

*Cultural Property*

I wish to raise two points, however. I find in what might be called these motherhood or rather innocuous bills like this that one discovers there may have been hidden in among the intricacies of the acceptable provisions some sharp knives or harpoons. There are two in this bill. They are among those that I have objected to in other bills in years past.

There is one of these in clause 2. I do not suppose that very many members recognize that this bill, if passed by this House and the other place, on coming into law becomes binding upon the government of Canada and upon the governments of the provinces. A great deal is being made about Bill C32 being made binding upon the government of Canada and upon the provinces. I challenge the right of this House to say simply that this law shall be binding upon all provincial administrations and upon this administration.

There is no right of appeal in this bill. That is the second point I am going to make. A decision of the minister amending an order of one of the officers appointed under the bill, or a decision of the review board, shall be binding upon the government of Canada and upon the government of any province, not only as to fact, but as to law. This is true regardless of how erroneous it may be, founded upon total misconception or because of an error made in honest exercise of judgment, but an error nevertheless. There is just a little too much of this. We have objected to this in the past, not only in the provincial legislatures, but at the level of the Parliament of Canada.

● (1530)

We have objected time and time again to boards being given power of decision from which there is no appeal. I remember an amendment being made to the Customs Tariff Act in 1961, long before the minister came to this parliament. It was an historic occasion, a very small minority in this House held up a very strong majority for days before other steps were taken to upset the legislation. The subject matter was the determination of quantities of goods made in Canada to define class or kind under the act. The minister was supposed to arrive at a decision from which there was to be no appeal.

Judging from the reactions of the opposition of the day to representations from this side, one would have thought that all the civil liberties of Canada were being put at issue. And, of course, the counterparts of their own party being in a majority in the other place, that provision was stricken from the bill. What is the difference now? Why have they changed their philosophy? There is to be no appeal from the decision of this minister, no appeal from the decision of the review board. I hope the minister will be able to give us an explanation when he closes the debate. When the bill goes to committee appropriate efforts will certainly have to be made to secure these corrections.

I should also like the minister to tell us why he thinks these decisions should be binding upon the Government of Canada and the governments of the provinces. Is it to be a new feature of drafting that legislative draftsmen, perhaps with the encouragement of some of the more authoritarian members of the cabinet, should dredge up a clause of this type? We have rarely seen it in the past. It is true we saw

[Mr. Lambert (Edmonton West).]

it in Bill C-32, but we can understand it being in that bill because there is an authoritarian desire to tie down one or more of the provinces. But why should it be included in a bill of this nature?

I am suggesting that provision should be made for appeal to a federal court. Maybe that would give the Federal Court something more to do—there is a big structure in place there now and I am not sure I have yet understood its precise purposes. It seems to me that a right of appeal to the Federal Court should lie from a decision either of the minister or of the board. I do not think such a step would be taken lightly, and I do not think the occasion would arise very often; I am sure the minister, on the advice of his officials, would exercise the necessary care when making decisions.

Then again, I want to know why the minister feels that he himself, by his actions, should be able to bind the Government of Canada or the government of any province. I invite those hon. members from the Province of Quebec, in particular, to consider what the reaction of the government of that province would be to a decision of a review board at this level which would bind that government. I recall the case of the Polish treasures after the second world war and the problems which arose as a result of their retention by the Government of Quebec. There are clauses here which swing a mean axe at any individual or government which holds foreign cultural property, and a good deal of explanation is necessary on these points.

Aside from this, I believe the objects of the bill are laudable. I would hate to see it spoiled by the two features to which I have drawn attention.

[*Translation*]

**Mr. Adrien Lambert (Bellechasse):** Madam Speaker, I must first congratulate the minister on having introduced such an interesting bill. As a Canadian, I am very happy to see that the government really wants to protect all our national heritage, of which every Canadian can be proud when he has time to stop and admire the achievements of those who left their mark in our country.

Obviously, a young country like Canada is right, more than any other, to protect its cultural property and to prevent its invasion by cultural property which cannot enrich our national heritage. This is why we should be very careful. I think that the purpose of this bill is to better protect what can be exported and should stay in Canada on the one hand, and on the other to prohibit the import of cultural works that may not quite suit our reality.

Under Bill C-33, the Governor General in Council may establish by order a Canadian cultural property export control list in order to prevent our country from being deprived through exports.

I have often seen younger people admire objects made by the early Canadians. I have seen this many times while visiting my country. Young people during their holidays were enthused about some monuments, works of art, things that are part of our national heritage. They made very encouraging remarks.

Nowadays, we are too often ready to criticize the younger generation for its lack of seriousness and dissenting views. I do not agree. We were young once and we may