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Thursday, March 21, 1996

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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

CONTENTS

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THE SENATE

Thursday, March 21, 1996

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, today, March 21, is the International Day for the Elimination of Racial Discrimination. It is a pleasure for me, on behalf of the official opposition, to make mention of it.

March 21 was chosen by the international community as the day of the year on which we give special attention to the scourge of racism and efforts to eliminate it, for it was on March 21 of 1960, in apartheid-stricken South Africa, that the Sharpeville massacre occurred.

We are all mindful of the magnificent, extraordinary progress which has taken place in the last few years in that country, and Canadians can take pride in the fact that part of it is because of the strong leadership given by the government of the day under the direction of Prime Minister Mulroney, with the able assistance of External Affairs Minister Joe Clark. Despite much opposition from a great part of the international community, they took every advantage in every international forum, whether it be the United Nations, the Commonwealth, la Francophonie, or any other available to them, to promote human rights and the dismantling of apartheid and racism in South Africa.

If there is one area in Canada where there should be no dispute, it is in the one of human rights. The record of the Mulroney government is a credit to all Canadians. For instance, honourable senators will recall that it was a Conservative government which presented an act to establish the Canadian Race Relations Foundation. Sadly, and even unpredictably, the present Liberal government, while having promised to proclaim and implement this foundation, has failed to do so.

There is no justification for racial discrimination, either in theory or practice. Let us all work together, no matter what party is in power, towards a day when racism and racial discrimination become history and when all Canadians can participate fully and equally in the life of their country.

FISHERIES AND OCEANS

MEETING TO DISCUSS ISSUES BEHIND FISHERMEN'S PROTESTS IN
MARITIMES—FAILURE TO RECOGNIZE OPPOSITION
PARLIAMENTARIANS

Hon. Gerald J. Comeau: Honourable senators, I rise today to draw the attention of this chamber to a recent incident which

should cause all of us, as members of the Parliament of Canada, some concern.

During the recent debate over the future of the in-shore fishery in Nova Scotia and southwestern New Brunswick, the Minister of Fisheries invited representatives from various fisheries groups to meet with DFO officials in Dartmouth, Nova Scotia and discuss the issues that had prompted the protests at various DFO offices in the two provinces.

The Minister also invited Liberal members of the House of Commons to attend the meetings. The fishermen requested that members of the opposition from the area, Elsie Wayne and myself, also be invited. DFO, while having difficulty in refusing Mrs. Wayne, resisted in inviting a member of the Senate.

The reasoning that the bureaucrats used for refusing the attendance of a senator was that we are not members of Parliament. Fortunately, a number of fishermen who were more familiar with Parliament pointed out to the officials that Parliament in fact includes both the Senate and the House of Commons.

Although the officials from DFO had no choice then but to allow representatives from the official opposition in the Senate to attend, efforts were made to ensure that the senator was not acknowledged or invited to speak, a courtesy extended to the members of the House of Commons.

I realize fully that DFO officials serve the minister rather than the fishermen. However, allowing such a blatant act of partisanship and disrespect for a member of the Senate to take place demonstrated the disrespect the department has not only for this institution but also for the fishermen who had asked that the Senate be represented at these meetings.

Is it any wonder that fishermen have no confidence in the Department of Fisheries and Oceans? Is it also any wonder that fishermen must resort to extreme measures to draw the attention of their concerns to the public?

I am not naive, and neither are the fishermen. We all understand that the minister did not want opposition parliamentarians to be present at those meetings in support of the fishermen and their legitimate concerns. However, to try to exclude such representation by participating in cheap, partisan tactics was an embarrassment to the minister, to the department, to the fishermen, and to all members of this chamber.

EUTHANASIA AND ASSISTED SUICIDE

SUPPORT FOR RECOMMENDATIONS OF SPECIAL SENATE
COMMITTEE BY COLLEGE OF FAMILY PHYSICIANS OF CANADA

Hon. Eymard G. Corbin: Honourable senators, it is not very often, though it does occasionally happen, that the Senate gets recognition for work it does.

Some months ago, after protracted hearings and soul searching, a special committee of the Senate tabled its report on euthanasia and assisted suicide. Embedded and very much at the heart of that report were recommendations concerning palliative care.

• (1410)

I have been subscribing for the past year to a magazine called *Canadian Family Physician* or *Le Médecin de famille canadien*. To my great delight, at the very back, on page 571 of the March issue — the pages are numbered according to volume — I came across this item which I would like to share with all of you, particularly with the members of the special committee who worked so diligently in the preparation of their report to the Senate. The article is entitled, “Palliative care training expanded.”

The College of Family Physicians of Canada is proposing an optional third year of family medicine residency training specifically in palliative care.

That was one of the proposals at the heart of our report.

Senator Lavoie-Roux: It was the main proposal.

Senator Corbin: Then there is a quotation:

“Most of the needs of patients for —

In square brackets they have “relief of pain.”

— anxiety, depression, and fear are met by family physicians in the community —

Such as our colleague Senator Bonnell —

— as well as dealing with the grief reaction of survivors,” says Dr. Richard MacLachlan, a Halifax family physician who prepared the College’s submission for the special Senate committee hearings on euthanasia and assisted suicide.

Listen to this:

In addition to improving education, the College supports enacting the recommendations released by the special Senate committee.

That is very gratifying news indeed. It has made worthwhile the many months we spent as a committee examining these issues.

THE BUDGET

EDUCATIONAL AND EMPLOYMENT ASSISTANCE FOR YOUTH

Hon. M. Lorne Bonnell: Honourable senators, the 1996 federal budget offered great hope to many young Canadians in search of a better university education and relevant employment opportunities. Beginning in 1998, the government will provide secure, stable, growing federal support over five years to the provinces through the Canada Health and Social Transfer.

Funds from the CHST assist provinces in carrying out their responsibilities for post-secondary education. With this new system, the provinces, universities, colleges and students will be better equipped to plan for the future. More specific measures in the budget will increase tax assistance available to students and the spouses, parents and grandparents who support them, helping them all deal with the increasing costs of education. Therefore, higher education and skills development for Canadians will be encouraged with an additional \$165 million over three years, funded through the reallocation within the tax system.

Changes include an increase in the educational tax credit by 25 per cent from \$80 to \$100 per month; an increase of 25 per cent in the limit on the transfer of tuition and educational tax credits from students to spouses, parents or guardians; an increase in the limit on the annual contribution to the Registered Education Savings Plan from \$1,500 to \$2,000 and the lifetime limit of \$31,500 to \$42,000; a more flexible child care expense deduction for low income parents who are in school or attending training programs, thus helping them to increase their earnings and achieve economic independence.

More flexible repayment loan terms will be added to the Canada Student Loans Act. In addition, over the next three years, \$315 million will be budgeted to create new job opportunities for youth, including an immediate doubling of the federal support for student summer jobs from \$60 million to \$120 million in 1996-97. Summer jobs enable students to gain invaluable hands-on work experience and provide income to help pay for the upcoming school year.

These initiatives, focusing on education and employment opportunities for youth, will increase their ability to adapt to and thrive in the global economy.

HUMAN RESOURCES DEVELOPMENT

UNEMPLOYMENT INSURANCE REFORM— NECESSITY TO PRE-STUDY EMPLOYMENT INSURANCE BILL

Hon. Jean-Maurice Simard: Honourable senators, some may have noticed that I have been pursuing the question of pre-studying Bill C-12, formerly Bill C-111, the government’s proposed unemployment insurance reforms. I think it is appropriate to review the week’s developments in this regard.

On Tuesday, during Question Period, I asked whether the government will allow a Senate committee to study Bill C-12. The answer to me was:

...The parliamentary process that is currently in place very much reflects the concerns that are being expressed by the honourable senator in this house.

The Leader of the Government in the Senate went on to state that, in future, we could discuss the work of the committee to see how this issue can be developed.

That I should be satisfied with the current process and that, perhaps, at a later date we could discuss how a committee might develop this issue, in my opinion, is totally ridiculous. I am asking for the government to move to pre-study the bill because I am not satisfied with the current process. I do not need to discuss ways to see how the committee may develop this issue. The issue is already developed where I come from. I want to

examine the reasons behind this issue, ask questions of witnesses and listen to the concerns of Canadians. Is this approach offensive in some way?

Yesterday, I again pursued my line of questioning, this time adopting a simple “yes” or “no” approach. Will the government, I asked, move that Bill C-12 be pre-studied? The leader’s answer was:

...we will be watching the progress of the study in the other place...I cannot give him a categorical answer today.

Honourable senators, I do not want to watch the other place! I want to ask questions of witnesses. I want to find answers to the concerns out there.

When asked by a journalist, the Leader of the Government in the Senate, or some person in her entourage, implied that somehow the decision on a pre-study was not the government’s to make, that I could pursue this matter on my own accord.

How can I do that, honourable senators? Is this not a government bill? Does the government not have the plurality in this place and, more important, does the government not control all the committees with its majority? If the government does not want to pre-study Bill C-12, then it will not happen. It is that simple, honourable senators. However, the government should have the decency to come clean with Canadians and admit that their minds are made up and any efforts to improve the legislation are unwanted and a waste of time.

[Translation]

Honourable senators, I, for one, will pursue in any way I can, using every legal and parliamentary means available. I am even prepared to go as far as to refuse unanimous consent in this place if and when requested.

I will keep on until the Liberal majority in the Senate has granted pre-study. I call upon all Liberal senators from Atlantic Canada, and particularly the newest member of this place, Senator Joseph P. Landry — who, I am sure, has not been indoctrinated, has not been trained in Liberal partisanship — along with his colleagues from New Brunswick, Atlantic Canada and all of Canada to ensure that this pre-study can be carried out as soon as possible, so that the people of New Brunswick, who are cruelly hit by this bill, can make themselves heard.

I ask that this committee, if established, be given authority to hear all those concerned by this issue, be it in New Brunswick or elsewhere.

• (1420)

Hon. Eymard G. Corbin: Are we allowed to make more than one statement during this period?

The Hon. the Speaker: I am not aware of any rule against this, but I must tell you that the time for Senators’ Statements is almost over.

Senator Corbin: If I may, I would like to respond to Senator Simard’s statement. I find that our colleague is usually quite

reasonable. Sometimes, however, he has a tendency to exaggerate and to tilt a little — and this is an understatement — toward partisan considerations.

I am quite surprised that Senator Simard is calling for a pre-study when elected members of the House of Commons are about to consider a bill, when the minister must finalize the content of the bill he intends to introduce in the House.

Our role as senators is not to replace elected members of Parliament, but to review the bills coming from the House of Commons.

Senator Simard, of course, was involved in politics in the province of New Brunswick. He was a minister and he did very well in some respects. I am not here to pass judgment.

I think that, in considering this very serious matter, we should leave political considerations aside. What the honourable senator said today may draw the attention of journalists who would give him very nice headlines.

I think that his Liberal colleagues on this side of the house are just as interested as he is in the problem of unemployment in our home province, New Brunswick.

There is, however, a parliamentary procedure to be followed. Many of us oppose the idea of pre-studying bills that have not been passed by the House of Commons. It is that simple.

As regards this bill and many others, we already have enough on our hands when a bill is sent to us. Quite often, a bill is sent to us after having been amended in the House of Commons.

At this point, I think I can tell Senator Simard that the Minister of Human Resources Development, Mr. Young, is not indifferent to the plight of the unemployed. It is true that he sometimes sounds like a cowboy with guns drawn. However, human nature being what it is, we must accept each other as we have been shaped by nature or by events.

I do not like personal attacks against my colleagues. I certainly do not intend to attack Senator Simard, but sometimes I get upset at comments made about parliamentary colleagues, regardless of which party they represent. We are not here to engage in personal attacks. We are here to look at fundamental issues and to review legislation. I hope we can continue to do that. Let us leave aside personal considerations and concentrate on the texts, on government proposals that will certainly be sent to us in the form of a bill which will possibly have been amended by the House of Commons.

Then, it will be our role to go to the bottom of things if we really want to serve our country, and particularly people who are unemployed and have to rely on the UI program.

Senator Simard: Honourable senators, I would like to ask —

The Hon. the Speaker: Honourable senators, no. Please excuse me. I am making an intervention because of what I said when Senator Corbin took the floor. I would not want this to be a precedent. Let me read out rule 22(6) of the Senate:

[Senator Simard]

Senators making interventions during this time shall be limited to speaking once for no more than three minutes; however, a Senator may seek leave to extend his or her remarks.

I also want to remind you of rule 22(4). I will not read it in whole, but the end is as follows:

Matters raised during this period shall not be subject to debate.

I, therefore, propose that we conclude at this point, that there be no debate, and that we carry on with the Orders of the Day.

[English]

Hon. Finlay MacDonald: Your Honour has just answered the question I was about to ask. I thought there was something going on here about which I had never heard before. It seemed as if a new process of debating Senators' Statements was being started. The matter has now been clarified to my satisfaction. I thought Senator Corbin knew better.

The Hon. the Speaker: Shall we conclude the matter now, honourable senators? I think the rules are clear.

Senator Corbin: Your Honour, I have been singled out. The Honourable Senator MacDonald says that I should know better. I did not know better. I do not pretend to know every rule in the rule book. I specifically asked the Speaker for guidance on this matter. The Chair recognized me. I apologize that I took extra time. However, I am glad that the honourable senator listened attentively to what I had to say.

Senator Simard: Your Honour, nor do I want to set a precedent. However, I, too, have been singled out. I am now the victim of another ruling which sets a precedent. With the unanimous consent of my colleagues, I insist that I be given a chance to reply to my colleague and friend Senator Corbin.

The Hon. the Speaker: Honourable senators, there is another rule to which I should like to draw your attention. There is a clear rule which states that when the Speaker is standing, senators will not stand.

Some Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

LIBRARY OF PARLIAMENT

ANNUAL REPORT OF PARLIAMENTARY LIBRARIAN TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the annual report of the Parliamentary Librarian for the fiscal year ended March 31, 1995.

LEGAL AND CONSTITUTIONAL AFFAIRS

FIRST REPORT OF COMMITTEE TABLED

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs. This report deals with the expenses incurred by the committee during the First Session of the Thirty-fifth Parliament.

JUDGES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Sharon Carstairs, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 21, 1996

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-2, An Act to amend the Judges Act, has, in obedience to the Order of Reference of Wednesday, March 20, 1996, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

SHARON CARSTAIRS
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Lewis, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1430)

NATIONAL FINANCE

FIRST REPORT OF COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on National Finance. This report deals with the expenses incurred by the committee during the First Session of the Thirty-fifth Parliament.

ADJOURNMENT

Hon. B. Alasdair Graham (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, March 26, 1996 at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

APPROPRIATION BILL NO. 4, 1995-96

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-21, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 1996.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Graham, bill placed on the Orders of the Day for second reading on Tuesday, March 26, 1996.

APPROPRIATION BILL NO. 1, 1996-97

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-22, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 1997.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Graham, bill placed on the Orders of the Day for second reading on Tuesday, March 26, 1996.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE IN CANADA

Hon. Leonard J. Gustafson: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(f), I move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of agriculture in Canada; and

That the Committee present its report no later than March 31, 1997.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES OF PERSONNEL

Hon. David Tkachuk: Honourable senators, I give notice that on Tuesday next, March 26, I will move:

That the Standing Senate Committee on National Finance have the power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purposes of examination and consideration of such bills, subject-matter of bills and Estimates as are referred to it.

QUESTION PERIOD

HEALTH

NECESSITY FOR FUNDING NATIONAL FORUM ON HEALTH AND HEALTH SERVICES RESEARCH FUND—GOVERNMENT POSITION

Hon. Thérèse Lavoie-Roux: Honourable senators, on October 20, 1994, the National Forum on Health was officially launched with a budget of \$12 million. The forum's mandate was to find ways to improve both the health of Canadians and the efficiency and effectiveness of health services, as well as to provide the government with recommendations for action. Since then, we have not heard much from that forum.

Nevertheless, in this February's budget the government has provided \$60 million over five years to establish a health services research fund. Its purpose is to identify what works in Canada's health care system, what does not work, and what procedures and interventions require further evaluation.

Could the Leader of the Government in the Senate inform us if there is anything that the National Forum on Health has discovered in the last year and a half of its mandate? Could she also please explain to us the difference between the research being done by the National Forum on Health and that which will be undertaken by the new health services research team? It seems to me that there might be very similar things being done by both groups. I see millions of dollars being spent — \$65 million for research and \$12 million for a forum — while hospital beds are being closed, and cuts are taking place every day in every province, to my knowledge. What is the difference between the objectives of that forum and the objectives of that health services research team?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, the National Forum on Health, which was set up shortly after we became the government, is intended as a longer-term effort to look into some of the difficulties with the health system in Canada, and to seek alternate and innovative policy ideas as to how better to provide health services for Canadians, today and into the future as demands change in our society. I agree with my honourable friend that the forum has initially been very quiet in carrying out some of its studies and preparatory work.

However, that forum is now on the road, as my honourable friend may know. It is holding public hearings across the country in various settings, in workshops and in what might be termed town hall meetings, in small centres and large. It has been dividing up its membership to seek input from Canadians directly.

I want to answer my honourable friend's questions on the health services research fund in more detail. I will attempt to obtain more information for her as to the distinction between the two. However, the second group is clearly directed more to health research than to the study of broad policy issues. I will try to get a more detailed answer for my honourable friend.

• (1440)

Senator Lavoie-Roux: Honourable senators, I understand that perhaps the Leader of the Government in the Senate has not had time to study the terms of reference of both bodies, even though the cost involved for the research team is \$65 million. However, the objectives of both are very similar. I do not think we should be confused about this research team. We are not talking here about scientific or medical research. Nevertheless, this health services research fund is mentioned in the budget speech. Its purpose is to identify what works in Canada's health care system, what does not work, and what procedures and interventions requires further evaluation. It is very similar to the mandate of the national forum.

In the last several years, every province has had a national forum and, in a sense, has reviewed the organization of its health system. We now have those two new wagons on the rails, and we do not quite know what their nature will be.

My concern is, first, that if we had involved the provinces from the beginning in the national forum, we might be further ahead today. Second, with respect to any funds expended on health matters right now, we must be careful to ensure that they are spent in the best possible way. It is worrisome that we seem to be spending money on all kinds of initiatives.

Senator Fairbairn: I understand my honourable friend's concern, and I can assure honourable senators that one of the Minister of Finance's priorities over the last two years, and that of his colleagues during program review, has been to attempt to reduce duplication. I share my honourable friend's concerns, and that is why I want to be very precise in the way I respond to her. I will make those inquiries and communicate them to her.

NATIONAL FORUM ON HEALTH—REASON FOR CHANGE IN TIMING OF REPORTS—GOVERNMENT POSITION

Hon. Richard J. Doyle: While we are discussing the National Forum on Health, I have been informed that that forum has been working on an agenda which calls for the completion of a number of important research projects by the end of 1997, but that in the last month the forum has been advised to speed up all of its operations and submit its reports not later than the end of this year. Is there a reason for this sudden fast pace?

Hon. Joyce Fairbairn (Leader of the Government): I will need to check with my colleague the new Minister of Health and

obtain an answer for you. I know there has been considerable interest in the work that the forum has been doing, and I am sure its report will be of value to Canadians. The sooner we receive it, the better. In that part of the country from which I come, the recent hearings of that forum have attracted very interested and lively participation from the community. I look forward to seeing that report, and I will follow up on your question.

THE BUDGET

CUTS IN HEALTH AND SOCIAL TRANSFER PAYMENTS TO PROVINCES—COMPARABLE CUTS TO GOVERNMENT DEPARTMENTS—REQUEST FOR PARTICULARS

Hon. David Tkachuk: Honourable senators, in the finance department's literature on the budget, the new Canada Health and Social Transfer will "ensure a substantial and growing federal contribution to health care and other social programs." We are told there will be no further transfer cuts, and that new five-year funding arrangements provide large and growing support.

The reality is, as we all know, that there is a severe cut in transfer payments as Ottawa shifts its deficit numbers on to the books of the provinces, and it is the provinces which will be feeling the effects of that over the next number of years. For example, under the old Canada Assistance Plan and the Established Program Financing, when listed as separate items, cash payments to my province of Saskatchewan totalled \$624 million, down from \$631 million when this government was elected. Next year these cash payments will fall to \$510 million, and by the turn of the century they will fall to \$371 million. That is half of what they were when this government was elected.

I would like to know the Liberal government's definition of "substantial and growing."

Senator MacEachen: Look in the Oxford dictionary.

Hon. Joyce Fairbairn (Leader of the Government): My honourable friend will know that the Canada Health and Social Transfer payments have been reshaped from their former configuration, and that the government has been making cutbacks in every part of its departmental structure. We have been extremely concerned and careful in the area of health, education and social services to try to maintain and protect those programs to the utmost so that they do not decrease progressively over the years. The government has now put at the base of that program \$11 billion which is available to protect the federal interest of all Canadians in those programs.

My honourable friend knows that it has been a question of balancing. I have said many times that, on the one hand, it has been our responsibility to get our finances in order, and on the other hand, we have tried to do so in a gradual way in order to protect our social programs.

In the case of the CHST, we are giving the provinces certainty, so that they can make their own plans. At the same time, we will see growth in those transfer payments starting two years down the road.

Senator Tkachuk: I do not mind if the government cuts programming, but I am bothered by this doublespeak of “substantial and growing federal contribution” and “guaranteed money.” The fact is that when this government came into power, there were \$18 billion of transfers to the provinces for these three programs, and it will now be \$11 billion. That is a \$7-billion cut in education, social services, and health costs.

The government has attempted to balance the budget, for which they are getting a great deal of credit, but they are doing it on the backs of the provinces. The provinces will have to deal with these cuts when they take effect in the years 1996 — this coming spring — 1997 and 1998.

Considering that there has been a reduction of almost 40 per cent in the number of cash dollars going to the provinces, what departments of government have taken that large a cut? If you are cutting to the provinces, you should be cutting all through the government. What other departments of government have taken that large a cut?

Senator Fairbairn: Honourable senator, I cannot give you a blow-by-blow description, but if you spoke to a friend of Senator Gustafson's, namely the Minister of Agriculture, you would find that he has taken a substantial cut in his department.

Senator Tkachuk: More transfers.

Senator Berntson: \$370 million.

• (1450)

Senator Fairbairn: Honourable senators will find that the Department of Transport has also experienced a severe cut. Honourable senators must put the whole question in perspective, not just in view of the federal scene but also in view of the provincial scene. My honourable friend will know that the Province of Saskatchewan has taken a more gradual approach than was taken in the Province of Alberta. However, if honourable senators want to talk cuts and health care, we have had one heck of a whack in Alberta. I think that the people of Alberta and, indeed, even the provincial government will take some comfort in this budget in that they are now in a position to know that they will have a stable and predictable arrangement with the federal government over the next five years.

The Minister of Finance has been very open in the way he has dealt with these financial measures. There have been no surprises in this budget. The provinces are aware of what is planned, and have been given the opportunity to factor that plan into their own planning.

I grant Senator Tkachuk that it is tough on both sides of the ledger. In the case of these programs, a special effort has been made to sustain them and to protect their cash allocations, to the tune of \$11 billion, which is not insubstantial.

Every province in this country understands the necessity of cutting back. It is not simply a matter of the federal government trying to achieve these goals on the backs of the provinces; we are all doing it together.

NATIONAL DEFENCE

DESIGNATION OF FORMER CFB CORNWALLIS AS MILITIA TRAINING SUPPORT CENTRE—GOVERNMENT POSITION

Hon. Gerald J. Comeau: Honourable senators, my question for the Leader of the Government is a much more positive one. It has nothing to do with budget cuts. It has to do with an announcement made by the Minister of National Defence that a new militia training support centre will be established in Valcartier, Quebec. In the same announcement the minister also noted that training centres would be set up in both Atlantic and Western Canada.

Is the minister able to tell honourable senators today what location her government has in mind for these centres in Atlantic Canada? Is she able to advise us if she would support designating the former base at Cornwallis, Nova Scotia for that purpose?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I cannot today give my honourable friend the answer which he seeks.

I am also interested in where these facilities might be located since, like my honourable friend, I come from an area which took a major hit during the base closures in recent years. I will attempt to ascertain those locations for the honourable senator if I can.

Senator Comeau: Honourable senators, in a letter the Prime Minister wrote to people of that region during the last election campaign, he led them to believe that he would establish a peacekeeping training centre at Cornwallis. He did so to receive support from the area. Unfortunately, what happened in the end was that not only was the peacekeeping training centre not established but the base itself was closed.

In order for the Prime Minister to restore his good reputation with the people of my region, will the Leader of the Government join with me in encouraging the Prime Minister to establish the militia training support centre at Cornwallis? In turn, I will endeavour to support the establishment of a militia training centre in Western Canada in the region of her choice.

Senator Fairbairn: Honourable senators, I thank my honourable friend. I will pass on his representations.

THE SENATE

PHILOSOPHY ON PRE-STUDYING BILLS—POSITION OF THE LEADER OF THE GOVERNMENT IN THE SENATE

Hon. Finlay MacDonald: Honourable senators, I should like to ask the Leader of the Government in the Senate for a small clarification.

I was rather interested in the remarks of Senator Simard in his statement and what I thought was an engagement by Senator Corbin in the debate. However, as I thought about it later and before His Honour cut off the discussion, I wondered whether Senator Corbin was answering for the Leader of the Government with respect to matters involving the subject-matter or pre-study

of a bill. We know how this all began. Although it preceded Senator Salter Hayden, it is to him that the procedure has been attributed. I am aware of the views of Senator MacEachen in this regard.

Has the Leader of the Government in the Senate, in her experience, not seen any advantage in the use of this procedure? If she has not, I might at a later time write to her giving her an idea of when pre-studies have been used. Traditionally, the rationale for using the pre-study option has been in respect of particularly complicated or technical bills. It has received widespread acclaim over the years.

My question to the Leader of the Government is this: Are we to assume that we will treat bills in sequence? Is it quixotic of us to suggest that there be pre-study? Could the Leader of the Government, and not Senator Corbin or anyone else, give us some idea of her personal philosophy with regard to the pre-study of bills?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I do not think I could give my honourable friend, if he would believe it to be, the benefit of my philosophical views on this matter in the course of an answer during Question Period. I have no doubt that, in the past, this process has worked well in some instances, and perhaps not so well in others.

My honourable friend is well aware of the circumstances which led to the strong views which are held on this subject. Certainly, our preference has been to see a progression of legislation from the House of Commons to the Senate. At least in one instance I can recall, we have had the opportunity to improve, perhaps, the process during a labour disruption when we had a piece of emergency legislation before us.

These issues must be considered carefully in the circumstances of each situation as they develop. In the case of the one about which Senator Simard has been most passionate and vocal this week, Senator Graham and others have had discussions with the minister in the other place about the progress of that legislation and the stage it is at in the House of Commons. We are hopeful that we will have that bill before us, giving ample time for the Senate to make a thoughtful and intense contribution to the process.

Senator MacDonald: Honourable senators, is it possible, then, to cling to some hope that pre-study might be considered on a case-by-case basis?

Senator Fairbairn: Honourable senators, hope springs eternal in the human breast.

HUMAN RESOURCES DEVELOPMENT

UNEMPLOYMENT INSURANCE REFORM—PRE-STUDY OF EMPLOYMENT INSURANCE BILL—POSSIBILITY OF INITIATION BY OPPOSITION—GOVERNMENT POSITION

Hon. Jean-Maurice Simard: Honourable senators, earlier this week the Leader of the Government in the Senate and/or someone in her entourage implied that it is possible that I can

pursue a pre-study of Bill C-12 without the approval of the government. At least that is what is reported in today's Saint John *Telegraph-Journal*.

My question is this: Could the leader enlighten me as to how this can be done? My review of the rules, specifically rule 74, indicates that the government must take the initiative in directing a government bill for pre-study.

• (1500)

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, that certainly has been the process in the past.

Senator Berntson: It is the rule.

Senator Fairbairn: Yes, it is the rule. I will read the article to which my friend has referred. I will check with my office. Presumably, in this chamber, senators are equipped with the flexibility to suggest a variety of courses of action, but it certainly has been the rule and the process in the past that such initiatives would come from the government side.

Senator Berntson: They should come from the government leader.

UNEMPLOYMENT INSURANCE REFORM—REQUEST TO PRE-STUDY EMPLOYMENT INSURANCE BILL—GOVERNMENT POSITION

Hon. Jean-Maurice Simard: Honourable senators, we are told that this bill will have to be approved and implemented effectively by July 1, 1996. Consider the record of this Liberal government over the past two years. We all remember last December, the second occasion when the Liberal majority implied that we needed to pass bills on a rush basis. The Senate could not send back even good, solid, acceptable amendments because the House of Commons was not sitting, or would not want to sit. We were threatened with the "guillotine" and prorogation.

Given that record, would the Leader of Government in the Senate and her colleagues consider that perhaps we will run out of time again in the spring and in the summer?

Contrary to Senator Corbin, not only do the elected members of Parliament have work to do; senators have work to do, too. There are many precedents where pre-studies have been undertaken. However, according to rule 74, the request must come from your side, Madam Minister.

The leader will not give me that commitment today. Between now and next Tuesday, March 26, perhaps our colleagues will huddle on the matter over the weekend, perhaps in Vancouver or in New Brunswick. I extend the invitation to come to New Brunswick, where they will hear former Liberals, ex-Grits who avow and promise to defeat the government and Doug Young himself in the next election. Perhaps hearing former Grits and other people who mean well and who want to improve Bill C-12 will make a difference, and, between now and next Tuesday, the Leader of the Government will commit this house so that Canadians may be heard. That is my question.

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I always wish to be fair to Senator Simard as a respected colleague in this chamber. His question has been asked a number of times this week. I have not tried to be evasive; I have tried to indicate, first, that this is one of the most important bills for the country. Very important work is being done on it now.

Senator Kinsella: It is not to be rushed.

Senator Fairbairn: There is an invitation to Canadians to connect with the new Minister of Human Resources Development and with the government by speaking their minds on the best way to proceed with changes to that legislation. That is something in which we are all very interested.

As I said before in answer to Senator MacDonald, because of the nature of this bill, both the deputy leader and I are making a special point to ensure that the bill comes to the Senate with ample time for senators to hear witnesses and to hear from the people of New Brunswick. I will, of course, undertake to consider what my honourable friend is saying, as will other senators on this side.

I have been very frank with my honourable friend. We are watching with great interest the progress of the legislation on the other side. We are assured that we will receive it in good order so that we will have an extended period of time to discuss it.

Senator Simard: Honourable senators, I have one last comment. For the last three days, the Leader of the Government in the Senate has stated that this issue is being discussed between two leaders in the Senate. Now she tells us she is watching what is happening in the House of Commons and that she will do her best.

As I understand the two Houses of Parliament, this house cannot tell the House of Commons what to do, nor how long they may study the bill. The leader of the government has no control over what takes place in the House of Commons. That is why we are asking that the announcement be made soon to allow us to pre-study this bill, no matter if it takes one month, two months or three months in the other House.

Perhaps she knows that, on April 15, the leader of the other side will impose closure, the "guillotine," and that she will attempt to do the same thing here.

Senator Lynch-Staunton: They are against closure.

Senator Simard: Perhaps they will prorogue.

I am serious and passionate about this issue. I want the minister to tell us between now and next Tuesday that, having considered all the arguments, a pre-study will be granted under rule 74.

Senator Fairbairn: Honourable senators, I realize as well as anyone else in this house that there are two strong parts of Parliament; one is the House of Commons and one is the Senate. Both have, fundamental to their existence, a responsibility for legislating the program of Parliament for the people of Canada. I respect that. I have always respected it from the moment I came into this place.

I am also telling honourable senators that there is a process for legislation between the two houses. There is nothing new in that. There are obviously differing views in the Senate on how that process should function.

I will say to my honourable friend again that we are extremely interested in this bill. We are in contact with people who are keeping us informed on the progress of this bill. I will not make a promise today which I cannot keep. I will not make a promise to come in here next Tuesday with a motion. I can promise honourable senators that we will be pressing with great determination to have that bill come here to the Senate and go to committee, in which my honourable friend will show great activity and interest, just as soon as it possibly can, and certainly not at the end of June. That bill will be here well before then.

• (1510)

Senator Lynch-Staunton: Mark those words.

[Translation]

TRANSFER TO PROVINCES OF JURISDICTION AND FUNDING
FOR MANPOWER TRAINING—GOVERNMENT POSITION

Hon. Pierre Claude Nolin: Honourable senators, the premier of Quebec — although our thoughts on politics and the constitutional future of the government are vastly different — has shown that he was able to go beyond these differences and achieve a consensus among the different economic and social groups in Quebec.

At the beginning of the week, your colleague the Minister of Human Resources Development, wading in with one of his thoughtless statements, questioned, actually made fun of Quebec's consensus surrounding the wish, expressed repeatedly by Quebecers, that the entire manpower training field and all the active measures associated with manpower training be handed over to them immediately. Yesterday, the premier of Quebec and a number of Quebec business people and members of the labour movement reiterated their support for this consensus.

Is your government ready to recognize that there exists in Quebec a broad consensus surrounding this issue of manpower training? Will you, in good faith, initiate and pursue discussions for the immediate transfer to Quebec of manpower training and of the funds normally associated with this responsibility?

[English]

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, the Province of Quebec is not the only province, nor the only government in this country, that operates on consensus building and reaching agreements with various sectors of society. It certainly does not stand alone in that regard.

On the question of labour training, it has been made absolutely clear by the Prime Minister and the Minister of Human Resources Development that the Government of Canada is withdrawing from the labour training field. There is no question about that. It has been in the Speech from the Throne, the budget, and it was in the referendum. That is clear.

What has been under discussion, and will continue to be under discussion, is the question of funding while this orderly withdrawal from the labour market training process takes place. For instance, the new employment insurance bill provides for the possibility of provinces accessing those funds within a mutually acceptable framework of accountability. That requires negotiation.

The federal government has said it will not simply hand over a mass of funds to any province. We are talking here of its national obligations through this program, which is contributed to by individuals and employers all across this country. Therefore, there is a strong obligation on the part of the federal government to ensure that it is accountable to all of those very special investors.

The process of the labour market training withdrawal can and will involve negotiation with provinces about how to use those funds. However, the federal government will not simply hand over, without consideration, the funds which it has within its responsibility to maintain for all Canadians in every province. Each of them has invested in this fund, so great care must be taken in negotiating a method whereby this fund can be shared, but certainly not handed over *holus-bolus*.

HUMAN RIGHTS

ESTABLISHMENT OF CANADIAN RACE RELATIONS FOUNDATION—REQUEST FOR UPDATE

Hon. Noël A. Kinsella: Honourable senators, in a statement by the Leader of the Opposition today, we heard that the world community marks on March 21 the International Day for the Elimination of Racial Discrimination. Many were expecting that perhaps the government would choose this day as the day it would announce the establishment of the Canadian Race Relations Foundation, which was promised in the first Speech from the Throne. That foundation has been promised for some time, and we are now into the second half of the government's mandate.

Is the silence on that item today indicative of the government's retreat from that commitment to establish the race relations foundation? If not, when might we expect appointments to that foundation?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I am aware of my honourable friend's commitment to this issue and his interest in the formation of this board. I cannot answer the "when" but I can certainly assure him that there is no sense to be drawn today that the federal government is moving away from its commitment. However, I will try to follow up on that matter for my honourable friend.

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, Senator Kinsella used the words "the government's silence" in referring to that item which was spoken to quite properly earlier today as the International Day for the Elimination of Racial Discrimination, presumably under Senators' Statements. It was my intention to make a statement on that event, but there were so many other senators who wished to speak at that particular point in time. I rose

several times in my place, but unfortunately His Honour the Speaker was not able to recognize me, and time ran out. However, that does not suggest, in any way, shape or form, that there is silence on the part of the government on that particular matter.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. B. Alasdair Graham (Deputy Leader of the Government): With respect to the order of business, honourable senators, I would ask leave to make a slight adjustment to our program for today. Yesterday, Senator Murray launched a very important inquiry with respect to the state of the coal mining industry in Cape Breton and the policy of the Cape Breton Development Corporation in relation thereto. Senator MacEachen is anxious to speak on this particular item today, and I ask leave that it be brought forward so that Senator MacEachen can address the topic now.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

NOVA SCOTIA

STATE OF COAL MINING INDUSTRY IN CAPE BRETON— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming the debate on the inquiry of the Honourable Senator Murray, P.C., calling the attention of the Senate to the state of the coal mining industry in Cape Breton and the policy of the Cape Breton Development Corporation in relation thereto.—(*Honourable Senator MacEachen, P.C.*).

Hon. Allan J. MacEachen: Honourable senators, debates on the Cape Breton coal industry have had a long history in the Canadian Parliament. These debates have arisen from necessity. Forty-three years ago, when I entered the House of Commons, the subject-matter was a hot issue, and a principal spokesman for the interests of the Cape Breton coal miners was the late Clarence Gillis, the CCF MP who himself had been a coal miner, and who had a natural eloquence in addressing the problems from his seat in the House of Commons.

• (1520)

Here again, we have another Cape Bretoner in the Parliament of Canada raising the question of the Cape Breton coal industry. It is timely to do so because of the current concern that exists in the communities dependent upon the coal industry in Cape Breton, the concern among the coal miners in particular and among those who are faced with lay-offs in the industry. The debate is appropriate and the remedy which Senator Murray proposes, namely, that a committee of the Senate examine the problem, is also appropriate.

Honourable senators, as an entry to my comments on this particular subject, I wish to refer to a statement I made last October at a symposium on the Antigonish movement held at St. Francis Xavier University. I was asked to begin the symposium and deal with the subject, "The Antigonish movement in retrospect." In my remarks, I referred to a book which had been written by George Boyle entitled *Father Tompkins of Nova Scotia* published in 1953 in which Mr. George Boyle dealt with the educational views of Dr. Tompkins and his philosophy as to how social change could be brought about.

Dr. Tompkins advanced ideas on the crucial role of education in equipping people to influence the forces that control their lives and, in certain cases, to alter the forces that influence their lives. I tried to illustrate how these forces manifested themselves in the coal towns of Cape Breton in the 1920s and 1930s. I said:

This past July a boyhood friend who had moved from Inverness with his parents in the 1930's to New Waterford visited me at Lake Ainslie. The parents, in leaving Inverness to go to New Waterford, were not going to paradise —

And I apologize to Senator Murray for that comment.

— but they were escaping from the social tension that followed an unsuccessful attempt by the parish priest to head up a new mining operation. My friend is now a retired coal miner himself. We had grown up near each other in company houses and had experienced living up in a Cape Breton coal mining town in the 20's and 30's. Quietly, and without intending to do so, and without realizing that is what we were doing, we engaged in a sort of social and economic survey.

We lived in the north end of town in company houses built on a piece of high ground overlooking the Gulf...

That is, the Gulf of St. Lawrence.

Between the houses and the beautiful sandy beach were the coal pits, the bank head, the coal dump and rail lines for the coal cars. All of that is now gone, replaced first by blueberry and cranberry barrens and now by nothing much at all. My father in his retirement, following 46 years underground, used to pick berries there instead of coal.

On that piece of land overlooking the Gulf, there were three rows of company houses. Each row had seven houses, each house had two self-contained dwellings and each of the dwelling spaces were identical to the 41 others. There was no central heating and no inside toilets. There was running water, however, and electricity. In fact, the electricity was free with the result that the lights were left on night and day. It was a unique community and people wondered as they travelled through — those few people who had automobiles — why the lights were on, why the town was lit up at 3 a.m. Well, the houses were heated by coal supplied to the miners at reduced rates. Even so, there was not enough money or willingness to buy coal, with the result that the sons went to the dump to pick coal or to the coal cars to steal coal. We didn't think it was a sin, but we didn't want to get caught.

The pay for a day's work was about \$3 or \$3.25.

In fact, the basic underground day's pay was \$3.25 and the basic surface pay was \$2.93 a day. The miners at the coal face were all paid at a contract rate, so much a tonne for cutting, shooting and loading. I talked to my friend and he told me that he had envelopes that his dad had in 1935. He had four days on contract and one shift at the basic rate. I believe his take home pay for that week was \$14.

I talked this morning to my friend ... and he said, "Well, I have envelopes that my father had when he was in Inverness and the weekly pay was about \$17. And remember, Allan, that sometimes they had to work six days for five days pay." And you know, when off-tax was included, as deductions were called in those days, the weekly pay envelope was at one and the same time the challenge and despair of the miners' wives.

Well, the work schedule was governed by a whistle, which blew every evening to inform the miners whether there would be work the next day. One whistle: work; two whistles: no work. The two whistle signal was always unwelcome, presaging an even thinner pay envelope. Well, in our review that summer afternoon we confirmed to each other that every family in that block of houses made its living in the coal mines. Every one of them, either underground or on the surface, but every household on that high piece of ground overlooking the Gulf was governed by the whistle. The merchants, the doctors, the clergy, the hospital, the convent were exempt, and also had the usual amenities, including a telephone. No miner's house had a telephone.

On Monday, Bill Marsh, who as you know was President of the United Mine Workers for a long time, called me about another matter. And I said, "Bill, let us talk about the whistle. One whistle, work; two whistles, no work." And he said, "Yes, imagine the uncertainty." And he went on to say that that whistle blew not only in Inverness, but every coal town in Cape Breton. Sydney Mines, Glace Bay, New Waterford, all over.

I concluded that speech by saying:

So that in a sense explains, in my way, what was behind the Antigonish Movement

The whistle was the voice of the unseen forces that controlled the lives of the coal miners in those coal mining communities. The purpose of the Antigonish movement was to get a grip, if possible, on these unseen forces.

• (1530)

In looking at the coal problem of today and recalling the comment that Senator Murray made about the culture of the industry, one must keep in mind the whistle. The whistle was the symbol. The only thing that anyone ever mentioned to me after I finished what I thought was a rather comprehensive survey of the Antigonish movement was my comment about that whistle.

Honourable senators, those of you who have followed *Margaret's Museum*, which has excited so much attention among movie-goers and the critics, will have seen a number of snapshots of life in a Cape Breton coal-mining community.

There was the whistle. The whistle was also the voice of tragedy, because every time the whistle blew in a certain pattern, the people would rush to the colliery to determine who had been killed or injured. That was another way in which the whistle influenced the lives of the people.

I begin in this way in order to convey a sense of the trouble and the tragedy which has been part of the history of the coal industry in Cape Breton. However, it is not only trouble and tragedy; there was community and camaraderie. There is nothing stronger than the solidarity that was expressed in the working lives of the coal miners, and nothing stronger than the solidarity experienced by those who lived in those coal communities and in those communities which today exist without coal. Recalling this solidarity revives the emotion I feel when I talk about the coal industry and the emotion I feel when its existence is in peril.

Another "tragedy" has now befallen the coal mining communities in the knowledge that deep lay-offs must be faced by these communities.

Bill Marsh, in that conversation last summer, told me that the Cape Breton Development Corporation eliminated the whistle. So it did.

As you know, one of the principal challenges facing the new Pearson government in 1963 was the threatened extinction of the coal industry. As a result, early in its mandate, the Pearson government appointed Dr. Donald. From his report there emerged the Crown corporation supported both by the Government of Canada and the Government of Nova Scotia, the Cape Breton Development Corporation. It has existed now for virtually 30 years. Though the workforce has been dramatically reduced in the interim period by about 4,000, the Cape Breton Development Corporation has provided relative stability to the coal communities.

What has happened also, through the farsighted leadership of Mr. Tom Kent, is the establishment of a pension plan for the miners. Up to that time, there had been no real pension plan for miners. My father worked in the coal mines for 46 years. When he left the mines, he left with nothing. He had no pension. There may have been something a bit better in the Cape Breton County coal fields, but that deep defect in the operation of the coal mines was remedied by the Cape Breton Development Corporation under the leadership of Tom Kent.

Honourable senators, people say the coal industry should be privatized. When the Cape Breton Development Corporation was organized and legislated, it was a move from privatization to public ownership, because privatization was incapable of dealing with the community and the social problems which would occur from a sudden cessation of production in the coal industry.

It was not because Mr. Pearson and Mr. Stanfield were socialists that they opted for a public corporation. Mr. Pearson, in his statement of December 29, 1966, stated the federal

government's realization that the Cape Breton coal problem is essentially a social one. He stated:

It is because of its awareness of and concern for the well-being of individuals and their communities that the federal government is prepared to assist on a massive scale the transition of the area from dependence on a declining natural resource to a sound, economic base.

I must say, honourable senators, that unless the social equation is introduced into an examination of the current corporate plan of the Cape Breton Development Corporation, an important element in approaching the problem will have been overlooked. That is why the Government of Canada took the unprecedented step of creating the Cape Breton Development Corporation.

Honourable senators, I am aware of the time. I do not want to cover any of the ground which has been so well covered by Senator Murray. However, I do want to refer also to the statement made by the late Jean-Luc Pepin when he introduced the bill, and I want to refer to the bill itself.

In his statement on the bill to the House of Commons, Mr. Pepin outlined once more that the impulse behind the action of the government in setting up the Cape Breton Development Corporation was a social consideration to cushion the communities and the individual coal miners from the results of a rapid cessation of operations. Mr. Pearson, in his statement, made it very clear that the rationalization of the mines would be related to the introduction of new industries. He said that the Crown corporation would be instructed to give full consideration to the need for orderly adjustment, including the implementation of a generous early retirement plan for the miners as recommended by Dr. Donald.

• (1540)

In the preamble to the bill — and no doubt this was carefully negotiated with the Government of Nova Scotia — it is stated as follows:

Whereas it has been estimated that the realistic working life of the Sydney coal field on the Island of Cape Breton is only about 15 years —

Interesting, because the mines have survived for 30 years. There has been a gradual downsizing of their operations but they nevertheless still constitute a crucial part of the economy of the Island of Cape Breton, and of Nova Scotia as a whole.

I would hope that in our examination in the committee, in whatever form it takes, we will bear in mind a number of the principles that were laid out at the very beginning: First, that the problem is basically a social one; and second, that downsizing of the operation must be related in some way to alternative economic opportunities because, otherwise, the devastation will be too great.

Honourable senators, Senator Murray has laid before us a number of problems that we ought to examine. He has given us a good survey of the thoughts of the Cape Breton Development Corporation over the relevant recent years. All the questions are relevant and ought to be examined by the committee.

Before I conclude, I want to refer to a letter I received in December from Mr. Stephen J. Drake, President of the United Mine Workers, in which he says that he is writing on behalf of the Cape Breton coal miners and their families regarding concerns over the present state and future of the industry. He states:

It is just two weeks before Christmas and the scenario developing here could rival the most horrendous of witch's brew one could comprehend.

Then he goes on to list eight points of concern — Donkin mine, Lingan colliery, Prince mine, Phelan mine — and raises all the social questions in the way of pensions and the new Boyd study.

I believe that the committee could examine a number of these issues as well. Also, it ought to examine the concerns of the leadership in the trade unions, the views of the municipalities, and the views of management.

Mr. Joe Shannon is chairman of the corporation and acting president. He has been asked by the government for the second time to head up this corporation. His views and the views of his team have to be examined. It would be my hope that during the examination all the stakeholders will have a better dialogue than has currently taken place.

I understand that a deeper dialogue will take place between management, the municipalities and the coal miners. That is indispensable, because it would be very desirable if all the stakeholders could reach some consensus as to how the corporation could continue and as to how it might be possible to meet the necessity of improved viability of the operation while respecting the social considerations that have to be foremost in reaching a final conclusion.

Honourable senators, I would hope that we might be somewhat guided by the words which Mr. Pepin used in opening his speech in the House of Commons on June 15, 1967. He began as follows:

Mr. Chairman, I have kept very carefully for several months in order to use it today a quotation from the London *Observer*, published in the Vancouver *Sun* of August 19, 1966.

Democratic politics is the art of finding sound policies that are also acceptable to the people.

I hope, honourable senators, that in this case, the Senate committee can facilitate — not displace, but facilitate — a process that will result in a sound policy that will be acceptable and, in particular, that will ease the current and long-term anxieties that exist among the coal miners and within their communities and will give us all some hope that the Cape Breton coal industry will contribute to the future welfare of the people of Cape Breton.

Hon. Senators: Hear, hear!

[Senator MacEachen]

On motion of Senator Berntson, for Senator Buchanan, debate adjourned.

[Translation]

CONTROLLED DRUGS AND SUBSTANCES BILL

SECOND READING

Hon. Marie-P. Poulin moved that Bill C-8, an Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof, be read a second time.

She said: Honourable senators, this bill, which I have the honour to introduce today, addresses one of the urgent issues facing our modern society: drug abuse and drug trafficking.

This is a very serious problem on both the individual and the societal levels. Drug abuse, and the indescribable suffering that it causes, knows no boundaries, no socio-economic distinctions. Drug abuse spares no one.

Illicit drug trafficking, and those who live off its avails, have left huge numbers of victims in their wake, and the ravages continue, particularly in one of our most vulnerable segments of society: our young people. Drug traffickers target our youth first and foremost. We must not lose sight of the fact that illicit drugs are nothing less than a scourge on our modern society. They destroy families, careers, and prospects for the future; worse yet, they destroy lives.

[English]

• (1550)

Honourable senators, Bill C-8 is intended to consolidate, modernize, enhance and streamline the government's drug control legislation as found in two current acts of Parliament. These are the Narcotic Control Act as well as Parts III and IV of the Food and Drugs Act. It is also intended to fulfil Canada's obligations under three international conventions: the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and parts of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychoactive Substances.

[Translation]

These international conventions are designed to ensure that the use of controlled drugs is confined to medical and scientific purposes. They are also designed to help governments in their drug abuse prevention efforts and to mitigate adverse effects resulting from it.

For international conventions to be effective, autonomous governments must decide on their own to enforce the provisions of these conventions and to fulfil their obligations toward other governments and international organizations.

It is therefore essential to limit the production, manufacturing, export, import, distribution, stocking, trafficking, use and possession of controlled substances to medical and scientific purposes.

[English]

Let me describe the principal provisions of the bill: a more comprehensive regime of controlled substances; a capability to deal with so-called designer drugs; an improved scheme for handling controlled substances before and after convictions; safeguards for the legitimate use of controlled substances for medical, scientific and industrial purposes; new control provisions for precursors, that is, substances used to produce controlled substances; new enhanced provisions enabling the seizure and forfeiture of property used or intended to be used in committing offences; a comprehensive search and seizure scheme; directions on aggravating factors to be considered by the courts when rendering sentences; clarified powers for inspectors; the creation of an arbitration scheme dealing with health professions having committed designated regulation offences; the creation of a new offence for trafficking in marijuana and hashish; the creation of a new offence for possessing marijuana and hashish.

Honourable senators, this comprehensive piece of legislation, the Controlled Drugs and Substances bill, is designed to achieve three main goals: to provide the government with the flexibility to better control import, production, export, distribution and the use of controlled substances; to provide the mechanisms needed to implement our obligations under the international agreements that I mentioned earlier; to enhance the ability of the police and the courts to enforce our laws.

In this respect, the bill provides for the seizure and forfeiture of property used in offences involving controlled substances. It also allows for the restraint and forfeiture of fortified drug houses. These are generally family dwellings which have been modified for use as centres for drug trafficking. The purpose for building such houses, of course, is to delay or prevent entry by the police.

[Translation]

Honourable senators, our legislative framework relating to the general issue of drugs is more than 30 years old. Thorough reform is required to enable the government to properly discharge its responsibilities in the current situation and to anticipate future needs as far as practical. That is what the Controlled Drugs and Substances bill is all about. We have a duty to take action in the face of a situation that is getting worse by the minute. That is why I urge you to support this bill.

[English]

Hon. Eric Arthur Berntson (Deputy Leader of the Opposition): Honourable senators, Bill C-8 is, in fact, a reincarnation of what was before us prior to prorogation as Bill C-7. I understand it is identical to Bill C-7, and we did, in fact, study that bill in committee prior to prorogation. I understand that, since it is identical, and since for all intents and purposes we have put our views on the record as it relates to second reading and the principles of the bill, there is not much to be heard in terms of evidence from witnesses who will be coming before the committee. Therefore, we do not object to it going to committee at this time.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Poulin, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1600)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Rompkey, P.C., for an Address to His Excellency the Governor General in reply to his speech at the Opening of the Second Session of the Thirty-fifth Parliament. (*Honourable Senator Berntson*). (2nd Day of Resuming Debate).

Hon. Mira Spivak: Honourable senators, given the economic context in which it appears, and given the promises under which the current government received its mandate, the 1996 Throne Speech is neither a benign document, as has been heralded, nor a sufficient policy blueprint for Canada. One might say it is neither a necessary nor sufficient condition for Canadian well-being.

The kindest explanation for broken promises on the part of the government was given by Andrew Coyne in *The Globe and Mail* recently. Ministers of the government, he said, are afflicted with problems of memory. They are extremely forgetful, as is the case with patients, with whom medical science is familiar, who cannot retain memories for more than 30 minutes.

There are two notable omissions in this Throne Speech: one which is not mentioned at all, and one which is not described sufficiently. The first is child care, for which the Red Book had promised a substantial injection of funds. The Caledon Institute analysis of the budget indicates that child care spaces will be lost for three reasons: withdrawal of federal dollars; the end of CAP, which had assured matching federal and provincial dollars; and the fact that, under CAP, cost-sharing occurred only in non-profit services for the most part, the non-profit condition being crucial for child care in particular.

The absence of a national child care program is a major deficit in Canada's social infrastructure, not only because of its contribution to healthy child development but also because it adversely affects our economic performance and human resources, now and in the future. It is a necessary priority because, for parents of most Canadian children, high-quality, regulated child care is still neither available nor affordable. A huge gap exists between the number of available child care

spaces and the number of spaces needed, since there has been an enormous increase in labour force participation rates of parents with young children. The number of jobs which could be created through child care is also enormous.

Speaking of jobs, this is the second amazing omission in the Throne Speech. The Throne Speech says, in a masterpiece of tautology, that a strong economy is the essence of a strong society. The Canadian economy, however, is not strong. Although a short-lived recovery has been fuelled mainly by a 53 per cent increase in exports since 1991, private consumption, public sector spending and residential investment have all stagnated. Instead of 400,000 jobs being created in 1995, as forecast by the government, less than 40,000 were actually created.

The Canadian Centre for Policy Alternatives, in its document, "Alternative Budget 1996," blames this shortfall and the steep decline in the labour force participation rate in part on government cutbacks, figuring the elimination of 20,000 to 30,000 jobs for every \$1 billion of cutbacks. Fiscal restraint, high interest rates and high unemployment are holding back badly needed consumer and public spending which, in turn, contributes to unemployment and therefore the debt-deficit crisis. Unemployment, according to the centre, is the crux of the debt-deficit crisis.

The Throne Speech does not contain a concerted employment strategy necessary to solve the problem of joblessness in an economy which, by a mile, is not creating enough jobs. The Throne Speech does speak of creating jobs in science and technology, and mentions guiding principles to improve the effectiveness and focus of federal science and technology effort. The National Advisory Board of Science and Technology, in its 1995 report to the Prime Minister, makes job creation an objective in science and technology.

Ministers have already established de facto guiding principles resulting in a loss of jobs through cuts in programs. The National Advisory Board specifically called for an evaluation of federal laboratories by an independent external review board, before a wholesale elimination of them. The board encouraged the government to form partnerships with universities and industries to continue the valuable work of federal research institutions.

More important, while technology development in aerospace, biotech industries and communications are of key importance, so is basic research. The Throne Speech does not safeguard basic research in its policy statement on science and technology. Basic research institutions are being sacrificed, department by department. Since last February, senior management have been laying off scientists, closing research stations and slashing grants to researchers in universities.

This trend, by the way, is not limited to government. In a paper soon to be released by Industry Canada, Dr. Sylvia Ostrey notes that more and more private companies in Canada are getting out of that business. The Professional Institute of the Public Service of Canada, in its brief to Parliament, warned about the consequences of dismantling research institutions.

Had we not had basic research institutions, we would not have developed million-dollar peach crops in Southern Ontario. The

scientist who developed the varieties will soon be another statistic in government downsizing. We would not have a variety of winter wheat used worldwide, or the Harus variety planted by more than 80 per cent of Ontario farmers. That scientist, too, is losing his job at the Harrow Research Station. The Morden station in my own province of Manitoba is losing staff. The parasitology unit of Institut Maurice Lamontagne is also being closed. We would not have information out of the Petawawa National Forestry Institute, data needed for research into biotechnology, global warming and genetics, which is being closed to cut 80 jobs.

Freshwater research scientists on the Great Lakes, the largest body of fresh water in the world, are being laid off. Research on the ecology of the lakes and their fish will be lost. The budget of the Winnipeg-based Freshwater Institute and its experimental lakes area is being cut by 55 per cent, which scientists in other countries call a catastrophe, not only for Canadian science but for freshwater science in general.

At Atomic Energy of Canada Limited, 400 to 600 positions will vanish, among them research scientists at AECL's neutron scattering laboratory where Bertram Brockhouse, a 1994 Nobel prizewinner, did his seminal work. AECL will also be out of fusion research within a year, and its contribution to the \$70-million Sudbury Neutrino Observatory will end in three months. Only research directly related to Candu reactors will continue.

A recent *Globe and Mail* editorial entitled, "Basic Research is a Wise Investment" sums it up:

Such research is expensive, and often has a low success rate, but it holds the greatest long-term promise for profits, jobs and unimaginable social benefits.

If only applied research and technology had been the policy of governments over the past half-century, we might not have had antibiotics, nuclear energy, jet engines, rockets, transistors and computers, many of them the result not of applied research but of true breakthroughs in basic science.

On the issue of environmental security, the Throne Speech says that security for Canadians means sustaining our environment. All Canadians must work together to protect the environment. Yet spending on natural resource-based programs has been cut by 50 per cent from 4.4 per cent of total government outlays to 2.7 per cent. In the 1996 budget, Natural Resources Canada gets a further 37.9 per cent cut, while the Department of Finance gets a 19.7 per cent increase, and Environment Canada loses 13.3 per cent of its budget.

Protection of the environment in Canada is further threatened by the plan for "harmonization of environmental management" proposed by the government and mentioned in the Throne Speech in the section entitled, "A Modern and United Country." The Canadian Institute for Environmental Law and Policy has done an excellent analysis of this proposal. It calls the plan "a model for dysfunctional federalism."

The rationale for the harmonization project, which arose at the Canadian Council of Ministers of the Environment, is that it is to solve a problem of provincial/federal duplication and overlap.

Yet numerous government and independent studies over the past three years have not discovered a serious problem. In fact, the KPMG Management Consulting Group, in a study completed for the Canadian Council of Ministers, concluded that most overlap and duplication which existed has now been addressed.

Harmonization would hand over to the provinces the enforcement of federal environmental laws everywhere except on federal lands and at international borders. It would look at federal and provincial laws in key sectors of pulp and paper, mining and petroleum refining, and hunting, for the duplication and overlap that was alleged to exist. It could well result in the repeal of national laws and the loss of national standards.

There is more, and it gets worse: The plan would hamstring the government so tightly that it could do nothing new to protect the environment. All environmental policies and standards, all positions at international environmental gatherings, even educational material on national issues such as air quality, would only come about with the consent of the provinces and territories.

I quote the institute's analysis:

The end result of thirteen different governments being required to reach consensus for action to be taken on "national" environmental issues will be either deadlock, or standards set at a level where they will not interfere with the interests of the most-objecting government, effectively leading to "lowest common denominator" outcomes. The only form of reformed federalism which such an approach seems likely to provide is dysfunctional federalism.

All this would come about without the checks and balances of open review in Parliament or public debate. It would happen in high-level, closed meetings of public officials. This is a very dangerous plan. It is no model for renewed federalism. It is abdication.

National unity, economic strength, environmental protection and security cannot be accomplished by destroying the valuable institutions, practices and federal/provincial relationships which have been developed over the last decades in Canada. I think it is entirely fitting, yet somewhat tragic, that the opposition to ill-thought out concepts of massive decentralization and harmonization should come from journalists such as Andrew Coyne and Dalton Camp, two very different kinds of conservatives, in an opposition which, for different reasons, cannot come from the Janus-faced group in the House of Commons.

I would hope that the senators on this side, in accordance with the sentiments of constructive criticism voiced by the Leader of the Opposition earlier in the Throne Speech debate, might subject these current heresies, so widely disseminated in our country, to the careful scrutiny, sensitive analysis and, if necessary, principled rejection that they so richly deserve.

• (1610)

In sum, while I commend the government for its choice of themes in the Throne Speech — environmental security, national unity and identity among them — those ideals cannot come about without strong federal leadership in practical terms as well as in theory.

Hon. Landon Pearson: I rise today to draw your attention to the short paragraph in the Speech from the Throne that concerns foreign policy, a paragraph in which particular reference is made to the rights of children. I would like to take this opportunity to demonstrate how the promotion of the human rights of children relates to the key foreign policy objectives our government established last year in its response to the Report of the Special Joint Committee of the Senate and the House of Commons reviewing Canadian Foreign Policy: "Canada in the World." These objectives, as you may remember, are the promotion of prosperity and employment, the protection of our security within a stable global framework and the protection of Canadian values and culture.

This is what the Governor General stated in the Speech from the Throne concerning Canadian foreign policy:

In an interdependent world security means taking an active role on the international stage. The Government will pursue a wider spread entrenchment of democracy and a greater respect for human rights.

He went on to say:

In keeping with its commitment to advancing human rights and dignity, the Government will make the rights of children a Canadian priority and seek an international consensus to eliminate exploitative child labour.

Honourable senators, you can well imagine how happy I was to hear that statement. Yet I acknowledge that there must be many who wonder why children's rights have been singled out in such a way. We are all aware that there are other pressing global issues that call for our immediate attention: the international economy, poverty, trade and debt, weapons proliferation, environmental pollution, ethnic conflict, refugees and displaced persons, to name only a few. How can the issues of exploitative child labour or other abuses of the rights of the child be shown to rank on a level with these overwhelming issues?

My answer is that I consider these issues to be on the same level as the others because I am convinced that addressing the rights of children, if we do so in the spirit of the UN Convention on the Rights of the Child, would have a positive effect on the resolution of the other major problems I have cited, and failing to make children's issues a priority will serve to perpetuate them.

As an example, let us take the issue of exploitative child labour. With respect to objective one of Canada's foreign policy, the promotion of prosperity and employment, it is clear to anyone who has studied the situation that children who work in exploitive conditions in the garment industry, for example, or as domestic servants are often displacing adults, sometimes even their own parents, and they are doing so at the expense of their education and their development as human beings.

It is a myth that poverty causes child labour. One could just as readily say that child labour causes poverty. The truth is that the two phenomena are interrelated. Children who work long hours under conditions of exploitation which exhaust them are unable to take advantage of any educational system and may never learn to read. It is well known that countries with low levels of literacy have great difficulties sustaining economic prosperity.

Since the Liberal government has committed itself to reinforcing global prosperity — because, as it stated in its response to the parliamentary report “We benefit in a number of ways when other parts of the world prosper” — working to eradicate exploitative child labour can be seen not only as a question of human rights but also as an undertaking that makes eminent economic sense in full support of our stated objective.

The relationship between exploitative child labour and objective two of Canada’s foreign policy, the protection of our security, may seem more tenuous. However, those who have observed how anger and humiliation can simmer within a growing child until he or she boils over to commit acts of senseless violence will see the connection. It is not the children over a certain age who are working part-time to help their families or themselves and, in the process, are gaining self confidence, skills, and a sense of responsibility that we are worried about. It is the ones of any age who, through the exploitation of their vulnerability and their lack of adult power, are being deprived of a normal childhood and are stunted or distorted in their development. These are the children who will grow up with little reason to respect the security of others. This is why the exploitation of children is not only wrong by any code of values but also dangerous.

There are many degrees of exploitation, all of them unacceptable, but there are some that are unquestionably worse than others. Any form of bonded labour, which is slavery, or child prostitution must be prohibited, and so must the conscription of child soldiers. When countries are in turmoil and children are routinely violated and abused, a history of violence is set in motion that sooner or later creates a threat to the whole world.

[Translation]

It goes without saying that exploitation of child labour violates human rights and runs counter to the Canadian culture and values we hope to disseminate via our foreign policy, our third objective.

In ratifying the United Nations Charter on the Rights of the Child — that fine human rights document we had a hand in drafting — Canada agreed to recognize under article 32:

...the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.

[English]

Honourable senators, perhaps I have now been able to convince you that respect for children’s rights is an important priority for Canadian foreign policy and deserves the mention it had in the Speech from the Throne. However, the question remains, what should we do about it?

By returning to the issue of exploitative child labour, I can suggest some answers. Child labour is an issue that has

preoccupied me since the time I first encountered it in India in the early 1970s when I spent three years in New Delhi as a foreign service spouse and worked as a volunteer with the children of construction workers. I have followed the issue over the years, and just recently, on a visit to India in January, I spent several days visiting project sites, interviewing researchers and governments officials, talking with representatives from both local and international voluntary organizations. With their help, I have come to the following conclusions.

First, to free children from exploitation, we must proceed with caution. We must ensure that we fully understand the complexities of the situation before we act, because experience has shown that precipitate action can make situations worse for children rather than better. This, in my view, could be the case with government sanctions or consumer boycotts.

Second, we should work with other countries to maintain pressure on the issue. We can do this by raising the exploitation of children in a consistent and regular manner in all of the international fora in which Canada is active. It should be possible to incorporate our concerns about the exploitation of children into the language of every relevant formal declaration and agreement, whether bilateral or multilateral.

Third, in every country where child labour is a problem, we should promote effective compulsory primary education. Massive efforts will be needed to achieve this, efforts which ought to emphasize the education of girls. In the southern Indian state of Kerala, the elevated literacy rates of both men and women are highly correlated with low child labour rates and with a birth rate that is below China’s but with no imbalance between boys and girls. The conclusion is inescapable that educating girls brings major benefits to us all.

Fourth, we could encourage businesses that are dealing with countries where child labour is prevalent to subscribe to a voluntary code of ethics with respect to the employment of children and to build in a child labour monitoring component to their business plans. There are already models for this — businesses like Reebok and The Body Shop. There are non-governmental organizations assisting suppliers in the Third World to adapt, such as the Fairtrade Foundation in England and the Max Havelaar Foundation in the Netherlands.

These are some of the things Canada and other concerned nations could do to address the problem of child labour, and these approaches would also help to address other abuses of the rights of the child. The next problem, however, is the real problem of implementation. Having decided on our approaches, how can Canada be most effective in the promotion of the right of the child to be free from exploitation? How can we ensure that children enjoy all the other rights guaranteed by the convention? I will put forward some suggestions about that as well.

Over the more than 40 years that I have been associated with the Canadian Foreign Service, I have had many occasions to observe Canada’s strengths in the international community. If we act on the basis of these strengths, I am convinced that we will be assured of some success.

Canada enjoys a high degree of respect among the nations of the world. We are not feared. We are considered reliable. We are good at creating and maintaining alliances. We are highly regarded as negotiators. We have a solid record with respect to the drafting and implementation of human rights documents. In fact, we are considered leaders in the field. We are trusted.

It is true that, in the current climate of fiscal constraint, we have had to cut back on foreign aid, to the regret of many at home and abroad. However, the government assures us that these cutbacks are forced by circumstance rather than ideology, and it is to be hoped that funding will be restored when our finances have been put in order. So far, these cutbacks do not appear to have seriously harmed our reputation for professionalism and goodwill. Furthermore, they are spurring us to engage in careful, strategic thinking about how to invest our available funds to the best advantage of all. We have strengths; let us build on them in a positive, thoughtful and long-sighted manner.

Honourable senators, today, March 21, is the International Day for the Elimination of Racism, a date that was chosen because it commemorates the Sharpeville massacre in South Africa in 1960. This morning I had the extraordinary pleasure of listening to a High Commissioner from South Africa talk about the primacy of human rights. "We are not born racist," he said. "We learn it in childhood." Because racism is learned, it can also be unlearned, although to unlearn it requires great effort, great patience, and careful re-education. The remarkable evolution of his own country is evidence of what can be done. How much better it would be to prevent racism from developing in the first place by supporting the rights of children.

The High Commissioner concluded with a message from Nelson Mandela, in which he thanked Canada for our respect and strong support for human rights. Extending that respect to the human rights of children, as the Canadian government has just done in the Speech from the Throne, deserves our undivided support.

On motion of Senator Berntson, debate adjourned.

CODE OF CONDUCT

APPOINTMENT OF SPECIAL JOINT COMMITTEE

Hon. B. Alasdair Graham (Deputy Leader of the Government) pursuant to notice of March 19, 1996, moved:

That the Senate do unite with the House of Commons in the appointment of a Special Joint Committee of the Senate and the House of Commons to develop a Code of Conduct to guide Senators and Members of the House of Commons in reconciling their official responsibilities with their personal interests, including their dealings with lobbyists;

That seven Members of the Senate and fourteen Members of the House of Commons be members of the Committee;

That the Committee be directed to consult broadly and review the approaches taken with respect to these issues in Canada and in other jurisdictions with comparable systems of government;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-fifth Parliament be referred to the Committee;

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

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

That the Committee have the power to retain the services of expert, professional, technical and clerical staff;

That the quorum of the Committee be eleven members, whenever a vote, resolution or other decision is taken, so long as both Houses are represented, and that the Joint Chairpersons be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present, so long as both Houses are represented;

That the Committee be empowered to appoint, from among its members, such sub-committees as may be deemed advisable, and to delegate to such sub-committees all or any of its power, except the power to report to the Senate and House of Commons;

That the Committee be empowered to authorize television and radio broadcasting of any or all of its proceedings;

That the Committee present its final report no later than June 21, 1996;

That, notwithstanding usual practices, if the Senate is not sitting when the final report of the Committee is completed, the report may be deposited with the Clerk of the Senate and it shall thereupon be deemed to have been tabled in the Senate; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-2, An Act to amend the Canadian Human Rights Act (sexual orientation). — (*Honourable Senator Losier-Cool*).

Hon. Rose-Marie Losier-Cool: Honourable senators, I rise to support Bill S-2, the purpose of which is to amend the Canadian Human Rights Act by adding sexual orientation to the prohibited grounds of discrimination listed in this Act.

The courts, as we know, have already decided that the Canadian Human Rights Act should be interpreted and applied as if sexual orientation were among the prohibited grounds of discrimination. This position is a result of the ruling made in *Haig v. The Minister of Justice*, and the Minister of Justice has said that she accepted this decision by the Ontario Court of Appeal.

If we want to assure all Canadians that they will be protected under the Canadian Human Rights Act, we should amend it as proposed in this bill.

In the report entitled "Equality for All" tabled in the House of Commons, the Subcommittee on Equality Rights unanimously recommended, and I quote:

That the Canadian Human Rights Act be amended to add sexual orientation as a prohibited ground of discrimination to the other grounds, which are race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, and conviction for an offence for which a pardon has been granted.

In its response, the government made a commitment to defend the principle of equality for all Canadians and promised to take all necessary measures to ensure that sexual orientation is a prohibited ground of discrimination in all areas under federal jurisdiction. Why then, honourable senators, should we amend the Canadian Human Rights Act?

First of all, it is important to say that the Canadian Human Rights Act is a law against discrimination that is similar to other human rights legislation adopted by the provinces, except that it applies to the areas of employment, services and housing, which come under federal jurisdiction.

In the New Brunswick human rights act, sexual orientation is included in the list of prohibited grounds of discrimination. The human rights commission of that province has succeeded in eliminating discrimination based on sexual orientation. It did a lot of work not only to destroy the myths surrounding sexual orientation but to counter the violence inflicted upon some because of their sexual orientation.

Why should I get involved in the issue of discrimination against homosexuals? Honourable senators, this form of discrimination may not affect us personally but it affects some of our relatives, friends and fellow workers. You may not know it, because these people are very discreet about their sexual orientation, for fear of rejection or discrimination.

Discrimination against homosexuals also affects people who are not homosexuals but are wrongly believed to be.

Honourable senators, here is what the bill would do:

First, homosexuals, bisexuals and heterosexuals would all have exactly the same rights;

Second, a person could not be fired or evicted merely because of his or her sexual orientation;

Third, a person could not be refused access to a public service — restaurant, taxi, government services — merely because of his or her sexual orientation;

Fourth, heterosexuals would be protected if discriminated against because they are thought to be homosexuals.

Finally, violence against homosexual people would be reduced.

Here is what the bill would not do:

First, churches would not be forced to hire homosexual priests; an exception could be made in their case.

Second, associations such as, for example, the Boy Scouts, the Big Brothers and the Big Sisters would not have to accept homosexual people as volunteers, since the Canadian Human Rights Act does not apply to volunteers;

Third, employers would still be able to fire employees for misconduct or incompetence;

Fourth, landlords would not be forced to take homosexual boarders; an exception would apply in their case.

The bill would not be legalizing illicit sexual activity, since it has no effect on the Criminal Code.

At a business luncheon today, March 21, to celebrate the international day for the elimination of racial discrimination, a High Commissioner from South Africa confirmed that the words "sexual orientation" have indeed been entrenched in the South African Constitution, which the government, headed by Nelson Mandela, has adopted.

To conclude, honourable senators, I would like to remind you that the Senate was the first federal employer to adopt a non-discriminatory definition of "common-law spouse" in collective agreements. The Senate demonstrated leadership in this regard at the time, and nothing is stopping its momentum from carrying on.

The Senate has a unique role to play in protecting the rights of minorities. That is why, honourable senators, I ask you to vote in favour of Bill S-2.

On motion of Senator Berntson, for Senator Beaudoin, debate adjourned.

[English]

• (1630)

TOBACCO PRODUCTS RESTRICTIONS BILL

SECOND READING

Hon. Stanley Haidasz moved second reading of Bill S-5, to restrict the manufacture, sale, importation and labelling of tobacco products.

He said: Honourable senators, I am pleased to present this bill. Although it is numbered Bill S-5 in this session, it is virtually the same as Bill S-14 which I introduced in the previous session.

Bill S-5 would restrict the manufacture, sale, importation and labelling of tobacco in smoking products. Its short title is the Tobacco Product Restrictions Act. It creates seven measures, including thresholds adjustable by Orders in Council, on the advice of the Minister of Health, to regulate the content of tobacco in smoking products in Canada and the requirement that there be a Health Ministry warning label on packages of cigarettes.

I propose this bill and recommend it to all honourable senators. I do so, first, to advance the debate and, second, to encourage its early passage into law.

Honourable senators will recall the announcement in December of the former Minister of Health concerning the government's tobacco control blueprint. Accordingly, the minister was notified of my Bill S-14. In fact, she wrote me to express her appreciation for this initiative to enjoin the Senate in debate and in public consultation with experts in the tobacco industry, including professional, medical and government health experts, by way of committee study of this bill.

Honourable senators, the enormous human and economic costs wrought by habitual or addictive tobacco smoking are well documented. Yet, as the tobacco industry has already demonstrated with at least three brands of so-called "ultra-light" cigarettes, it is possible to have products that are relatively safe, that is, less likely to make addicts of first-time users.

To highlight the realistic concern about the hazards of habitual smoking I wish to emphasize a very pertinent fact. In my undergraduate medical studies at the University of Toronto, I was fortunate, along with other medical students, to attend the lectures of Dr. Norman Delarue, a thoracic surgeon at the Toronto General Hospital, a pioneer in the unpopular work of exposing causal relationships between tobacco smoking and broncogenic carcinoma. He thus sensitized many medical students to a set of hazards of habitual tobacco smoking — hazards which, later, clinicians went on to enlarge to 26 medical diseases which are all preventable if one ceases habitual smoking.

In order to save time, I should like to refer honourable senators to an article in the July-August 1995 *Canadian Journal of Public Health* for further details about these 26 medical diseases caused by tobacco smoking.

That habitual smoking causes cancer of the mouth, larynx, lungs, pancreas and urinary bladder is no longer debatable. A recent World Health Organization report revealed that some 48,000 Canadians died prematurely in 1995 as a result of habitual tobacco smoking, a third of whom died of cancer. Epidemiologists have established that about 1 per cent, or some 400 persons, especially children, die or suffer severely each year from the effects of secondhand smoke. Non-smokers, especially children, habitually exposed to tobacco smoke suffer more acutely than inveterate smokers.

I would also like to mention a few common sense reasons that tobacco smoke cannot be a healthy person's staple. Health

Canada has produced a notice, based on years of research, describing the constituents of tobacco smoke. Only one-twelfth of the contents of a smoking cigarette consists of minute particulate matter which is visible. Smoke includes gaseous nicotine, benzene, arsenic, vinyl chloride, hydrogen cyanide, carbon monoxide, dangerous free radicals, ammonia compounds and other toxins that total some 4,000 substances, including toxic heavy metals. More than 50 of these so-called tars are classified as hazardous waste and are known to cause cancer.

Hydrogen cyanide is among the most toxic of these substances. Among the heavy metals, lead is a major toxin. Children of habitual smokers have more lead in their blood than children living near lead-producing plants.

Other products of burned tobacco are mutagens, which means that they are capable of harming the genetic nature of cells. Exposure to such toxins, even indirectly in the womb, is also a cause of learning disability. Another effect is reduced birth weight in newborns, an indicator of poor robustness and shortened life expectancy for the child.

Most ingredients of tobacco smoke may give little cause for alarm in occasional small quantities. However, the addition of exotic chemicals in the production process, such as ammonia compounds to increase nicotine uptake in the blood, and pesticides and humectants also affect health in the habit of smoking.

The heavy human toll in mortality and in morbidity is also reflected in a huge economic burden, an increasing onus of lost years of productive life, combined with escalating direct health care costs. Health economists have conservatively estimated that in 1989 an economic burden of \$16 billion was borne by Canadians because of tobacco-related illnesses and death. Were tobacco smokers but helped to make a lifestyle change in their habits, economists say that the entire national debt of Canada could be eliminated within a few years.

It may be asked: Does legislative pressure for such lifestyle change mean an end to the freedom of choice? The answer is, not as Bill S-5 proposes. In the first place, nicotine addiction is not freedom of choice. Bill S-5 seeks to limit nicotine dosages capable of fostering addiction, particularly among first-time users. In the second place, this bill removes the options of neither the very low nicotine and tar cigarettes nor approved nicotine therapies to assist heavy smokers in receiving and reducing the amount of nicotine they inhale and crave.

Painstaking studies have also revealed that, for many users, tobacco is as addictive as heroin or even cocaine. Addiction to barbiturates is serious enough for us to put forward legislation to control them, as Senator Poulin explained just a few moments ago. How much more serious does it have to be, when habitual tobacco smoking is a cause of three times more preventable premature deaths than are caused by the abuse of alcohol, by car accidents, AIDS, fire, murder and suicide combined? Indeed, the only toll exceeding the avoidable 48,000 Canadian deaths in 1995 is the toll of abortion, which kills more than 80,000 unborn children annually.

Honourable senators, I believe that for these reasons we as legislators should be moved urgently to regulate the constituents of what is manufactured, sold and exported as tobacco smoking products in Canada.

The proposed act would create a virtual standard of quality in tobacco products intended for smoking.

• (1640)

Bill S-5 would require that any smoking product made of tobacco be 98 per cent free of additives such as humectants, ammonia and arsenic, and 99.9 per cent free of contaminants such as pesticides or of cancer-causing tars and, above all, virtually without any nicotine levels that are capable of engendering addiction. Clause 4 of this bill will legislate that an upper limit of nicotine be 0.3 milligrams per gram of tobacco, which is below the level of 0.4 milligrams considered in research to be capable of fostering addiction.

Honourable senators, in designing this regulatory bill, the expertise of our legal section and experts in the Ministry of Health were consulted, for which I am very thankful. In the final design, the Tobacco Product Restrictions Act sets a maximum level of nicotine, which is very important, as nicotine is what causes most people to smoke habitually. Therefore, I appeal to the conscience of the tobacco industry to recognize the harm done by the habitual smoking of cigarettes. I also invite that industry to comply readily, taking the measures necessary to be part of the solution of this grave problem. It is known that nicotine is washable out of tobacco. It is very easy to eliminate.

Honourable senators, I wish only to add two more points. First, I have appealed to ministers of finance in the past for tax relief to be made available to smokers seeking out approved tobacco-use reduction therapies. National revenue accounting estimates that in the fiscal year ending 1995, a total of almost \$2 billion was collected in excise taxes and duties on tobacco products. Yet, the totality of commitments by the government to the tobacco demand reduction budget in the same year was barely 2 per cent of that sum, a meagre \$43 million as compared with \$2 billion in revenue. Of this amount, only \$6 million was earmarked for hard research, including the operations of the Office of Tobacco Control in the Ministry of Health. I have also written to the present Minister of Finance urging that the sizable gains from excise duties of tobacco and alcohol be funnelled into research and development of more effective therapies and improved law enforcement measures to limit contraband trafficking and smuggling of tobacco products.

Second, as to the reduced availability of nicotine in cigarettes, or the price increase of cigarettes caused by an industry trying to recoup its profits, the question has been asked whether a regulatory act would encourage smuggling. Without doubt, I say that is not a necessary result.

Honourable senators, I do not claim that an end to contraband is a settled issue, but it is not for fear of the blackmail of piracy that legislators fail to act. It is far from the respectable industry that, for instance, Imperial Tobacco is, to suggest its compliance may be limited by such fear or inducement. I believe the tobacco industry is big enough to recognize that an addictive level of nicotine in smoking products is undue inducement to smoke —

undue because it limits the very freedom of choice upon which a free and democratic society is founded.

Honourable senators, I wish to emphasize before closing that a net cost of at least \$20 billion annually for the Canadian economy each year for tobacco-related illness, debility and death, allowing for inflation and large recent increases in female mortality due to smoking, is a preventable tragedy to which we must give our attention. Similar monstrous figures are reported in countries around the world. What that should mean to our tobacco producers is a worldwide multi-billion dollar market opportunity for a safe tobacco product, targeted for wellness and not debility and illness.

In conclusion, honourable senators, I invite you to contribute to this debate of a crucial problem in our country at this juncture: a crisis of unbearable health management costs in Canada and in the world. Let we senators, as legislators in Canada, show our concern and leadership in our regard for human health and life and be a shining example to legislators and governments of the world, especially the Third World where lethal tobacco products manufactured in Canada are being sold.

Hon. Eric Arthur Berntson (Deputy Leader of the Opposition): Honourable senators, this is another bill that has had new life breathed into it since prorogation. Prior to prorogation, a bill similar to this, Bill S-14, was before committee. We see no reason to unduly delay referring this bill to committee, where concerns can be raised and evidence heard.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Haidasz, bill referred to the Standing Senate Committee of Social Affairs, Science and Technology.

CHILD ABUSE AND NEGLECT

DEATH OF MATTHEW VAUDREUIL—INQUIRY—DEBATE
ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of Wednesday, February 28, 1996:

That she will call the attention of the Senate to the child abuse and neglect (CAN) death of 5 year old Matthew Vaudreuil at the hands of his mother, Verna Vaudreuil, in July 1992; and the inquiry by Judge Thomas J. Gove into child protection services in British Columbia as they relate to the terrible child abuse and neglect (CAN) death of Matthew Vaudreuil; and Judge Gove's report entitled, "The Report of the Gove Inquiry into Child Protection in British Columbia, November 1995."

She said: Honourable senators, I rise to call the attention of the Senate to the death of a 5-year-old boy, Matthew Vaudreuil, who was killed by his mother, Verna Vaudreuil, on July 9, 1992, and the consequent 1995 Judge Gove Inquiry.

The history of child maltreatment and child abuse is long and terrible. It is a painful and deeply disturbing tragedy whose most severe forms cause us to shrink in horror. Our hearts, souls, and intellects are deeply troubled by these severe expressions of violence.

Judge Thomas Gove, Commissioner for the Inquiry into Child Protection in British Colombia, articulates our universal suffering in his report, saying:

... Matthew's story is very sad and will upset many readers, as it upsets me.

Despite 100 years of hard evidence on the well-known role of women and mothers in severe and lethal child abuse, many maintain a state of disbelief and denial. This disbelief must be suspended as evidence on feminine aggression enters our consciousness.

The Greek tragedy dramatist, Euripides, in 431 B.C. wrote "Medea," a play about Medea and Jason, and Medea's murder of their two sons. Medea, the Greek enchantress, had helped Jason obtain the Golden Fleece. When Jason deserted her for another woman, Medea, in revenge, planned and performed the murder of their two sons. Medea said:

Let no man think I am a feeble, frail-hearted woman who sits with folded hands: no, let them know me for the opposite of that - one who knows how to hurt her enemies ...

Medea mused that the cruellest way to hurt her husband Jason was to kill their children. In pledging her maid to silence about this deed, Medea revealed the essence of today's problem of detecting and addressing child abuse and neglect, saying:

Say nothing of the plans I have prepared; don't say a word, if you are loyal to your mistress and loyal to the race of woman!

Euripides articulated the modern problem of loyalty to the race of woman and its attendant silence on feminine aggression, particularly mothers' aggression towards their children. This terrible silence is murderous.

• (1650)

Honourable senators, abuse and neglect in the death of children is historical. In a work published in 1972 entitled *Checks on Population Growth: 1750-1850*, William Langer, professor emeritus of history at Harvard University, wrote on the widespread use of infant homicide as population control. One popular method of killing children was the use of Godfrey's Cordial, a poisonous mixture of opium, treacle and sassafras. Another was overlaying; that is, smothering the child as it nursed at its mother's breast. The perpetrators in most cases of child killing never reached the courts, and those who did, Langer informs "...were usually let off with a light sentence; ..." Langer writes that a London coroner, Edwin Lankester, testified in the 1800s that he:

... had never known of a woman's being punished for killing her baby, no matter how flagrant the circumstances.

Langer also quotes Dr. William Ryan in 1862:

... that infanticide is not looked upon in the same light as other murders by the public generally...There is no crime that meets with so much sympathy, often of the most ill-judged kind.

Most literature on child abuse and the psycho-history of childhood informs that the perpetrators of this violence and neglect against children are their parents, most often their mothers.

Between 1880 and 1930, Canada imported from England our littlest immigrants. Some 80,000 children were transported from England to Canada. Of these, 30,000 were sent by Dr. Thomas John Barnardo, of Barnardo's homes for boys and girls. The expressions "Barnardo's boys" and "Barnardo's girls" were then part of the lexicon of emerging child welfare. These immigrants were abandoned children, taken from the streets, workhouses and pauper homes of England to be transported to Canada. The youngest were adopted, and the older ones were assigned to farms in Ontario, Quebec, and Nova Scotia. There were many success stories but there were some tragic ones. One tragic story is the death of the little immigrant George Green at the hands of his female caretaker, Helen Findlay, in 1895 in Owen Sound, Ontario where Coroner, Dr. Allan Cameron, testified that the 15 year old boy died of neglect, starvation and physical brutality. He testified that the state of George Green's body, and the condition of the room where he died would haunt his memory forever, and that in his 40 years in medicine, including his days in the slums of Glasgow, he had seen nothing as terrible. Helen Findlay was charged with murder, later reduced to manslaughter. Her justification was that little immigrant Green was a sickly child, disabled, defective from head to foot, cross-eyed, humpbacked, and quite useless. Helen Findlay went free and suffered no penalty in George Green's murder.

Honourable senators, I do not know how many of you know of these Barnardo's boys and girls, but the last of them were still alive up to about three or four years ago. The issue of child abuse neglect or CAN death, though insufficiently studied by governments is well known to those who work in the field. In 1986 Dr. Cyril Greenland, professor emeritus, McMaster University, conducted a study of child abuse neglect deaths. He examined and analyzed records of 100 child abuse and child neglect deaths, from 1973 to 1982 here in Ontario. These records were from the Chief Coroner's Office. Dr. Greenland reported in his book, *Preventing CAN Deaths: An international study of deaths due to child abuse and neglect*, that:

Natural parents were the perpetrators in 63 per cent of cases. Mothers were involved in 38, fathers in 13 and both in 12 cases.

During Dr. Greenland's study of these 100 cases, three more cases of CAN deaths were uncovered in the Coroner's records. These three cases had been previously classified as Sudden Infant Death Syndrome or SIDS. In two of these cases, the parents later admitted to having deliberately suffocated their children.

Honourable senators, in 1994, the Toronto Institute for the Prevention of Child Abuse released a study entitled "The Ontario Incidence of Reported Child Abuse and Neglect." This study reviewed the 1993 child maltreatment investigations, 46,683 in total, by all 54 Children's Aid Societies of Ontario. Child maltreatment is defined by this study as any one of physical abuse, sexual abuse, child neglect, or child emotional maltreatment. The findings were as follows: Of the total substantiated cases of child maltreatment, mothers were perpetrators in 49 per cent and fathers in 31 per cent of the cases. In the category of child neglect, mothers were perpetrators in 85 per cent of the substantiated cases. In the category of child physical abuse, biological mothers were perpetrators in 39 per cent of the substantiated cases, and biological fathers in 40 per cent of the cases. In the category of emotional maltreatment, mothers were perpetrators in 79 per cent. This study found that:

Boys were most strongly over-represented in the area of physical abuse, especially in the 0- to 3-year-old category where boys accounted for 59 percent of investigations.

Male children aged 4 to 11 years accounted for 55.5 per cent. The single largest number of investigated families, 35 per cent, was the single-mother family.

Honourable senators, child mortality is terrifying. The survival of male children has received little attention in recent times. Let us review the state of survival of male children. I just mentioned that 59 per cent of the investigations of child abuse are male children aged 0 to 3 years old. Male children are the recipients of most physical abuse from parents and mothers. Dr. Eleanor Maccoby, in her book *Social Development: Psychological Growth and the Parent-Child Relationship*, writes that this is so even in lower primates, such as monkeys. She said:

We should be aware, however, that even among monkey mothers, a certain amount of differential socialization takes place. For example, they administer more punishment to male than female young, just as human parents do.

Dr. Maccoby added:

... parents more often enter into mutually coercive cycles of interaction with their sons.

We know that male children of single-mother or father-absent homes are more likely to display aggression and behavioral disorders. We know that domestic discord affects children adversely, and is the major cause of behavioral and anti-social problems in male children. Dr. Eleanor Maccoby tells us that male fetuses are more vulnerable to the mishaps of pregnancy and childbirth, saying:

A higher proportion of males than females are spontaneously aborted; the approximately equal sex ratio at birth exists only because more males than females are conceived. The incidence of various congenital defects is greater among male infants, ... greater male vulnerability remains a fact, and a puzzling one.

The 1984 Vital Statistics published by the Registrar General of Ontario revealed that newly born male infants are more

vulnerable in the post neo-natal period, accounting for 58 per cent of deaths of infants aged zero to 12 months. The 1984 statistics inform us that of 394 deaths of infants aged under 28 days, 230 were male.

Honourable senators, confronted with the grim realities contained in over a century of accounts of child misfortune and maltreatment, statistics, reports, studies, inquiries, victims and deaths, and in consideration of the significant revenues spent on child protection, it seems incomprehensible that in 1994 the number of homicides of infants under 1 year of age as reported by Statistics Canada homicide data was 27, representing a staggering increase from the previous 10-year average of 20. Infant homicide is increasing. Children continue to die at the hands of their caretakers and parents, and many deaths are not classified or detected as homicides. I welcome the news in recent days about the Ontario Coroner's initiatives investigating SIDS deaths, even exhuming bodies. Dr. Jim Cairns, Ontario's Deputy Coroner, in reviewing infant deaths from 1986, conservatively estimates that at least 10 such deaths per year were, in his words, "... due to foul play." These events are reported in *The Toronto Sun* article called "Getting away with murder" and *The Toronto Star* article "20 cases listed as crib deaths re-opened for police probe." These articles inform us that in the past decade in Ontario, at least 100 babies, whose deaths were labelled SIDS deaths, were likely murdered or abused.

Honourable senators, the case in point today is the child abuse neglect death of 5 year-old Matthew Vaudreuil who was killed by his mother, Verna Vaudreuil. The cause of death was asphyxiation resulting from the mother's hand over Matthew's mouth and nose. In other words, she just extinguished his life. Verna Vaudreuil was convicted of manslaughter and sentenced to 10 years, later reduced to 4 years on appeal. Judge Thomas Gove was appointed commissioner to inquire into Matthew's death and his November 1995 report is entitled the "Report of the Gove Inquiry into Child Protection in British Columbia." Judge Gove was diligent in the examination of this small and vulnerable child's short life of unceasing suffering. In his report, he described Matthew at the time of his death, saying:

... Matthew weighed only 36 pounds.

Honourable senators, a 5 year-old boy weighed only 36 pounds.

His face, arms, legs and back were covered in bruises. There were what appeared to be rope burns on his shoulders and wrists, as if he had been bound. His buttocks were covered in bruises and welts. He had a fractured arm, 11 fractured ribs and what looked like the imprint of a foot on his back. Matthew had been tortured and deprived of food before he was killed.

Judge Gove continued:

Not including supervisors, 21 ministry social workers had been responsible for providing him with services. At least 60 reports about his safety and well-being had been made to the ministry. He had been taken to the ministry. He had been taken to the doctor 75 times and had been seen by 24 different physicians.

Judge Gove's report concluded that throughout the ordeal of Matthew's short life:

... he was not protected ... not by his community and not by those charged with protecting British Colombia's children.

and:

As a result ... he died.

Judge Gove's report tells us that six days after Matthew died, the Superintendent of Family and Child Services authorized a file review of Matthew's case, but she did not order a full review until March 3, 1994, two years later. About her March 1994 decision, Judge Gove concluded that this:

... review into Matthew's life and death was motivated primarily by a desire to control damaging publicity to the ministry and its employees.

About this superintendent's actions, Judge Gove continued:

The superintendent's final draft eliminated all of the inspector's statements that were critical of the ministry, downplayed or eliminated his references to poor social work practice by ministry employees in Matthew's case, and in other instances, reversed or misrepresented the inspector's findings.

Honourable senators, I am not talking about 100 years ago; I am talking about two years ago.

The superintendent's final draft was an attempt to obscure inadequate practice by ministry social workers, and an effort to shift blame away from the Ministry of Social Services.

Judge Gove added:

... the seriously inadequate decision-making by social workers and district supervisors in Matthew's life was the direct result of flawed decision-making and poor management by the ministry's executive.

The Hon. the Speaker: Senator Cools, I regret to interrupt you but the 15-minute time period is up.

Senator Cools: Honourable senators, I ask leave to continue as I have only a few minutes more.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Cools: The Gove report drives home the fact that Matthew's story is not unique, and informs that the files held by the Superintendent of Family and Child Services and the Deputy Superintendent reveal that from 1986 to 1995, the Ministry knew of the deaths of 264 children who were either in the care of the superintendent, or were known pursuant to protection reports or requests for services.

Judge Gove's Inquiry reviewed the files of 63 deceased children who were, like Matthew, not in the care of the ministry.

Of these, 49 cases noted at least one protection complaint prior to the death. The analysis of some of these 49 deaths is as follows:

In 12 of the 49 cases where protection complaints had been documented, the ministry had judged that the complaints were unsubstantiated or did not pose a risk. Such a determination was sometimes made without thorough investigation by the ministry. Four of these children were later killed by other people; four died in suspicious circumstances; two died in a suspicious fire; and two of the deaths were considered to be Sudden Infant Death Syndrome.

This is terrible. Honourable senators, the child protection services failed Matthew and these children, and Judge Gove has articulated the reason. He said:

Although the ministry's legal and financial authority was to provide services to protect Matthew, services were in fact directed more to the benefit of his mother. The ministry, its employees ... lost sight of why a child protection service exists, and who they were supposed to be protecting.

I repeat, the ministry and its employees lost sight of why a child protection service exists, and whom they were supposed to be protecting. The protection this child needed was from his own mother. Yet, the agency was protecting the mother. This is very common in the child welfare field, that workers confuse their roles.

Honourable senators, newspapers report daily about child maltreatment. Recently, *The Toronto Star* of December 9, 1995, relates the tragic story of little Afua Boateng, a 4-year-old Rexdale girl whose mother has been charged with her second degree murder. The *Star* quoted Colin Maloney, director of the Catholic Children's Aid Society of Metropolitan Toronto saying, "... We've known this case for five weeks" In fact *The Toronto Star* informs us that a Children's Aid worker had visited Afua's home the day before the child was found dead and reported that everything seemed normal. A neighbour, dissatisfied with the social worker's report that everything was all right, checked on Afua, and found her small, helpless body.

Honourable senators, Judge Gove indicts British Colombia child protection agencies in the case of Matthew Vaudreuil, saying that many of the decisions made were:

... based on social workers' self-interest, Verna Vaudreuil's interest or the ministry's interest, rather than Matthew's interest. If those decisions had been child-centred, it is likely that Matthew would have been taken into care, either by apprehension or by agreement.

The state must abandon the posture that the best interests of the child are synonymous with the best interests of the child's mother. The Gove report suggests that child protection regimes must amend their focus so that:

... the safety and well-being of children are the paramount considerations.

Honourable senators, governments must abandon the premise that the child is the property of its mother and that the best interest of the mother is the best interest of the child. Child protection workers and agencies must yield undivided loyalty to

the child's needs, safety and well-being, particularly in situations where the mothers are clearly the source of the abuse. Matthew Vaudreuil's maltreatment and death shames us all.

Judge Thomas Gove's report is an enormous contribution to child welfare in this country, and I commend it. I commend him.

On motion of Senator Berntson, debate adjourned.

• (1710)

STATE OF CANADIAN FINANCIAL SYSTEM

BANKING, TRADE AND COMMERCE
COMMITTEE STUDY AUTHORIZED

Hon. B. Alasdair Graham (Deputy Leader of the Government), on behalf of Senator Kirby, and pursuant to notice of March 19, 1996, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the financial system in Canada;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-fifth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

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

That the Committee submit its final report no later than December 12, 1996.

Motion agreed to.

The Senate adjourned until Tuesday, March 26, 1996 at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 35th Parliament)
Thursday, March 21, 1996

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to amend the Judges Act	96/03/19	96/03/20	Legal & Constitutional Affairs	96/03/21	none			
C-8	An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof	96/03/19	96/03/21	Legal & Constitutional Affairs					
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1996	96/03/21							
C-22	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1997	96/03/21							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Human Rights Act (sexual orientation) (Sen. Kinsella)	96/02/28							
S-3	An Act to amend the Criminal Code (plea bargaining) (Sen. Cools)	96/02/28							
S-4	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	96/02/28							
S-5	An Act to restrict the manufacture, sale, importation and labelling of tobacco products (Sen. Haidasz, P.C.)	96/03/19	96/03/21	Social Affairs, Science & Technology					

CONTENTS

Thursday, March 21, 1996

PAGE

PAGE

SENATORS' STATEMENTS

International Day for the Elimination of Racial Discrimination

Senator Lynch-Staunton 92

Fisheries and Oceans

Meeting to Discuss Issues Behind Fishermen's Protests in
Maritimes—Failure to Recognize Opposition Parliamentarians.
Senator Comeau 92

Euthanasia and Assisted Suicide

Support for Recommendations of Special Senate Committee
by College of Family Physicians of Canada. Senator Corbin .. 92

The Budget

Educational and Employment Assistance for Youth.
Senator Bonnell 93

Human Resources Development

Unemployment Insurance Reform—Necessity to Pre-Study
Bill C-12. Senator Simard 93
Senator Corbin 94
The Hon. the Speaker 94
Senator MacDonald 95

ROUTINE PROCEEDINGS

Library of Parliament

Annual Report of Parliamentary Librarian Tabled. 95

Legal and Constitutional Affairs

First Report of Committee Tabled. Senator Carstairs 95

Judges Act

Bill to Amend—Report of Committee. Senator Carstairs 95

National Finance

First Report of Committee Tabled. Senator Tkachuk 95

Adjournment

Senator Graham 95

Appropriation Bill No. 4, 1995-96

First Reading. 96

Appropriation Bill No. 1, 1996-97

First Reading. 96

Agriculture and Forestry

Committee Authorized to Study Present State and Future
of Agriculture in Canada. Senator Gustafson 96

National Finance

Notice of Motion to Authorize Committee to Engage
Services of Personnel. Senator Tkachuk 96

QUESTION PERIOD

Health

Necessity for Funding National Forum on Health and Health
Services Research Fund—Government Position.
Senator Lavoie-Roux 96
Senator Fairbairn 96
National Forum on Health—Reason for Change in Timing of
Reports—Government Position. Senator Doyle 97
Senator Fairbairn 97

The Budget

Cuts in Health and Social Transfer Payments to Provinces—
Comparable Cuts to Government Departments—Request for
Particulars. Senator Tkachuk 97
Senator Fairbairn 97

National Defence

Designation of Former CFB Cornwallis as Militia Training
Support Centre—Government Position. Senator Comeau 98
Senator Fairbairn 98

The Senate

Philosophy on Pre-studying Bills—Position of the Leader of the
Government in the Senate. Senator MacDonald 98
Senator Fairbairn 99

Human Resources Development

Unemployment Insurance Reform—Pre-study of Bill C-12—
Possibility of Initiation by Opposition—Government
Position. Senator Simard 99
Senator Fairbairn 99
Unemployment Insurance Reform—Request to Pre-study
Bill C-12—Government Position. Senator Simard 99
Senator Fairbairn 100
Transfer Provinces of Jurisdiction and Funding for Manpower
Training—Government Position. Senator Nolin 100
Senator Fairbairn 100

Human Rights

Establishment of Canadian Race Relations Foundation—
Request for Update. Senator Kinsella 101
Senator Fairbairn 101
Senator Graham 101

ORDERS OF THE DAY

Business of the Senate

Senator Graham 101

Nova Scotia

State of Coal Mining Industry in Cape Breton—Inquiry—
Debate Continued. Senator MacEachen 101

Controlled Drugs and Substances Bill (Bill C-8)

Second Reading. Senator Poulin 104
Senator Berntson 105

	PAGE		PAGE
Referred to Committee.	105	Tobacco Products Restrictions Bill (Bill S-5)	
Speech from the Throne		Second Reading. Senator Haidasz	110
Motion for Address in Reply—Debate Continued.		Senator Berntson	112
Senator Spivak	105	Referred to Committee.	112
Senator Pearson	107	Child Abuse and Neglect	
Code of Conduct		Death of Matthew Vaudreuil—Inquiry—Debate Adjourned.	
Appointment of Special Joint Committee. Senator Graham	109	Senator Cools	112
Canadian Human Rights Act		Banking, Trade and Commerce	
Bill to Amend—Second Reading—Debate Continued.		Committee Authorized To Study State Of Canadian Financial	
Senator Losier-Cool	110	System. Senator Graham	116
		Progress	i



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