

This problem exists in Newfoundland where an independent cannot sell out and it cannot get supplies at a fair price in order to survive. Irving Oil in the Atlantic will not supply independents. Imperial is not renewing contracts with independents. In Europe and in the United States the independents are much stronger because the governments there want to encourage and strengthen the independents, and as a result there is a far broader section of competition available to protect the interests of the consumer.

I want to know if this government is joining the cartel of the majors through Petro-Canada. Will it control the refinery gate price or will it be using its substantial powers to open up refinery product supply and prices to the Canadian-owned independent companies? The answers of the two ministers have not cleared this question up.

Mr. Roy MacLaren (Parliamentary Secretary to Minister of Energy, Mines and Resources): Mr. Speaker, the hon. member's remarks this evening are timely, given the release this week of the eight-year study entitled "The State of Competition in the Canadian Petroleum Industry", to which the hon. member has made reference. The report suggests that certain developments:

—have considerably enhanced the ability of the major domestic petroleum refiners to restrict the operations of independent suppliers of gasoline and fuel oil.

I am sure all members will await with interest the hearings and the recommendations of the Restrictive Trade Practices Commission.

Mr. Huntington: Put your notes down and just give the answer.

Mr. MacLaren: On the other hand, Mr. Speaker, the federal government has done a number of things to ensure the viability of the independent wholesalers and retailers in the petroleum industry. For example, in response to the tight supply conditions prevailing during 1979, the federal government advised Canadian refiners and terminal operators of the government's position that the viability of efficient retailers must be maintained. It requested that the major companies act to alleviate any problems which existed at the time. Government guidelines specifically directed that refiners and terminal operators, (1) not alter substantially their trade class mix, (2) continue to supply customers of record according to current requirements—historical off-takes unless superseded by recently made contractual renewal or cancellations—and (3), not arbitrarily deny contract renewal.

Continuous contact has been maintained with the independent oil distributors. The Minister of Energy, Mines and Resources (Mr. Lalonde) and the Minister of State for Small Businesses and Tourism (Mr. Lapointe) have met several times in recent months with representatives of the independent companies. Government officials have been monitoring the market. The market share of the independents has been maintained, in accordance with government policy and guidelines. In fact, the gasoline marketing sphere of the independents increased in 1980.

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As a result of the recent acquisition of Petrofina by Petro-Canada, the role of that Crown corporation has become more clearly defined in eastern Canada. Petro-Canada and the government are now carefully examining new crude oil supply possibilities, in the light of this acquisition, with the intent of determining how the independents can be further assisted. The National Energy Program is specifically designed to maintain a strong and vigorous independent sector within our petroleum industry. The recent initiative by Petro-Canada is in full support of this objective.

While an important aim of the National Energy Program is to increase Canadian ownership and control within the oil and gas industry, this will not be done through increasing concentration of power in the hands of a small number of Canadian companies. A concentrated Canadian industry is an unsatisfactory substitute for a concentrated foreign-owned industry. Competition is the consumers best protection. It is the intent of the federal government to promote an increase in the number of Canadian participants within the industry.

THE CONSTITUTION—QUERY WHETHER CHARTER OF RIGHTS COVERS UNBORN CHILDREN

Mr. Douglas Roche (Edmonton South): Mr. Speaker, I have come here tonight to alert the House and the country to an issue which has not yet received attention. In my judgment, it is a sleeper issue and one which will have profound effects on the life of our country for decades to come. It is the abortion issue as it relates to the charter of rights, which is now before the House.

I want it understood that this brief presentation I am making tonight is not an attack on the charter, as such, and it is not a partisan appeal for any support. Rather, Sir, it is an effort to bring to the attention of the House my contention and my belief, supported by a legal opinion, that within the charter of rights, as it now stands before the House, Sections 7 and 15, contain therein not only the prospect but the likelihood of what will happen as a result of the entrenchment of Sections 7 and 15; that is, that in future any law on abortion will become unconstitutional.

● (2150)

I do not think this is what the public or members of the House want. I think we want a situation in which we can give a political response to the abortion issue, taking section 251 of the Criminal Code into consideration, which allows women to have abortions when the life or health of the mother is in danger. Since that amendment came into the Criminal Code in 1969, abortions have grown to the point where they now exceed 65,000 per year, and it is a very serious situation.

Tonight I only want to focus on what the charter of rights will do. I ask the parliamentary secretary to respond directly to the legal opinion which I will put before him and to draw this to the attention of the minister, because on February 20 I asked the minister whether the words "everyone and every individual", as used in Sections 7 and 15, would apply to the unborn child, and the minister said the government did not

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intend to affect the abortion question with respect to the charter.

The legal opinion I have is from the distinguished firm of Stephens, French, McKeown & Taylor, in Toronto. It was presented to the members of the all-party committee on pro-life. It is a non-partisan committee, and there are representatives from every political party. One of the co-chairmen is the distinguished hon. member for Brandon-Souris (Mr. Dinsdale), who is in the House tonight, and this opinion was presented to members yesterday. I cannot take the time of the House, at the moment, to go through it all.

I would like to point out to the parliamentary secretary and to the House that the operative law with respect to the rights of human beings today, connected to the abortion question, is a case from the Ontario Supreme Court, in which Mr. Justice Robins, in September, 1979, reiterated the law which has been upheld since then by the Ontario Court of Appeal and the Supreme Court of Canada. Mr. Justice Robins said:

—the law has selected birth as the point at which the foetus becomes a person with full and independent rights.

It will not be possible under the charter, as it is now written, given the context of the law under which we are now operating, for the foetus to be considered to be a human being and given rights. In order for the foetus to have rights, it must be born, and become capable of asserting its right to life under section 7. That is the part of my contention.

I point out that the only rights and freedoms which will exist in Canada after the charter becomes law are those presently in existence. I have already said that Mr. Justice Robins' decision is the operative court decision. In order to make any change in that, if this charter of rights becomes entrenched, we will require a constitutional amendment. We know how difficult that will be to obtain. It will probably never come in our lifetime, and we will be entering a situation in which, under Section 15, which says the right of the woman is protected, there will be a conflict between the right of the mother and the right of the foetus.

I submit, and I believe a wide body of parliamentarians and the public would agree, that the day has come when the law must say that life begins in the womb, that the foetus is a potential human being, a human being in the process of formation, and should be afforded those rights.

I close by pointing out that if the government is sincere and does not want to upset the abortion question, it will accept an amendment that would specify, as the firm of Stephens, French, McKeown & Taylor has suggested, that everyone, including the unborn, has the right to life, that life begins at conception, and that right is assertable from conception. That is the amendment we seek.

I ask the parliamentary secretary to take this into very serious consideration. He will recognize that I have not given him any kind of a partisan argument tonight; I am giving him an argument which goes to the heart of the charter applied to the right to life.

What do the words "everyone has the right to life" actually mean? The government cannot get out from under by saying that it will not affect the abortion, because if we do not act to amend that charter, we will be entrenching abortion. I suggest that the members of the House do not recognize that this will happen. They do not wish it to happen, and certainly all those Canadians who are very concerned with the 65,000 abortions per year do not want that situation to occur.

Some hon. Members: Hear, hear!

Mr. Ron Irwin (Parliamentary Secretary to Minister of Justice and Minister of State for Social Development): Mr. Speaker, I wish to commend the hon. member for Edmonton South (Mr. Roche) for his concern about this very important issue.

During the hearings of the special joint committee, the views on the issue were very divided. The right to life advocates argued that the Charter of Rights and Freedoms should make it very clear that the unborn child has the right to life. The pro-choice groups contended the right of a woman to have an abortion should not be put in jeopardy.

• (2200)

Mr. J. Robert Kellerman, legal counsel, Canadian Abortion Rights Action League—CARAL—speaking of the right of life applying to the embryo or the foetus, stated the following to the special joint committee:

We have already expressed the opinion, and I think it is a fact, that the majority of the Canadian people do not subscribe to that belief. It is a minority view and it is a view which should not be allowed to express itself as if it is an entrenched right in the Constitution of Canada.

On the other hand, Major John J. H. Connors, LL.B., a health services consultant with Alliance for Life, spoke to the special joint committee along the following lines:

Consider, if you will, the stages of life as links in a chain. Canada's pensioners, our infirmed and incapacitated, our labour force, our students, our children and, even younger, our babies, are linked together, because all are human whatever might otherwise be their status. So, too, are unborn children a link in the same chain, similarly human and even more deserving of protection because of their vulnerability. Their very weakness dictates their need of the special protection of being named under section 7 of the Canadian Charter of Human Rights and Freedoms, which we respectfully request include a provision that everyone, from conception to natural death, has the right to life.

Because this is a matter on which there exist fundamentally differing views in Canada, the charter does not seek to take a position on the rights of the unborn and abortion, believing this is a question better left for determination by Parliament in the exercise of its ordinary legislative jurisdiction which can be adjusted from time to time as social and moral values evolve.

As long as abortion remains an evolving social issue with a divided public opinion it is best dealt with through the flexibility of legislation rather than entrenchment of one view or the other.

The Canadian charter of rights and freedoms enjoys the support of the majority of Canadians because it protects our basic rights and liberties. With respect to the abortion issue, the charter will not in any way alter the right of Parliament to

legislate concerning abortions but provide only that such legislation shall be consistent with principles of fundamental justice. The will of the people of Canada, as expressed through Parliament, shall continue to be the arbiter of the abortion question. The charter does not at all affect the current provisions of the Criminal Code respecting abortion; rather it provides a framework within which the question can be addressed by all Canadians.

COMMUNICATIONS—AM RADIO TRANSMISSION—PROPOSED
CHANGE IN DIAL POSITIONS

Mr. Laverne Lewycky (Dauphin): Mr. Speaker, I should like to address my remarks to a question I raised on January 28 in this House about the proposed change of the dial position of the AM band. At that time the response of the minister who was dealing with communications, the Secretary of State and Minister of Communications (Mr. Fox) said they were "favourable to maintaining the spacing of ten kilohertz" and that up till then there had been no change in their position.

I also addressed a question to the Secretary of State for External Affairs (Mr. MacGuigan), which he took as notice. In a subsequent letter to me he indicated that the position the government will take at the conference will be that which best meets the requirements of Canadian broadcasters and the interest of the public, while at the same time recognizing the need to co-ordinate and co-operate with other countries in the region. This reply is very non-committal and does not really satisfy my constituents who were making the inquiries.

Since that time I have received a number of resolutions opposing the change on the AM dial from various municipalities such as Dauphin, Grandview, the rural municipality of Gilbert Plains, the rural municipality of Glenella, the rural municipality of Shellmouth and the local government district of Alonsa. Many people have come to see me in the constituency, such as the manager of the local radio station, Hugh Dunlop, who strongly opposes any such changes. Some of my colleagues have passed on representations from radio stations in their ridings where the changes are also opposed. This is indicated in letters to the hon. member for Churchill (Mr. Murphy) and the hon. member for Kootenay East (Mr. Parker). It is because of these representations that I should like to deal with the subject this evening.

When I met with Peter Nykolaishen the engineer at CKDM radio station, he indicated what this means to a rural station such as Dauphin. In the case of CKDM they would have to purchase new crystals, change their number from 730 to 739, shift the antennae, bring in specialty people to make the changes, and there would be a great inconvenience to the public which has been listening to the station for 30 years. There would also be problems for other members of the staff, such as sales manager, Jack Henderson, who indicated that promotional literature and letterheads would have to be changed, listeners would have to become adjusted to the dial change and for a time would be confused. Small transistor radios may not be able to pick up all the changes that would occur.

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Other constituents have written to tell me what the change means to them. The secretary treasurer of the rural municipality of Gilbert Plains, Mr. Drebnisky wrote:

For example we have a few hundred people in this area alone that like to listen to the CJOB Winnipeg station broadcasts of the Montreal Expos baseball games, Winnipeg Blue Bombers football broadcasts and the Winnipeg Jets hockey games. Daytime listening is fine but as soon as dusk arrives there is such interference from an American station that it is impossible to listen to the broadcasts.

In the south end of my constituency which is close to Winnipeg, the resident administrator of the district of Alonsa, Mr. Hryciuk, writes:

I would like to state that I know of one station in Manitoba that has problems now and that is CJOB. It happens to be one of my favourite stations and if this same should happen to the great number of our Manitoba and other stations, then I say, let's keep what we've got.

In addition I have letters and representations from organizations such as the Broadcasters' Association of Manitoba. The president, John Cochrane writes:

Rural listeners will be inundated with an even greater number of foreign signals at night and some of our Manitoba stations' signals will have more interference from these stations.

He goes on to note that 95 per cent of the AM stations will have to change their dial position, that there will be a reduction in the sound quality of stations and that the usefulness of future technical improvements such as AM stereo will be limited.

I have received similar representations from the Arctic Radio Corporation Limited which indicates the prohibitive costs that small stations would face in rural Manitoba. I have also had representations from the Hall-Gray Broadcasting Company Ltd. in British Columbia. This is a problem right across Canada and is one that should be addressed by the department.

On behalf of our constituents we would like to have a clear statement, not merely a neutral statement. We urge the government to actively promote the retention of the ten kilohertz interval spacing on the AM dial at the coming convention.

• (2205)

Mr. Roy MacLaren (Parliamentary Secretary to Minister of Energy, Mines and Resources): The selection of a preferred spacing for frequency channels for AM radio transmissions is a complicated issue involving a comparative evaluation of the costs that would be borne by Canadian broadcasters if closer spacing were adopted and of the benefits from such a change in the form of opportunities to establish new or to upgrade existing AM broadcasting stations.

As the Minister of Communications (Mr. Fox) said in responding to a question on January 28, our traditional position has been to retain ten kHz spacing. Indeed, it was the Canadian delegation at a conference in Buenos Aires in March, 1980, that provided the crucial support to the Brazilian delegation to bring about an 18-month delay in the decision on whether to adopt nine or ten kHz channel spacing as the international standard. This decision will now be taken at a conference to be convened in Rio de Janeiro by the Interna-