

*Government Orders*

and designed to give the police effective emergency powers of investigation on trans-border Indian reserves.

• (1215)

This is misinformation. This piece of legislation has been on the back-burner since Bill C-85 died on the Order Paper in the last Parliament. It was revived by the Liberals who have just missed an opportunity to produce a bill that would be easy to read and to understand and that would respect the jurisdiction of the Confederated States, which are still called provinces.

I am disappointed, because if the legislation is passed as it is, it may well miss the point, above all because it will be torn to shreds by the courts on the account of its lack of clarity and of its possible unconstitutionality.

I am disappointed also because we are again faced with a botched and improvised measure. Indeed, if Bill C-7 were to be passed exactly as it is, it would not be understandable for most Canadians, who have no legal training and who would need whole legal essays to distinguish all its subtleties and references to other laws.

Allow me to read two quotes taken from an outstanding study conducted by professors Usprich and Salomon, of the School of Law of the University of Western Ontario on the old Bill C-85, which I myself apply to the current bill. I think these comments are as valid for C-7 as they were for the old C-85, and I quote:

It would not be exaggerated to say that the bill reads generally as if it had been drafted by people who are not familiar with criminal law and who have acquired their experience writing legal texts on income tax—

In general, the legislation is badly written and even if we disregard several blatant mistakes, it is uselessly complex and generally difficult to understand. We consider this bill to be a step backward.

And yet, if it were only for the inaccuracy of the text, it would still be possible to send the minister back to the drawing board, but there is more. The federal legislator uses a style that is confusing, complex and twisted to describe and define very simple cases of trafficking, production and possession of illegal substances.

The bill often refers to other legislation for its interpretation and this makes for an obscure text with countless legal nuances and exceptions, a text so incomplete as to need Cabinet regulations before its final scope can be known.

We all want the bill to achieve its underlying objectives but we denounce the insufficient means it proposes to fight drug traffickers, who will successfully challenge it in court at the first opportunity. This is an amateurish piece of legislation, Mr. Speaker, mere window-dressing.

This bill should be sent back to the minister, not the Minister of Health, but the Minister of Justice, to be completely rewritten and brought back to the House as soon as possible. We will give our unconditional support to a complete, simple and effective

bill in the same spirit, but not this one which was drafted by people who are completely out of touch with reality.

We are told that this would be an improvement compared to the present legislation, and that the bill is needed to control illegal activities on the Mohawk reserves. Nothing is farther from the truth. I challenge anyone to find something in this bill that gives the police more effective power than the present legislation does.

Finally, this bill is unacceptable because it is outright interference in provincial jurisdiction over civil law procedure and the administration of justice. In the disguise of a bill on public health, the government is actually trying to impose a real code of legal and administrative procedure. The administration of justice inside a province is its exclusive jurisdiction, as is public health, by the way.

• (1220)

Whether you approach the constitutional study of this bill from either of these aspects, namely public health or the administration of justice, the conclusion is the same: it is an unacceptable encroachment upon areas under exclusive provincial jurisdiction.

In order to ensure compliance with the forthcoming regulations, the bill allows the Minister of Health to designate inspectors who have considerable powers. As long as these inspectors do nothing else but examine stocks of designated substances held by licence holders, there will not be any problems. I think that the minister responsible for enforcing the legislation must have the administrative means to fulfil his or her mandate. But the bill authorises these same federal inspectors to contravene any provincial legislation regarding the confidentiality of medical records.

Quebec's privacy legislation, particularly with regard to access to medical records, serves as model. Through its Charter of Rights and Freedoms, its new Civil Code and its privacy legislation, Quebec has become a world leader in this area. In particular, medical records in Quebec are better protected than a fortress. Now, the Minister of Health introduces a bill that would authorize any federal inspector, whose qualifications could be inversely proportional to his or her partisan activities, to enter the place of business of a physician or a pharmacist, to demand access to records and computer data, to make copies of this information and to distribute it to all kinds of people within the federal government. We do not accept that.

Nor do we accept that, in a much more insidious way, the legislation authorizes the cabinet to make compliance regulations that will manifestly go beyond the scope of the bill and that will constitute new attacks on provincial jurisdiction. The minister has done her homework poorly, and, moreover, she leaves it to Cabinet to finish the job. Clause 54 empowers Cabinet to make regulations on what the legislation does not cover. Not only does the legislation say nothing about important