



# Debates of the Senate

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1st SESSION

•

36th PARLIAMENT

•

VOLUME 137

•

NUMBER 97

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OFFICIAL REPORT  
(HANSARD)

**Thursday, November 26, 1998**

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THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

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(Daily index of proceedings appears at back of this issue.)

*Debates*: Chambers Building, Room 943, Tel. 995-5805

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Published by the Senate  
Available from Canada Communication Group — Publishing, Public Works and  
Government Services Canada, Ottawa K1A 0S9,  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Thursday, November 26, 1998

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

### SENATORS' STATEMENTS

#### HEALTH

##### FIRST ANNIVERSARY OF TABLING OF REPORT OF COMMISSION OF INQUIRY ON BLOOD SYSTEM IN CANADA

##### **Hon. John Lynch-Staunton (Leader of the Opposition):**

Honourable senators, today marks the first anniversary of the tabling of the final report of the commission of inquiry on the blood system in Canada. Its first recommendation called for financial compensation to all those who had contracted hepatitis C through tainted blood or blood product. Under federal initiative, an agreement was reached in March of 1998 on a \$1.1-billion assistance package, limited only to those infected between January 1, 1986, and July 1, 1990. The decision by the federal government not to be a party to any compensation package for victims before January 1, 1986, is based not on a compassionate approach but on legal opinions.

Indeed, testing procedures which had been available from 1986 onward, but only adopted years later in Canada, are of such reliability that the government felt it was wiser to settle out of court than to face prolonged class action suits which might prove extremely costly to all governments. Testing procedures, however, were available years earlier. Obviously not as sophisticated and perfected as today's, they were nonetheless adopted in a number of countries, but not in Canada, as it was felt that the few people at risk did not justify the investment. Such was the official policy at the time, as is well documented in the Krever report, none of which has been refuted.

In May of 1998, Ontario announced that it would extend financial assistance to all victims. Quebec announced a similar commitment shortly thereafter. In September of 1998, following a meeting of health ministers, the federal Minister of Health maintained the government's limitation of direct compensation to 1986-1990 victims only. Earlier this month, Ontario made good on its pledge by announcing details of the compensation package available to all victims. The federal government reconfirmed its rigid position.

The difference between the two approaches is startling and disturbing. Ontario recognizes that the blood authorities were at fault for not instituting testing procedures as soon as they became available. The Government of Canada recognizes only current testing procedures as being efficient, and that these are the only

ones which could have been adopted sooner, that is, in 1986. Ontario says to all victims, "If you don't find this offer adequate, you can always make a claim in court." The Liberal government says, "If you feel you deserve compensation, your only alternative is to go to court." One shows compassion; the other leans exclusively on narrow, insensitive legal technicalities.

This is a sad anniversary day, not only for the thousands of Canadians who have been shut out of the compensation package but also for those who are eligible and await helplessly for some tangible development since the March agreement. In fact, while dozens of lawyers thrive on prolonged negotiations with the federal government, all victims, whether eligible or not, can only watch in sadness and dismay. Must they, too, engage in or resort to a hunger strike in order to attract attention to a condition brought on by official incompetence and negligence, and made worse by official insensitivity and indifference?

#### THE LATE JACK LEONARD SHADBOLT

##### TRIBUTES

**Hon. Francis William Mahovlich:** Honourable senators, I bring to your attention today the death of a great Canadian artist, Mr. Jack Shadbolt. He died last Sunday at the age of 89.

Very few people on this earth can make a worldly statement with one or two strokes of a brush. We are talking about Pablo Picasso, Salvador Dali, and Jack Shadbolt — a Canadian.

Mr. Shadbolt was known across the country, not only by artists but also by Canadians in all walks of life: war veterans, pilots, native people, and those who love nature. His career spanned over 70 years. Many of us will remember Mr. Shadbolt for his murals and the work he created to adorn public buildings and corporate offices, as well as for his paintings in galleries from Paris to Pittsburgh.

Mr. Shadbolt was born in Shoeburyness, England, in February of 1909. As a child he moved to British Columbia and grew up in Victoria and Vancouver to become the artist we know today.

•(1410)

When he met fellow artists Max Maynard and Emily Carr, Mr. Shadbolt decided to pursue painting as a living. Carr shared with him her love of nature and of native art and culture. He studied art in New York, London and Paris. During his service as a soldier in the Second World War, he painted images of prisoner of war camps. He was the unofficial war artist.

Mr. Shadbolt has left Canadians with a great sense of loss in the world of art.

[Translation]

## THE LATE MICHEL-CHARLES-ÉMILE TRUDEAU

### TRIBUTE

**Hon. Gérald-A. Beaudoin:** Honourable senators, I wish to add my condolences to those offered yesterday by Senators Fairbairn, Joyal, Grafstein and Cohen on the occasion of the tragic death of Michel Trudeau.

I think of the following lines by Victor Hugo, who was shattered by the accidental death of his daughter, Léopoldine, in Villequier. I quote them for the hope they offer:

The grave that opens for the dead  
A stairway to the heavens gives  
And though we are no more, 'tis said  
Yet still the soul forever lives.

I extend my deepest sympathies to the Right Honourable Pierre Elliott Trudeau, to Mrs. Margaret Kemper and to their two sons, Justin and Sacha Trudeau.

[English]

## HUMAN RIGHTS

### ANNIVERSARY OF INCIDENT AT APEC CONFERENCE IN VANCOUVER

**Hon. Consiglio Di Nino:** Honourable senators, the events surrounding last year's APEC summit are well known to all of us, indeed to all Canadians. We all remember the images of peaceful demonstrators being pepper-sprayed and dragged away by the RCMP on the orders of the Prime Minister's Office so that a foreign dictator would be spared the sight of democracy in action.

Public outrage at what happened that day in Vancouver finally pushed the government to send the matter before the RCMP Public Complaints Commission. The commission was charged with investigating whether or not members of the RCMP used excessive and unwarranted force against the APEC demonstrators.

If I have my facts right, the commission was also asked to look into allegations that the Prime Minister and/or members of his entourage took a personal hand in directing the RCMP operations.

From the outset, the independence of the commission has been put into public question. It has been noted, for example, that all but one of the commission's members have been appointed by Liberal Orders in Council. People are wondering, and rightly so, if the members of the commission are really prepared to bite the hand that feeds them.

Public concern was heightened when it was revealed that the former solicitor general had openly prejudged the outcome of the commission during his airborne musings over which members of

the RCMP would have to take the fall over the APEC affair. If this was not enough, he then proceeded into a series of lies which destroyed not only his own credibility but that of the complaints commission as well. This led ultimately to his resignation and retirement in disgrace to the backbenches.

Throughout this entire affair, the Prime Minister has resolutely refused to come clean. Questioned about his role in the affair, he points his finger at others. Asked if he will testify before the commission, he fudges and stonewalls and with good reason. The RCMP Act contains no clauses that oblige the Prime Minister to appear as a witness and tell Canadians what he knows.

The result of all this is a growing suspicion that the commission will never get to the truth behind the scandal. It is obvious that neither the government nor the RCMP has any interest in giving Canadians a real accounting of the facts in this matter.

It seems clear to me that the commission should be shut down and that an independent judicial inquiry should be set up to plumb the depths of the scandal and allow Canadians to see what the government seems so desperate to hide from them.

## ROUTINE PROCEEDINGS

### HEALTH

#### NOTICE OF MOTION TO CONGRATULATE THE GOVERNMENT OF ONTARIO ON RECOMPENSING VICTIMS OF HEPATITIS C IN BLOOD SYSTEM

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I give notice that on Tuesday, December 1, 1998, I will move:

That the Senate congratulate the Government of Ontario for providing financial assistance to all those who contracted hepatitis C, regardless of when the infection occurred.

### FISHERIES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXAMINE ESTIMATES OF DEPARTMENT OF FISHERIES AND OCEANS AND OTHER RELATED MATTERS

**Hon. Gerald J. Comeau:** Honourable senators, I give notice that on Tuesday next, December 1, 1998, I will move:

That the Standing Senate Committee on Fisheries be authorized to examine and report upon the Estimates of the Department of Fisheries and Oceans for the fiscal year ending March 31, 1998 (Parts I and II, tabled in the Senate on March 17, 1998; *Report on Priorities and Planning* and *Departmental Performance Report*, tabled in the Senate on November 3, 1998), and other matters relating to the fishing industry; and

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[*Translation*]

## INTERNATIONAL POSITION IN COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE TRANSPORT  
AND COMMUNICATIONS COMMITTEE TO EXTEND  
DATE OF FINAL REPORT

**Hon. Lise Bacon:** Honourable senators, I give notice that on Tuesday next, December 1, 1998, I will move:

That notwithstanding the Order of the Senate adopted on October 29, 1997, the Standing Senate Committee on Transport and Communications, which was authorized to examine and report upon Canada's international competitive position in communications generally, including a review of the economic, social and cultural importance of communications for Canada, be empowered to present its final report no later than March 31, 1999 and that the Committee retain all powers necessary to publicize the finding of the Committee contained in the final report until April 9, 1999.

In an effort to assist Premier MacLellan and his government, I would like to put several questions to the Leader of the Government in the Senate, whom I know to be in close touch with this situation.

First, will the minister tell us whether the federal Crown corporation known as Devco is on track to achieve the financial targets set out in its corporate plan for the present fiscal year?

•(1420)

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, the answer to that question, as my honourable friend probably already knows because he never asks a question to which he does not know the answer, is "no."

**Senator Murray:** That being the case, honourable senators, may I ask whether the minister has reason to believe that there will be any further contraction in the coal mining operation, specifically layoffs between now and the end of the present fiscal year?

**Senator Graham:** Honourable senators, that is a matter for ongoing discussion and consideration by the Devco board of directors, the management and the staff. They are keeping in close contact with the government and those who are most responsible.

**Senator Murray:** Has the federal government made any provision to absorb the anticipated deficit of the Crown corporation for the current fiscal year?

**Senator Graham:** Honourable senators, that matter is also under very serious consideration.

**Senator Murray:** Is it fair to ask the minister when the Government of Nova Scotia, the employees and others in Cape Breton, who obviously have a vital interest in these matters, and Parliament will have a statement of plans and policy on the part of the minister responsible, the Minister of Natural Resources, and of the federal government?

**Senator Graham:** My honourable friend is a senator from Ontario. He takes a special interest in matters of this kind because he was born in the New Waterford area, which has long been a centre of coal mining interests.

Having been the first employee of the Cape Breton Development Corporation actually on the ground, the second employee after the president was hired, and having grown up in the area, I have a very special, deep and abiding interest in what is going on there. I hope to be able to bring forward a statement in the very near future.

**Senator Murray:** My honourable friend's knowledge and experience of those communities will surely persuade him easily that some clarification of the situation would be the humanitarian and compassionate thing to do before Christmas.

**Senator Graham:** I hope we will be able to provide clarification before Christmas.

[*English*]

## QUESTION PERIOD

### NATURAL RESOURCES

CURRENT FINANCIAL SITUATION OF CAPE BRETON DEVELOPMENT  
CORPORATION—NEED FOR TIMELY POLICY STATEMENT BY  
FEDERAL GOVERNMENT—GOVERNMENT POSITION

**Hon. Lowell Murray:** Honourable senators, although I am an Ontario senator, I recently found myself in Cape Breton for the weekend. What I saw on television there and later read in the newspapers was the Premier of Nova Scotia speaking of the situation facing coal mining in Cape Breton and the Cape Breton Development Corporation. He stated:

We are operating in the dark until we know what the plan for Devco is.

He also stated:

We have to force the federal government to make us part of their planning. We have to impress upon Ottawa that Nova Scotia is very concerned about the coal industry.

He continued a bit later:

We need to have our say. We want to be part of that discussion and in formulating a plan for the future.

[ Senator Comeau ]

## SOLICITOR GENERAL

TREATMENT OF PROTESTORS AT APEC CONFERENCE  
IN VANCOUVER—RESIGNATION OF MINISTER—ROLE OF  
PRIME MINISTER IN PROCESS—GOVERNMENT POSITION

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, on my way to Parliament Hill this morning, while walking to the Centre Block, I looked over at the Langevin Block and noticed that it was in darkness. I take it that that condition speaks to the fact that that is where the apprentices of the Prince of Darkness gather.

**Senator Graham:** I went by your office, and it was in darkness when I arrived.

**Senator Kinsella:** We will come back to that another day.

Honourable senators, the headline in today's *Globe and Mail*, the respectable journal that it is, reads "PM says he authorized affidavit that sank Scott." Are we to understand that my good friend Andy Scott was the fall guy for the Prime Minister?

**Hon. B. Alasdair Graham (Leader of the Government):** The Prime Minister does not need anyone to be a fall guy. The article simply confirms what I said with respect to the transparency of the way in which the Prime Minister's Office operates.

**Senator Kinsella:** Honourable senators, the covers that have been applied in this sad saga include the proposition that the Prime Minister has not interfered. Yet, we learn today that Mr. Ivan Whitehall, the government's lawyer, received authorization from the Prime Minister that the affidavit from Mr. Toole ought to be submitted. Is that not interference by the Prime Minister in this process?

**Senator Graham:** Mr. Whitehall is the government's lawyer, after all, and the Prime Minister is the Leader of the Government.

**Senator Kinsella:** Then Mr. Whitehall is the Prime Minister's lawyer in this matter.

**Senator Graham:** I did not say that. I said Mr. Whitehall is the government's lawyer and the Prime Minister is the Leader of the Government.

**Senator Kinsella:** Who is the head of the government today?

**Senator Lynch-Staunton:** The Prince of Darkness.

**Senator Berntson:** Dr. Death.

## CANADIAN RACE RELATIONS FOUNDATION

EFFECT OF LEGISLATION ON MANDATE—  
GOVERNMENT POSITION

**Hon. Donald H. Oliver:** Honourable senators, my question is directed to the Leader of the Government in the Senate, and

concerns a topic upon which I have asked a number of questions of the honourable leader in the past. My question relates specifically to Bill C-44.

The President of the Treasury Board was asked recently about this bill, and wanted to know why the Liberal government turns its back on a redress package forged with the hope of improving race relations in Canada. The minister is reported to have said:

Bill C-44 looks at the Canadian Race Relations Foundation just like it looks at other agencies. It is being treated quite fairly.

Changes to other agencies within that bill include minor downsizing; updates to terminology in order to use gender-neutral language; the removal of age limits for appointees to certain boards, et cetera. Isolated among all these changes is the mandate of the Canadian Race Relations Foundation. It is being stripped of its proactive role in the promotion and development of effective policies and programs to eliminate racism. No other government agency is being gutted of its original mandate and purpose in this bill.

What will the government do, Mr. Minister, to bring about changes to preserve the mandate of this organization?

**Hon. B. Alasdair Graham (Leader of the Government):** I am one of those who agrees with Senator Oliver that the mandate of that particular organization should be preserved. Bill C-44, the Administrative Tribunals Act, sometimes known as the Remedial and Disciplinary Measures Act, has received first reading in the House of Commons. The government has not yet decided when the bill will proceed to second reading.

I can assure Senator Oliver and all honourable senators that the government has been, and will continue to work with all parties who have an interest in the provisions of this bill. Again, I will bring Senator Oliver's interest in this matter to the attention of those responsible.

**Senator Oliver:** Honourable senators, as the honourable leader knows, that minister has already made changes in relation to the Canadian Broadcasting Corporation in Bill C-44. If he can do that for the CBC, why can he not do something for the Canadian Race Relations Foundation?

I remind honourable senators that this foundation was established by the last government as a form of redress for the 21,000 Japanese Canadians who were wrongly interned during World War II. It was an attempt to take responsibility for wrongdoings of the past, and to improve race relations in Canada's future.

I ask the Honourable Leader of the Government: Was this not a worthwhile endeavour, and why is it now being lost at the hands of this government?

**Senator Graham:** Honourable senators, it has not yet been lost. It certainly was a worthwhile endeavour. I assure the Honourable Senator Oliver that I will bring his forceful and timely representations to the minister responsible.

## AGRICULTURE

### ECONOMIC CRISIS IN RURAL CANADA—ADEQUACY OF AMOUNT OF AID ANNOUNCED BY MINISTER—GOVERNMENT POSITION

**Hon. Leonard J. Gustafson:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. The state of agriculture has been something that the Standing Senate Committee on Agriculture and Forestry has studied since early spring. Might I say that the Senate committee was probably the first to bring to the attention of Canadians that there were problems out there.

I am pleased to hear that the Minister of Agriculture has finally indicated that he will make a move to do something. Rumours suggest that the amount of that aid might be \$400 million. The problem with that figure is that if there are 250,000 farmers, 100,000 of whom are in trouble, and we divide 100,000 into \$400 million, each will get \$4,000. Considering the seriousness of the situation, that amount of money will not be sufficient. We have heard consistently that it must be GATT green and not ad hoc. Before the committee today, Mr. Gifford, who was in charge of the Canadian side of negotiations on the Uruguay Round of the GATT, indicated to us that Canada can put in \$2 billion every year and still be GATT green. Those are the guidelines.

The government must look more realistically at the seriousness of this problem. If \$400 million is the amount that is being set aside, it will not be sufficient to deal with the problem.

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I appreciate Senator Gustafson's concerns. There is no one on that side more knowledgeable on these matters than he is.

I do not know the exact figure, nor would I be permitted to divulge the number in advance of any announcement that may be made by the Minister of Agriculture. However, let me assure the honourable senator that this morning I had discussions on this very subject with the Minister of Agriculture. He has been in touch with his counterparts across the country. He is also discussing the situation with his colleagues. I am hopeful that an announcement will be made in the near future.

**Senator Gustafson:** Honourable senators, I believe Senator Whelan shares my concerns.

I want to tell you that I chaired the committee on drought in the mid-1980s, when the government of that day put several billion dollars into agriculture. There was a specific billion-dollar figure which was put towards the drought problem. However, this is a more serious situation because we now have a problem where there is no return because of the price, even though the farmers have grain in the bin.

Another factor is that, in the past, agriculture was receiving about \$6 billion per year at one point. That has been cut to almost \$2 billion per year. Part of that decrease is as a result of the cuts to the freight rates, which amounted to about one dollar per bushel.

Otto Lang, who was sort of the father of the "Get rid of the Crow" said that if we are to make the transition, we must put in

at least \$15 billion over a period of 10 years to take care of the loss of the Crow and freight rates to the farmers. Charlie Mayer cut that in half, and put the figure at \$7 billion.

**Senator Graham:** He was the Conservative minister of agriculture.

**Senator Gustafson:** He was the Conservative minister of agriculture, and he said \$7 billion. We ended up with \$1.6 billion to take care of the freight rates divided about three different ways. It did take care of the problem for one year, but it has now left the farmers in limbo on freight rates for the years that are before us; freight rates that, in the past, amounted to \$1 per bushel to the farmer.

I wish to point out the need here for sufficient funds to deal with the loss that farmers have had.

**Senator Graham:** Honourable senators, Senator Gustafson is absolutely correct. I shall not wait for tomorrow's *Debates of the Senate*. I will take today's blues of what has been said, and I will give them directly to the Minister of Agriculture. He will then have, in the senator's own words, the concerns and expertise that he brings to this particular problem.

## NATIONAL DEFENCE

### AURORA MARITIME PATROL AIRCRAFT FLEET—REPLACEMENT OF KAPTON WIRING IN FLEET AND OTHER AIRCRAFT—STATUS OF LIFE EXTENSION PROGRAM—GOVERNMENT POSITION

**Hon. J. Michael Forrestall:** Honourable senators, my question is directed to the Leader of the Government in the Senate. I do not expect the Leader of the Government will be able to respond to my question today. However, I would be grateful if he could provide an answer before we leave for the Christmas break.

With regard to the state of the Aurora Maritime Patrol aircraft fleet, how many aircraft in the fleet still have to have their Kapton wiring replaced? Kapton wiring, as honourable senators will recall, is something that, in the view of many analysts, contributed to the crash of Swissair flight 111.

On another tack, I would ask the honourable minister if there are any plans to move forward with the Aurora Life Extension Program?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, as Senator Forrestall indicated, I will need some time to research the answer to this question. I shall bring forward the answer as soon as possible.

**Senator Forrestall:** Honourable senators, will the Leader of the Government provide an answer to both those questions?

**Senator Graham:** Yes.

**Senator Forrestall:** As a supplementary, is the Leader of the Government able to determine whether any other aircraft in the Canadian military fleet or otherwise are still flying with Kapton wiring? This is a question upon which he may wish to take notice as well.

**Senator Graham:** I shall certainly attempt to bring forth an answer to that important question as well. I believe it is not only important but timely.

### HUMAN RIGHTS

TREATMENT BY MALAYSIAN GOVERNMENT OF DISSIDENT  
LIM GUAN ENG—GOVERNMENT POSITION

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to bring to the attention of the government the case of Mr. Lim Guan Eng, a member of parliament from the Kota Melaka region, and deputy secretary-general of the Democratic Action Party, the Malaysian opposition party. He went on trial in January 1996, after publicly criticizing the government's handling of allegations of statutory rape. That phrase means sexual intercourse with an underaged woman. There are allegations of statutory rape against the former chief minister of Malacca, Abdul Rahim Tamby Chik.

In 1997, Lim Guan Eng was convicted by the Malaysian high court under the Sedition Act of 'prompting disaffection with the administration of justice,' and under the Printing Presses and Publications Act, of 'maliciously printing' a pamphlet allegedly containing 'false information' concerning the case. He was fined an amount sufficient to disqualify him from sitting in Parliament.

Following this, the Malaysian authorities appealed against the decision, asking that the Court of Appeal replace the fine with two concurrent custodial sentences and disallow bail. This resulted in the substitution by the court of the fine with the custodial sentences, though bail was granted pending a final appeal before the federal court in August 1998.

Amnesty International has declared Lim Guan Eng a prisoner of conscience, imprisoned solely for expressing his opinion and for fulfilling his duties as a parliamentarian. The organization believes that the charges against him and the demand of the authorities for a custodial sentence were politically motivated, and aimed at removing a prominent critic from public life.

•(1440)

This case underscores the fact that the case of Anwar Ibrahim is not an isolated one, but that there is a systematic and conscious attempt by the Government of Malaysia to undermine any critics and to suppress any criticism of their government.

Will the Government of Canada undertake to take up this case with the Malaysian government as a case of improper action against a parliamentarian and a violation of human rights?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, this is a matter of very serious concern. I thank the Honourable Senator Andreychuk for bringing it to our attention. I shall certainly alert the Minister of Foreign Affairs as well as the Prime Minister, who made some strong statements with respect to human rights and other violations when he was in that part of the world.

I am not up to date on this particular case, but I will be happy to forward it to those who are more directly concerned.

### BUSINESS OF THE SENATE

TIMELINESS OF RECEIPT OF GOVERNMENT SUPPLY BILLS—  
GOVERNMENT POSITION

**Hon. Norman K. Atkins:** Honourable senators, my question is for the Leader of the Government in the Senate. It seems to be a common practice of governments to bring in supply bills at the end of the session before the recess at Christmas. I have two questions in this regard.

First, will that be the case this year? Second, if it is to be the case, will we be in a situation similar to the one we have been put in on many, many occasions, where the bill does not come in until the eleventh hour and we are forced to deal with it without the opportunity to give it any real consideration?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I am hoping we will have that supply bill before us before we adjourn next week. I understand that it is the intention of the government to have it before the other chamber early next week. Normally on this side, of course, we send it to the appropriate committee, usually the Standing Senate Committee on National Finance. As I recall, the other place normally deals with supply bills in one sitting. I anticipate that we will receive the bill sometime next week.

### UNITED NATIONS

REASONS FOR ABSTENTION ON VOTE ON  
NEW AGENDA RESOLUTION TO ELIMINATE NUCLEAR WEAPONS—  
REQUEST FOR ANSWER

**Hon. Douglas Roche:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Has the honourable gentleman had an opportunity to examine the resolution passed by the European Parliament that gave its full support to the New Agenda Coalition resolution with reference to the questions I have asked previously on this subject?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I have looked at that particular resolution and I hope to have a more complete answer for Senator Roche early next week.

### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I have a response to a question raised in the Senate on November 4, 1998, by the Honourable Senator J. Michael Forrestall, regarding the transfer of lands held by Shearwater Development Corporation to the province; a response to a question raised in the Senate on November 4, 1998, by the Honourable Senator J. Michael Forrestall, regarding the lack of action on planned reduction in fighter forces; and a response to a question raised in the Senate on November 17, 1998, by the Honourable Senator Donald H. Oliver, regarding the reform of the social insurance numbering system.



## NOVA SCOTIA

### TRANSFER OF LAND HELD BY SHEARWATER DEVELOPMENT CORPORATION TO PROVINCE—GOVERNMENT POSITION

*(Response to question raised by Hon. J. Michael Forrestall on November 4, 1998)*

Public Works and Government Services Canada (PWGSC) is presently in negotiations, on behalf of the Department of National Defence (DND), with the Province of Nova Scotia for the transfer of surplus property at Shearwater. The property is being offered at market value, as established by PWGSC. The contents of the offer, the amount, and the details of the negotiations are being kept confidential at the request of the Province. Once the negotiations are completed, the information will be made public.

With regard to the use of development funds provided to Shearwater Development Corporation (SDC): Although the money provided to SDC was originally from DND's Base Adjustment Fund, in the case of SDC, these funds are administered by Atlantic Canada Opportunities Agency (ACOA). DND has neither control nor any involvement in how these funds are spent.

## NATIONAL DEFENCE

### LACK OF ACTION ON PLANNED REDUCTION IN FIGHTER FORCES—GOVERNMENT POSITION

*(Response to question raised by Hon. J. Michael Forrestall on November 4, 1998)*

The 1994 Defence White Paper called for a reduction of at least 25 per cent in expenditures on fighter forces and support. This goal has been achieved and, in fact, surpassed. Since 1994, expenditures on fighter forces and support have been reduced by approximately one-third. These savings were achieved by retiring the CF-5 fleet, reducing the annual authorized flying rate and the cost of fighter overhead, and cutting the number of operational CF-18s from 72 to 60.

With regard to the CF-18 fleet, the 1994 Defence White Paper states that the Department will "cut the number of operational aircraft from 72 to between 48 and 60." Currently, there are a total 122 CF-18s in the Canadian Forces inventory.

Of the 122 aircraft, 60 have been assigned to four operational fighter squadrons. As part of Canada's multipurpose, combat-capable airforce, these aircraft are tasked to carry out a number of missions in support of our principal defence roles of defending Canada and North America and contributing to international security.

Of the remaining 62 CF-18s, 24 are required for training, four are test aircraft, 14 undergo heavy maintenance, and 20 are in storage or held in ready reserve.

Factors such as training, maintenance, the life expectancy of the airframe and attrition, require that the number of CF-18s in the inventory exceed the number of operational aircraft. The management of the CF-18 fleet requires a pool of aircraft to effectively manage fatigue rate accumulation on the entire fleet in order to extend its estimated life expectancy and to maintain the airworthiness of the aircraft. This approach, combined with initiatives to extend the airframe life of the CF-18 and to modernize its core avionics, communications, navigation, and sensor systems (the Fatigue Life Management and the International Follow-On Structural Test Programs, and the proposed CF-18s Systems Life Extension (SLE) Project, respectively) is considered to be the most cost-effective way of maintaining the CF-18 fleet while meeting our air defence commitments both at home and abroad.

As part of the overall resource planning process within the Department and the Canadian Forces, the air force aims to maintain a balance between its program and resources. Expenditures are focussed on ensuring that the core combat capabilities of the air force are maintained or updated. The distribution of resources among all aircraft fleet in the Canadian Forces reflects this approach. The result is a multi-purpose, combat-capable air force capable of carrying out its defence objectives.

## HUMAN RESOURCES DEVELOPMENT

### REFORM OF SOCIAL INSURANCE NUMBERING SYSTEM—GOVERNMENT POSITION

*(Response to question raised by Hon. Donald H. Oliver on November 17, 1998)*

The Government agrees with the Auditor General that there are important administrative improvements to be made to the Social Insurance Number Registry.

Human Resources Development Canada, which is responsible for the administration of the SIN Registry, has established five working groups to try to address the problems with the SIN. They are looking at:

- cleaning up the register — which requires the help of the provinces;
- improving the security features for the card;
- increasing investigations;
- examining penalties for fraud; and
- improving proof-of-identity.

On the issue of privacy, the President of the Treasury Board, the Minister of Justice and the Minister of Human Resources Development Canada (HRDC) are working closely on this file.

HRDC is the custodian of the SIN: It is responsible for issuing SINS, maintaining the Social Insurance Register, investigating suspected abuse, and making regulations if necessary.

The Treasury Board is responsible for the policy and guidelines that govern the collection and the use of the SIN at the federal level, including data matching.

The Office of the Privacy Commissioner investigates complaints about the SIN, reviews compliance with the *Privacy Act* and reports to Parliament.

The Department of Justice supports other departments in providing legal advice for SIN-related questions arising under the *Privacy Act* and responds to general inquiries from the public on the private sector's use of the SIN.

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## TRANSPORTATION SAFETY AND SECURITY

NOTICE OF MOTION TO AUTHORIZE  
SPECIAL SENATE COMMITTEE TO HOLD IN CAMERA MEETINGS

Leave having been given to revert to Motions:

**Hon. J. Michael Forrestall:** Honourable senators, I give notice that, on Tuesday next, December 1, 1998 I will move:

That, notwithstanding Rule 92, which requires that all Committee meetings are to be public, the Special Committee of the Senate on Transportation Safety and Security be empowered to hold occasional meetings *in camera* for the purpose of hearing witnesses and gathering specialized or sensitive information.

## NATIONAL DEFENCE

STATE OF HELICOPTER FLEETS—NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

**Hon. J. Michael Forrestall:** Honourable senators, I give notice that on Wednesday, December 2, 1998, I shall call the attention of the Senate to the Liberal cancellation of EH-101, and the state of Canada's Labrador and Sea King helicopter fleets.

## INTRODUCTION OF NEW PAGES

**The Hon. the Speaker:** Honourable senators, I should like to take this opportunity to introduce to you the new pages who have joined us for this session. All honourable senators will agree that we are very proud of our page program in the Senate.

I will call out their names in alphabetical order and ask them to come forward one at a time.

The first is Alexander Jeglic, who is in his fourth year at Carleton University studying law. Born in Ottawa, he attended Western Canada High School in Calgary, Alberta. He is also a proud member of the Slovenian-Canadian community.

Honourable senators, next is Diedrah Kelly, who is presently in her second year at Carleton University where she is pursuing a double major in political science and Central Eastern European-Russian Area studies. After obtaining her bachelor's degree, she has plans to obtain her master's degree in international relations. Diedrah calls Lloydminster, Alberta her home.

Honourable senators, next is Gregory Kolz, who comes to us from North Bay, Ontario. He is currently in his second year of a political science major at the University of Ottawa. Gregory plans on attending law school and pursuing a career in international relations.

Honourable senators, next is Jaideep Mukerji.

[*Translation*]

Jaideep Mukerji was born in Halifax, Nova Scotia. He has lived in Ottawa since 1984. He is currently studying communications at the University of Ottawa. He hopes to earn a master's degree in business and become a consultant in communications.

Jeannine Ritchot is a Métis from Lasalle, Manitoba. She is currently studying history at the University of Ottawa. After she gets her degree, she would like to return to Winnipeg to do postgraduate work in First Nations studies.

[*English*]

Honourable senators, the sixth is Jane Thomson, a second-year political science student at the University of Ottawa. Her home is Fredericton, New Brunswick, although she has lived in six different Canadian cities. After her studies, she would like to go to Japan and live a big, adventurous life.

On behalf of all honourable senators, I welcome our six new pages to our page program. I am sure that you will enjoy your time here. We appreciate having you with us.

It is rather interesting that this group represents somewhat a microcosm of Canada.

**Some Hon. Senators:** Hear, hear!

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## ORDERS OF THE DAY

### NATIONAL DEFENCE ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

**Hon. Sharon Carstairs (Deputy Leader of the Government)** moved the third reading of Bill C-25, to amend the National Defence Act and to make consequential amendments to other Acts, as amended.

•(1450)

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Nolin, debate adjourned.

## PRESENT STATE AND FUTURE OF AGRICULTURE

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE  
REQUESTING AUTHORIZATION TO ENGAGE SERVICES  
AND TO TRAVEL ON STUDY ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and the future of agriculture in Canada), presented in the Senate on November 19, 1998.

**Hon. Leonard J. Gustafson:** Honourable senators, I move the adoption of the report standing in my name.

**The Hon. the Speaker:** Is it your pleasure, honourable senators to adopt the motion?

Motion agreed to and report adopted.

## INCOME TAX ACT

INCREASE IN FOREIGN PROPERTY COMPONENT  
OF DEFERRED INCOME PLANS—  
MOTION PROPOSING AN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Kirby:

That the Senate urges the Government, in the February 1998 Budget, to propose an amendment to the *Income Tax Act* that would increase to 30 per cent, by increments of 2 per cent per year over a five-year period, the foreign property component of deferred income plans (pension plans, registered retirement savings plans and registered pension plans), as was done in the period between 1990 to 1995 when the foreign property limit of deferred income plans was increased from 10 per cent to 20 per cent, because:

(a) Canadians should be permitted to take advantage of potentially better investment returns in other markets, thereby increasing the value of their financial assets held for retirement, reducing the amount of income supplement that Canadians may need from government sources, and increasing government tax revenues from retirement income;

(b) Canadians should have more flexibility when investing their retirement savings, while reducing the risk of those investments through diversification;

(c) greater access to the world equity market would allow Canadians to participate in both higher growth economies and industry sectors;

(d) the current 20 per cent limit has become artificial since both individuals with significant resources and pension plans with significant resources can by-pass

the current limit through the use of, for example, strategic investment decisions and derivative products; and

(e) problems of liquidity for pension fund managers, who now find they must take substantial positions in a single company to meet the 80 per cent Canadian holdings requirement, would be reduced.  
—(Honourable Senator Carstairs).

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, we wish to have further debate on Senator Meighen's motion: "...that the Senate urges the Government, in the February 1998 Budget, to pose an amendment to the Income Tax Act." Therefore, I will move the adjournment of the debate anew in the name of Senator Eyton.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

On motion of Senator Kinsella, for Senator Eyton, debate adjourned.

## NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL COMMITTEE TO EXAMINE  
ACTIVITIES OF CANADIAN AIRBORNE REGIMENT  
IN SOMALIA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Berntson:

That a Special Committee of the Senate be appointed to examine and report on the manner in which the chain of command of the Canadian Forces both in-theatre and at National Defence Headquarters, responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. former Ministers of National Defence;
2. the then Deputy Minister of National Defence;
3. the then Acting Chief of Staff of the Minister of National Defence;
4. the then special advisor to the Minister of National Defence (M. Campbell);

5. the then special advisor to the Minister of National Defence (J. Dixon);
6. the persons occupying the position of Judge Advocate General during the relevant period;
7. the then Deputy Judge Advocate General (litigation); and
8. the then Chief of Defence Staff and Deputy Chief of Defence Staff.

That seven Senators, nominated by the Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That it be empowered to adjourn from place to place within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate; and

That the Special Committee include in its report, its findings and recommendations regarding the structure, functioning and operational effectiveness of National Defence Headquarters, the relationship between the military and civilian components of NDHQ, and the relationship among the Deputy Minister of Defence, the Chief of Defence Staff and the Minister of National Defence,

And on the motion in amendment of the Honourable Senator Forrestall, seconded by the Honourable Senator

Beaudoin, that the motion be amended by adding in paragraph 2 the following:

“9. the present Minister of National Defence.”—(*Honourable Senator Kinsella*).

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am the proposer of the motion, but I am speaking to Senator Forrestall's amendment. I do not want any misunderstanding as to where I stand in this debate.

It is only appropriate to give some background to this motion and the amendment. The subject matter has been before the Senate since February 1997, the result of the unprecedented decision of the government to instruct a commission of inquiry into the deployment of Canadian Forces to Somalia to put an end to its mandate before it was completed.

The commission of inquiry was established by Order in Council in March 1995, on the recommendation of the Minister of National Defence, to look into all aspects of the Canadian Forces' involvement in Somalia, including “the manner in which the chain of command of the Canadian Forces responded to the operational disciplinary and administrative problems related to the Somalia deployment.”

The least that can be said about the Canadian Forces experience in Somalia is that it was not one of their finest hours, despite extraordinary devotion by many troops who made numerous humanitarian contributions toward helping one of the world's poorest peoples, such as restoring hospitals and schools and installing basic infrastructure where none existed before.

Sadly, all these good works have been overshadowed by the shooting of two Somalia infiltrators in March 1993, one of whom died. Approximately 12 days later, a teenager, Shidane Arone, was caught sneaking into the Canadian compound and was beaten and tortured to death. A departmental review of the 1993 military inquiry found problems of racism, subversion and lack of discipline within the Airborne Regiment dating from well before 1993, and the regiment was eventually disbanded in March of 1995.

I will spare colleagues a narration of other unsavoury events, except to assert that in many cases, such as the two in March of 1993, efforts were made to hide the facts from the Canadian public. There are strong indications that a cover-up of them was instituted at the highest level. One of the mandates of the Somalia commission of inquiry, known as the Létourneau commission, was to uncover these facts and make all the necessary recommendations.

From the beginning, the commission found major hurdles put in its way by the very government that appointed it. No sooner named, one of its members resigned after it was revealed that she was a close friend of the Deputy Minister of National Defence when the incidents occurred. A few months later, Lieutenant-General Jean Boyle was appointed Chief of Defence Staff, a person suspected of being involved in the tampering of documents before their release to a CBC radio reporter.

In April of 1995, the commission chairman complained that most records for February and March 1993 from all three commando units of the Airborne Regiment were missing. In addition, there were found to be deletions in National Defence headquarters computer records covering the same period. By the end of April 1996, a government lawyer questioned the right of the commission to examine allegations of a military cover-up but was overruled by the then Minister of National Defence. In August, the commission was told how documents known as response to queries, or RTQs, were renamed media response lines, or MRLs, in order to avoid furnishing requests for RTQs while not being told that the information sought was identified as MRLs, which were usually destroyed after 15 days.

On October 4, 1996, David Collenette resigned as Minister of National Defence and few days later, General Boyle resigned as Chief of Defence Staff.

In January 1997, two former political aides of the then Minister of Defence, Kim Campbell, filed sworn affidavits with the commission alleging a military cover-up in the March 6, 1993 killing, and one wrote of a document-shredding episode.

On January 10, 1997, the new Minister of National Defence announced that the commission's hearings were to end March 31, and its report was to be completed by June 30. The effect of this unprecedented decision is best expressed by the commission itself — and here I am reading from part of its executive summary, which said:

As our investigation progressed, we were able to move closer to the key centres of responsibility as we moved up the chain of command. Unfortunately, the Minister's decision of January 10, 1997, eliminated any possibility of taking this course to its logical conclusion and prevented us from fully expanding the focus to senior officers throughout the chain of command who were responsible before, during and after the Somalia mission.

The commission did not mince words when it came to describing the attitudes of certain key witnesses. The executive summary states:

...we must also record with regret that on many occasions the testimony of witnesses was characterized by inconsistency, improbability, implausibility, evasiveness, selective recollection, half-truths, and plain lies. Indeed, on some issues we encountered what can only be described as a wall of silence. When several witnesses behave in this manner, the wall of silence is evidently a strategy of calculated deception.

Perhaps more troubling is the fact that many of the witnesses who displayed these shortcomings were officers, non-commissioned officers, and senior civil servants — individuals sworn to respect and promote the values of leadership, courage, integrity, and accountability. For these individuals, undue loyalty to a regiment or to the institution of the military — or, even worse, naked self-interest — took precedence over honesty and integrity.

As for the impact of cutting short the inquiry's mandate, the commission is chillingly clear. Again, the following reference is from the executive summary:

Our schedule was aborted just as we were beginning to question the highest levels of leadership of the Canadian Forces and the Department of National Defence and to the allegations of cover-up with respect to some incidents...

Thus, we could address systemic issues arising out of in-theatre and post-deployment events, but could not, in our report, identify any individual misconduct or failings involved. The Government's decision effectively allowed many of those in senior leadership positions during the deployment to avoid entirely accountability for their conduct, decisions, and actions during and after the mission.

•(1500)

More specifically, we were not able to hear all relevant testimony of the senior leaders who held the offices of Minister of National Defence, Deputy Minister of National Defence, Judge Advocate General, and Chief of the Defence Staff at the material times. These were the very officials ultimately responsible and who would, in the normal course of events, have been ultimately accountable for the conduct of the deployment; the policies under which it was carried out; errors, failures, and misconduct that may have occurred in its planning, execution, and aftermath; and ensuring that appropriate responses were made by the Canadian Forces and the Department of National Defence to problems that arose or were identified.

We continue to believe that important facts concerning the deployment and its aftermath are not yet known or remain obscure....

...the Government abandoned its earlier declared interest in holding to account senior leaders and officials who participated in the planning and execution of the mission and responded to the problems that arose. Once again, history repeats itself, in that only the lower ranks have been made to account for the marked failures of their leaders.

A motion similar to the one before this house was introduced by Senator Murray in February 1997. Senator Fairbairn, as Leader of the Government, introduced a motion on behalf of the government to replace that of Senator Murray and in her remarks on March 20, 1997 said:

Some of those who have not publicly presented their side of the story have asked for an opportunity to do so. We believe that people do want to hear from those named in this motion...

...it is time now, I believe, to start healing the wounds that have become synonymous with the events in Somalia...we in this Chamber can assist this process through a balanced and meaningful examination of the issues before us.

So spoke the Leader of the Government in the Senate in March 1997. Senator Fairbairn's motion on behalf of the government was approved without a negative vote.

The Special Senate Committee on the Canadian Airborne Regiment in Somalia, as it was called, met only twice, on April 9 and 17, under the chairmanship of Senator Rompkey. On April 17, a Thursday, the chairman reported on behalf of the steering committee that certain key witnesses, including some not heard by the Létourneau commission, were available to testify the following week. This gave members of the committee only a weekend to prepare themselves — obviously an impossible task.

Opposition members argued that key witnesses should be called closer to the end of the Senate inquiry so that the intervening period could be spent analyzing and getting a better appreciation of the events they were to discuss with them. The majority would have none of this and since the minority refused to accept an unrealistic work schedule, the committee, for all intents and purposes, disbanded. The election was called on April 30, effectively putting an end to its existence.

If I thought it appropriate that a motion similar to the government's be introduced in the new Parliament, it was partly because I sensed that the overwhelming support for Senator Fairbairn's motion on behalf of the government would be reconfirmed only a few months later in a similar motion in this Parliament. However, if the three members opposite who have spoken on the motion so far are representative of the majority, then my confidence has indeed been misplaced, particularly as the three who spoke initially welcomed a Senate inquiry and voted in favour of it. Their views today are not in the least convincing as they do not deal directly with the motion itself.

Senator Bryden questioned whether a Senate committee was the best forum for an inquiry. I agree with him that it is not. I also disagreed when the Létourneau commission was shut down just as it was entering the most important phase of its work, work which must be picked up elsewhere if all the facts surrounding the events in Somalia and after are to be known. Better a Senate committee than no committee at all. Senator Bryden also said, as he did a few months before, that Kim Campbell was not eager to accept the committee's invitation to testify.

I will quote from an interview with Ms Campbell on the CBC radio program *As It Happens* on October 16, 1997:

Q. If the Senate inquiry gets going will you appear before that?

A. Oh, I mean, obviously I would. I have real reservations about it, just because it's a very partisan forum, but you know, if an inquiry takes place, you know, a properly constituted inquiry, wherever it is, I'm obviously going to participate. I would not refuse to come. I don't have anything to hide.

Senator Poulin, who on April 17, 1997 said "the Senate gave us a mandate to try to shed some light on the situation. That is

what everyone wants," now feels that "it is folly to become obsessed with mistakes of the past." That may be an eloquent statement, but it is just as irrelevant to the purpose of the motion as Senator Bryden's procedural argumentation. The motion is not so much about past events as it is, to paraphrase the commission, to allow us to conclude the search for truth which was denied when cabinet put a sudden end to the inquiry. Senator Poulin praises the many reforms instituted as a result of the inquiry report. She may be right, but reforms have no relation to the motion and its intent.

Senator Rompkey developed his argumentation against the motion along the same lines. "Quite simply," he said, "we think that it is now time to turn the page, to stop scrutinizing the past, and to continue to look to the future." He then went on to laud all the changes already taken place and planned in the Armed Forces, as if these were enough to stop continuing the search for truth.

All three colleagues opposite have ignored the thrust of the motion and used arguments against it which, at best, are only vaguely connected to it. What a contrast to the enthusiasm they displayed in favour of a Senate inquiry only a few months before, to the point, in fact, that all three sat on the short-lived committee, and Senator Rompkey even accepted to chair it.

We have a fairly good idea of certain events in Somalia. We know that certain lower ranks have been court-martialled or disciplined. We also know that much of the information regarding the events was falsified if not destroyed, and that this was sanctioned and even encouraged at the highest level. We also know that accusations have been made against various individuals who, because the inquiry was not allowed to complete its work, could not appear before it.

Here is but one example. In a document dated November 2, 1994 and made public in January 1997 by the commission, a deputy judge advocate general wrote that two senior aides to Defence Minister Kim Campbell attempted to interfere in the conduct of the investigation into the death of Shidane Arone on March 16, 1993. The insinuation was clear: The Defence Minister was a candidate for the leadership of her party at a convention to be held only a few weeks later and was desperate to protect her reputation at any cost. Ms Campbell has described the allegations as totally false, as have the two aides. Yet, none was given the opportunity to appear before the commission which released the document, thereby conferring an aura of respectability on it.

In addition, the inquiry, by its premature termination, was denied the opportunity to question Major Anthony Seward, then the Airborne Regiment's 2 Commando CO, about the authenticity of allegations in reports made public by the inquiry that he — Major Seward — initially attempted to cover up the murder of Arone.

Allegations by former defence minister Kim Campbell and her aides that then Chief of Defence Staff Admiral Anderson kept them in the dark for nearly two weeks about the true nature of Arone's death were not dealt with.

The suggestions that Deputy Minister of Defence Robert Fowler either independently or in concert with others may have concealed information from the minister were never explored. In fact, the entire role played by Mr. Fowler at National Defence headquarters was not dealt with and, as a result, the people of Canada have so far been denied the opportunity to know how Canada's senior public servants behaved during this entire ordeal.

In the proposed terms of reference for the Special Senate Committee on Somalia, there is listed a number of persons who are best placed to shed light on the issue of cover-up, including former ministers of defence, senior political staff and senior officers in Canada's military. Surely, if they were anxious to testify in April of 1997, do we not have an obligation to allow them to do so now so that suspicions and allegations can be confronted openly and, one hopes, removed?

•(1510)

All of these people are accountable and responsible to Parliament and to the people of Canada for their actions during the period in question. The question of accountability, which is really what we are talking about, was well expressed in a statement made by the former minister of health, Monique Bégin, when she accepted the responsibility for her department's action in relation to the Commission of Inquiry into Canada's Blood System. Here is part of a quote from a letter to Mr. Justice Horace Krever dated sometime in August 1996. Ms Bégin writes.

The notion of "ministerial responsibility" is the cornerstone of our executive government. Justice is offended if people at the top of government or bureaucratic structures are not held responsible for their actions, but employees at less senior levels are. Moreover, public ethics requires that those at the top be accountable.

The principle of accountability has been lost with this government and I believe it is up to the Senate to provide the only available forum left so that those who served as ministers and at the top of the chain of command at the Department of National Defence may be held to account for their actions, and given the opportunity to defend them.

The choice before us, honourable senators, is between a search for truth by taking responsibility for the past and a dismissal of the past on the pretense that changes in key personnel and procedures no longer make this necessary. In other words, let us turn the page, let us not be obsessed with the mistakes of the past. Fortunately this cavalier attitude does not find much support elsewhere.

Otherwise, Alberta would not be compensating nearly 500 surviving residents of mental institutions who were sterilized without their consent between 1928 and 1972; or Donald Marshall, wrongly convicted of murder and imprisoned 11 years, would not have had his case reopened; nor David Milgaard, wrongly convicted of murder and imprisoned for 23 years. Guy Paul Morin may not have been allowed to introduce DNA evidence to prove his innocence, which he spent a decade in trying to do.

Were it folly to be obsessed with mistakes of the past, would Belgium have initiated a thorough review of atrocities attributed to its elite paratroopers in Somalia; or Italy engaged in a similar investigation; or Holland into similar charges by its troops in Bosnia in 1995; or France into charges that it did not do all it could to restrain French-trained Hutu forces which slaughtered a sizeable part of Rwanda's Tutsi minority in 1994?

Is it folly for calls to be made in Mexico, 30 years after the 1968 massacre of students, for an official investigation of the army and police who so far have not answered publicly for their acts? Is it folly for Spain to pursue South American generals for human rights crimes committed in the 1970s and 1980s?

There are other examples where mistakes of the past have or are being revisited. Let me end with one which is of particular interest to Canada. On January 30, 1972, Bloody Sunday, British troops in Londonderry killed 14 Catholics and wounded 13, all unarmed, while trying to break up a civil rights march. Now, 26 years later, the British government has named a three-member international panel to get to the bottom of what happened that day, and how and why. One of the panel members is former chief justice William Hoyt of the New Brunswick Superior Court.

One does not dismiss mistakes of the past for fear of becoming obsessed with them, one learns from these mistakes to avoid them in the future. Such was the purpose of the Létourneau commission, which was abruptly and without justification ordered to end its work before completion by the same government that established it in the first place.

When the inquiry was created, Minister Collenette said:

...the terms of reference underline the willingness of the government to confront all of the issues that have been raised.

As it is, some key issues have not been confronted, such as the role and responsibility of high-ranking officers, senior bureaucrats and government officials in various events in Somalia, and any possible cover-up at the higher levels of National Defence Headquarters and the Canadian Forces. Cover-up, by the way, was expressly mentioned in the terms of reference.

By adopting the motion, the Senate will be telling Canadians, and in particular the Canadian Armed Forces, that for the sake of many individual reputations which are still under a cloud, the inquiry must be picked up and completed by the Senate, particularly as there is no other body available to do so.

To refuse this motion would not only deny, without proper justification, the unanimous stand taken here in the spring of 1997, it would ally the Senate with the unprecedented and dangerous decision to force a commission to end its work without completing its mandate. The Senate would in effect be saying that if cover-up and misinformation at the highest level there were, then let them be, as a chamber of sober second thought also refuses to take responsibility for the past.

**Hon. Lowell Murray:** Honourable senators, I should like to pose a question of the honourable senator.

In listening the excellent speech the Leader of the Opposition has just made, a question occurred to me, and it concerns the massive amount of documentation that was filed with the, or obtained by, the Létourneau commission.

Does the Leader of the Opposition happen to know what steps were taken, and by whom, to ensure the integrity and security of that documentation once the inquiry was shut down by the government, and in whose custody the documentation may now be found? If he does not know, will he take steps to make inquiries of the government so that we may know?

**Senator Lynch-Staunton:** Honourable senators, I had the answer to where those documents were a year ago but I must admit that I have not followed up since so I do not dare give an answer today. I will certainly inquire in the next few days and report back to the chamber.

**Senator Murray:** I assume that not all of the documentation has been made public.

**Senator Lynch-Staunton:** That is correct.

**Senator Murray:** It is that part of the documentation in particular that I feel we should be interested in for future reference.

**Senator Lynch-Staunton:** Many boxes of documents came after the inquiry was shut down to cover that particular phase, which it was not able to do, so the documentation, as far as we know, is there or was there at one time.

On motion of Senator Carstairs, debate adjourned.

## PRESENT STATE AND FUTURE OF AGRICULTURE

AGRICULTURE AND FORESTRY COMMITTEE  
AUTHORIZED TO EXTEND DATE OF FINAL REPORT

**Hon. Leonard J. Gustafson,** pursuant to notice of November 19, 1998, moved:

That, notwithstanding the Order of the Senate adopted on November 18, 1997, to examine matters relating to the present state and future of agriculture in Canada, the Standing Senate Committee on Agriculture and Forestry be empowered to present its final report no later than June 30, 1999; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

[*Translation*]

## ADJOURNMENT

Leave having been given to revert to notices of government motions:

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, December 1, 1998, at 2 p.m.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, December 1, 1998, at 2 p.m.



**THE SENATE OF CANADA**  
**PROGRESS OF LEGISLATION**  
**(1st Session, 36th Parliament)**  
**Thursday, November 26, 1998**

**GOVERNMENT BILLS**  
**(SENATE)**

| <b>No.</b> | <b>Title</b>  | <b>1st</b> | <b>2nd</b> | <b>Committee</b>                 | <b>Report</b> | <b>Amend.</b> | <b>3rd</b> | <b>R.A.</b> | <b>Chap.</b> |
|------------|---|------------|------------|----------------------------------|---------------|---------------|------------|-------------|--------------|
| S-2        | An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)  | 97/09/30   | 97/10/21   | Transport and Communications     | 98/04/02      | four          | 98/05/27   | 98/06/18    | 20/98        |
| S-3        | An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)   | 97/09/30   | 97/10/21   | Banking, Trade and Commerce      | 97/11/05      | seven         | 97/11/20   | 98/06/11    | 12/98        |
| S-4        | An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)  | 97/10/08   | 97/10/22   | Transport and Communications     | 97/12/12      | three         | 97/12/16   | 98/05/12    | 06/98        |
| S-5        | An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)  | 97/10/09   | 97/10/29   | Legal and Constitutional Affairs | 97/12/04      | one           | 97/12/11   | 98/05/12    | 09/98        |
| S-9        | An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)   | 97/12/03   | 97/12/12   | Banking, Trade and Commerce      | 98/02/24      | one           | 98/03/19   | 98/06/11    | 13/98        |
| S-16       | An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 98/05/05   | 98/05/12   | Foreign Affairs                  | 98/05/28      | none          | 98/06/02   |             |              |

**GOVERNMENT BILLS**  
**(HOUSE OF COMMONS)**

| <b>No.</b> | <b>Title</b>  | <b>1st</b> | <b>2nd</b> | <b>Committee</b>                   | <b>Report</b> | <b>Amend.</b> | <b>3rd</b> | <b>R.A.</b> | <b>Chap.</b> |
|------------|---|------------|------------|------------------------------------|---------------|---------------|------------|-------------|--------------|
| C-2        | An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts | 97/12/04   | 97/12/16   | Committee of the whole<br>97/12/17 | 97/12/17      | none          | 97/12/18   | 97/12/18    | 40/97        |
| C-3        | An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts   | 98/09/30   | 98/10/22   | Legal and Constitutional Affairs   |               |               |            |             |              |

|      |   |          |          |   |          |      |          |       |
|------|---|----------|----------|---|----------|------|----------|-------|
| C-4  | An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts   | 98/02/18 | 98/02/26 | Agriculture and Forestry                  | 98/05/14 | five | 98/06/11 | 17/98 |
| C-5  | An Act respecting cooperatives  | 97/12/09 | 97/12/16 | Banking, Trade and Commerce               | 98/02/24 | none | 98/03/31 | 01/98 |
| C-6  | An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts  | 98/03/18 | 98/03/26 | Aboriginal Peoples                        | 98/06/09 | none | 98/06/18 | 25/98 |
| C-7  | An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act  | 97/11/25 | 97/12/02 | Energy, Environment and Natural Resources | 97/12/09 | none | 97/12/10 | 37/97 |
| C-8  | An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas  | 98/03/17 | 98/03/25 | Aboriginal Peoples                        | 98/03/31 | none | 98/05/12 | 05/98 |
| C-9  | An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence   | 97/12/09 | 98/03/26 | Transport and Communications              | 98/05/13 | none | 98/06/11 | 10/98 |
| C-10 | An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984 | 97/12/02 | 97/12/08 | Banking, Trade and Commerce               | 97/12/09 | none | 97/12/10 | 38/97 |
| C-11 | An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.   | 97/11/19 | 97/11/27 | Banking, Trade and Commerce               | 97/12/04 | none | 97/12/08 | 36/97 |
| C-12 | An Act to amend the Royal Canadian Mounted Police Superannuation Act  | 98/04/28 | 98/04/30 | Social Affairs, Science & Technology      | 98/06/04 | none | 98/06/11 | 11/98 |
| C-13 | An Act to amend the Parliament of Canada Act  | 97/10/30 | 97/11/05 | Legal and Constitutional Affairs          | 97/11/06 | none | 97/11/27 | 32/97 |
| C-15 | An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts  | 98/05/05 | 98/06/03 | Transport and Communications              | 98/06/10 | none | 98/06/11 | 16/98 |

|      |   |          |          |   |          |      |          |          |       |
|------|---|----------|----------|---|----------|------|----------|----------|-------|
| C-16 | An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)   | 97/11/18 | 97/12/11 | Legal and Constitutional Affairs              | 97/12/16 | none | 97/12/17 | 97/12/18 | 39/97 |
| C-17 | An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act  | 97/12/09 | 98/02/24 | Transport and Communications                  | 98/03/25 | none | 98/04/29 | 98/05/12 | 08/98 |
| C-18 | An Act to amend the Customs Act and the Criminal Code   | 98/02/10 | 98/02/18 | Legal and Constitutional Affairs              | 98/04/02 | none | 98/04/28 | 98/05/12 | 07/98 |
| C-19 | An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts   | 98/05/26 | 98/06/08 | Social Affairs, Science & Technology          | 98/06/18 | none | 98/06/18 | 98/06/18 | 26/98 |
| C-20 | An Act to amend the Competition Act and to make consequential and related amendments to other Acts  | 98/09/24 | 98/11/17 | Banking, Trade and Commerce                   |          |      |          |          |       |
| C-21 | An Act to amend the Small Business Loans Act  | 98/03/19 | 98/03/25 | Banking, Trade and Commerce                   | 98/03/26 | none | 98/03/31 | 98/03/31 | 04/98 |
| C-22 | An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction   | 97/11/25 | 97/11/26 | Foreign Affairs                               | 97/11/27 | none | 97/11/27 | 97/11/27 | 33/97 |
| C-23 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998  | 97/11/26 | 97/12/04 | —   | —        | —    | 97/12/08 | 97/12/08 | 35/97 |
| C-24 | An Act to provide for the resumption and continuation of postal services  | 97/12/02 | 97/12/03 | Committee of the whole                        | 97/12/03 | none | 97/12/03 | 97/12/03 | 34/97 |
| C-25 | An Act to amend the National Defence Act and to make consequential amendments to other Acts   | 98/06/11 | 98/06/18 | Legal and Constitutional Affairs              | 98/11/24 | one  |          |          |       |
| C-26 | An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act  | 98/06/08 | 98/06/16 | Agriculture and Forestry                      | 98/06/18 | none | 98/06/18 | 98/06/18 | 22/98 |
| C-28 | An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act | 98/04/28 | 98/05/12 | Banking, Trade and Commerce                   | 98/06/04 | none | 98/06/16 | 98/06/18 | 19/98 |
| C-29 | An Act to establish the Parks Canada Agency and to amend other Acts as a consequence  | 98/06/03 | 98/06/15 | Energy, the Environment and Natural Resources | 98/10/20 | none | 98/11/19 |          |       |
| C-30 | An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education   | 98/06/11 | 98/06/16 | Aboriginal Peoples                            | 98/06/18 | none | 98/06/18 | 98/06/18 | 24/98 |

|      |  |          |          |   |          |       |          |          |       |
|------|--|----------|----------|---|----------|-------|----------|----------|-------|
| C-31 | An Act respecting Canada Lands Surveyors   | 98/05/07 | 98/05/26 | Energy, the Environment and Natural Resources | 98/06/09 | none  | 98/06/10 | 98/06/11 | 14/98 |
| C-33 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998 | 98/03/18 | 98/03/25 | —   | —        | —     | 98/03/26 | 98/03/31 | 02/98 |
| C-34 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999 | 98/03/18 | 98/03/26 | —   | —        | —     | 98/03/31 | 98/03/31 | 03/98 |
| C-36 | An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998   | 98/05/28 | 98/06/08 | National Finance                              | 98/06/15 | none  | 98/06/17 | 98/06/18 | 21/98 |
| C-37 | An Act to amend the Judges Act and to make consequential amendments to other Acts  | 98/06/11 | 98/09/22 | Legal and Constitutional Affairs              | 98/10/22 | eight | 98/11/04 | 98/11/18 | 30/98 |
| C-38 | An Act to amend the National Parks Act (creation of Tuktot Nogait National Park)   | 98/06/15 | 98/06/17 | Energy, the Environment and Natural Resources |          |       |          |          |       |
| C-39 | An Act to amend the Nunavut Act and the Constitution Act, 1867   | 98/06/03 | 98/06/08 | Aboriginal Peoples                            | 98/06/09 | none  | 98/06/10 | 98/06/11 | 15/98 |
| C-45 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999 | 98/06/10 | 98/06/16 | —   | —        | —     | 98/06/17 | 98/06/18 | 28/98 |
| C-46 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999 | 98/06/10 | 98/06/16 | —   | —        | —     | 98/06/17 | 98/06/18 | 29/98 |
| C-47 | An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act                   | 98/06/11 | 98/06/16 | Banking, Trade and Commerce                   | 98/06/17 | none  | 98/06/18 | 98/06/18 | 23/98 |
| C-51 | An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act             | 98/11/18 |          |   |          |       |          |          |       |
| C-52 | An Act to implement the Comprehensive Nuclear Test-Ban Treaty  | 98/10/20 | 98/10/28 | Foreign Affairs                               | 98/11/18 | one   | 98/11/24 |          |       |
| C-53 | An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses   | 98/11/25 |          |   |          |       |          |          |       |

## COMMONS PUBLIC BILLS

| No.   | Title   | 1st      | 2nd      | Committee                        | Report           | Amend.                     | 3rd      | R.A.     | Chap. |
|-------|---|----------|----------|----------------------------------|------------------|----------------------------|----------|----------|-------|
| C-208 | An Act to amend the Access to Information Act   | 98/11/17 |          |                                  |                  |                            |          |          |       |
| C-220 | An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis) | 97/10/02 | 97/10/22 | Legal and Constitutional Affairs | 98/06/10 adopted | recommend Bill not proceed |          |          |       |
| C-410 | An Act to change the name of certain electoral districts  | 98/05/28 | 98/06/04 | Legal and Constitutional Affairs | 98/06/08         | two                        | 98/06/09 | 98/06/18 | 27/98 |
| C-411 | An Act to amend the Canada Elections Act  | 98/05/28 | 98/06/04 | Legal and Constitutional Affairs | 98/06/08         | none                       | 98/06/09 | 98/06/11 | 18/98 |

## SENATE PUBLIC BILLS

| No.  | Title   | 1st      | 2nd      | Committee                                     | Report   | Amend. | 3rd   | R.A.     | Chap. |
|------|---|----------|----------|---|----------|--------|---|----------|-------|
| S-6  | An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)   | 97/11/05 | 97/11/25 | Energy, the Environment and Natural Resources |          |        |   |          |       |
| S-7  | An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.) | 97/11/19 | 97/12/02 | Legal and Constitutional Affairs              |          |        |   |          |       |
| S-8  | An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)   | 97/11/26 | 97/12/17 | Social Affairs, Science & Technology          | 98/04/30 | two    | Dropped from Order Paper pursuant to Rule 27(3) | 98/10/01 |       |
| S-10 | An Act to amend the Excise Tax Act (Sen. Di Nino)   | 97/12/03 | 98/03/19 | Social Affairs, Science & Technology          | 98/06/03 | none   | referred back to Committee                      | 98/09/24 |       |
| S-11 | An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)                                      | 97/12/10 | 98/03/17 | Legal and Constitutional Affairs              | 98/06/04 | one    |   | 98/06/09 |       |
| S-12 | An Act to amend the Criminal Code (abuse of process) (Sen. Cools)   | 98/02/10 | 98/05/06 | Legal and Constitutional Affairs              |          |        |   |          |       |
| S-13 | An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)  | 98/02/26 | 98/04/02 | Social Affairs, Science & Technology          | 98/05/14 | seven  |   | 98/06/10 |       |
| S-14 | An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)  | 98/03/25 | 98/03/31 | Aboriginal Peoples                            |          |        |   |          |       |
| S-15 | An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)           | 98/04/02 | 98/06/09 | Legal and Constitutional Affairs              | 98/06/18 | four   |   |          |       |
| S-17 | An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)  | 98/05/12 | 98/06/02 | Legal and Constitutional Affairs              |          |        |   |          |       |

S-19 An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestal) 98/06/18

**PRIVATE BILLS**

S-18 An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.) 98/06/17 Dropped from Order Paper pursuant to Rule 27(3) 98/11/17

S-20 An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor) 98/09/23 98/10/29 Social Affairs, Science & Technology

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