They thus acquire unique insight into our parliamentary system.

This year the parliamentary interns are organizing a food drive for the Ottawa—Carleton Food Bank. This is an opportunity for MPs and Hill staff to help out the less fortunate during this holiday season.

*Oral Questions*

Boxes will be placed in the parliamentary cafeterias for donations of non-perishable food items and money.

I would like to take this opportunity to congratulate the parliamentary interns on their initiative, community spirit and generosity.

\* \* \*

[English]

**PARLIAMENTARY INTERNS FOOD DRIVE**

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, it is ironic that in the national capital of one of the richest countries on earth, over a 120,000 residents of Ottawa-Carleton live below the poverty line. Of these, 30,000 require some form of daily food assistance. In the land of plenty these numbers should shame us all.

Again this year, thanks to our parliamentary interns, MPs and all Hill staff will have the opportunity to take a personal stand against hunger. Non-perishable food collection boxes are set up around the parliamentary precinct. The interns will also be visiting our offices to collect food and cash donations. The dollar amount collected will be doubled by the Canadian Bankers Association.

I would like all members to recall that fortune has not smiled so kindly on all in society. Hunger and cold does not end when the holidays are over. The generosity of spirit that this magical time of year imparts to us must be a year-long commitment. We truly must be each other's keepers. I thank the interns.

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**GUELPH—WELLINGTON**

**Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.):** Mr. Speaker, as always great things are happening in Guelph—Wellington. The Guelph Spring Festival, the Guelph Jazz Festival and the MacDonald-Stewart Art Centre all recently received funding from Heritage Canada to help ensure that world class performers and artists continue to visit Guelph—Wellington. I would like to take this opportunity to thank these three local organizations and others like them that contribute so much to the cultural fabric of our community.

I would like to congratulate the 11th Field Regiment on receiving \$75,000 worth of funding from the Department of National Defence Canadian forces millennium fund. This money will be used for a special project entitled "Serving With Honour: Lieutenant Colonel John McCrae and Other Citizen Soldiers". I am very pleased to see that Guelph—Wellington's proud military heritage is being commemorated in this way.

With all of these exciting events under way, it is no wonder that Guelph—Wellington is such a wonderful place to live.

**SASKATCHEWAN TELEPHONE RATES**

**Mr. Roy Bailey (Souris—Moose Mountain, Ref.):** Mr. Speaker, the CRTC has ruled that there can be no averaging of the monthly telephone service charges between rural and urban. In other words, those areas in Canada which are considered rural are now facing unbelievably high monthly service rates.

Saskatchewan is the most rural province in Canada. Almost one-third of its population lives on farms, in small towns, in villages and in aboriginal communities. These telephone subscribers are facing a \$130 a month service fee.

If rural areas across Canada are going to have affordable telephone, fax and Internet rates, as is the government's policy, then the government must act to protect these areas of Canada. I urge the government to immediately move so all areas in Canada can have telephone and related electronic services without an unbearably high service rate.

\* \* \*

[Translation]

**SAINT-EUSTACHE PATRIOTS**

**Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ):** Mr. Speaker, today is a sad anniversary. It was on December 14, 1837, that General Colborne's army of 1,200 attacked Dr. Chénier's 200 or so Patriots in the village of Saint-Eustache.

● (1415)

Eleven of the patriots who had taken refuge in the church, including Dr. Jean-Olivier Chénier, were executed. We should add to the list the name of 7-year old Jean-Baptiste Marineau who, after having been shot in retaliation by a volunteer from Saint-André, died in March 1838 of the injuries he had sustained.

At the time, the legislative council appointed by London had power over elected representatives. After more than 30 years of sterile parliamentary battles to achieve democracy, a large segment of the population, including some English leaders, took up arms and participated in the uprising.

Our patriots fought for the national recognition of our people, for freedom and for a democratic government.

**ORAL QUESTION PERIOD**

[English]

**PRISONS**

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, the solicitor general is spending \$2.5 million in his own riding to research drugs in prisons. The only problem is that there are no

*Oral Questions*

federal prisons anywhere on Prince Edward Island. There is already an addiction research centre in Ottawa. One would think that would do.

Drugs in prisons are a serious problem, but pork barrelling will surely not fix it. Why does the rest of the country have to pay for the solicitor general's multimillion dollar vote grab?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, it is unfortunate that my hon. colleague does not really understand the problems in our prison system.

When I was appointed solicitor general and realized that 70% of the people who enter our federal institutions either have alcohol or other drug problems, I indicated a number of times in the House that is where we should start, and that is where the government is going.

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, I think all of us in this place understand that there is a drug problem in prisons, but there are far more suitable places to do that research.

I just said that there is a place already in Ottawa. There are lots of empty buildings just down the road at CFB Summerside. Those places are empty; they are up for grabs. Why does the minister not move into one of those places and start solving the drug problem?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, if everything were so simple it would be wonderful. What happens with these problems is that I ask the department to evaluate where this institution should go. The director of Correctional Service Canada indicated that this was an appropriate place to build the building. That is why this building will be constructed where it is to be constructed.

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, perhaps it does look like everything is so simple. It is a special kind of logic that allows him to justify a prison research centre in a province with no prisons. It is a bit like studying rainfall in the Sahara. It is pretty dry over there; they are getting ready for Christmas.

Canadians want the government to fight drugs in our prisons. That is not the issue. However the solicitor general belittles people's concerns with blatant pork barrelling. Why is the solicitor general spending his time and our money looking out for number one?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, it is unfortunate that my hon. colleague does not understand that this is a research institute. It is not a rehab institute. It is meant to deal with the problem of alcohol and drug abuse in our penal institutions.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, 70% of the solicitor general's corrections staff said that his drug

strategy was a failure. The only thing that he is doing is padding his own constituency with this \$2.5 million boondoggle.

Why will the minister continue in this way? Why does he arm himself only with pork to fight drugs?

• (1420)

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, it is certainly unfortunate my hon. colleague does not understand when he is told that 70% of the offenders in our federal institutions have alcohol or drug problems.

It would seem to me that would be the place to start, and that is what the government will do.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, in the same correction survey I just referred to over 80% of the frontline staff said their stress level was not reduced one bit with his drug strategy.

What is the minister saying to these men and women who put their lives on the line when they see him padding his constituency with this \$2.5 million pork?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, it is certainly sad my hon. colleague does not understand when he is told that 70% of the individuals who enter our federal institutions have alcohol or drug problems and 50% of the people who enter our institutions are intoxicated when they commit crimes.

That is why the government is creating a special initiative to deal with the drug and alcohol problem in our federal institutions.

\* \* \*

[Translation]

**BILL C-20**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday, the Minister of Intergovernmental Affairs insisted that the mentality of holding a knife to people's throats must stop.

Need we remind the minister that this strategy he is speaking out against has never been used by the sovereignists, whose project is to have their own country?

Does the Minister of Intergovernmental Affairs recognize that this strategy was put forward by federalists who were tired of trying for years, in good faith, to renew the federation, with nothing but no for an answer, ever?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, we have improved Canada in a variety of ways and will continue to do so. We will be able to do so even better if no one

*Oral Questions*

in this country any longer threatens others with the possibility of separation.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, he has worked this out on his own. The minister can say what he wants, but one cannot rewrite history. I can see he is avoiding answering the question, and I can guess why.

The fact is that Ottawa has never been able to respond to the legitimate desires of Quebecers or even of their federalist allies. History is there as proof of this. The only thing that is clear, the only solution available is sovereignty.

Is the minister going to acknowledge that his bill is a regrettable admission that any attempt at renewed federalism is doomed to failure in advance?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, Canadian federalism is being renewed constantly, and Canada is so admirable a country that millions, if not billions, of people dream of being Canadian.

**Mr. Daniel Turp (Beauharnois—Salaberry, BQ):** Mr. Speaker, the Minister of Intergovernmental Affairs often talks about the 1982 constitution as if it were the eighth wonder of the world, but it is a wonder that was imposed on Quebec against the will of its national assembly, a wonder that even tired old federalists do not accept.

Will the minister finally realize that no Quebec premier, not even Robert Bourassa, ever wanted to sign that constitution, and that no one in Quebec will ever sign it?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, the hon. member should read the most recent book written by former Quebec Liberal leader Claude Ryan who, while disagreeing with certain aspects of the 1982 constitution, says that, overall, that document is beneficial to Quebecers in many ways.

Some of these benefits are a Canadian Charter of Rights and Freedoms that is popular everywhere in the country, including in Quebec; the entrenchment of the principle of equalization in the constitution which, as we know, benefits Quebec; the strengthening of the rights of language minority communities across the country, and we know that Quebecers care about the future of francophones. Also, we would like this city, Ottawa, to be bilingual. Incidentally, I dare say—

**The Speaker:** I am sorry. The hon. member for Beauharnois—Salaberry.

• (1425)

**Mr. Daniel Turp (Beauharnois—Salaberry, BQ):** Mr. Speaker, perhaps it is because he was tempted to sign that constitution that Mr. Ryan never became Premier of Quebec.

The 1982 constitution leaves Quebec bound and gagged. Now the government wants to go even further and put Quebec in a straitjacket. The bill is a new violation of democracy, a denial of the Quebec democracy.

Will the minister admit that his real intention is to prevent Quebecers from expressing themselves freely and democratically and building a new country?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, the more the Bloquistes and Péquistes talk like that, impute motives and work themselves into a frenzy in their arguments, the less they are likely to succeed in their project.

Should I encourage them to keep going in that direction? No, because I know many separatists who are not proud of that kind of rhetoric.

\* \* \*

[English]

**HOMELESSNESS**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, my question is for the Prime Minister. Emergency shelters in Toronto are bursting at the seams and the city of Toronto is pleading for federal help. Instead of responding positively the federal government tomorrow will close the Fort York Armoury which provides nightly shelter for 100 homeless people.

With winter now upon us will the government reverse its decision to throw desperate families literally out in the cold? Will the Prime Minister do that?

**Hon. Arthur C. Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, that is not the case at all with respect to the Fort York Armoury.

The city of Toronto has been able to get many additional beds and additional shelters that were established this fall to take over from the Fort York Armoury. The Fort York Armoury will be turned back over to the military tomorrow and used as a command centre with respect to the Y2K rollover.

We provided that facility as a stop-gap measure to help with the homeless problem in Toronto. We are very pleased that we were able to do that, but it is no longer needed.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, it is simply not true that those beds are no longer needed. There are not enough beds in Toronto today. With the armoury's closure there will be even fewer beds.

The Prime Minister whispers "constitution" and child poverty, the crisis on the family farm and the homeless literally disappear from the government's radar screen.

*Oral Questions*

Will the Prime Minister just pause for one moment, think of the homeless, reverse this heartless decision and continue providing shelter to the homeless at the Fort York Armoury?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, those responsible for CMHC have given money to the city of Toronto in the last few days to help it with this problem.

The government is working on the problem of the homeless. As well we have been working for a long time on child poverty. We did that. We invested billions of dollars at the time we were cutting because these were priorities of the government.

\* \* \*

[Translation]

**BILL C-20**

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, contrary to the supreme court ruling, in Bill C-20 the federal government has appropriated for itself the role of arbitrator and negotiator in the referendum process, relegating the provinces to a secondary or advisory role. There is nothing new there.

Does this mean that the Minister of Intergovernmental Affairs interprets political actors as meaning only the comics sitting on the government benches?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, it is completely irresponsible to interpret the bill in this way. In acting alone, the Government of Canada would be running a great risk.

Let us suppose that the Government of Canada thought that the question was clear, but that eight out of nine provinces did not. That would be a problem that would have to be resolved. That is why consultation is necessary. The bill provides for such consultation.

The difficulty in reaching agreement does not stem from the bill but from the complexity inherent in any secession process. The solution is therefore for all of us to stay together in Canada.

**Mr. André Harvey (Chicoutimi, PC):** Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

After 30 years of provocation, what are the results? The percentage in favour of sovereignty has gone from 20% to 49.4%.

• (1430)

Does the Minister of Intergovernmental Affairs want to know what the next step is? Is he aware that, if he did not exist, he would

have to be invented to serve as the primary winning condition for the next referendum?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, if that is true, the Bloc Québécois will vote in favour of the bill.

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[English]

**PRISONS**

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.):** Mr. Speaker, my question is for the solicitor general.

We agree with the solicitor general when he says that 70% of the people who end up in the prison system have a drug or alcohol problem. What we disagree with is that he says he has successful programs. Of his own staff, an internal report says, 70% say that the programs are ineffective in our prison system.

Can the minister explain to the Canadian people why he thinks his programs are a success when 70% of his staff in the prisons think they are not successful?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, there is certainly one thing I would never want to do and that is to indicate that Correctional Service Canada has not been addressing this issue because from 1993 to last year the percentage has dropped from 39% to 11% on random testing. That is success, but we intend to do more.

\* \* \*

**RCMP**

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.):** Mr. Speaker, the RCMP is badly underfunded in Canada and the minister is planning to shut down seven detachments in the province of Quebec. The solicitor general has stated that organized crime is one of his number one priorities.

With biker wars taking place in Quebec and with one of our own members of parliament under 24 hour RCMP protection, can the minister tell us when he is going to stop slashing resources for the RCMP and increase its funding so we can go after organized crime?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I am sure my hon. colleague would never want to tell anybody in the House or the Canadian people something that was incorrect. There is nothing to indicate that detachments are going to close anywhere. The truth is, there has been a review and it is ongoing.

*Oral Questions*

[Translation]

**BILL C-20**

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the Minister of Intergovernmental Affairs has just told my colleague from Beauharnois—Salaberry that a number of sovereigntists did not support his rhetoric.

May I humbly remind him that he leaves us far behind in that, for there are tens of thousands of federalists who do not agree with what he is saying. To name but one of these, Jean Charest, leader of the Quebec federalists.

How can the minister claim that the supreme court's requirement of clarity can be translated into forbidding the Quebec national assembly from presenting to its citizens the political project of its choice?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, I invite the hon. member to sit down and quietly reread the bill. The national assembly can ask what it wants. There is even a whereas clause on that.

It can ask what it wants, but it cannot compel the House of Commons to negotiate on secession. The House of Commons has a responsibility to establish that there is a clear wish for secession, which would lead to the Government of Canada negotiating the sad event which the breakup of our country would represent.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the minister is using the supreme court opinion as he sees fit.

How can he base his position on this opinion when it refers 57 times to negotiation in order to claim that any recourse to the word "negotiation" in the question would make that question obscure and unacceptable?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, we would never have needed such a bill if the Premier of Quebec, the leader of the Bloc Québécois and the other independent leaders had been capable of completing the phrase "required to negotiate if a clear majority on secession, with a clear question", with everything on the table, including borders.

\* \* \*

[English]

**PRISONS**

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, in a Correctional Service Canada document that was leaked to me this morning entitled "Report of the Task Force on Security", the vision for corrections in the new millennium is as follows: removal

of all firearms from the institutions; all prisons take the form of small communities; and all offenders prepare their own meals.

My question is for the solicitor general. Why is he turning our federal institutions into summer camps and our guards into camp counsellors?

● (1435)

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I am not sure from whom my hon. colleague received the leaked document, but I assure the House that public safety is always the number one issue in our federal penal institutions and it will continue to be.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, further in the document it states that all razor wire will be replaced because of the concentration camp appearance of the facilities and that inmates will be given control keys to their own cells. "Welcome to Kingston. Here is the key to your cell".

Why is the solicitor general more concerned with appearances than with public safety?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I can assure my hon. colleague that public safety is, always was and always will be the number one issue in our penal institutions across this country. That is why we are going to address the major problems that are in our penal institutions across this land.

\* \* \*

[Translation]

**BILL C-20**

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, the Minister of Intergovernmental Affairs justifies his bill on Quebec's next referendum by saying that the federal government needs to define under what conditions the question would be clear.

How can the minister presume to define under what conditions the question asked at the next referendum would be clear and unbiased when his bill refers 23 times to the concept of secession and is clearly worded to give a negative connotation to a legitimate project to which almost half of Quebecers subscribe?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, first, it is not a bill on a referendum. It is a bill to set a framework whereby the Government of Canada must negotiate if the process is clear and must not negotiate if it is not clear.

Second, this bill follows up on the supreme court opinion, which uses the word secession, which is the legal term to describe the act of separating from a country to create a new one.

*Oral Questions*

To my knowledge, the first point on the Parti Québécois' agenda provides that Quebec would become a state and would be represented at the United Nations as an independent state. If this is not the case, then the Bloc Québécois should tell us.

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, one wonders who needs to be subjected to a framework.

How can members and ministers representing Quebec support such a bill, which seeks to restrict the democratic rights of their people, the people of Quebec? How could the Minister for International Trade, among others, get involved in this?

**Hon. Pierre S. Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, as Minister for International Trade and as a Quebecer I would never support any measure to gag Quebec's national assembly.

This bill respects the right of the Quebec national assembly to ask a question on what it intends to do. If this then means asking the House of Commons, the Government of Canada, to negotiate, we have a duty not to embark on negotiations on Quebec's independence if the question asked was not clear.

I want to stress that I support the choice made by Quebecers. Seventy-two percent of them do not want another referendum, but the people opposite want to continue to divide us and to make us weaker.

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

**The Speaker:** Order, please.

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[English]

**PRISONS**

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, I want to ask the solicitor general a question about his comment on public safety. Four hundred and eighty offenders have gone unlawfully at large from Canadian prisons since April 1998 and have not been recaptured. The Sumas centre in Abbotsford, British Columbia where I live had 53 unlawfully at large. Many are serious offenders. This disgraceful record emphasizes the Liberal government's soft on crime policy.

Why not just tell the people of the Fraser Valley that criminals are more important than the law-abiding citizens who live there?

• (1440)

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as I indicated before, and would indicate again, public safety is always the number one issue. At the Sumas centre a number of changes have been made and there are 20% fewer escapees from that institution than there were previously.

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, those words are not very comforting to the people who live in my community.

Since those 53 offenders have gone unlawfully at large, at least eight sexual offences have occurred, in addition to assaults and robberies. I have received letters from the Commissioner of Corrections and the solicitor general who say "All is well. That is just the risk you folks have to take".

Why will the solicitor general not grasp a bit of reality and admit that Canada's prison system needs an overhaul, and a major overhaul at that?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, when I was appointed solicitor general and saw the drug problem, I knew that it had to be addressed more forcefully. It is being addressed, it has been addressed and it will continue to be addressed. Other public safety issues will continue to be addressed in our federal institutions across this land, all with public safety being the number one issue.

\* \* \*

[Translation]

**BILL C-20**

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, we have noticed that the bill introduced by the Minister of Intergovernmental Affairs does not mention any threshold for determining a majority below which the federal government will unilaterally refuse to negotiate with Quebec, for the good reason that such a threshold could be challenged in the courts. No threshold is up to such a challenge before a referendum is held.

How can the minister think that setting a threshold after a referendum in Quebec would be any less likely to be challenged in the courts?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, for the simple reason that the supreme court is leaving it up to us to determine what constitutes a clear majority in the eventuality of a referendum.

\* \* \*

[English]

**FOREIGN AFFAIRS**

**Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.):** Mr. Speaker, on September 13 the Baker family in my riding learned of the disappearance of their father, Roy Baker, in the jungles of Gabon, Africa. I have since met with his daughters, Anne and Rebecca Baker.

Could the Minister of Foreign Affairs reassure the Baker family that everything is being done to try to locate Mr. Baker?



*Oral Questions*

**Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.):** Mr. Speaker, we were informed the day after Mr. Baker's tragic disappearance. An official was sent from our embassy in Libreville to arrange the search. Our ambassador in Gabon has spoken to everybody, including the president, about the case. I, personally, have spoken with the family on several occasions.

Unfortunately, three months have gone by. However, we feel that the Government of Gabon is doing everything it can to try to find this citizen of Canada.

\* \* \*

**RCMP**

**Mr. Eric Lowther (Calgary Centre, Ref.):** Mr. Speaker, here is an interesting one. The RCMP headquarters has directed all detachments to crack down on grey market satellite TV viewers and dealers. Canada Customs, on the other hand, is collecting duties from the import of grey market equipment. People are taxed on the way in and then they are charged for possession, all because the government wants to know what they are watching on TV.

Why is the solicitor general directing the RCMP to spend scarce resources to crack down on channel surfers instead of trying to catch real criminals?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as I have said a number of times in the House, and I will repeat, I do not direct the actions of the RCMP. I do not run the internal affairs of the RCMP.

**Mr. Eric Lowther (Calgary Centre, Ref.):** Mr. Speaker, if the solicitor general does not, then I wonder who over there does.

Why is this government concerned about what is going on in the living rooms of the nation? It is hard to explain the justification for the RCMP spending scarce resources—and we have heard about them today—on tracking down wayward TV watchers when it cannot afford to track down murderers.

Why is the government more interested in cracking down on what Canadians are watching on TV than cracking down on real criminals?

• (1445)

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, what the RCMP is concerned about in this country and what it should be concerned about is public safety.

If there is any allegation of wrongdoing in this country, the RCMP—

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

**The Speaker:** Order, please. We of course want to hear the question and common courtesy says that we then have the right to hear the answer. The hon. solicitor general has the floor.

**Hon. Lawrence MacAulay:** Mr. Speaker, as I indicated previously, the RCMP always looks into any allegation of wrongdoing that takes place in the country. That is exactly what it is supposed to do because public safety is the number one issue for the RCMP and for this department.

\* \* \*

**HOUSING**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, my question is for the minister responsible for housing.

Experts tell us that mould in leaky condos is putting people with weak immune systems at risk, including the elderly and young children. Still, the federal government is stonewalling the Barrett commission in its efforts to find a solution to this disaster.

We know that the federal government has provided funding to aboriginal communities faced with the same problem. Why is the minister denying help to people who are at risk in B.C.? Why is the minister doing nothing while children and elderly people are slowly being poisoned by dangerous mould spores in leaky condos?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, on the contrary, we have been very active on this file.

CMHC has been doing research and trying to help. We offered financial help to all the owners of the condos to renew their mortgage and apply for a second mortgage. We offered the government of B.C. \$75 million. It did not want to take it and that is its business. We have definitely tried to help everybody and we will continue to do so. We have invested quite a lot of money in the RAP program to help with the leaky condo situation.

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**MERCHANT MARINERS**

**Mr. Gordon Earle (Halifax West, NDP):** Mr. Speaker, merchant mariners have been denied justice from the government for far too long.

It seems to many that the government is in a terrible and tragic waiting game, knowing that with the advanced age of so many Canadian merchant mariners, the longer it waits to provide compensation the more merchant mariners will die.

Will the minister announce a just settlement negotiated with merchant mariners before the end of this century?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, I am doing exactly what the standing commit-

*Oral Questions*

tee unanimously, with representatives from each political party, including the hon. member, asked me to do, which is to consult with these veterans. There are meetings ongoing today. That is exactly what we are doing. We are respecting the power and the independence of our standing committees. Who gave us that new power and independence? It was our Prime Minister.

\* \* \*

**COAST GUARD**

**Mr. Charlie Power (St. John's West, PC):** Mr. Speaker, again we hear of a lavish dinner and cruise aboard a Canadian coast guard vessel, this time the *Sir Humphrey Gilbert*. The guests were none other than Premier Tobin and his Liberal colleagues. The operating cost of the vessel, the cost of the prime rib, the salmon, the booze, including the four cases of expensive wine, were all paid for by the good old hospitable coast guard, on behalf of the Canadian taxpayer of course.

• (1450)

Could the minister tell us who authorized the ex-captain Canada to have his own private cruise ship?

**Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, as the hon. member knows, from time to time the coast guard provides services for a community, and in this case the premier of the province—

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

**The Speaker:** Order, please. The hon. member for St. John's West.

**Mr. Charlie Power (St. John's West, PC):** Mr. Speaker, no matter what the minister says, these two parties in question have cost the Canadian taxpayers tens of thousands of dollars. A fisheries and oceans memo says that the moneys to pay for these parties are hidden in the ship's budget. A disgraceful pattern has emerged outlining blatant and deliberate misuse of coast guard vessels and funds.

I ask the minister to support my request of today to ask the auditor general to investigate this reckless spending in the Department of Fisheries and Oceans.

**Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, if anybody would know about wasting money it is that party, the Conservative Party, which left a \$40 billion deficit that we had to clean up.

With regard to Mr. Tobin, this is the Premier of Newfoundland on behalf of his people requesting an opportunity to be transported on a coast guard vessel. We believe in working with provincial governments. That is what—

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

**The Speaker:** Order, please. The hon. member for Beauce.

\* \* \*

[Translation]

**RAIL TRANSPORTATION**

**Mr. Claude Drouin (Beauce, Lib.):** Mr. Speaker, I have heard rumours of a schedule change for VIA Rail that would have an impact on rural and isolated communities.

Could the Minister of Transport reassure the House in this regard?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, I thank the hon. member for his question. I am pleased to announce that there will be no changes to VIA Rail's schedule, as was rumoured, except for the new service between Montreal and Toronto.

\* \* \*

[English]

**PUBLIC SAFETY**

**Mr. Grant McNally (Dewdney—Alouette, Ref.):** Mr. Speaker, the solicitor general tells us that public safety is his number one priority. His actions say otherwise.

Melvyn Adams brutally murdered Sandy McGillvary's father over 15 years ago and has also threatened Sandy. He has been moved to Ferndale, the walkaway prison in the same neighbourhood as Sandy. If safety is this solicitor general's number one priority, why is he moving a cold-blooded convicted murderer into the same neighbourhood as his victim's family?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, when individuals are convicted in the courts and sentenced to a federal institution they are assessed as to where they should serve their sentence. They can start their sentence in a maximum security institution, then could be moved to a medium and then possibly to a minimum. This is how the process works.

\* \* \*

• (1455)

[Translation]

**BILL C-20**

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, in the publicity the government has released today it describes a referendum as a powerful instrument in a democracy. Yes, when a people expresses itself, that is powerful.

How can the Minister of Intergovernmental Affairs draft a bill that attempts to ensure that a referendum addresses only secession and nothing else, while this is the same person who not long ago

was saying that sovereignty, independence and separation were all the same thing?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, indeed it is a powerful instrument. Once it has been used, there is no going back. The electorate must be respected.

Second, the use of the term secession in the question is not necessarily mandatory. There is nothing in the bill requiring that this or that term be used. What it does say is that, in order to be clear, a question must mean that Quebec would cease to be a part of Canada and would become an independent country. It seems to me that this is very reasonable.

\* \* \*

### TRANSFERS TO PROVINCES

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, on Wednesday, December 8, the legislative assembly of New Brunswick unanimously passed a motion calling for the re-establishment of social transfers to the 1994-95 level.

Is the Minister of Finance prepared to listen to his Liberal cousins in New Brunswick and restore transfer payments to their 1994-1995 level in order to ensure that the people of New Brunswick may benefit from better social programs?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the hon. member must realize that, including the tax points, or in other words all transfers together, we are already where we were five years ago.

\* \* \*

[English]

### AGRICULTURE

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, last week I had the opportunity of travelling out west with the agriculture committee. In all of those meetings I asked the farmers how many of them had applied for AIDA. All of them put up their hands. I also asked those same farmers how many of them had received money from AIDA. Almost no one put up their hand.

What the farmers said was that they need money and they need it now. Will the agriculture minister please tell us how he will get cash into those poor farmers pockets who were denied AIDA by Christmastime?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the hon. member knows that well over 20,000 farmers in Canada have received assistance from AIDA. We understand that not everyone who applied for AIDA met the criteria. We have made changes to AIDA and the net income stabilization program. For 1998-99, the federal government alone

### Oral Questions

has put nearly \$1.1 billion, more than was available a year ago, into their hands.

\* \* \*

### THE ENVIRONMENT

**Mrs. Karen Kraft Sloan (York North, Lib.):** Mr. Speaker, this question is for the Minister of the Environment.

When the Canadian Environmental Assessment Act was passed by this House it included a requirement for a five year review. Will the minister tell us what he plans to do with regard to the review and will he specify the timeline for the review?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the hon. member is correct. After five years of operation it is time to have a review of the act to see if it can be improved. That will take place starting now and for the next year.

There will be an interactive website, which will allow rural Canadians in particular to take part, and there will be some 17 meetings at urban centres across the country. I trust that within a year it will be possible to report to the hon. member and to the House the results of that review.

\* \* \*

### RCMP

**Mr. Garry Breitkreuz (Yorkton—Melville, Ref.):** Mr. Speaker, through access to information I learned that the RCMP now employs 391 paper pushers on the government's fatally flawed gun registration scheme. In the meantime, the solicitor general leaves the RCMP desperately short of police on the street. In B.C., for example, there are 300 full time vacancies and 200 temporary vacancies.

Why is registering grampa's gopher gun a higher priority for the government than real law enforcement?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, this government certainly supports real law enforcement. That is why \$10 million of extra money was allocated to the E-Division in British Columbia. That is why Treasury Board, along with the RCMP and my department, are evaluating the situation. That is why it was indicated in the Speech from the Throne that this government has a commitment to law enforcement in the country. This government will make sure that public safety is always the number one issue.

\* \* \*

● (1500)

[Translation]

### RAIL TRANSPORTATION

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ):** Mr. Speaker, further to the re-

*Privilege*

quests made by the Bloc Québécois through the hon. members for Drummond, Saint-Hyacinthe—Bagot and Longueuil concerning a change of schedule for the Montreal-Quebec City line, will the Minister of Transport confirm that the train between Montreal and Quebec City will continue to stop in Saint-Lambert, Saint-Hyacinthe and Drummondville after January 16, 2000?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, I already answered the question asked by the hon. member for Beauce, who takes a keen interest in this issue.

As I said, no changes will be made to the VIA Rail schedule.

[*English*]

**The Speaker:** All of us are hoping that we will be getting out in a few days time. I do not know any more than members when the House will recess, but I invite you to a reception this afternoon in my chambers if you have time.

Perhaps we could prepare ourselves a bit for the onslaught that will be coming tomorrow by coming together for a little while.

**Mr. Sarkis Assadourian:** Mr. Speaker, I seek consent to revert to presenting reports from committees.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**An hon. member:** No.

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**PRIVILEGE**

## MOTIONS FOR PAPERS

**Mr. Gurmant Grewal (Surrey Central, Ref.):** Mr. Speaker, I rise on a question of privilege. On June 3, 1998, I introduced Motion No. P-24 for the production of papers. I resubmitted it in this session and it is now called Motion No. P-11 and states:

That, a humble address be presented to Her Excellency praying that she will cause to be laid before this House copies of all documents, reports, minutes of meetings, notes, correspondence relating, prosecutions and issues related to extradition concerning the bombing of Air India flight 182 in 1985.

• (1505)

I am arguing that a response with the information, the papers I requested, was deliberately delayed and there was an attempt to deliberately mislead me into believing that there were no papers when it is well known that there are papers.

**The Speaker:** Order, please. I must have misunderstood. Did the hon. member accuse another hon. member of deliberately misleading him?

**Mr. Gurmant Grewal:** No, Mr. Speaker. I am not accusing anyone of deliberately misleading me. I would like to explain the process that misled me to believe, which will become very clear in my following sentences.

I have waited 18 months for a response. The Parliamentary Secretary to the Leader of the Government in the House of Commons told me to withdraw Motion No. P-11. He showed me a return from the justice minister that was the response to Motion No. P-11 saying that there are no papers. The return has not been tabled and the table clerks do not have it.

I have a November 22, 1999 memo from the parliamentary secretary to the government House leader asking me to withdraw my motion. I regret to conclude that it seems there is a deliberate delay of the response to my request. I have been waiting since 1998. If there was a problem with the reading of my motion, I should have been told long ago. However the motion is clear.

Further, I am seeking your assistance, Mr. Speaker, to dispel my conclusion that I have been misled. Everyone knows there are papers. Why am I the only one, except the parliamentary secretary, to have seen the ministerial return, the response to my motion, indicating that there are no papers?

I have the appropriate citations referring to contempt if you wish me to continue, Mr. Speaker. May I continue?

**The Speaker:** I ask the hon. member for Surrey Central to wrap it up.

**Mr. Gurmant Grewal:** Mr. Speaker, I will be very brief. I will quote from Erskine May, which describes contempt. It reads:

Any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt, even though there is no precedent for the offence.

Beauchesne's sixth edition, page 27, citation 97 states—

**The Speaker:** I am aware of the citations without your reading them and of course I am taking them into consideration. On this particular matter I see the parliamentary secretary rising to his feet. Perhaps he could provide some kind of explanation.

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I do not think we want to take up too much of the time of the House on this issue.

The member made a Motion for Papers many months ago. He appears to have been the author of his own misfortune by withdrawing his notice of motion at the time. As I understand it, he was not aware that he was withdrawing his motion at the time.

Regrettably some months passed before he realized he had withdrawn his motion.

• (1510)

In this parliament he reintroduced a motion which when read in the English language clearly requests information related to prosecutions arising out of the Air India tragedy. As you will know, Mr. Speaker, there were no prosecutions arising out of that tragedy.

The member has urged upon the government another interpretation of the English words that he used in his notice of motion. As a result if one were to accept that I am sure, as the member has already admitted, it would take a couple of truckloads to deal with the amount of paper he has requested.

At the end of the day I was not aware that the member was about to rise. I assumed that further discussions would be had in relation to the volume of paperwork he was seeking. I suggest there is absolutely no contempt here at all. There were ongoing discussions until a week or so ago. The member is at least in part misinformed by himself and misrepresented by his own language in his motion.

The government would wish to make every attempt in good faith to respond to his need for papers. I am certainly ready to continue with that at this time.

**The Speaker:** I will rule that what we have here is not a contempt of the House. I would invite the hon. member to do two things.

First, there has been an open invitation to more consultations. He might consider that. However, if he wishes to go another route, I suggest he consult the table officers and he will find there are other avenues open to him to get this type of information.

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## GOVERNMENT ORDERS

[*Translation*]

### AN ACT TO GIVE EFFECT TO THE REQUIREMENT FOR CLARITY AS SET OUT IN THE OPINION OF THE SUPREME COURT OF CANADA IN THE QUEBEC SECESSION REFERENCE

The House resumed consideration of the motion that Bill C-20, an act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference, be read the second time and referred to a committee; and of the amendment.

**Hon. Diane Marleau (Sudbury, Lib.):** Mr. Speaker, I will be sharing my time with the member for Brossard—La Prairie.

## Government Orders

I am proud to speak today to Bill C-20 since this debate is very important to me. In addition to the issue of the majority and the clarity of the question, this debate deals with a particularly important point, namely what would be at stake should there be a referendum, namely the breakup of Canada.

We have to put forward this legislation because the choice the people of Quebec would have to make for the third time in 20 years is fundamental. We have to make sure our democratic ideal remains untarnished.

[*English*]

We are doing what we are doing because we owe it to all Canadians. In a word, we owe it to Canada. When our country is envied around the world, the world can expect no less than that we ensure the transparency of the referendum process.

We do not want to determine the question because that is the job of the national assembly, but we have the responsibility and the duty to ensure that the process does not give rise to the underhandedness we saw in 1980 and in 1995.

We need to set the criteria that will guide the conduct of the House of Commons and the Government of Canada in determining what constitutes a clear question and majority. That is our duty as Canadian parliamentarians.

[*Translation*]

The people of Quebec have the right to determine their own political future. Nobody on this side of the House is denying it. All we want to do is ensure the choice they would make through a referendum is a fully informed one, which means the question must be clear.

• (1515)

What we want is for their choice to be shared by a sufficient number of supporters, and for it to be the unequivocal expression of the will of the people, which implies a clear majority. It is not surprising that under such conditions the supreme court in its opinion insisted to such an extent on the concept of clarity.

Our determination to act is based on the parameters set by the supreme court with regard to the referendum process. We have been blamed countless times for having asked the supreme court to clarify certain aspects of the referendum question. We did it, fully aware that some people would not be pleased. We decided to do it anyway because we do not see democracy as a toy or as a credit card one can use as one pleases without being accountable.

Democracy finds its true meaning when it allows people to have real influence on their future. That must be the objective pursued in any referendum. Was it the objective pursued by the PQ government in the 1980 and 1995 referendums? We all know the answer to that is no. The objective was to find a question that would allow the PQ government to get as many votes as possible. That is why we

*Government Orders*

have no choice but to step in to ensure that the basic requirements of democracy will be met in a possible third referendum.

[*English*]

I would be lying if I said we get any pleasure in doing what we are doing today. Canada is a country that works well, but it is also a demanding country to govern. It faces many challenges at the dawn of the new millennium. We would far prefer to devote all of our efforts to the substantial challenges of economic growth and jobs but we would be derelict in our duty to Canadians if we did not deal with this question.

Democracy consists of giving the people a voice, but in a referendum on secession everything has to proceed in a context of clarity with a clear question and a clear majority. All of the trumped up precedents and arguments used by the separatist leaders to advance their cause are now coming home to roost because their initiatives have been based on ambiguous and misleading questions. That is what has to change if the Bouchard government, which certainly has no lack of other issues to deal with, goes ahead with its plan to hold another referendum during its current mandate.

[*Translation*]

This debate could have taken a totally different turn had Mr. Bouchard responded positively to the Prime Minister's proposal. What was that proposal? The Prime Minister of Canada proposed in good faith to set aside the referendum debate and to work together toward solving the problems that really concern Canadians. What was the answer given by the Premier of Quebec? True to form, he said no.

Should we be surprised? No. Mr. Bouchard is a prisoner of his option. He is a prisoner of his party, which wants a third referendum at all costs.

I cannot accept the breakup of my country, of our country. We are all Canadians. We are part of a large family, and it is our ancestors, mine and those of the members over there who are trying to break up our country, who helped to build this great country.

• (1520)

As a francophone member from northern Ontario, I am proud of my language and I am proud of my beautiful country, and that is why I support this bill.

[*English*]

**Mr. Gurmant Grewal:** Madam Speaker, I rise on a point of order. In the spirit of the holiday season, I would like to point out that the good people of Surrey Central will very much appreciate the gesture by the parliamentary secretary to the government House leader on my question of privilege. I am counting on the parliamentary secretary to put the glasses on issues rather than on political stripe and to try to help me. I appreciate that.

**The Acting Speaker (Ms. Thibeault):** Very well. Questions and comments, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques.

[*Translation*]

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Madam Speaker, I listened carefully to the speech by the hon. member, who pointed out that three referendums were held on this issue in the last 20 years.

Let me remind the House that the 1992 referendum was held at the request of the federal government in an attempt to renew the federal system, and it did not work.

The 1980 and 1995 referendums were held by governments that had received a mandate to do so, and every time they acted they had the support of the people.

The Bloc Québécois members sitting in this House were elected in 1997 and make up the majority of elected representatives from Quebec. They received their mandates after the 1995 referendum. The current Quebec government was elected last year, just a year ago, and clearly stated its determination to have a referendum on sovereignty, because it is the only way for Quebec to sort out its relationship with the rest of Canada and to break out from under the yoke of the Minister of Intergovernmental Affairs.

Is the hon. member not aware that the will of Quebecers is being systematically ignored by the federal government, which is making no attempt to find some way to keep Quebec within the federation?

The federal government is making no effort toward this end. It only tries to confine Quebec in a neat little box, which explains why all Quebecers are expressing their dissatisfaction.

What does the hon. member have to say to Quebecers about this?

**Hon. Diane Marleau:** Madam Speaker, I am really saddened by the remarks of the hon. member from Kamouraska. I gather from what he said that Quebecers never got anything out of Canada and are denied prosperity.

It is particularly painful for me to listen to that, because my own ancestor landed in Kamouraska in the mid-1600s, around 1642 or 1652. He founded a family, the members of which settled in all parts of the country, not only in the Kamouraska and Rivière-du-Loup area.

Today I am a Franco-Ontarian member of parliament, and I am proud of the work my ancestors did. We share the same ancestors. They were the founders of a great region of this country. The hon. member's remarks are unfortunate, because, to us, a country is

something very important. We should not take lightly the breakup of a country. And we do respect democracy.

How many referendums shall we have? Quebecers have said no twice already. This is hardly respect for democracy. But since the Parti Quebecois and the Bloc Quebecois have decided to keep talking about referendums, we have a duty to put forward clear rules in order to protect democracy.

• (1525)

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Madam Speaker, I would like to ask the minister a question—

**An hon. member:** The ex-minister.

**Mr. Louis Plamondon:** That is right. The ex-minister. If the promotion of the French cause was so important for her, why did she pick an unilingual anglophone as her chief of staff? She also chose to receive her correspondence in English.

Nor does she mention the assimilation of francophones. In the city of Hamilton, which the Minister of Canadian Heritage represents, there was, according to Statistics Canada, an 80% assimilation rate. When she talks about the great French Canadian family, I would like to remind her that her predecessors at the Association des francophones hors Québec, representing francophones from the rest of Canada, supported the yes side during the 1980 referendum.

**Hon. Diane Marleau:** Madam Speaker, we have to stop playing games. We are talking about a country.

There are two official languages in our country. In some regions we speak French; in some we speak English.

**An hon. member:** We are talking about democracy.

**Hon. Diane Marleau:** The referendum that will take place in Quebec is not only for those who speak French. Are they trying to tell me that only francophones are entitled to being listened to in Quebec?

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

**Hon. Diane Marleau:** Absolutely not. And as far as I am concerned, it has to be clear. It has to include every citizen.

**Mr. Jacques Saada (Brossard—La Prairie, Lib.):** Madam Speaker, no one will dispute the fact that everyone in this House was elected on the basis of a platform they presented to the public.

My own included the following: first, as a Quebecer I believe in Canada; second, as a Quebecer I believe in its democracy; third, as a Quebecer I believe in its future; fourth, I believe that in spite of all the flaws that our country may have, these flaws should not affect our future prospects.

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These are the convictions that I expressed to the voters of Brossard—La Prairie, and they gave me the mandate to promote these convictions, because they share them. This is why day after day, if not hour after hour, I strive to fulfil my responsibilities with integrity, decency and fairness.

It is in that context that I rise today to support the clarity bill.

Let me briefly explain how I view the role of the Canadian parliament in this regard, a role in which parliament must respect the Quebec national assembly as much as it must respect itself.

The Quebec Referendum Act passed by the national assembly in December 1977 allows a government—in this case the Quebec national assembly—to consult the population on a specific issue. The national assembly has an indisputable and essential right in that regard.

It can, very legitimately, decide alone to hold a referendum. It can, very legitimately, decide alone which question it will ask. It can, very legitimately, note the results of that consultation. However, after that public consultation the Quebec national assembly must make a political decision.

After the consultation a political decision must be made. Under the circumstances, the issue for the Quebec government then becomes the following: on the basis of the public vote on the question that was asked, can we legitimately undertake negotiations on the secession of Quebec?

To illustrate my point, let me quote Robert Burns, who was a minister in the government of Mr. Lévesque in 1977. He said:

This is why, in the current situation, a referendum can only have a consultative value, even if this consultative value does not diminish in any way the moral value of a referendum with the government, which will not, I believe, override with impunity the clearly and widely expressed will of the people.

This is exactly what the Parliament of Canada is doing.

• (1530)

We, like Mr. Burns at the time, make a connection between the “clearly and widely expressed will of the people” to the legitimacy of our decision, as political actors, to enter into negotiations for Quebec secession.

Consequently, it is clear that this bill does not aim in any way at giving a framework to the national assembly. It aims at giving a framework to our role, as the federal parliament, in case these conditions on clarity are fulfilled.

Quebec has some institutions, laws and processes to allow it to fully assume its rights and responsibilities. These are exactly the same rights and responsibilities that I am claiming on behalf of the Parliament of Canada, the right to interpret the legitimacy of the

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political approach as a political actor having responsibility for Canada.

In Quebec, it is the same voters who elect Quebec members to the national assembly and to the House of Commons. Voters have given to all of their elected people different but complementary responsibilities.

Today I am taking the responsibilities given to me by my constituents. I am taking them by supporting a bill that is necessary today, but which I hope will never be used. Let us never again remain silent when myths are spread around. Let us never again remain silent in the face of what I perceive as manipulation. Let us never again remain silent in the face of what I perceive as exclusion policies.

As a Quebecer, to counter myths, I propose transparency. As a Quebecer, to counter manipulation, I propose clarity. As a Quebecer, to counter exclusion policies, I propose Canada.

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Madam Speaker, with all due respect for members opposite, I think the speech we just heard is incredible.

Surely, most members present in the House today know that, whatever manipulation there is, is coming from that side. It takes quite a nerve to rise in the House, claim to be a Quebecer and say that the national assembly manipulated people, because that is what our colleague said.

We represent those who are for democracy. No member on this side has any fears about our project. What we want is for Quebecers and Quebecers alone to decide on the question and to determine their own future. That is what is at stake.

The hon. member quoted Robert Burns. I happen to be the member for Hochelaga—Maisonneuve and I want everyone to know that each time the people of Hochelaga—Maisonneuve had a chance, they always voted for sovereignty, and I am proud of that.

Today is a sad day for democracy. I hope the Minister of Intergovernmental Affairs is not very proud of himself. One can be a federalist. There is no question about that. Of course, Liberal members from Quebec are elected just as we are, but what is not on is suggesting that Quebecers cannot by themselves decide on the clarity and the legitimacy of the question. Let there be no mistake, there is not a single Bloc member who will agree to this.

I am extremely saddened by the Minister of Intergovernmental Affairs' speech, because convictions are not at issue here. We are speaking of people who are against democracy. Today, when the minister rose and when our hon. colleague rose a moment ago, they said they were not democrats. They are not democrats, because if they were, they would recognize the integrity, the legitimacy and the validity of the referendum process.

• (1535)

Is my colleague going to rise and say, as a Quebecer, that Quebecers sitting in the national assembly and those who will vote on this question are the only ones who can decide the clarity of the referendum question? Is he going to say that?

**Mr. Jacques Saada:** Madam Speaker, first, I noticed that, as the hon. member for Québec did informally yesterday, it is very difficult for my colleague not to hesitate to consider me a Quebecer. I have a lot of problems with that, in terms of democracy, since I took the initiative to come here, live here and do my part for society here. I have a lot of problems with that. Second—

**Mr. Réal Ménard:** Madam Speaker, on a point of order. I never said that our colleague is not a Quebecer. He is misleading the House—

**The Acting Speaker (Ms. Thibeault):** This is not a point of order but a point of debate.

**Mr. Jacques Saada:** Madam Speaker, through his question my colleague spoke to me—

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

**Mr. Jacques Saada:** I suppose this is what they call democracy and respect for the right to speak.

My colleague spoke about our right to be federalists. I am happy to know that. However, how can he reconcile this statement with the refusal, clearly expressed by a majority of Quebecers on two occasions, of the option to make me lose my Canadian identity, and come back again with this same question? There is an inconsistency here.

Third, my colleague talks a lot about the legitimacy and integrity of the national assembly. I would like to mention to him that my speech was mainly concerned with the fundamental right to recognize this essential quality of the national assembly. According to me, the House of Commons must have for the whole country the same powers and the same rights as those exercised by the National Assembly of Quebec.

[English]

**Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.):** Madam Speaker, it is with great respect for the debate that we are having here this afternoon that I am honoured to partake.

We have seen in the House just how emotional this issue is, not only for the people who live in the province of Quebec, but for all Canadians who have lived in harmony for over 130 years, trying to resolve through the democratic process the differences which the provinces have.



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We have been faced more than once with a province which has addressed the issue of separation to leave the country we know as Canada. I do not for a minute think that this will not occur again.

In anticipation, the government took the issue to the supreme court and asked it to make a decision as to whether a province could unilaterally leave the country. The supreme court was very clear that it is the democratic right of provinces to address the issue of separation, but that it could not be done unilaterally. It was quite clear that the court felt that if there was a clear question and a clear majority the federal government and the other provinces would have a responsibility to negotiate with that province which chooses to leave the country.

That brings us to the bill which was introduced by the government yesterday. It is a bill which, I presume, tries to strike clarity. It may strike a degree of clarity when it addresses the question, in that it outlines a question that would be considered clear; however, what it does not outline, and perhaps should, is what is a clear majority. It is very hard to play a game, it is very hard to be in a game of this nature, when we do not know where the goal post is. We only find out after the game is finished where the goal post is. Therefore, I would suggest that the government, in looking at this legislation, attempt to reach some clarity as to what is a clear majority. If the government feels that a clear majority of 50% plus one is not good enough to leave the country, then it should state what it considers to be a good enough majority. I think it is unfair to continue this process without that clarity, without the rules of the game being known before the game is played.

• (1540)

I do not think there is anybody in the country who does not agree that the rules of the game have to be laid out in the beginning. The Reform Party tried to lay out some rules with the 20/20 discussion paper of 1994. We took a lot of heat as a party for bringing clarity to what the understanding of Canadians was when we talked of separation. We took a lot of heat for raising the issue at that time. I find it a little ironic that we raised the issue when the debate was hot and heavy and the government waited until everything had quieted down and the separatists were busy trying to run a province, rather than a referendum, to revisit the issue.

One could question the timing, but I do not think one could question the need for establishing clear rules to the game so that there is clarity in the question that is asked and there is clarity in the result that is delivered.

Another concern that I have is that the federal government in the process, for whatever reason, seems to have walked away from plan A; plan A being the reasons that we would give to the people of Quebec to choose to stay in Canada, developing a new relationship between the federal government and the provinces which would enable them to have more control and a greater ability to define what the future of the provinces would be, based primarily

on those jurisdictions that were given to them at the time of Confederation.

The federal government had an opportunity with the social union. I would argue, and I know it is debatable, that the federal government blew it. It had an opportunity at that time to show Quebec how we could change the federation to allow the provinces to have greater certainty and greater control over the delivery of social programs without the intrusion of the federal government in provincial jurisdiction through its spending power.

The social union, originally developed by the premiers, developed some controls or guidelines with which they could all agree, a dispute mechanism and an understanding that if a province wanted to withdraw or not take part in an agreed program, it would have the right to do so and still get the dollars that should go to the people of that province.

For whatever reason, the federal government felt that allowing this change in the relationship between the federal government and the provinces was not okay, that it was more important that the federal government retain its control and its power over provincial jurisdictions, primarily through its spending power.

As I said earlier, I think the federal government blew it. I think that it walked away from a prime opportunity to show the province of Quebec that it would be much better to remain in Canada and that in working with other provinces Quebec could achieve the best that is possible for that province.

The government, again for whatever reason, walked away from developing this new relationship with the provinces. Instead it decided to come down heavy with plan B. The timing is confusing to me. I am not sure this is the time one wants to confront the issue. I would have thought this would have been a more appropriate time to talk to Quebec about the division of powers, about respecting what is the federal government's responsibility and respecting what is the provincial government's responsibility.

• (1545)

I would even suggest that it is time to introduce a new concept. There are some grey areas where neither the federal government nor the provincial governments have been given the jurisdiction, and where there is a real need to collaborate and negotiate to come up with some means of working together.

One area is national standards. It is not right for a federal government to impose national standards on the provinces. What is more appropriate is for the provinces to negotiate with the federal government and with each other to come up with those standards they feel are appropriate for all concerned.

Interprovincial trade is another example of the need for provinces to work together with the federal government to overcome

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the barriers. Because it is province to province the federal government has to be involved.

There are laws like the criminal code which is a federal act and jurisdiction but it is applied through the provincial governments. The provincial governments are the ones that apply the criminal code to their citizens.

It would seem to me that rather than confront the province of Quebec, the federal government should have put more time and energy into trying to find new and better ways of working with the province. But the government decided to go to plan *B*. Having its concept of plan *B* of clarity before us, we have to debate whether or not this piece of legislation is going to make it clear to the people of Quebec that if they decide to leave Canada, there will be some consequences in doing so.

During the 1995 referendum I was amazed to see that poll results showed that 25% of Quebecers thought that they would still send representatives to the House of Commons in Ottawa and that there would not be any change in representatives sitting in the House of Commons. Over half of Quebecers thought that they would still maintain their Canadian citizenship.

It has to be very clear to the people who will vote on whether or not to leave Canada just what in fact they are leaving. The Parti Québécois and the Bloc Québécois owe it to the citizens of Quebec to be honest and up front with them.

Having sat in the transport committee and having listened to the debate in the House and in the committee, it was interesting to see how the Bloc represented the debate on restructuring the Canadian airline industry. Canadians have indicated a bit of concern that Air Canada's headquarters by legislation are located in Montreal. It was interesting to see that the Bloc Québécois wanted to protect that. It wanted to protect the 10% ownership in Air Canada and leave the foreign ownership at 25% in the airline industry. I do not know if the Bloc Québécois understands that if Quebec leaves Canada, then any shareholders who own shares in Air Canada in Quebec become foreigners and would be limited to the 25% that it was arguing for. I do not know if the people in Quebec understand that.

I would suggest that the illusion the Bloc members are creating in Quebec that the separation will be like a velvet glove, that there will be no upset and that there will be no extreme changes to the way they deal with Canada is a fallacy. If Bloc members honestly feel that the rest of the country will allow Quebec to leave without any kind of consequences, they are fooling themselves. And they are certainly not doing anything positive for the people of Quebec who have to make that choice.

• (1550)

This legislation is at least a start in the direction the government has to go. The government does have to establish clarity of the

question, what question would be acceptable, what result would be acceptable, which is still unclear. The government has to at some point address what a clear majority—

[*Translation*]

**Mr. Michel Bellehumeur:** Madam Speaker, I rise on a point of order. The member's speech is very interesting and it would be greatly appreciated if the Liberals could hear it. Thus, I would like you to check the quorum, because obviously there is no quorum in the House.

*And the count having been taken:*

**The Acting Speaker (Ms. Thibeault):** We now have quorum in the House.

[*English*]

**Ms. Val Meredith:** Madam Speaker, it is interesting that Bloc members are concerned about the government being here, but I think it is more important that the Bloc members be here to understand how the rest of the country feels about their intent on removing Quebec from Canada.

I spent three months travelling in the province of British Columbia listening to how concerned the people of B.C. were that Quebec was thinking of leaving the country. It is not too much to ask that the people from Quebec who are talking about taking Quebec out stay to hear the debate and to hear the emotion and the concern that the rest of Canada has that they reconsider the direction in which they want to go.

There are those of us in this country who feel that there is a better federation and that we can establish better working relations between provinces and the federal government. Yes, it may take a change in government, but it is possible for the provinces to find a better way of working within the federation.

It is equally important that the people of Quebec understand that there is no certainty of the rest of Canada that in the event that Quebec leaves, they cannot depend on the rest of the country remaining intact, they cannot depend on this nice cozy relationship with the rest of Canada. They cannot depend on the 75% of Canadians who live outside Quebec treating them as equals. If they honestly believe that, they are fooling themselves.

It is important that they take reality checks to the province of Quebec so that the people who have to vote on a clear question and the people who have to make up the clear majority, whatever that might be, clearly understand the repercussions of deciding to leave the country.

I do not think that the Bloc members have been honest with the people of Quebec. I do not think that their intent is to be honest to the people of Quebec, because I do not think the people of Quebec would accept the reality that a clear question would put them in.

It is important—

[*Translation*]

**Mr. Michel Bellehumeur:** Madam Speaker, I rise on a point of order. If I understood the interpreters correctly, it would seem that the member said that the members of the Bloc Québécois have been dishonest with their voters. If that is what she said, I would like her to withdraw that.

• (1555)

**The Acting Speaker (Ms. Thibeault):** I believe what we have here might be a slight problem with the translation. In my view, the word “malhonnête” in French is a lot stronger than what the member said in English.

I can have a look at the blues if the member so desires, but this is what I think.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Madam Speaker, am I to understand that from now on the word “malhonnête” will be acceptable in this House? If the word “malhonnête”, be it in French or in English, is acceptable, say so now, because we will use it on a regular basis both for the Reform Party and the Liberals.

**The Acting Speaker (Ms. Thibeault):** We are going to have a look at the blues to see exactly what was said in both languages. We will get back to the House with a ruling in a few minutes.

[*English*]

**Ms. Val Meredith:** Madam Speaker, I guess it is a touchy issue as to whether there is a clear message being delivered.

[*Translation*]

**Mr. Stéphane Bergeron:** Madam Speaker, with all due respect, the member might be willing to admit she used this word, and consequently to withdraw it.

We might not have to wait until we read the word in question in the blues, if the member recognizes she did indeed use it.

**The Acting Speaker (Ms. Thibeault):** At this point, I really want the blues to be read.

[*English*]

**Ms. Val Meredith:** Madam Speaker, if I used the word dishonest, I meant misleading, that the Bloc Québécois has been misleading the people in Quebec with regard to what the ramifications of a clear question would be.

This legislation would help the Bloc in making a clear question and putting a clear question before the people of Quebec. Let them decide if they agree with the direction the Government of Quebec and the Bloc Québécois want to take the people of Quebec, which is

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out of Canada, away from the things we share as Canadians and to have a new nation.

This legislation is a beginning. It does not go far enough. Certainly the government should do more to clarify it.

[*Translation*]

**Mr. Ghislain Lebel (Chambly, BQ):** Madam Speaker, I find our friends in the Reform Party and those across the way, the Liberals, do not have very thick skin. They are rather thin-skinned.

The member said earlier that the morning after Quebec's secession Air Canada could find itself with a majority of shareholders, maybe more than 25%, who would be Quebecers.

This, however, is what the member for Vaudreuil wanted for the Americans a few days ago. He said we should not allow the Caisse de dépôt et placement du Québec or the Société générale de financement to become majority shareholders in Air Canada; that it would be better to raise it to 50% and sell to the Americans.

For a Quebecer to say that, he must really hate himself.

As for the clear question, I remember these people opposite in 1980—thank God, I was young but I was there—who were saying “A yes means a no and a no means a yes”. They were the ones who did everything they could to make the question unclear and who made all kinds of false promises. We saw the results.

Our Prime Minister, just as a sow bug—you know those small bugs you find in damp places—ran all night through the hotel corridors during the “night of the long knives”, as it is called, to stick his longest knife in Quebec's heart.

It is strange that the Minister of Intergovernmental Affairs and all members opposite were not offended by that.

• (1600)

In the 1995 referendum Quebecers could just as well have been asked if they liked apple pie. Everybody would have known what the question meant. Then the federal government sent its bigwigs to Quebec to say that a yes meant separation from Canada and a no—same song, same tune—meant a renewal. Everybody knew and understood the stakes.

Do Reformers think that Quebecers are somewhat lost today and that they do not understand the true meaning of the decision they will be called upon to make someday? I hope they will make the right one.

They must come back to earth. I saw how Reformers treated the Nisga'a. I have no illusions about the way they will treat us, whether we vote yes or no. If our fate depended on the Reform Party it would be even worse than what we have seen so far. It

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would be horrible. They have absolutely no consideration for people in their own province, let alone for Quebecers.

I ask the hon. member to rethink her position, to look at the person in front of her straight in the eye. He can do the dirty work. She should ask him whose interests he is defending when he does that to Quebec. That is the sense of my question.

[English]

**Ms. Val Meredith:** Madam Speaker, I do not think it is up to the government to tell the people of Quebec what it is planning to do. The Prime Minister has laid out in the legislation the expectations of a clear question.

The Bloc should, through a clear question put by the Parti Québécois, the Government of Quebec, ask the people of Quebec whether they wish to leave Canada and start a new country. Instead of playing around with the business of sovereignty association and the warm and fuzzy relationship with the rest of Canada, it is not being clear. The issue is about putting the question clearly to the people of Quebec and letting them decide.

[Translation]

**Mr. Pierre de Savoye (Portneuf, BQ):** Madam Speaker, this is totally unbelievable. How could the Liberal members, English speaking Canadians for the most part who do not read Quebec's French newspapers, who do not watch Quebec's French television or listen to Quebec's French radio stations, manage to understand the question better than the people who live in Quebec, who watch television every day, read the papers, listen to the radio and have followed this debate for many generations now?

How can the people in the rest of Canada have the gall to believe that they are smarter than the average Quebecer and are in a better position to interpret and understand the meaning of a question?

Do they consider the people of Quebec to be idiots who are unable to understand the meaning of a question? Should we have to answer on the ballot the question "Do you understand the question you have just answered, yes or no?"

This is exactly what the people across the way want us to do. After the referendum, they are going to try to determine if the average Quebecer knew what he or she was doing when answering the question. Do they think we are stupid or what?

They should think it over for a moment. This is not a clarity bill, it is a bad faith bill, and I would like the Reform member to tell us how she reacts to the fact that this bill makes me feel isolated from the rest of Canada.

[English]

**Ms. Val Meredith:** Madam Speaker, alienation from the rest of Canada is not unique to Quebec. The hon. member should try living

in British Columbia on the other side of the Rockies to know what real alienation is all about.

If the Bloc members feel so strongly about the people of Quebec knowing what the issue is, why would they argue about putting a clear question before the people? Why would they feel that there is something wrong with saying to the people of Quebec "Do you want to leave Canada or do you want to stay in Canada?" If they do not have a problem with the discussion they are having with the people of Quebec, then why not put a clear question that everybody can live with?

● (1605)

[Translation]

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Madam Speaker, I am a bit, quite a bit, astonished, surprised, shocked—I am not sure what—when we are told that Quebecers are not capable of understanding a question, when we are told that the questions they were asked on two occasions, to which they replied in very great numbers, 93% in the 1995 referendum, were not clear.

How can the rest of Canada be allowed to say that it will show us what a clear question is, that it will explain it to us because we are unable to understand?

Do people realize where this view of society can be found? It can be found in Alfred Memmi's *Portrait d'un colonisé*. What I have against all the federalist members here is that they think they can ask the questions, define the debate and set all the borders, and determine how things should be done for Quebec's native peoples. They are saying that they will set the conditions for Quebecers and that we will not be allowed to decide on the question.

The question is not an easy one. Quebecers have to come up with a blueprint for a country, a society, that may include an offer of partnership with the rest of Canada. We must set out a course of action so that we can finally leave this constitutional debate behind, and Quebec and Canada can live side by side.

The present federal government is proposing to limit us to one vision: the status quo or this unhealthy obsession with separation, as the Prime Minister of Canada sees it.

Can the members of other parties not understand that Quebecers are adults and are able, through their national assembly, to put an intelligent and carefully considered question on the table? This question will resolve the constitutional problem in Canada and will allow Quebecers, as a founding people, to become a nation. They are fully capable of making their own decisions. They possess the intelligence required to do all these things. In no way do they need a framework from the outside created by people who are dead set against letting them leave Canada.

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[English]

**Ms. Val Meredith:** Madam Speaker, I do not think the proposed legislation is imposing a question.

It is quite clear that the province of Quebec can place a question on a ballot. The question this deals with is whether or not negotiations will follow the question and the referendum. I believe it has to be clearly stated as to what question is acceptable.

If the courts have said a clear question and a clear majority, then we have to determine in advance what a clear question is. It is based on the supreme court decision of a clear question that negotiations would begin with the rest of Canada and the province of Quebec or any province that chooses to leave.

This legislation, to my understanding, does not prevent the province of Quebec from drafting its own question. It is a question of whether it will be clear about the question it puts before—

**The Acting Speaker (Ms. Thibeault):** The hon. member for Mount Royal.

[Translation]

**Mr. Irwin Cotler (Mount Royal, Lib.):** Madam Speaker, I am glad to intervene in this debate on the bill that would give effect to the principle of clarity described by the supreme court in the reference regarding Quebec's right to secede because I want to talk about the clarity of the principles described in this bill. I will try to deal with five or six of these principles.

The first principle is the following: Mr. Bouchard says, and I agree with him, that it is the prerogative of the national assembly to prepare the referendum question and to decide on it. The prerogatives of the national assembly must be respected.

[English]

However, that referendum question must also respect the principle of clarity, that there must be a clear question on secession. In other words, constitutional rights carry with them constitutional responsibilities. Nor is the principle of clarity a matter of constitutional law theory or a narrow technical requirement. Rather, it is a principle that goes to the core of the rule of law.

• (1610)

[Translation]

It is the principle of the rule of law that has to be respected. He was saying, and I quote "I am all for the principle of the rule of law. Rights must be respected".

[English]

The clarity of the question is a condition of due process of procedural and substantive justice necessary for the referendum

process and without which the referendum process would itself lack basic legitimacy. And more, the principle of clarity is at the core of the democratic principle.

Unless the question is clear, the people of Quebec cannot give authentic expression to their democratic will. Unless the question is clear, the people of Quebec cannot give expression to their right to self-determination. Unless the question is clear, the people of Quebec are denied the right to pronounce themselves on this most existential of concerns.

[Translation]

As Mr. Bouchard said, and I quote "The question must be clear so that we receive a clear answer, a significant answer. I do not like the idea of an ambiguous response to an ambiguous question, which would lead to a new debate on the meaning of the answer".

[English]

The national assembly has the constitutional right to frame the referendum question, but it also has a constitutional responsibility to respect the principle of clarity. The litmus test of democracy will be determined by whether Quebecers will have a right to express their democratic will on a clear question of secession.

The second principle: Mr. Lucien Bouchard has said, and I agree, that as a result of the supreme court reference, "there is a duty on the federal government to negotiate secession, and that duty has constitutional status".

However, that duty to negotiate has constitutional status only because the judgment of the supreme court as a whole has constitutional status. That judgment stated unanimously that the duty to negotiate presupposes that two conditions of constitutional obligations have been satisfied: one, that there is a clear question on secession; and two, that there is a clear majority in favour of a clear question on secession.

As the supreme court put it:

The referendum process, if it is to be taken as an expression of the democratic will, must be free of ambiguity in terms of the question asked and in terms of the support it received.

This projet de loi du gouvernement fédéral is nothing more and nothing less than an attempt to give effect to the supreme court judgment, to the principle of clarity, to the rule of law, to the democratic principle. For Mr. Bouchard or anyone else to call this projet de loi "an affront to democracy" has the effect of impugning the very supreme court decision which Mr. Bouchard has rightly said has constitutional status and should be respected.

[Translation]

The third principle is as follows. Mr. Bouchard said, and I quote "that the doors will be wide open for a unilateral declaration of independence, based on the authority of the supreme court".

*Government Orders*

[English]

The point is that there is no support in the supreme court decision for any unilateral declaration of independence. On the contrary, the supreme court has said, unequivocally and unanimously, that there is no right to a unilateral declaration of independence either under Canadian constitutional law or under international law.

In other words, even if the two principles and conditions of clarity and democracy are met, this does not authorize or legitimize a unilateral declaration of independence. What is affected by respecting the principle of clarity is the right of the secessionist party, whatever it may be, to negotiate terms of secession but not to treat secession as if it is already a matter of fact and a matter of law. Secession is not self-executing. A clear majority in support of a clear question on secession triggers a right to negotiate and a duty to negotiate, a duty that the federal government has said it will respect if the principle of clarity is respected, both in the question put and in the majority secured.

- (1615)

The fourth principle is that Quebecers may be said to constitute a people historically, culturally, politically. As a people Quebecers have a right to self-determination, but that right to self-determination, as the supreme court put it, does not include a right to secession under international law unless there exists, also as the court put it, a situation of colonial domination or gross violations of the rights of Quebecers, something that the Supreme Court of Canada and Mr. Bouchard himself have acknowledged is not the Quebec reality.

On the contrary, where there exists a free and democratic society like Canada, albeit with its imperfections, albeit with its inequities, the international law principle, as the court put it, is organized around the protection of territorial integrity, not its dismemberment.

This has emerged not only as a foundational principle of public international law but of international human rights law in particular. Indeed, not only does international human rights law not authorize secession in the absence of a state of colonialism or repression of fundamental rights, but it considers that secession from an existing free and democratic society may itself breach the foundational principle of our constitution, the principle of the rights of minorities and in particular the rights of aboriginal peoples.

The fifth principle is that if the Quebec people are permitted to democratically give expression to their will and if there is a clear majority in favour of secession, that will give rise to a right to negotiate and to a corresponding duty on behalf of the federal government to negotiate. However, that negotiating process as the supreme court put it, and as it appears to be forgotten in this debate, will be governed by four basic principles.

[Translation]

The issue will be settled by the four basic principles. These principles are: federalism, democracy, constitutionality and the rule of law, and protection of minorities.

[English]

Again, secession is not self-executing. The negotiating process, if it even gets to that, will not only be governed by these four foundational principles but it will involve protracted and painful discussion of final status questions: borders, the debt, assets, the rights of minorities, the rights of aboriginal peoples, and the like.

The sixth and final principle, as the supreme court put it, is “any attempt to effect the secession of a province from Canada must be undertaken pursuant to the constitution of Canada or else violate the Canadian legal order”.

In a word, the right road to secession presupposes that a legitimate, democratic, constitutional referendum process has taken place as follows: first, that the right of the national assembly to formulate the referendum question is respected; second, that the referendum question respects the principles of clarity enunciated by the Supreme Court of Canada; third, that the Quebec national assembly respects the constitutional role as authorized by the supreme court of other political actors just as other political actors must respect the rights of the National Assembly of Quebec; fourth, that constitutional rights come with constitutional duties; fifth, that, as the supreme court put it, there is no right to unilateral secession either in domestic or international law; and, sixth, that if there is a clear majority in support of a clear question on secession that gives rise only to a right to negotiate pursuant to the four fundamental principles I enunciated earlier.

The secessionist outcome can only be reached, if it is indeed reachable at all, after a protracted and difficult process in juridical terms and a painful and wrenching process in human terms. If the threads of a thousand acts of accommodation are the fabric of a nation, it would take a thousand cuts to dismember it. Accordingly, Quebecers and Canadians are entitled, if the referendum process proceeds, to express their will on a clear question on secession.

That is what the principles of *la primauté de droits, la justice fondamentale et la démocratie* as enunciated by the Supreme Court of Canada require. This is what is required for the authentic expression of the democratic will of Quebecers.

- (1620)

[Translation]

**The Acting Speaker (Ms. Thibeault):** It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Toronto Centre—Rosedale, Culture; the hon. member

*Government Orders*

for Cumberland—Colchester, Airline Industry; and the hon. member for Halifax West, National Defence.

**Mr. Benoît Sauvageau (Repentigny, BQ):** Madam Speaker, during his speech, the member repeatedly talked about a clear question, a clear question.

I would like to ask him a very clear and brief question. Does he recognize the existence of the people of Quebec?

[*English*]

**Mr. Irwin Cotler:** Madam Speaker, as I said in my remarks, I recognize the existence of a Quebec people historically, culturally and politically.

[*Translation*]

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Madam Speaker, first of all, I did not have the opportunity to congratulate our colleague on being elected and I would like to do so now. I was told he is a jurist, but I have the impression he has not reread some of his notes recently.

I have three brief questions for him.

I recognize, as all of my colleagues do, that the federalist option is a legitimate one. My problem is, and I would like the member to be quite clear on this point, I wonder if he is concerned about the way we treat our minorities and the way we will treat our minorities in the future.

Does he acknowledge that the Taylors, the Smiths and the English speaking community are part of the history of Quebec and that we stated in the 1995 agreement that we would recognize them as a founding minority, give them all the rights they enjoy now and continue to grant them, in a sovereign Quebec, the status of a national minority?

As a democrat well versed in law and history, does the hon. member recognize that, on this planet Earth, Quebec is among the communities that have every reason to be proud of the way they treat their minority?

Would the hon. member, first of all, recognize this?

Second, the hon. member is wrong to be concerned about the role we want to give our native fellow citizens. Can he also recognize, as a democrat and a jurist, that there was in the history of our province a remarkable man, René Lévesque, who rose in the national assembly—he was among the first to do so in America—to recognize not only the natives' right to self-government but also the fact that they are, based on a number of clear principles, a people?

I would ask the hon. member to act in good faith and recognize that the sovereignist option is just as legitimate as the federalist one. Also, those who are concerned about the future only have to

look at how we have treated our minorities so far. The conduct of the sovereignists in this regard is beyond reproach.

**Mr. Irwin Cotler:** Madam Speaker, I wish to thank the hon. member for his congratulations.

As for the issue of the minority rights and status after secession, I am only saying that minorities in Quebec have a right to a clear question on secession just like the other citizens of Quebec.

Concerning the relations between René Lévesque and aboriginal peoples, like all Quebecers I have much respect for Mr. Lévesque and his approach to aboriginal peoples. At the same time, I must repeat that the question is this: Will Quebecers get to answer a clear question on secession?

• (1625)

[*English*]

**Mr. Ted McWhinney (Vancouver Quadra, Lib.):** Madam Speaker, this debate is a matter of concern for all Canada and not simply a dispute or discussion between Quebec and Ottawa. It is in this larger optic, because many people in western Canada are also following the debate, that I intervene.

The question itself involves a mixture, sometimes not clearly defined, of constitutional law, international law and politics. In the straight limited issue of the constitutional power I did give the opinion in 1980 as an a priori abstract legal question that the issue of holding a referendum on secession from a federal country, the issue of the nature of the referendum question, the content and the timing, was a question of plenary federal powers, not of provincial powers. In this context a federal government would have the right to disallow or bar constitutionally the holding of a referendum, or even to interpose its own referendum.

This was a statement of the law, but I also said at the time that it was a political decision whether and to what extent to use legal powers. The House remembers in the context in 1980 that the then prime minister decided not to exercise his constitutional options but to meet the challenge politically to enter the referendum debate and to win it.

With respect to the particular situation we are facing today, in 1994 I repeated the views that I had expressed in 1980. I repeated them one year before the second Quebec referendum in an article in the autumn 1994 edition of *Canadian Parliamentary Review*. I note simply that it was adopted by the Reform Party. The best and brightest of the Reform Party spokesmen on constitutional questions, the member for Calgary West, Stephen Harper, picked them up in interventions.

[*Translation*]

**Mr. Michel Bellehumeur:** Madam Speaker, I rise on a point of order. I do not see a quorum.

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*And the count having been taken:*

**The Acting Speaker (Ms. Thibeault):** There is a quorum.

[*English*]

**Mr. Ted McWhinney:** Madam Speaker, I mention this simply because Reform Party members in interventions in the House on October 17, 1994 and May 13, 1996, as reported in *Hansard*, repeated my constitutional positions as their own but without adding the political limitation that I had applied.

Let me state what is clear on reading the bill. It is a very modest law. It is facultative in legal terms, not coercive. It reflects the obvious political fact of life that any breakaway from an existing multinational or constitutionally plural state, unless it is to be determined by force majeure, by force of arms as in many cases it has been, must be consensual. This is a position reflected in the United Nations General Assembly declaration on friendly relations and co-operation among states of 1970. It is even reflected in terms in the famous UN General Assembly resolution of 1960 on independence for colonial peoples.

Therefore the emphasis is on consensus. This is what this law says. In the words of the popular tango, it takes two to tango. If you are going to break away you cannot do it unilaterally. You have to get consensus. The federal government says if you wish to have a referendum on secession and you wish it to be taken positively in its result by the federal government, if you want the federal government to negotiate in good faith in response to it, then you must be able to demonstrate that it is a proposal that has been arrived at in its result by what we may call constitutional due process, fair and open means which genuinely reflect Quebec public opinion. I think this law states that, no more and no less.

• (1630)

I find it difficult to see how any good constitutionalist could object to this prescription because it goes to the foundations of the open society upon which Canada is based.

I would cite what I think the most remarkable feature of this law. It is not like the Stalin constitution of 1936, which said that any state may secede from the Soviet Union. Everybody knew that the cynical Mr. Vyshinsky had written it and he did not mean a word of it, and neither did Stalin. It stated for the first time in a democratic society that one part had the right to break away, provided it achieved an expression of opinion which conformed to the due process of law, with proper consultation on a representative basis.

The federal government in this bill does not stipulate a particular content, of whatever nature, for any future Quebec referendum question. It does not even try to impose a particular majority.

These are questions which, following Kelsen and the pure theory of law, a good jurist would say are metalegal in character. In more popular terms, one might say it was like King Canute trying to legislate the impossible.

The European Union, in a cognate situation trying to establish ground rules for recognition of new states, wisely limits itself to what it calls the normal standards of international practice and the political realities of each case.

The rest of the present bill goes on to list elements that would be relevant in any post-referendum federal-provincial negotiations on a possible secession. These correspond to classical international law prescriptions for state succession and would be determined at any such ensuing negotiations.

What we have here is a continuance of that opening to participatory democracy which began when Prime Minister Trudeau opted not to use his constitutional choices to bar a referendum but to enter into the political debate in the political arenas. This is the situation. If these conditions, conformably to what the supreme court has laid down and established in the federal law, are met, then it would be possible to obtain that genuine nationwide consensus that is a necessary precondition to effectuation of any political secession.

The positive thing is that the Government of Canada has taken the forward step of saying "Yes, we would regret anybody going, but if they go let us be sure that there was a clear question, honestly expressed and honestly presented and accepted by a fair majority of the population concerned". That is an opening to democracy. It is not coercion. It is facultative in its nature.

There are several conditions. If a result were to be obtained in which those conditions were met, I think I could persuade my colleagues in my part of the country to accept it in good faith.

It is an invitation to members of the opposition to meet the spirit of the law. It is not a coercive law; it is a facultative law. It opens the way to constitutional due process, to a measured approach in good faith to effectuation of popular will when that is determined.

**Mr. Gilles Bernier (Tobique—Mactaquac, PC):** Madam Speaker, I was listening very attentively to the words of my hon. friend from the Liberal Party, for whom I have the greatest respect. If the hon. member believes in this bill so much, would he be willing when his boss, the Prime Minister, decides that the House of Commons will vote on it to say that on the Liberal side a free vote should be allowed?

**Mr. Ted McWhinney:** Madam Speaker, as a freely elected member of parliament, I can speak only for myself. I have studied the bill. I am satisfied that it conforms to the basic principles of a free and democratic society and I will support it.



• (1635)

[*Translation*]

**Mr. Pierre de Savoye (Portneuf, BQ):** Madam Speaker, when we talk about a clear question, we presume that those who will have to answer it will understand not only the question, but also the stakes involved.

It so happens that the stakes will be refined during the debate. I will give a relatively simple example. Let us say that someone who is renting an apartment in a building is considering moving and buying a house. The question that person will ask is “Do I want to buy a new house?” This is a clear question.

But in order to decide whether to do it or not, that person will have to weigh the pros and the cons of each alternative. “What are the pros and the cons if I remain a tenant, and what are they if I become the owner of my home?”

In the process that concerns us, there is a fundamental aspect that is mentioned nowhere in this bill: the arguments of the manager of the building. You see, the last time, the question was clear. But how many persons voted against it because the manager of the building promised to give them a new paint job and to make the place comfortable so that they could enjoy a good quality of life and feel at home? The manager did not deliver.

The bill before us does not mention this aspect. Consequently, if the question is clear, it should also involve clear commitments, commitments which will be met and not broken commitments which will not trick the people. Obviously, this bill cannot be honest if it does not address these issues.

Does the hon. member agree with me that this bill is incomplete because it does not deal with the basis of the democratic debate which is supposed to follow, the democratic debate where the real issues are explained by both sides so that the promises can be met?

[*English*]

**Mr. Ted McWhinney:** Madam Speaker, I will return to a time when I was a trusted constitutional adviser to several successive Quebec premiers of different parties. I am very familiar with the actors in previous referenda debates.

I remember in 1980 that the actual question was preceded by a poll conducted by the minister in charge, Claude Morin, who was a very brilliant man. I think there were no less than seven questions put as likely to get the best majority. It is that sort of action that I would have great difficulty in selling to my electors in British Columbia.

On an issue like this we have to have a nationwide consensus to allow negotiations to take place. If the secession vote allowed it to be accepted, I could not sell what I would call clever action by a

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governmental minister in charge. What is the problem with Quebec presenting a clear question?

The law makes very clear that Quebec can vote on any question it likes, but if it is to be taken seriously in the rest of the country, and that is the necessary action to trigger a favourable response to be legally enacted, it has to be one that people are satisfied is a fair question.

[*Translation*]

**Mr. Daniel Turp (Beauharnois—Salaberry, BQ):** Mr. Speaker, I am pleased to rise in the House today. I originally decided to seek a seat in this House to come face to face, in this democratic forum, with opponents of sovereignty, opponents I respect and will continue to respect because, in my view, the real opponents of sovereignty are to be found in this House. They are those who have a different plan for Quebecers, who claim too often they have fulfilled their promises regarding renewed federalism, and who have trouble convincing Quebecers they fulfilled their promises in this respect.

• (1640)

I did not think when I came to this House that I would have to fight against enemies of democracy; enemies of Quebec’s democracy, a democracy which was built and is still based on a parliament, a national assembly we are very proud of.

A senator told me some time ago that it was the Westminster-style parliamentary institution in Canada that had evolved the best, modernized its practices, and resolutely entered into the modern age while other houses, this one included, revel in traditions that ought to be inspired by the new traditions created by Quebec’s national assembly.

It is a government that has transformed Quebec, bringing it out of a great darkness, built an effective and competent public service, provided Quebec with progressive laws, laws we are very proud of; courts which apply the rule of law, making Quebec a constitutional state we are also very proud of; courts that in part are outside the jurisdiction of Quebec, its assembly and its government because, in some cases, and in most cases in Quebec’s superior courts, judges are still appointed by the federal government, which is contrary to the federal principle.

It is a democracy based on a charter of rights and freedoms under which everybody has an equal vote in elections as well as in referendums and on a referendum act that was adopted in 1979 to give Quebecers a say on important issues, including issues relating to their political status. Three referendums were held to date under the Quebec Referendum Act.

The strong criticism I address today to those who choose to support the government with regard to Bill C-20 has nothing to do with a lack of respect on my part for those who want to change the

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federation, but I can tell the proponents of this bill—with all due respect for the Minister of Intergovernmental Affairs, a professor at the University of Montreal—that it has to do with the fact that I think that, far from recognizing the right of Quebec to become a country, far from recognizing, as was said many times today, the right to secede, to use the same expression used by the supreme court, this legislation will prevent Quebec from choosing to become a country.

[*English*]

This week a commentator wrote: “If we are now bold enough to rule out secession in practice, why must we pretend to allow it in principle?”

[*Translation*]

That is what it is all about. This bill suggests that it would respect the will of Quebecers to build a country, but in fact it wants to deny them the right to choose that option.

I think this legislation, which, according to its proponents, is based on the opinion issued by the supreme court on August 20, 1998, does not respect the main requirements of that opinion. We believe that opinion has been misinterpreted in many ways.

• (1645)

Absolutely nowhere in the supreme court’s opinion could we find the basis for the authority given to the House of Commons to determine how clear the question is and how clear the majority is. One wonders why the government wanted to give the House of Commons authority in this area, whereas the supreme court recognized no such authority.

Over the last few weeks we have set out the views of several famous jurists, such as Professor Henri Brun from Laval University and Professor Andr e Lajoie from the University of Montreal. Only a few minutes ago I cited the opinion by Alain Pellet, professor at the University of Paris-Nanterre and a member of the International Law Commission. They are all of the opinion that the government is on the wrong track when it claims it has found in the supreme court’s opinion some comfort and some justification for the provisions in this bill.

I invite hon. members to look particularly at Mr. Pellet’s opinion, which is probably one of the first comments on the draft bill, and Bill C-20 as it is now, since he feels that Bill C-20 gives the federal government a triple veto with regard to the future of Quebec.

Thus, I want to comment on the three clauses of this bill which give this veto to the Canadian government and to those who will be consulted by the Canadian government.

The first clause of this bill concerns the question that the national assembly could or would ask Quebecers about their political future.

It is peculiar, even indecent, to propose a formula that would allow the House of Commons to rule on the clarity of a question during a referendum campaign because the 30 days following the tabling of a question at the legislature of a province would, in Quebec, cause the debate on the clarity of the question to occur during the referendum campaign.

Besides this intrusion, this involvement of the House of Commons in the referendum campaign itself, we cannot help but recognise that clause 1(4) of the bill limits the jurisdiction of the national assembly when it comes to determining the question to be asked Quebecers, since it excludes any mandate to negotiate or any reference to an economic or political agreement or partnership of any kind.

If that is not limiting the jurisdiction of the assembly or dictating the phrasing of the referendum question, I do not know what is, or what this clause means. To say that with this act the Canadian parliament would be respecting the autonomy of the national assembly in this respect is totally inaccurate.

The second clause, concerning the majority, is probably the one which poses the greatest threat to democracy in Quebec. It is a weapon handed to the Parliament of Canada and especially the House of Commons to veto the referendum results.

In fact, I feel that in many ways this bill brings back the veto. What is the power to veto a question because in the opinion of the House of Commons of the Parliament of Canada it is not clear and what is the power to veto the results because it is felt that a clear majority was not reached if not a new veto granted to the federal parliament?

• (1650)

I will comment further on these provisions in the weeks and months to come. Last, I want to point out briefly that clause 3, which refers to the matters that could be negotiated, implies that some issues like borders will be subject to negotiation.

I was glad when the minister told us today—and it was duly noted—that he thinks this provision does not deal with the partition of Quebec, but that it could include changes to borders, like what was done in Lithuania and Czechoslovakia, according to the example the minister gave us yesterday.

I conclude by reminding hon. members that the debate we are beginning today is an important one in the political history of Canada and of Quebec. It deals with the way we view democracy in a democratic country and the way we review it.

However, the revision the government is proposing with Bill C-20 ends up telling Canadians and Quebecers that there is a higher authority in this country, a supreme authority, which is the House of Commons. The House of Commons can veto a question approved by what we call a national assembly, and what the

Calgary declaration only called a legislative assembly, by what is considered an inferior assembly, since the question can be vetoed by this House.

The question could be rejected by this House where there are 75 members from Quebec who have a legitimate voice here, as recognized by the Minister of Intergovernmental Affairs. However, among those 75 members from Quebec, there are 44 members of the Bloc Québécois, one independent member who will certainly vote against this bill and four Conservative members who will also vote against this bill, as they said they would.

It is a House of Commons that, when it rises to pass this bill, although we hope that, in the course of this debate, the government will realize it is making a mistake and should withdraw the bill, will once again seek to base its authority on members who should not have a veto over Quebec's political future before a referendum is held.

In the weeks and months to come we will see Quebecers tell those who want to have this bill passed that it is out of order, that it is a rejection of our institutions and our democratic practices in Quebec, that parliament, that the House of Commons of Canada does not have precedence over the National Assembly of Quebec on issues relating to Quebec's political and constitutional future.

When members of the national assembly, members of this House from Quebec, civil society and the other political actors in Quebec decide that this initiative is out of order, our friends opposite will certainly realize that they were wrong, that they made a bad choice, that they did the same thing in the past when they forced a constitution down our throat in 1982, just as they are trying now to put us in shackles with regard to the future of Quebec.

In closing, I will quote another commentator who reminds our friends opposite of what could happen. He said:

[*English*]

“Mr. Chrétien has bludgeoned dissent within his party and cabinet”, bien que ça ne paraît plus. “He won't get away with it in Quebec. People there may be tired of constitutional wrangling, and who could blame them? But they are proud and democratic. In their own way and time, they will let Mr. Chrétien know”.

• (1655)

[*Translation*]

This being the end of my speech, I would like to propose a motion to adjourn the House.

I move:

That the House do now adjourn.

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

### *Government Orders*

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. McClelland):** All those in favour will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. McClelland):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. McClelland):** In my opinion the yeas have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. McClelland):** Call in the members.

• (1745)

[*English*]

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

(*Division No. 661*)

### YEAS

#### Members

Anders	Asselin
Bachand (Saint-Jean)	Bellehumeur
Benoit	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Brien
Bigras	Cardin
Canuel	Crête
Chrétien (Frontenac—Mégantic)	de Savoye
Dalphond-Guiral	Desrochers
Debien	Duceppe
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Duncan
Dumas	Gagnon
Fournier	Girard-Bujold
Gauthier	Grewal
Godin (Châteauguay)	Guimond
Guay	Lalonde
Jaffer	Lebel
Laurin	Loubier
Lefebvre	Marceau
Lowther	Ménard
Marchand	Perron
Mercier	Plamondon
Picard (Drummond)	Sauvageau
Rocheleau	Thompson (Wild Rose)
St-Hilaire	Turp
Tremblay (Lac-Saint-Jean)	
Venne—50	

### NAYS

#### Members

Abbott	Adams
Alcock	Anderson
Assad	Assadourian
Augustine	Bachand (Richmond—Arthabaska)
Baker	Bakopanos
Barnes	Beaumier
Bélair	Bélanger

*Private Members' Business*

Bennett	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Blaikie	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bradshaw	Brisson
Bryden	Bulte
Byrne	Caccia
Calder	Caplan
Carroll	Casey
Catterall	Cauchon
Chamberlain	Chan
Charbonneau	Chatters
Clouthier	Coderre
Collenette	Copps
Cotler	Cullen
DeVillers	Dhaliwal
Dion	Discepola
Dockrill	Doyle
Drouin	Duhamel
Earle	Easter
Eggleton	Epp
Finlay	Fontana
Fry	Gagliano
Galloway	Godin (Acadie—Bathurst)
Goodale	Graham
Gray (Windsor West)	Grey (Edmonton North)
Grose	Gruending
Guarnieri	Hanger
Harb	Hart
Harvard	Harvey
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hubbard
Ianno	Iftody
Jackson	Jones
Karetak-Lindell	Kenney (Calgary Southeast)
Keys	Kilger (Stormont—Dundas—Charlottenburgh)
Kilgour (Edmonton Southeast)	Kraft Sloan
Lastewka	Lee
Leung	Limoges
Lincoln	Longfield
Lunn	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Mahoney
Malhi	Maloney
Mancini	Manley
Marleau	Martin (Winnipeg Centre)
Matthews	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McNally
McTeague	McWhinney
Mifflin	Mills (Broadview—Greenwood)
Mills (Red Deer)	Minna
Mitchell	Muise
Nault	Normand
Nystrom	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Obhrai	Pagtakhan
Paradis	Parrish
Patry	Peterson
Pettigrew	Phinney
Pickard (Chatham—Kent Essex)	Pillitteri
Power	Pratt
Proctor	Proud
Proulx	Provenzano
Redman	Reed
Reynolds	Richardson
Robillard	Rock
Saada	Schmidt
Scott (Fredericton)	Scott (Skeena)
Sgro	Solomon
Speller	St-Jacques
St-Julien	Steckle
Stewart (Brant)	Stoffer
Strahl	Szabo
Telegdi	Thibeault
Thompson (New Brunswick Southwest)	Torsney
Ur	Valeri

Vanclief	Vellacott
Volpe	Wappel
Wasylcia-Leis	Wayne
Whelan	Wilfert
Williams	Wood—178

## PAIRED MEMBERS

\*Nil/aucun

**The Speaker:** I declare the motion lost.**The Acting Speaker (Ms. Thibeault):** Order, please. It being 5.47 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's order paper.**PRIVATE MEMBERS' BUSINESS**

[English]

**MINIMUM SENTENCES****Mr. Leon E. Benoit (Lakeland, Ref.)** moved:

That, in the opinion of this House, the government should impose minimum sentences for those involved in people smuggling, with the highest minimum sentences for those who profit the most, including organized crime bosses, "snakeheads" and those who carry out the actual smuggling operations.

He said: Madam Speaker, I am very pleased today to have a chance to present my private member's Motion No. 20.

In my presentation today, I will first read my motion so that people listening and watching will know what this is about. Second, I will explain why the motion is very necessary when we consider what is happening in the country in terms of people smuggling. Third, I will explain what I am calling for in the motion and what I see resulting from the motion. Last, I will explain the current situation with regard to what happens right now in Canada with people smugglers.

As people watch this story unfold tonight, they will recognize that the state of our current law and what the government has allowed to happen in the area of people smuggling is truly disgusting. It is unacceptable, not good for Canadians and not good for the people being smuggled. It is only good for the people smugglers themselves who are most often involved in organized crime. As I will explain later, the organized crime activity of people smuggling is encroaching on drug smuggling because it is very profitable and the penalties for getting caught, especially in countries like Canada, really are minimal.

● (1750)

**Motion No. 20** reads:

That, in the opinion of this House, the government should impose minimum sentences for those involved in people smuggling, with the highest minimum sentences for those who profit the most, including organized crime bosses, "snakeheads" and those who carry out the actual smuggling operations.

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What is this motion about? From reading the motion, we can tell that it is about imposing minimum sentences in the area of people smuggling and to apply them to those involved in people smuggling. I am talking about those key organized crime figures who organize and spearhead these operations, those people who actually organize the people smuggling operations and those people who physically carry it out. For example, the crew on a ship or on an airplane might be involved or those who drive a vehicle across a border.

I am saying all this partly because of the current law but more importantly because of the way our judges have been interpreting and applying the law to people involved in smuggling other humans into our country. The sentences that have been given out have been weak. It is necessary to put minimum sentences in place along with the maximum sentences.

As I go through the information on the current situation, we will see very clearly why this is the case. Statistics from the Canadian Centre for Justice Statistics show that there have only been 14 charges made under the Immigration Act between 1995 and 1998 that apply to people smuggling in any way. All charges were made under subsection 94.1 of the Immigration Act, which states:

Every person who knowingly organizes, induces, aids or abets or attempts to organize, induce, aid or abet the coming into Canada of a person who is not in possession of a valid and subsisting visa, passport or travel document where one is required by this Act or the regulations is guilty of an offence and liable

(a) on conviction on indictment, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years, or to both; or

(b) on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or to both.

That is the current law that is in place. Let us take a closer look at it. In the last five years not one day has been served in jail by those convicted under subsection 94.1 of the Immigration Act for smuggling people. This is unbelievable for a crime that has extremely serious consequences for the people being smuggled, for Canadian society and for the taxpayers of this country and other countries that may be involved in this crime.

Of the 14 charges that have been laid, there were only 12 convictions, 11 of which were in the fiscal year 1996-97. There have been no convictions under subsection 94.2 which deals with organizing the entry of groups of 10 or more, nor under subsection 94.4, disembarking people at sea in order to help them evade the requirements of the law.

• (1755)

According to the Canadian Centre for Justice Statistics, the toughest sentence handed down under subsection 94.1 of the Immigration Act for those convicted of a crime of this severity was a fine of \$4,000 and one year's probation; no time in jail.

Subsequently, foreign nationals who were convicted of this serious offence were allowed to remain in Canada to serve their sentence with the minimal supervision of our federal probation system. This means that they were given a little slap-on-the-hand fine, which is peanuts in the scheme of things. Let us consider the example of the almost 500 people who came illegally by boat this summer. They paid about \$50,000 American per person to the smugglers who helped them come to our country. That is only the tip of the iceberg. Those who came by boat are roughly 2% of all those who came illegally to our country in this past year. The rest came through our airports, by airplane, or across our border from the United States. That is how the other 95% came here.

We can talk a bit more about that layer, but as we can see clearly, our judicial system and the government are not taking this situation seriously.

When we look at this situation, where people have only received fines and probation when they have been convicted of people smuggling, does it sound like those signs are appropriate? I have clearly stated that I do not think so. What I have heard from Canadians across the country over the summer and through the fall is that they do not think so. To be fair, I have heard from the minister and from others that they do not think these sentences are in line. I guess my question is: Why has the government not done anything about it?

I am here today with my private member's motion because the government will not do anything about people smuggling. However, we are getting used to that, especially on justice issues and on defending the sovereignty of our country. I and the Reform Party feel that we have to fill in and take the responsibility for the government. It is okay by us because we are fully planning on taking over government after the next election. We are the ones who will act responsibly on issues like this. I believe that is what will happen.

That is the situation now in terms of sentencing. We can see that there is a great lack of seriousness attached to this issue. We may have government members standing, as they take part in the debate, saying "But the solicitor general came up with a document last January to deal with organized crime. We believe in protecting Canadians and we are going to get tough on organized crime", generally on organized crime, not just people smuggling.

The previous solicitor general last January came up with a 10-page document generally laying out the problem with organized crime. He even mentioned people smuggling and how serious it was. What action have we seen over this past year? We know the answer to that. We have seen no action on that whatsoever. It is discouraging, disgusting and it has to change.

Today I am focusing on one aspect of organized crime, people smuggling, which is an area of crime that is growing. People

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smuggling now, according to some estimates, involves \$10 billion a year. It is so serious that it is adding to the current organized crime activity in the drug trade. They are moving their efforts to organized crime because very little happens to them if they get caught.

● (1800)

In other countries the sentences involved are a lot more serious. For example, the United States has a minimum sentence and, depending on the level of involvement, those who are found guilty of people smuggling can be sentenced to three to five years. The maximum sentences in Australia, New Zealand and the United States are much higher than in Canada. This points out the relative seriousness that those governments place on the issue of people smuggling.

In Australia the maximum penalty for people smuggling is 25 years. In Canada it is 10 years. But what is the use of having a 10 year sentence? It sounds like a pretty serious sentence, and it would be if it were applied, but in Canada there is no jail time. We do not want to get tough with anybody who is caught smuggling people, even if they are involved in organized crime. We just give them a little slap on the wrist.

That has made the government, in effect, a partner in organized crime. We send that kind of signal to people involved in smuggling human beings, causing the pain and the sorrow that goes along with people smuggling. The people who are being smuggled find themselves working in sweat shops, often in prostitution and drug trafficking. If that is as serious as the government takes these types of activities and this type of enslavement, then it should be ashamed of itself.

I look for quick action on this issue. Today, again, I am offering this private member's motion. It should go to committee. It should be fleshed out and it should provide a minimum sentence for those involved in people smuggling.

My motion does not provide a means by which to seize the proceeds of crime achieved by those involved in people smuggling. That is certainly something which must be dealt with.

The motion does not deal with any other area of organized crime. It does not deal with some other very serious issues involved in people smuggling.

People smuggling does not only cause pain to those being smuggled, it encourages and accommodates those who would like to come to our country illegally. When we have large numbers of people coming to our country, often undetected, then I would suggest that is a threat to the very sovereignty of our nation. That speaks to the importance of this issue, which the government must deal with, and I would encourage it to do that now.

I have not even touched on the cost to taxpayers. I will talk about that later, as well as the many other serious issues which are involved.

**Mr. Andrew Telegdi (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.):** Madam Speaker, I am very pleased to have the opportunity to speak to this motion.

Before I start, let me tell the hon. member, in all fairness, that the minister has been very active in this area. It is important for members opposite to know that we have a policy. When boats come to our shores, we detect them, we apprehend and detain the people and then they are put through the process of adjudication to determine if they should be charged with criminal activity.

● (1805)

Canadians are concerned about a growing international trade in human smuggling and trafficking. This motion helps to focus our attention on that, but it also focuses attention on our strategy of penalizing those who profit from human suffering.

It has become evident that a global movement of people has been accelerating. In spite of international efforts to eradicate poverty, the gap between have and have not countries is fostering a new wave of people who are desperately seeking the means to establish themselves in North America. The United Nations estimates that 125 million people are currently outside their home countries in search of an improved economic situation or a more stable political environment.

In conjunction with this international reality there is a growing effort by organized crime to exploit these people.

Canada is not the only country that is facing this problem. The United Nations estimates that annually four million people are smuggled across borders by a global business valued at \$9 billion a year. Australia alone has seen 2,500 hopeful migrants arrive on 70 boats this year. Over 1,000 of these people were on 12 boats that arrived on Australia's coast in November.

The boats that arrived on our west coast during the summer are the most recent and visible manifestations in Canada of a larger international problem. Moreover, there is every reason to believe that people smuggling and trafficking will increase unless Canada, in concert with other nations, adopts effective measures to discourage it. The question is: Which measures?

It is important that we not react in alarm or haste. We must avoid simplistic responses which may compromise Canada's humanitarian traditions and its obligations under the Geneva convention. Such was the case with a senator's private bill introduced last month in the House. The bill proposed the use of legislation to direct away from Canadian waters a ship carrying suspected migrants. A

measure to turn boats back, which recalls some of the darker moments in Canada's past, would run the risk of denying protection to people who could be determined, through our hearings, to be genuine refugees.

Some 60 years ago Canada, among other countries, turned back a ship full of Jewish refugees seeking to escape Nazi Germany. That these people were forced to return on the *St. Louis* to Germany and the horrors that awaited them remains a shameful episode in our past. In 1914, 376 East Indian immigrants were forcefully confined for two months aboard the liner *Komagata Maru* as it lay off Vancouver harbour. The B.C. supreme court eventually upheld a federal exclusion order and the boat, escorted by a Canadian warship, was forced to sail back to Calcutta. On arrival 29 people were shot and 20 eventually died. We must learn from these and similar mistakes.

Such measures would not deal with the root of the problem, which is the international trade in people smuggling. However, in my view, the motion currently before the House is closer to the mark because it focuses more directly on the real culprits, those who profit from this hateful crime.

In so doing, the motion anticipates but one aspect of a broader range of measures that the government is currently considering. What is needed to deal with this international problem is a multifaceted approach adopted by Canada and other nations in the context of an international solution.

For example, Canada is taking an active role in the development of two UN protocols concerning the smuggling of migrants and trafficking in women and children. A G-8 senior expert group on transnational organized crime is also addressing these issues. In this regard the Department of Citizenship and Immigration chairs a G-8 subgroup on alien smuggling and trafficking in human beings.

In addition, efforts are being made by Canada to deal with people smuggling and trafficking at the source by co-operating with other countries, including China, to combat crimes relating to the violation of border controls and illegal immigration.

Canada is committed to strengthening its worldwide intelligence and tracking systems to see that smugglers and traffickers are intercepted. These actions are proving effective. Chinese authorities intercepted six migrant ships this year, four of which are believed to have been destined for Canada, and over 6,000 people lacking proper documentation were prevented from getting into Canada last year alone.

• (1810)

However, the government is fully conscious that additional measures are necessary. In January of this year the government proposed several legislative directions to improve the integrity and

effectiveness of our refugee determination system. These proposals are being reviewed to determine what additional measures should be taken.

We already have among the severest penalties in the world for people trafficking, up to 10 years of imprisonment and fines of up to \$500,000. We are using these tools to prosecute the crew of the second boat to arrive in British Columbia last summer.

As the Minister of Citizenship and Immigration has already signalled, we are reviewing a number of options to deal with migrant smuggling and trafficking in consultation with other governments and other departments and agencies of our own.

The minister has outlined a series of proposals which could include penalties for human trafficking at least as tough as our penalties for drug trafficking. We are also looking at taking more aggressive steps to seize property used in the course of such operations. The minister has also offered safety to anyone who will testify against smugglers as a way to keep smugglers from abusing our system.

Another proposal being considered is the imposition of a screening mechanism for criminality and security considerations at the very beginning of the refugee determination process to identify criminals earlier and prevent them from using the system for reasons other than protection.

We are also looking at clarifying our three existing grounds for detention to better deal with people smuggling and trafficking in Canada.

The Immigration Act currently permits three grounds for detention: inability to establish identity, reasonable concern for public safety, and warranted fear of flight.

The minister has proposed consolidating the refugee determination process to make it faster but fair.

Citizenship and immigration officials are currently consulting with their colleagues in the Department of Justice to determine, along with other anti-smuggling initiatives, if minimum sentences will be an effective deterrent against traffickers and whether such sentences will be in accord with the charter of rights and freedoms.

In the meantime, we have a commitment from the Immigration and Refugee Board to accelerate refugee hearings for those who arrived on our west coast this summer, providing a fair but accelerated process to determine who are genuine refugees and who are not. Legitimate refugees among them will be allowed to stay in Canada. The rest will be removed as quickly as possible.

Canadians can now be proud of our international record of tolerance and compassion toward genuine refugees from all parts of the world.

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Over the decades since the 1950s we have honoured our commitment to the Geneva convention by welcoming and protecting Eastern Europeans, Asians from Uganda, Indochinese refugees and South Americans fleeing persecution, among many thousands of others.

This attitude of compassion continues, as shown by Canadians opening their hearts and their homes to the Kosovar refugee families earlier this year.

People who arrive in Canada seeking protection are now entitled to fair hearings to determine refugee status under our laws. Our sense of compassion and fairness is enshrined in our constitution, our charter of rights and freedoms, our immigration and refugee laws and our own judiciary.

Canadians will not be taken advantage of by those who would traffic in human misery.

[Translation]

**Mr. Bernard Bigras (Rosemont, BQ):** Madam Speaker, I am very pleased to rise today to speak to the motion put forward by my Reform colleague with whom I am fortunate to sit on the standing committee.

My speech will be divided into four parts. First I will elaborate on the text of my colleague's motion. Then I will state a number of facts, including those concerning the arrival of illegal immigrants. If the Reform Party is introducing this motion today it is due mainly to the fact that we recently saw a number of immigrants arriving in Vancouver by boat. I will state a number of facts. Second, I will elaborate on immigration in Canada, with regard not only to immigration per se, but also to refugees.

• (1815)

I will draw attention to one analysis. A couple of months ago I asked the standing committee, on the occasion of the renewal of the Immigration Act, to conduct a real comparative analysis of what is done in other countries so that I could properly criticize or improve the bill that is supposed to be introduced very shortly.

I will talk about the whole aspect of organized crime and people smuggling, as compared to what is done in Belgium and Germany.

Third, I will state our position on minimum sentences, as we have criticisms in this respect.

My Reform colleague's motion reads as follows:

That, in the opinion of this House, the government should impose minimum sentences for those involved in people smuggling, with the highest minimum sentences for those who profit the most, including organized crime bosses, "snakeheads" and those who carry out the actual smuggling operations.

I believe it is important to remember that the motion before us today is mainly the result of events that occurred last summer, namely the arrival in Vancouver of boats carrying illegal immigrants from China.

I remind the House that 123 immigrants arrived at the port of Vancouver on June 19, followed by 131 more on August 12 and 190 on August 31, for a total of 444 illegal immigrants who landed in Canada.

In 1998 the minister of immigration had a goal for Canada to welcome between 176,000 and 193,000 immigrants. That was the goal officially announced by the minister. The minister was unable to reach her goal, and only 151,300 immigrants chose to settle in Canada. That is the example I have for 1998.

As far as refugees are concerned, the estimated number of refugees for 1998 was between 24,000 and 32,300. Unfortunately, according to the most recent data we have for 1998, only 22,644 refugees came to Canada.

In these two areas the Minister of Citizenship and Immigration was unable to reach the goal she set for herself, and that is truly unfortunate.

First of all, what we need to remember about those three dilapidated ships that showed up at the port of Vancouver crowded with illegal immigrants is that these 444 refugees who landed in Canada only account for 1% of the annual estimated number of refugees who come to Canada. It was a spectacular event, but that does not reflect the day-to-day reality.

Let us consider what is being done elsewhere. First of all, I want to point out to the House what is going on in Germany. Germany has taken a series of initiatives to fight illegal immigration. The crime fighting act passed in October 1994 brought changes to the foreigners act. These changes made it possible to punish not only those who enter the country illegally, but also those who help them do it. Illegal entry carries a maximum penalty of two years in jail.

The new offence, facilitating the illegal entry of foreigners, carries a penalty of five years in jail if the smuggling operation is carried out in exchange for financial benefits, or if it is done repeatedly, or if it involves more than five people.

• (1820)

Even attempting to facilitate the illegal entry of foreigners is punishable. The harsher penalty is when the illegal entry is orchestrated by a criminal organization or by someone who does it on a regular basis and for compensation. In these cases the maximum penalty is 10 years.

An amendment to the foreigners act and to the asylum procedures act, adopted in 1997, made it possible to punish those who attempt to enter the country illegally. Moreover, facilitating the illegal entry of more than one person now carries a penalty of five



years in jail, whereas the previous legislation provided for such a penalty only in cases involving more than five people. This encouraged the development of organized networks. They made sure to smuggle no more than five people at a time, using private cars.

I must point out, however, that maximum penalties are provided for in the legislation but that German authorities are rather lenient. For example, minors under 16 years of age and nationals from certain countries were exempted under article 2.2 of the 1990 order. For example, young people from various states of the former Yugoslavia, from Morocco, from Tunisia and from Turkey were not required to have a visa to enter Germany when one of their parents stayed in Germany regularly.

This provision resulted in a significant increase in the number of entries of unaccompanied minors from those countries. I will provide some figures: in 1994, 198 minors; in 1995, 881 minors; in 1996, 2,068 minors, 1,800 of whom were from Turkey.

Fearing that this exemption would encourage illegal child labour and prostitution, the government amended the order at the beginning of 1997. From now on all minors, wherever they come from, need a visa. For children living in Germany, the visa would, exceptionally and until June 13, 1998, be granted automatically.

Since 1998 there has been a fine for illegal child labour. Businesses are forbidden to bid on public tenders for two years if they illegally employ foreign workers.

I would like to point out one thing about the concept and the rationale stated by my colleague from the Reform Party. Minimum sentences should be used carefully. The process of imposing minimum sentences bypasses the courts' discretion in assessing the circumstances surrounding each offence. These circumstances are particularly important in matters of people smuggling.

As it is written, the motion is designed for those involved in people smuggling. However, no one is more involved in this than the people themselves. They are the victims of an intolerable situation that should never escape examination by the courts. More generally, minimum sentences are reserved for the most serious offences.

[English]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I am very pleased to take part in this debate on an issue which I feel very strongly about. I want to thank the hon. member for Lakeland for putting forward Motion No. 20. He has hit the nail on the head. It is something which many Canadians are very interested in and concerned with.

My only regret is that the motion was not deemed votable. I wish we had the opportunity to debate this for three hours, not one hour,

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and ultimately to vote on the motion because I feel it is that strong an issue.

I feel strongly as well, though, that one of the reasons this motion was not deemed to be votable was that it is so incredibly flawed and poorly crafted. Without being rude, it honestly seems as if the hon. member wrote it on the back of a napkin in a doughnut shop because it is clearly one of the shoddiest pieces of work I have seen introduced in the House of Commons.

• (1825 )

It is no surprise to me that the committee would not allow this motion to be votable because it is so fundamentally flawed at almost every level. It is simply so casual that no wonder the committee would not deal with it that way.

One thing we all can agree on is that there is nothing more reprehensible in the world than the trade or traffic in human beings, the buying, selling, trading, transporting or smuggling of them as a marketable commodity. We all agree that it is fundamentally wrong. Although many governments are, this government and all governments around the world should be cracking down on the trafficking of human beings and driving a stake through the heart of that horrible occupation.

Most Canadians shudder when they think of how awful the conditions must have been in the most recent example of the four desperate ships which drifted up on the west coast of British Columbia. I venture to say that we would not be having this debate had those four sorry looking vessels not drifted up on the west coast of British Columbia. It raised this whole issue in the minds of people.

Some chose to overstate the issue and made far more of it than it really was. Let us bring it down to perspective right now. There were 599 people in four boats over the course of six or seven weeks. Canada allows 23,000 to 25,000 refugees into the country every year. Almost 100 refugees a day come to Canada. The fact that 500 or 600 drifted up on the west coast over the course of five or six weeks is not a matter of national security or an emergency.

Our borders are not a sieve. The Reform Party and all the fearmongers on the west coast can calm down. We are not being invaded. The yellow peril is not upon us. They should chill out a bit. This is not an emergency. I hope that the rest of this debate can take on a tone that is a little more realistic about what is happening.

We were so concerned about the overstating of this case that we started to do a little more research into what motivated this group of migrants and what motivates migrants all over the world. Let me back up a little by saying that over 100 million people the world over are moving usually for economic reasons to places of better opportunity. That has happened throughout history. People have followed capital and opportunity to build better lives for themselves.

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At this point in time we are seeing an escalation of that movement. Transportation is more readily available than it might have been hundreds of years ago. Also, the third world, the underdeveloped nations, know how we live. How do they know? They watch TV. They watch *Dallas* reruns and stuff like that on television. They know how the west works, lives, operates and the wonderful opportunities we have here, and guess what? They want a piece of it because they love their children too. They are willing to do anything to provide a better opportunity for their families and drag them out of the despair they live in to the wonderful opportunities that we enjoy.

It is no mystery to me, but it is a fact of life. I predict that we will be facing a day of reckoning very soon as many more hundreds of millions of people make that realization, decide to pull up roots and do anything to get to the first world where they and their families might have an opportunity. Frankly, that is why the world is seized of this issue. That is why the member for Lakeland should be complimented for raising it.

I just came back from Washington, D.C. On Saturday we were at an international conference on this very issue, the mass movement of people around the world and what to do about it as developed nations. Norway, Germany, the United States, everyone was represented. Canada was very proudly represented by our minister who spoke very eloquently to the group. These are some of the things that come to mind.

Again, the research we did was to try to understand the current boatloads of people who drifted up on the coast of B.C. We started to scratch the surface of where these people came from. They were from the Fujian province in China.

The Fujian province is the first place in China that had free economic trade zones, something that anybody who deals with international trade is very familiar with. They are fenced compounds where western corporations can go and act free of any of the labour laws in that country. Manufacturers can find cheap labour and manufacture the products for the west in these free economic trade zones.

The Fujian province was the first. Now there are 200 of those free economic trade zones making The Gap jeans, Wal-Mart products, Liz Claiborne and J. Crew clothes. Maybe the clothes I am wearing right now were made in a free economic trade zone sweatshop in the Fujian province.

• (1830)

The research that we did indicated that the International Labour Organization said it cost 85 cents an hour. A living wage in that part of China would be 85 cents an hour. These free economic trade zones pay their people 18 cents an hour to build the western products that we enjoy here.

These people have made the natural connection. They are earning 18 cents an hour, or one-fifth of what it costs to be a Chinese peasant, making Gap blue jeans that will sell for \$50 or \$75 to the western world, and they want a piece of that. People are not stupid. Those are some of the things that came to light as we researched this subject.

I recommend that we should not dwell on the crime and punishment side of trying to build higher and higher walls around our country to keep these people out. That is the same thing we were accused of with free trade. If we have the globalization of trade and the globalization of capital we should also have the globalization of human rights, the globalization of improving wages, labour standards and standards of living. All those things should be part and parcel of globalization.

We do not want to build walls around the country like the hon. member for Lakeland is suggesting. He says that we should build higher walls to keep these people out because it is our stuff and they are not going to get any of it. His recommendation is bigger and better penalties.

I suggest the inverse is true. We should be working to elevate the standards of wages and working conditions of the Chinese peasant who lives in a free economic trade zone in the Fujian province and makes 18 cents an hour. That is what the real shame is and that is where we should be putting our energies. In other words, we should stop criminalizing the victims.

The Reform Party was screaming, when these people drifted on to the coast of B.C., to lock them up. There were photographs in the paper of children in shackles, 12 year old children who just came off a harrowing six week journey on the open seas, because members of the Reform Party demanded it. They did not feel safe if these people were in their midst.

We should not criminalize the victims; we should go after the criminals. We should go after the snakeheads, the smugglers and the people who exploit the human condition and the human misery that the free economic trade zone, our western world, has created in the Fujian province in China. It is about time we started taking some responsibility for what our standard of living costs.

If we are to take the route of elevating their standard of living to something that is a little more decent, let us look at the practicality of that. David Suzuki says that for all of us on the planet to enjoy the same standard of living Canadians enjoy we would need six more planets. There are not enough resources to go around so we cannot simply hope that every person in China has two cars and all our western consumer products. That will not happen either. There is an environmental factor as well.

I would hope that some reason, sensitivity, research and intelligence would prevail in the whole debate about the mass migration of people. Maybe even some quality bills and quality motions could be put before the House so we could have a proper debate and

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a proper vote instead of something that was clearly written on a paper napkin in a doughnut shop.

The solution is not to build higher walls. The solution is not to criminalize the victims. The solution is to bust the criminals and get them out of our country like we have been doing. We have been busting the smugglers and sending them back where they came from. Let us look at the larger global picture of why there is mass migration. It has to do with our western standard of living and we have to get sensitive to it or it will be at our peril.

**The Acting Speaker (Ms. Thibeault):** Before recognizing the member for Pictou—Antigonish—Guysborough, I must warn him that he will only have seven minutes so that the member for Lakeland will have five minutes in which to reply.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Madam Speaker, I am very pleased to rise to take part in the debate. It is certainly an issue that is becoming one of great national concern, more and more so with each passing day, to the alarm of many Canadians.

Smuggling has been going on in Canada for over a century. In my home province of Nova Scotia, which was very famous for rum running during the days of prohibition, there is a strange aspect of human nature. There has been a bit of romanticism about that aspect of smuggling.

• (1835 )

It has been a problem of law enforcement. Stepped up efforts have managed to bring this problem under control in some parts of the country. Nowadays smuggling is becoming more and more a high tech and dangerous issue of drugs, guns and pornography. Some days we hear time and time again on the news that Canadian coastlines are being besieged with these kinds of contraband material.

Romanticism is certainly lost in this debate, particularly when we hear stories of human smuggling and the slavery of Chinese migrants trying to gain access to Canada. Thousands are brought in, as people are being constantly reminded through the daily media.

One specific problem gaining media attention involves Asian criminal gangs known as snakeheads, which are referenced in this motion. It seems more reminiscent of a James Bond film when we hear the facts of this case. There have been claims of an RCMP cover-up after files were deleted from the immigration computer at the Canadian commission, now the consulate general in Hong Kong. There are intriguing words like triads, Chinese Mafia, snakeheads, people smugglers and project Sidewinder. There are local staff with high level security clearance using their posts to accept bribes in return for distributing approximately 2,000 blank visa forms. The allegations are being made against the RCMP by

one of its own, which has made this case all the more chilling and disturbing.

RCMP Corporal Robert Read has made the allegations that the RCMP is covering up aspects of a visa scam at the Canadian diplomatic mission in Hong Kong. Read has been suspended for talking to the media in the Vancouver province about this Hong Kong investigation and is now subject to investigation. It has all the makings of an espionage thriller that would make a John Le Carré novel seem unbelievable.

Sadly it is not the case that we are able to look at a movie and hopefully come to some sort of happy ending. In the real world the RCMP corporal is being discredited while his legitimate hard earned evidence is being ignored.

Poor Chinese migrants are being treated as human cargo as they spend their life savings trying to get to Canada, only to find themselves in slave labour in return for this passage to Canada. Snakeheads and triads are making a fortune smuggling bodies and providing slave labour to their triad connected businesses in North America.

It is unthinkable to most Canadians that this could be happening, and meanwhile the federal government has failed to take decisive action. This past summer snakehead boats with their human cargo continued to besiege the B.C. coast, and the government had no plan of action other than waiting for the weather to change.

With no budget for the coast guard, deep cuts to the RCMP and sparse navy patrol on the water to intercept these vessels, Canadian coastlines are vulnerable. Refugee status to migrants being granted while still onboard is one way to approach the problem but with sparse resources we are unable to do it. No moneys from the government can be spent in this area. Yet it appears that the government will continue with funding for gun registration and funding for other programs that pale by comparison when viewed in terms of the seriousness of the issue.

This is a human tragedy, and yet the government has not taken meaningful action on this specific problem. It was a Bloc motion that forced the government into accepting the idea of putting the matter before the justice committee as a start. Sadly we know it will take the committee a long time to address the matter, given the agenda it is currently faced with.

As we have seen with other RCMP officers like Corporal Read, when they find themselves in conflict with their political masters or the high ranking brass in the RCMP, they are castigated, singled out and then abandoned.

An initial investigation into this possible cover-up of project Sidewinder was surprisingly stopped shortly after it began in 1992 due to lack of evidence. As we have seen in other investigations like Bre-X or Air India, when they are cut short the public is left to

*Private Members' Business*

wonder what is the true outcome and what is really at work. Yet we know in other investigations that are politically motivated, like the creation of the Airbus scandal that the money seems to be there and the investigation seems to go on endlessly.

When RCMP officers like Corporal Read are assigned to a file they are not given the support they need. Read made some very significant discoveries and found gaping holes in the original investigation. He was completing a report into why 788 files containing sensitive background information on businessmen and criminals had been deleted from the computer assisted immigration processing system, CAIPS, but was yanked off the case at the last minute just as he was beginning to get close to the truth. He protested and continued to repeat his allegations in an attempt to have the RCMP reopen and continue the case, yet they fell upon deaf ears.

• (1840)

Read was suspended for speaking to the media. Out of frustration he turned to the media. The RCMP is not actively investigating the triads. Instead it has begun to investigate him. It is the irony of ironies.

Even as late as the end of November the solicitor general was oblivious to the issue. As he stated in the House, it is up to the RCMP to decide what measures to take. He suggested that Corporal Read should take this issue to the Public Complaints Commission. Little did he know that Corporal Read had already done this and was told by the commission that his case was beyond its purview.

Again this is a clear indication that the solicitor general is sadly lacking in some of the fundamentals of his own department. If this is a case of RCMP misconduct then the solicitor general should look into Corporal Read's request to have his complaints addressed by an independent commission.

Read said that he had already brought his complaint of the alleged RCMP cover-up to the Public Complaints Commission, the auditor general and CSIS, and yet there is still no investigation. It is a shocking revelation.

For that reason I commend the hon. member for Lakehead for bringing this issue before the House of Commons. It is hoped that in listening to this debate perhaps the Liberal government will realize that its inaction has aided the proliferation of snakehead-triad organized crime in this country.

These are all important messages that are being transmitted. We have yet to see the government react. Will it receive this message? Time will tell.

**Mr. Leon E. Benoit (Lakeland, Ref.):** Madam Speaker, I am delighted to have the last five minutes to wrap up. I thank all

members who spoke to my motion. I could have been blown over with a kiss when the member for Kitchener—Waterloo, from the governing party, admitted that there was a problem and acknowledged that something must be done.

He did say that I had anticipated something the government was already doing. I look forward to that. I have been waiting six years for legislation to deal with it. I have been calling for action on this matter not just since this summer but for six years. I encourage him to carry on beyond what he said into taking some action and bringing it about very quickly.

The Bloc MP for Rosemont generally supported the concept. He expressed some concern about minimum sentences, but a motion is just meant to indicate what issue is being dealt with so that a committee can work on the details. I would be glad to work with members from all parties at committee.

The member for Winnipeg Centre, the NDP representative in this debate, quite shocked me. I will be sending out a press release to his constituents tomorrow. I just cannot believe what he said. He said that only 500 people came in over the summer and that was no problem. We are not only talking about those 500. They amount to only 2%.

Clearly the debate is not focused on the people coming in as much as on the people smugglers. We have all focused on that. We all support accepting refugees into our country. That is not the issue. Why is the hon. member trying to make that the issue? He is the kind of member who makes me ashamed because he attaches labels to political parties and to individual politicians for strictly partisan reasons instead of dealing with the issue. It is very disappointing.

He basically said that we should open up our borders for anyone who wants to come. There are 1.2 billion Chinese alone and I am sure a couple of hundred million would love to come to our country. I wonder if Canadians support his stand in that regard. I doubt it very much. He ought to listen to the NDP government in British Columbia and what his own colleagues say about it. They say something entirely different.

The Progressive Conservative member for Pictou—Antigonish—Guysborough talked about the human tragedy, the seriousness of the problem, and said that he supports the motion. I appreciate that.

I acknowledge up front that imposing minimum sentences is only a small part of the solution to the problem. A large part of the problem is that those who are smuggled into our country by human smugglers end up going through our refugee determination system, and that is a disaster. I will just throw out a few statistics to demonstrate that, because I think Canadians ought to know them.

• (1845)

Canada has become a favourite destination of people smugglers because in fact our acceptance rate for refugees is in effect 80%. I will explain that in a minute. In the United States it is 17%, Germany 7%.

Of course Canada is going to be a prime destination if they are planning to have people go through our refugee system, which is what they do. Many may be smuggled in unknown to us. That is a distinct possibility. We found out this summer and in the past that it happens on a regular basis. Certainly immigration officials told me that they may catch 3% of those who come in illegally through our airports, most with the help of people smugglers. They are smaller numbers at a time but far more overall. It is the same across the borders.

In our refugee determination system the acceptance rate is high. That is not the formal acceptance rate. If we ask the government, it will say 44%. Last year there were 23,838 people who claimed for refugee status inside Canada and 6,200 withdrew. Only 5,000 are known to have left the country and 13,000 were actually accepted as refugees. That is the 44% the government talks about. That means that 5,000 out of the 24,000 have actually left the country as far as anyone in the immigration system knows. That means we have an effective acceptance rate for refugees of about 79%.

If we want to look at solving the problem of people smuggling, we have to put in place the minimum sentences I am proposing in the motion. We should go far beyond that and fix the refugee determination system which has failed Canadians so dramatically. It has failed refugees because we are not getting people who are clearly refugees from camps overseas in the numbers that we should. Our system is failing us because of those who apply inside the country.

Let us start by fixing that. Then let us put these minimum sentences in place as soon as we can. Let us work at both of these things together. If we do that, we have made progress.

**The Acting Speaker (Ms. Thibeault):** The time provided for the consideration of Private Members' Business has now expired. The order is dropped from the order paper.

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## ADJOURNMENT PROCEEDINGS

[English]

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

CULTURE

**Mr. Bill Graham (Toronto Centre—Rosedale, Lib.):** Madam Speaker, I had the opportunity to raise the question some time ago

### *Adjournment Debate*

with the Minister of Canadian Heritage about what measures the government is taking to protect culture in the country, in particular against the influence of its erosion in connection with what we loosely call globalization.

This is a matter which was raised by our committee and by the heritage committee and is of great concern to all Canadians. People in my own riding are very concerned about what measures we are taking in Ottawa to ensure that the cultural diversity and strength of the country remains in the face of what is going on outside our borders and throughout the world.

[Translation]

We know very well that in the province of Quebec people have succeeded in preserving a vibrant cultural life that is unique in North America, that enriches our country and that encourages us to also preserve and promote the use of French in the other provinces.

[English]

Cultural diversity when seen in the context of the integrated world in which we live is a very complex issue. When we look at the Internet, when we look at new means of telecommunications, we see on the one hand tremendous opportunities. We see opportunities for Canadians to participate in exporting our cultural products and with them our values and our sense of what we are about ourselves. On the other hand they serve also as a vehicle by which other cultural products and other visions of how the world is seen come into our society and come into our homes and influence.

Our neighbour to the south is the most important producer and largest exporter of cultural products in the world. It is naturally to the Americanization of the world of culture that we look with some concern and ask ourselves what our government is doing and what we as legislators can do.

• (1850)

The Minister of Canadian Heritage is to be particularly congratulated on having held last year a very interesting meeting of cultural ministers. It brought ministers from countries as diverse as France and Mexico, as well as others, to discuss how to work together to preserve the nature of cultural diversity in this world. This was in the interests of all citizens of the world, not just some. The minister followed the meeting with an interesting meeting with the UNESCO culture ministers. I know she has been pursuing this with some aggressive action.

We also know that the ability to protect culture today is linked to trade rules. There was the famous magazine case. We have had to look at the effectiveness of the articles in NAFTA and the free trade agreement which raise a form of cultural exemption which some people today are telling us does not work in the new environment in which we operate.

*Adjournment Debate*

As I said before, we must recognize that the Americans are the most aggressive at pursuing the export of their cultural products and at resisting any suggestion that trade rules would reflect an opportunity for those of us who feel vulnerable in this area to protect ourselves.

We have allies in France and other countries but we still wonder what is taking place. That is why I am rising again today and taking this opportunity to ask the government what took place after the Seattle meeting.

We called for new measures in our committee report on the WTO. We called for the government to look at creating a new international cultural instrument. We recognize that this issue raises complex matters, differences between goods and services, but we believe that this must be accomplished in the WTO context and we look forward to knowing that the government continues to pursue this agenda aggressively and in the interests of all Canadians.

[Translation]

**Mr. Robert Bertrand (Parliamentary Secretary to Minister of National Defence, Lib.):** Madam Speaker, I thank you for this opportunity to follow up on the question raised on October 10 by the member for Toronto Centre—Rosedale.

I would like to quote from a speech the Prime Minister gave a couple of months ago on the current government's commitment to preserve Canadian culture. He said, and I quote "We must work together to protect this diversity. We must recognize that cultural goods and services are much more than mere goods. They deal with a fundamental and indefinable thing, our identity".

Nobody can doubt the commitment of the current government to preserve and promote cultural diversity both in Canada and abroad. Since the government stresses the importance of this issue, as witnessed in the last throne speech, we will work to develop, at the international level, a new approach to support the diversity of cultural expression throughout the world.

As indicated in the government's answer to two standing committees, the heritage committee and the foreign affairs and international trade committee, the federal government is considering a new international instrument to promote cultural diversity. The purpose of such an instrument would be to set clear rules that would allow Canada and other countries to retain policies promoting culture, while respecting the rule governing the international trade system, and give cultural products access to export markets.

During the initial stage of the discussions, both here and abroad, on this new international instrument, Canada will keep on insisting, in every relevant international agreement, on maximum flexibility in order to reach its objectives with regard to cultural policy.

For several years now this government has been defending the importance of cultural diversity as an international policy issue, and we have tried to strike the right balance between participating in the "global culture" and leaving enough room for Canadian culture.

[English]

## AIRLINE INDUSTRY

**Mr. Bill Casey (Cumberland—Colchester, PC):** Madam Speaker, I rise as a follow-up to a question I asked on October 21, a long time ago. A lot of things have happened in the aviation industry since then but my question is still valid.

My question on October 21 referred to a report written in 1993 and that report is still valid. It was based on the concept that if Canada had one major airline, we would have very little competition and no protection for consumers. That was valid in 1993 when the Competition Tribunal wrote it. It was valid on October 21 when I brought it up, and amazingly enough, we are right back where we started. The government is now considering what conditions it will apply in the event of a dominant carrier and one airline in Canada.

• (1855)

Considering that everything is the same as it was in 1993 and back in October, I would like the very distinguished parliamentary secretary to address my question about what is happening right now. What assurances are being demanded by the federal government and the federal minister in his negotiations with the successful dominant carrier in respect to divestiture of regionals, for example, to allow for competition throughout the country?

What protection is being given to discount airlines against this giant monopoly that we will have? What conditions is the minister demanding of the dominant carrier insofar as slot availability, ticket counter availability and all the other things necessary at airports across the country? What is he demanding from Air Canada in the interests of consumers? What demands is he making of Air Canada about price gouging?

We recently noticed that Air Canada increased the prices by 3% to address the increased fuel costs in Canada where there is no competition, but it did not apply the increases to international flights where there is competition. This is a very serious issue that is already coming to the table.

The minister, as we speak, is negotiating behind closed doors with Air Canada to determine what concessions will be made to protect consumers and what regulations will be devised to assist Air Canada to become the national airline that it wants to be, and that is a monopoly.

Just exactly what conditions is the minister demanding of Air Canada with respect to divestiture of regional airlines, price protection for consumers, protection for regional airports, protection for discount airlines and all the things that we need in the country to protect consumers and make sure that we have a good, viable format for airline passengers to travel in the country at competitive prices?

**Mr. Stan Dromisky (Parliamentary Secretary to Minister of Transport, Lib.):** Madam Speaker, the government has been entirely clear and transparent in its approach of using the Competition Tribunal, not only while the section 47 order is in place, but in the future.

On August 30 the government sought the advice of the commissioner of competition on how to address competition concerns under the most likely scenarios. The report was made public on October 26.

The government policy framework, which the Minister of Transport announced on October 26, proposes a permanent process for dealing with mergers and acquisitions involving Air Canada and Canadian Airlines in which the Competition Tribunal will play a major role.

The new review process foresees a proposal being tabled simultaneously with the Competition Tribunal, the Canadian Transportation Agency and the Minister of Transport.

The Competition Tribunal will make its findings known to the Minister of Transport. Armed with this information from the tribunal, the Minister of Transport will determine what additional conditions would be required to address transportation public policy objectives and the general public interest.

With this information as a guide, the Competition Tribunal and the Minister of Transport will proceed to negotiate remedies directly with the parties. The applicants will then revise their proposals to include undertakings to meet remedies negotiated with the tribunal and the conditions negotiated on behalf of the minister. This process will only be completed if the applicant has successfully demonstrated to the Canadian Transportation Agency that it was owned and controlled by Canadians.

The minister will complete the process by preparing a recommendation to the governor in council for approval. It is clear that it is not the Minister of Transport who will have the final say on major airline restructuring. It is the government itself.

#### NATIONAL DEFENCE

**Mr. Gordon Earle (Halifax West, NDP):** Madam Speaker, on October 21 of this year in the House the Minister of National Defence stated:

#### *Adjournment Debate*

Scientific studies to this point have not indicated that depleted uranium and illnesses including cancer are in fact related.

Is the minister aware of what the famous epidemiologist, Dr. Rosalie Bertell, has to say about depleted uranium? She says:

DU is highly toxic to humans, both chemically as a heavy metal and radiologically as an alpha particle emitter which is very dangerous when taken internally.

Upon impact, the DU bursts into flames. It produces a toxic and radioactive ceramic aerosol that is much lighter than uranium dust. It can travel in the air tens of kilometres from the point of release, or settle as dust suspended in the air waiting to be stirred up by human or animal movement.

It is very small and can be breathed by anyone from babies and pregnant women to the elderly and the sick. This radioactive and toxic ceramic can stay in the lungs for years, irradiating the surrounding tissue with powerful alpha particles. It can affect the lungs, gastrointestinal system, liver, kidneys, bones, other tissues and renal systems.

#### ● (1900)

The A-10 Warthog is capable of firing 4,200 rounds of this abomination every minute. The U.S. government has suggested that almost one million rounds of this radioactive toxic casing were fired in Iraq during the Gulf War. Iraq has witnessed explosive rates of stillbirths, children born with defects, childhood leukemia and other cancers, in particular near the Basara region where these shells were fired.

Dr. Bertell states the following about DU:

It is most likely a major contributor to the Gulf War Syndrome experienced by the veterans and the people of Iraq.

NATO launched a potentially devastating environmental offensive in Kosovo. It bombed the largest medical factory in Yugoslavia when it bombed the Galenika pharmaceutical complex, releasing highly toxic fumes. NATO bombed the petrochemical complex in Pancevo, releasing huge amounts of chlorine, ethylene dichloride and vinyl chloride monomer. The same day it hit an ammonia supply company.

In his response to my question on this issue at an earlier date, the government representative even admitted "Some of our NATO allies are using this type of ammunition".

That says it all. We are a part of NATO and thus we are responsible for NATO's actions. It is up to the government to do the right thing and say no to the use of this deadly toxin in any and all of NATO's actions.

Furthermore, the Minister of National Defence should commit to Canadians that he will do everything in his power to ensure that NATO fully complies with the UN Balkan environmental task force investigation into depleted uranium use in Kosovo.

*Adjournment Debate*

This was the essence of my question to the minister. What were we doing to ensure that NATO complies with that investigation? Anything less than the minister doing this is simply deplorable.

But this crisis is not relegated only to foreign soil. It is despicable that our government some years back had been silently disposing of toxic and lethal nuclear waste by firing it into our coastal waters off Halifax and therefore into our food system.

I ask that this government produce a complete and public accounting of all DU stocks, including every instance that DU shells have been fired in Canadian territory or by Canadians abroad. I further call upon the government to follow up on any public health risks or concerns with respect to those Canadians who may have been exposed to depleted uranium while serving our country.

I would hope that the parliamentary secretary, in response, would give an update as to the UN Balkan environmental task force investigation and what the minister has done to ensure that NATO complies so that the health and safety of human beings in Kosovo is respected.

**Mr. Robert Bertrand (Parliamentary Secretary to Minister of National Defence, Lib.):** Madam Speaker, I am sure that everyone in the House would join me in expressing our gratitude and admiration to all Canadian forces personnel deployed in Kosovo.

Canada's contribution to the air campaign was significant and our NATO allies recognize the role played by our CF-18s. This conflict proved that the Canadian forces have the training and the equipment necessary to participate in an intensive and complex military campaign alongside our allies.

Multipurpose combat capable forces are the cornerstone of Canada's defence policy. Canada's operations in Kosovo demon-

strate the real payoffs resulting from the investments the Canadian forces have made in equipment, such as precision guided munitions for the CF-18s, as well as our Coyote reconnaissance vehicles, Griffon helicopters and Bison armoured personnel carriers.

Today more than 1,400 Canadian forces personnel are deployed in Kosovo as part of the Kosovo force, KFOR. They are working hard to create a stable and secure environment through policing, implementing UN mandated arms control agreements, delivering humanitarian aid, restoring public services and helping to re-establish civilian institutions.

• (1905 )

There have been concerns raised over the use of depleted uranium ammunition in Kosovo. It should be noted that Canada's CF-18s have never used depleted uranium munitions. Moreover, there are no plans to purchase or use such ammunition in the future.

None of the scientific work published to this day supports a link between exposure to depleted uranium munitions and illness in the gulf war veterans, including cancer and birth defects.

Ensuring the safety and well-being of the men and women in the Canadian forces is one of our highest priorities. An environmental assessment was conducted at all camps used by Canadian forces personnel in Kosovo to ensure that their living quarters are safe.

[Translation]

**The Acting Speaker (Ms. Thibeault):** A motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.06 p.m.)







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