

foreign states. In trying to define the word "nation", a Canadian scholar said that a nation is a group of people who have done great things together in the past and hope to do great things together in the future.

Certainly part of that greatness of the past, that heritage of the past, rests not only with the deeds of Canadians who have gone before us, but also with our national treasures, historical relics, art work and other memorabilia which make the past, in a very real and concrete way, come alive and give us a sense of identity which this nation up to this time has always found trouble in defining. The influence of American culture in our daily lives through the medium of television, movies and magazines certainly swamps Canadians' appreciation of the great achievements of our forefathers. So in no small way is this bill to protect that heritage, the great relics of our past, a bill that is long overdue and very important.

The aim of the bill is to regulate the export of national treasures by establishing categories of age and value limits. In principle we find the bill quite good. However, my party has two major criticisms of the bill since in two areas we find major weaknesses. The bill provides that the export of an object falling into a national treasure category can be postponed. But under the terms of the bill, as I read it, in the end the export of these national treasures cannot be prohibited. There is only one very narrow example of where the export of national treasures can be prohibited; but in general the bill can only postpone the export of national treasures—not prohibit it altogether. I think if an item is of historic or cultural value, it should not be exported: it is as simple as that.

● (1440)

The second criticism I have of the bill is that it uses the method of tax concessions in order to prevent the export of certain national treasures. I would like to elaborate on that matter a little later in my speech. First may I review the operation of the program to be set up by this bill. The minister proposes to draw up a control list which would contain a number of criteria for prohibiting certain objects being exported, at least for the time being.

The minister states there will be an age limit in respect of these items; that to come within this category they must be not less than 50 years old. He then outlined the difficulty in trying to put into this category items less than 50 years of age. I would remind him that this age limit may in certain circumstances, such as items from World War II, mean that historical items that fall within that time-frame will not come under the legislation.

The minister also has provided for a value limit of not less than \$3,000, and an exemption in respect of articles imported into Canada in the last 35 years. I appreciate and understand the minister's dilemma in trying to categorize the thousands of items which may fall within this jurisdiction if we extend or limit the time or the value of the object. But because exceptional circumstances might arise, I would hope that there would be provision in the bill for ministerial discretion so that the minister on his own, when a case is presented to him, could declare an object that does not fall within the age or value category to be a historical treasure or item of historical significance and therefore it would come under the terms of the act. I

Cultural Property

would like to see that kind of discretionary power in the bill.

The bill also proposes to control illegal imports of cultural property from other countries and provides for a system whereby a foreign state may apply to recover cultural property illegally imported into Canada. This is a valuable provision in the bill. Certainly, anyone who has visited the British Museum in London, England, realizes the historical treasures of ancient Egypt which the British have in their possession. Canada can, of course, afford to be generous in this area since we have not throughout our history plundered nations of their historical treasures. Nevertheless, there are examples of items that should in reality belong to other countries and I am happy to see the provision enabling other countries to get those items back.

The system the minister is setting up seems to be very thorough from the point of view of allowing anyone who has an object of cultural value the most thorough review as to whether his object can or should be exported. As I understand it, the system works along these lines: a resident who wants to export an item that comes within the control list applies for an export permit; the permit officer then refers the matter to an expert examiner, that is, if the item is on the control list; the expert examiner then makes a decision as to whether the item or object can be exported—and then, if he concludes that the object should not be exported, the owner of the object can appeal within 30 days to the review board. The cultural property export review board, in turn, has a number of functions and powers at its disposal. It can review the application for export permit, it can receive an appeal from an applicant for an export permit and reverse the decision of an expert examiner or, if it agrees with the expert examiner, it can establish a delay period of up to six months within which to determine a fair market price for the object.

In an official press release of October 30, 1974, the minister elaborated on the powers of this export review board. As I mentioned at the beginning of my speech, this board does not in the end have the power to prohibit the export of an object after six months. I quote from the release as follows:

If after the delay period has expired a firm cash offer is not obtained from a Canadian institution or public authority, the review board must instruct the permit officer to issue an export permit.

So we could have someone appeal the decision not to be allowed to export an item, but after six months, if no Canadian institution buys that item, the person is allowed to export it even though it may be of significant historical or cultural value to this country. There is another aspect of the review board, which is as follows—and again I quote from the minister's press release:

The second responsibility of the review board arises in the case where an applicant for an export permit and an interested Canadian institution cannot agree on a fair cash offer for the object for which the review board has created a delay period.

That is the six-month period I was referring to. I continue to quote from the release:

If the institution in question accepts this evaluation, and offers to purchase the objects, but the applicant does not accept the evaluation, an export permit will not be granted. If the applicant accepts the evaluation but neither the interested institution, nor any other institution or public authority in Canada, is willing to purchase the object at