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**OFFICIAL REPORT**
**(HANSARD)**

## Tuesday, March 26, 1996

**THE HONOURABLE GILDAS L. MOLGAT**
**SPEAKER**

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

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# THE SENATE

**Tuesday, March 26, 1996**

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

## SENATORS' STATEMENTS

### THE LATE PAUL SEPTIMUS DEACON

TRIBUTE

**Hon. Richard J. Doyle:** Honourable senators, one of Canada's best known journalists died on Saturday at Mount Sinai Hospital in Toronto, the city of his birth. He was, however, a man of two cities. He was as devoted to the country's financial capital as he was committed to its political capital. For years, he piloted his own plane between Toronto and Ottawa — the sooner to be in one city whenever he was in the other. That malady is not uncommon to those of us who work in this place. It is one of the appealing aspects of the trade that parliamentarians share with journalists.

Paul Septimus Deacon was a graduate of the University of Toronto — one of those who went directly from lecture hall to the air force. He also had a distinguished wartime career with 620 Squadron of the RAF. His record notes that Flight Lieutenant Deacon was mentioned in dispatches.

His career at *The Financial Post* was meteoric. He joined the paper as a reporter in 1947, became investment editor in 1952, editor of the paper in 1964, and publisher in 1968. He was also a director of Maclean-Hunter Limited.

He was at the helm in a period of growth and innovation that secured the newspaper's national status. What he was not was any relative of the front page stereotypes among bosses who populate the newsrooms of urban Canada.

Paul Deacon was a soft-spoken, mild-mannered, elegant Canadian. At heart, he was an investigative reporter and, when needed, a crusading editor in the darkest jungles of business. He was a nut for accuracy and a believer in objectivity. His interests were not confined to his profession: witness his work and his influence during his years as president of the National Ballet of Canada.

At the same time, he made no secret of his attachment to the Michener Foundation. Paul, for a time, was the chairman of the institution that bore the name and the passionate interest of the former Governor General. It was Deacon's perseverance that secured the financing of the foundation's program of annual "Micheners" — scholarships awarded for public service in the media. The Micheners are the most coveted prizes in Canadian journalism.

It is fashionable nowadays in both Houses of Parliament to say that the time has come for someone to do something about that lump we call the press. Paul Deacon's work to improve the calibre of his craft left us all in debt to this determined and accomplished pathfinder of the Fourth Estate.

[*Translation*]

### HUMAN RESOURCES DEVELOPMENT

UNEMPLOYMENT INSURANCE REFORM IMPACT ON SEASONAL WORKERS

**Hon. Jean-Maurice Simard:** Honourable senators, to continue my crusade against Bill C-12 and to extend my invitation to the Liberal majority in the Senate to allow the committee to do a preliminary study, I am going to read an editorial from last Friday's *L'Acadie nouvelle*, which accurately summarizes the sentiments on this side of the house and especially reasons behind the desire for a Senate committee to meet in New Brunswick in order to study and improve Bill C-12.

The article is by Michel Doucet. I will read the editorial in question, which is entitled: "A Curious Investment."

> Rarely has a federal bill raised such controversy, fear and indignation as the one on unemployment insurance reform. There is so much opposition to this reform that the government is already showing signs of backing off.
>
> Bill C-12 (the old C-111, merely rechristened but unchanged — for the time being anyway) will soon be introduced and debated in the Commons. Its prime defender is Acadian Doug Young — elected. Its prime opponents are thousands of seasonal workers — electors.
>
> We learned this week that the federal government could commit as much as $2 million to sell the virtues of this bill to the Canadian people. It would involve a communications plan showing how the whole country supports UI reform. Surveys, however, have already done the job.
>
> While it is true that a vast proportion of Canadians support changes, it is totally unreasonable to think that the reform as currently presented is acceptable to one and all.
>
> Mr. Young has already promised changes. Does he really have any choice in the face of such a hue and cry, especially in his own province and throughout Eastern Canada? Do the Liberals really think C-12 will pass in its present form? Not on your life, and this advertising campaign at a cost of millions of dollars is proof.

What this promotional bill also reveals is the disarray of the federal government in the face of the recriminations of those who will be hit hardest and most cruelly by unemployment insurance reform. Ottawa apparently did not see the blow coming, a sure sign of the lack of acumen and common sense of some elected officials.

So now they are trying diversional tactics. They want the TV cameras to show something other than angry demonstrators in the streets of our communities. However, that will not change things.

The opposition movement has shown its determination, and there is no indication for the moment of its weakening any. In Ottawa, they can try to say demonstrations are not upsetting — bunk. A number are feeling somewhat awkward on the Hill.

Instead of uselessly spending on advertising campaigns, the government would be better advised to have a listen and show seasonal workers that it understands their situation. It is when people have the impression — and in this case the certainty — they are not being heard that things go wrong.

It is pretty much a foregone conclusion that this advertising campaign will have absolutely no effect on the revolt that started in Acadian New Brunswick and is being taken up increasingly in the rest of the country. It is in fact an exercise in futility the likes of which we have rarely seen before.

Doug Young and Jean Chrétien know better than anyone the situation seasonal workers are in. They know the state of the economy and should recognize that the proposed changes cannot be implemented in the current economic climate.

Of course, there is a promise of change, but Ottawa needs to listen a little more to understand just what the people want, and not only the majority, who are totally unaware of what is happening in certain parts of the country.

When all levels of government are talking cuts and cutbacks, we have $2 million being spent for naught.

I would add that this is shameless waste, considering that seasonal workers and all Canadians are being asked to eliminate unnecessary expenditures, in advertising as well, while the government is preparing to add to seasonal workers' costs through Bill C-12.

[ Senator Simard ]

[*English*]

## JUSTICE

### REVOCATION OF EARLY PAROLE PROVISIONS FOR CONVICTED MURDERERS

**Hon. Gerry St. Germain:** Honourable senators, Canadians from coast to coast were shocked and infuriated when they discovered that, this August, convicted murderer Clifford Olson will be eligible to apply under section 745 of the Criminal Code for early parole.

The families of the victims of Clifford Robert Olson have been terrorized enough. We, as legislators, should be ashamed that we have allowed this sort of abuse to continue in our justice system for this long.

Last month, in Alberta, the Minister of Justice met with families of victims. He left the impression that he would give high priority and consideration to removing section 745 from the Criminal Code. This issue has been before the House of Commons Justice Committee for more than 15 months, yet the minister has said that his government will now require yet more time to examine this issue.

Yesterday, the Minister of Justice spoke to the annual meeting of the Canadian Police Association. One of the topics being addressed at this meeting was section 745. The Canadian Police Association wants this section removed; so do I.

During his speech to the CPA, the Minister of Justice actually defended section 745 in regard to a murder case in Toronto. In this case, the family of the murderer is also the family of the victim. Thus, the family wants early parole.

Most Canadians believe that, regardless of the circumstances, being convicted of murdering one innocent Canadian warrants life in gaol with no parole. Is the Minister of Justice saying that he has a certain plateau of acceptance for convicted murderers?

As a result of the outrage expressed by many families of murder victims, the Justice minister is also saying that section 745 may only be revoked for mass murderers. One of the benefits of revoking section 745 is that, I hope, we can stop paroled murderers from becoming new mass murderers.

The recent statements made by the Minister of Justice regarding section 745 lead me to believe that he is more concerned with the apparent loss of rights for convicted murderers than the rights of the victims and their families, and protecting the public in general.

I say the following to the Minister of Justice: If we are to err, we should do so on the side of the victims and for the good of the public, and not on the side of the murderers. Honourable senators, how many more Canadians will have to die at the hands of paroled murderers before this government takes action to scrap section 745?

[*Translation*]

## QUEBEC

RESULTS OF BY-ELECTIONS

**Hon. Marcel Prud'homme:** Honourable senators, yesterday, by-elections were held in Canada, and more particularly in Quebec.

[*English*]

I was surprised to read in *The Globe and Mail* article by Susan Delacourt that one of Prime Minister Chrétien's two hand-picked cabinet ministers, Pierre Pettigrew, won "an unnervingly close battle for a seat in Papineau-Saint-Michel."

I do not know where Ms Susan Delacourt was last night, but Pierre Pettigrew won a fabulous victory. As a federalist — which I am — and as a close friend of Mr. Pettigrew, I do not understand that type of article. My classmate and friend André Ouellet won the seat by 51 per cent the last time; this time Mr. Pettigrew won the seat by 59 per cent.

The fine gentleman who ran for the Bloc received 34 per cent this time, and the last time they got 39 per cent. During the referendum, the federalist forces won very heavily in that seat and the separatists took 35 per cent; yesterday they took even less!

As a federalist, I rejoice in these advances in the battle in Quebec. I am pleased to be the first to seize this opportunity before any Liberal senator could because I am an activist and I like organization. In 1993, the Liberal candidate in Lac-Saint-Jean took 5,100 votes in a general election, and yesterday, even though there were fewer people who voted, the Liberal candidate took 5,100 votes. That is quite remarkable.

I was dismayed at the comments in the article by Susan Delacourt in *The Globe and Mail*, a very respected paper that I like to read. As a federalist, I would say yesterday's results in Quebec seem to be very interesting. As for the results in Newfoundland and Ontario, I will leave them to others.

I am happy that the federalist cause in our country, which is always under attack, now has the support of two new ministers: Mr. Dion and Mr. Pettigrew. Mr. Pettigrew, whom I know better than Mr. Dion, will be a very strong pillar in the province of Quebec. He is an articulate gentleman. He understands Quebec's position in this country. He is a relaxed federalist. You should all rejoice over the coming into Parliament of these two ministers who were so strongly elected yesterday.

It is a coincidence that both Saint-Laurent-Cartierville and Papineau-Saint-Michel are part of the seat which I represented in the House of Commons for so many years. I am glad to see that there has been no change since my departure.

## WORLD FIGURE SKATING CHAMPIONSHIPS 1996

EDMONTON, ALBERTA

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I will be brief. As a proud Albertan and a proud Canadian, I wanted to report to this house the tremendous success of the World Figure Skating Championships which were held in Edmonton last week. I congratulate the organizers. I do not believe that success would have been possible without the Canadian Figure Skating Association, which has supported these young Canadian athletes for so many years.

I also congratulate the volunteers from the city of Edmonton who created what was called the best world championships ever. Of course, congratulations also go to our own skaters, Shae-Lynn Bourne and Victor Kraatz, who received the bronze medal in ice dancing.

All of our skaters did Canada proud. The people of Edmonton created a window for the world to see the kind of effort, support, enthusiasm and excellence that Canada, Alberta and its cities can provide.

## YOUTH

PROVINCIAL STUDENT LOANS—RESTRICTIONS ON MOBILITY OF UNDERGRADUATES

**Hon. M. Lorne Bonnell:** Honourable senators, I rise today to bring to the attention of this chamber what I believe is a potential infringement of the constitutional rights of undergraduate students who want to attend Canadian universities and colleges.

Unlike guarantees extended to all citizens under the Canada Health Act, students in need are often denied mobility rights enshrined in the Canadian Charter of Rights to attend the university or college of their choice. Unlike a Canada student loan, which is portable to any publicly funded post-secondary institution in this country, provinces such as Saskatchewan, Alberta and British Columbia often restrict provincial loan eligibility to institutions within the province, denying financial assistance even if the student has been accepted to study in another part of this great country.

Unlike a Canada student loan, which enables every eligible student to borrow the same maximum amount of $165 per week, provinces such as British Columbia, New Brunswick and Newfoundland have such low weekly maximum loan limits that some undergraduate students are unable to afford to study out of province.

In fact, honourable senators, last year, undergraduate students in the province of Nova Scotia were eligible to receive over twice the weekly loan limit offered to students in British Columbia.

Finally, not everything is perfect in my own province of Prince Edward Island. Like many other provinces, Prince Edward Island does not offer student loans to part-time students, nor does it have an interest-relief program, should a student find himself or herself unemployed or unable to meet repayment terms immediately.

We parliamentarians often speak out against any move towards an American-style two-tier health system. Why is it that we say so very little about the shift towards a two-tier higher-education system, one for the rich and one for the others?

Honourable senators, I call upon the federal, provincial and territorial governments to begin work immediately — well beyond administrative harmonization — to ensure that not only those who are well-off and lucky are able to attend the Canadian university of their choice but that we also ensure the mobility of this country's best and brightest students.

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# ROUTINE PROCEEDINGS

## THE ESTIMATES, 1995-96

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) PRESENTED AND PRINTED AS APPENDIX

**Hon. Pierre De Bané:** Honourable senators, on behalf of our chairman, Senator Tkachuk, I have the honour to present the second report of the Standing Senate Committee on National Finance concerning the examination of Supplementary Estimates (B), laid before Parliament for the fiscal year ending March 31, 1996.

I ask that the report be printed as an appendix to the *Journals of the Senate* of this day, and that it form part of the permanent record of this house.

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

**Hon. Senators:** Agreed.

(*For text of report, see today's* Journals of the Senate.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator De Bané, with leave of the Senate and notwithstanding rule 58(1)(*g*), report placed on the Orders of the Day for consideration later this day.

[*Translation*]

## EUTHANASIA AND ASSISTED SUICIDE

REPORT OF COMMITTEE TABLED

**Hon. Thérèse Lavoie-Roux:** Honourable senators, pursuant to rule 104, I have the honour to table the report of the Special Senate Committee on Euthanasia and Assisted Suicide, concerning the expenses incurred by the committee during the First Session of the Thirty-fifth Parliament.

## COMMITTEE OF SELECTION

THIRD REPORT PRESENTED AND PRINTED AS APPENDIX

**Hon. Jacques Hébert:** Honourable senators, I have the honour to present the third report of the Committee of Selection, concerning the designation of senators to sit on the Senate joint committees.

I ask that the report be printed as an appendix to the *Journals of the Senate* of this day.

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

**Hon. Senators:** Agreed.

(*For text of report, see today's* Journals of the Senate.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

**Senator Hébert:** I move that the report be taken into consideration at the next sitting of the Senate.

**Hon. Marcel Prud'homme:** Honourable senators, I am prepared to give my consent, but first I wish to make the following statement.

[*English*]

Once again, I see that the members on the joint committees have been appointed. Some of us have experience on these committees. I sat on the Special Joint Committee of the House of Commons and the Senate on the Code of Conduct. I never missed a meeting, although many others did.

[*Translation*]

**The Hon. the Speaker:** Senator Prud'homme, I regret the interruption, but no permission was requested. Senator Hébert was requesting that the report be taken into consideration at the next sitting of the Senate. The Senate's permission is not, therefore, required. The motion is passed, and we shall resume the debate at the next sitting.

On motion of Senator Hébert, report placed on Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

REPORT OF COMMITTEE TABLED

**Hon. Ron Ghitter:** 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 Energy, the Environment and Natural Resources. This report deals with the expenses incurred by the committee during the First Session of the Thirty-fifth Parliament.

## PEARSON AIRPORT AGREEMENTS

REPORT OF SPECIAL COMMITTEE TABLED

**Hon. Finlay MacDonald:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the report of the Special Senate Committee on the Pearson Airport Agreements. This report deals with the expenses incurred by the committee during the First Session of the Thirty-fifth Parliament.

Because of erroneous press reports, honourable senators, I feel compelled to point out that the Senate authorized a budget of $298,000 for this committee, which I had the honour to chair. I draw the attention of the Senate to the fact that we spent $200,000, almost 30 per cent less than that which was approved.

## 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 tomorrow, Wednesday, March 27, 1996, at one thirty o'clock in the afternoon.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## BORROWING AUTHORITY BILL, 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-10, to provide borrowing authority for the fiscal year beginning on April 1, 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, with leave of the Senate and notwithstanding rule 57(1)(*f*), bill placed on the Orders of the Day for second reading later this day.

## CRIMINAL CODE

BILL TO AMEND—FIRST READING

**Hon. Anne C. Cools** presented Bill S-6, to amend the Criminal Code (period of ineligibility for parole).

Bill read first time.

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

On motion of Senator Cools, bill placed on the Orders of the Day for second reading on Thursday, March 28, 1996.

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATED TO MANDATE

**Hon. Ron Ghitter:** Honourable senators, I give notice that tomorrow, Wednesday, March 27, 1996, I will move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources, in accordance with rule 86(1)(*p*), be authorized to examine such issues as may arise from time to time relating to energy, the environment and natural resources generally in Canada; and
>
> That the Committee report to the Senate no later than March 31, 1997.

ALTERNATIVE FUELS FOR INTERNAL COMBUSTION ENGINES—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MONITOR MATTERS RELATING TO IMPLEMENTATION OF ACT

**Hon. Ron Ghitter:** Honourable senators, I give notice that tomorrow, Wednesday, March 27, 1996, I will move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to monitor all matters related to the implementation and application of the Act to accelerate the use of alternative fuels for internal combustion engines (previously S-7); and
>
> That the Committee report to the Senate no later than June 21, 1996.

NOTICE OF MOTION TO EMPOWER COMMITTEE TO PERMIT COVERAGE OF MEETINGS BY ELECTRONIC MEDIA

**Hon. Ron Ghitter:** Honourable senators, I give notice that tomorrow, Wednesday, March 27, 1996, I shall move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

## LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. Sharon Carstairs:** Honourable senators, I give notice that on Wednesday, March 27, 1996, I will move:

> That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:15 p.m. on Wednesday, March 27, 1996, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[*Translation*]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE PERSONNEL AND SERVICES

**Hon. Sharon Carstairs:** Honourable senators, I give notice that on Wednesday, March 27, 1996, I will move:

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

[*English*]

• (1440)

## CONTROLLED DRUGS AND SUBSTANCES BILL

NOTICE OF MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO RECEIVE AND APPLY DOCUMENTS AND EVIDENCE RELATING TO FORMER BILL C-7 STUDIED DURING LAST SESSION OF PARLIAMENT

**Hon. Sharon Carstairs:** Honourable senators, I give notice that on Wednesday, March 27, 1996, I will move:

> That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its examination of Bill C-7, 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, in the First Session of the Thirty-fifth Parliament, and any other relevant parliamentary papers and evidence on the said subject be referred to the said Committee for its present study of 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.

# QUESTION PERIOD

## JUSTICE

REVOCATION OF EARLY PAROLE PROVISIONS FOR CONVICTED MURDERERS—CONFLICTING STATEMENTS BY MINISTER— GOVERNMENT POSITION

**Hon. Gerry St. Germain:** Honourable senators, my question to the government leader is in accordance with my statement earlier regarding the fact that, in August of this year, convicted mass murderer Clifford Robert Olson will be eligible to apply for early parole under section 745 of the Criminal Code. As I pointed out earlier, families of the victims are justifiably outraged, and have asked the government to repeal the section so that murderers such as Olson are not eligible for parole after serving only 15 years.

Can the Leader of the Government in the Senate assure Canadians that the government is taking steps to ensure that murderers such as Olson and others will no longer be eligible to apply for parole at such an early date of their sentence?

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, many of us are following this issue very closely. I would say in preface that public safety is a very high priority for this government. The Minister of Justice has spent time with some of the families of victims who are most particularly concerned about this issue.

The Minister of Justice has indicated that he is studying section 745. He has indicated, both here in Ottawa and back in my home province of Alberta, that the status quo is not good enough, and that he will be looking at that section to see how best to deal with the concerns that have arisen.

I cannot promise my honourable friend that the minister's decision will be to repeal the section. No decision has been taken as to what he will do, but he is very concerned about the issue. He is aware of the issue and the variety of feelings surrounding it. He has indicated publicly and clearly that there will be some changes made.

**Senator St. Germain:** Honourable senators, there may be a higher level of sensitivity on my part because of the fact that the majority of those murders took place in the riding which I represented as an elected member in the other place. As well, I spent five years of my life as a police officer, quite a bit of that time being served undercover with the Vancouver City Police. I know the violence and viciousness of some of these people. That puts me in a different position regarding understanding some of the things that relate to this type of criminal activity.

I have a supplementary question to the Leader of the Government in the Senate. Why is it that the minister appears to be giving conflicting statements in regard to this issue? When he spoke to the families of the victims in Alberta, he made reference to the fact that he would take definitive action. Yesterday, before the Canadian Police Association, he was hedging his bets and making statements that were not as conclusive as the ones he had made in Alberta.

I would like to know whether the Leader of the Government in the Senate has a definite opinion on this matter. What is her position? Does she not concur with me that waffling on an issue such as this is damaging, and undermines the perception of public safety and the support of the Canadian public for the police?

**Senator Fairbairn:** As I said earlier, public safety is of paramount importance and concern to the government.

I would take exception to my honourable friend's comments that the Minister of Justice is waffling. He is reviewing the various options on dealing with section 745. He is committed to that. He made it clear in Calgary that he did not believe the status quo was acceptable. As I recall, and I was in the province at the same time, he was not categorical in his statement that he would repeal section 745. He said he would study section 745 and determine how he could best serve the interests of public safety in this country through changes to it. I would concur with his views on that.

## FISHERIES AND OCEANS

### FISHERMEN'S PROTESTS IN MARITIMES—STATUS OF PENDING RELATED LEGISLATION

**Hon. Gerald J. Comeau:** Honourable senators, my question to the Minister is with respect to the fisheries dispute in the Scotia Fundy area. As I am sure the minister is aware, during negotiations between fishery groups and the Department of Fisheries and Oceans, one key issue that related to the concerns expressed by fishermen was with regard to Bill C-98 and Bill C-115, the Canada Oceans Act and the Fisheries Act. Could the minister tell us what the status is of these two pieces of legislation?

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I will need to check with the Minister of Fisheries and the House leader on the other side and report back to you.

**Senator Comeau:** During the negotiations in Halifax, assurances were given that consultations would take place on both these bills. On behalf of the fishermen, we would like to ensure that the commitments made by representatives of the leader's party in Dartmouth during those meetings will be fulfilled.

Will the leader obtain assurances from the Minister of Fisheries that those bills will, in fact, be the subject of the full consultations that were requested?

**Senator Fairbairn:** I will certainly take my honourable friend's comments to the Minister of Fisheries and the House leader in the other place to determine the status of possible legislation, and I will report back to him as quickly as I can.

## THE SENATE

### APPOINTMENTS FROM NOVA SCOTIA

**Hon. J. Michael Forrestall:** Honourable senators, I should like to ask two very brief questions of the Leader of the Government in the Senate. One I am sure she cannot answer, but I would like her reaction in any event.

During the course of a conversation between Premier Savage and the Prime Minister here in Ottawa just the other day, did the question of Premier Savage replacing Senator MacEachen later on this summer come up, and if so, with what result? I believe that to be a fait accompli, and I believe this is exactly what will happen.

## NATIONAL DEFENCE

### DELAY IN REPLACEMENT OF SEARCH AND RESCUE HELICOPTERS—PARAMETERS FOR FUTURE DECISION-MAKING

**Hon. J. Michael Forrestall:** Honourable senators, I would ask the minister a few more questions about helicopters. I put it to her that we have now blown almost $1 billion. We were told that we would get a replacement for the aging Sea King helicopters for the search and rescue operation. However, from a glance at the Main Estimates, it is very obvious that the purchase announced last November of helicopters to replace the search and rescue craft is in jeopardy, to say the very least.

• (1450)

In addition, the minister has announced recently a decision to delay the replacement of Sea Kings for one more year, an announcement that drew to the public arena a number of senior military officers forced to defend the safety of an aging piece of equipment. While I commend them for so doing, I find it reprehensible that they were put in a position of having to defend the indefensible. On the other hand, we have reports that millions of dollars have been spent on equipment that, given the downgrading of the Canadian Armed Forces, they will not be able to use.

Could the Leader of the Government in the Senate ascertain whether the department itself, the minister, the Prime Minister or some senior spokesman intends to bring, at an early date, some clarification to the policy position of this government and the Canadian Armed Forces? I ask that question because we have now the added dilemma of a clear statement that national defence policy will not be driven by the usual defence parameters, such as the defence of our realm and the security of the nation; that rather, it will be driven by our peacekeeping role.

My question is very clear: Are we now to become simply peacekeepers, or will we maintain the Canadian Armed Forces? That question deserves some kind of response, if not now, very shortly.

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I agree with my honourable friend that such a question deserves a response. I will endeavour to get him as complete a response as I can.

In relation to my friend's initial question, I would say that I cannot even bear to contemplate what will happen on July 6 of this year.

[*Translation*]

## HUMAN RESOURCES DEVELOPMENT

### UNEMPLOYMENT INSURANCE REFORM—REPEAT OF REQUEST TO ESTABLISH SPECIAL COMMITTEE TO PRE-STUDY EMPLOYMENT INSURANCE BILL— GOVERNMENT POSITION

**Hon. Jean-Maurice Simard:** Honourable senators, I would like to follow up on a series of questions relating to Bill C-12, respecting employment insurance in Canada. I would like to ask the Leader of the Government if she used her time last weekend to consider my suggestion that she and a majority of senators agree to create a new committee to review Bill C-12. Could the government allow the Committee on Social Affairs to travel to New Brunswick, and give it the financial and other resources needed to do so?

Last week, I suggested to the government leader that she think about it over the weekend and perhaps contact people in New Brunswick and elsewhere. I hope that she can give me a positive answer to my request today.

[*English*]

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I listened carefully to the comments of my honourable friend on each consecutive day last week as he asked those questions. First, I am squarely in agreement with my honourable friend that this particular piece of legislation is one of the most important to come before Parliament and before this chamber. I have also spoken with my colleagues in the other place. As I indicated to my honourable friend last week, serious hearings are being conducted on this bill with a view to changes being proposed. There is a concern on the part of senators, including myself, that we have an opportunity to deal with this bill soon. I am advised that every effort is being made in that direction. At this point in time, I do not have a positive answer for my honourable friend, other than to assure him that the work being done on the other side will be conveyed to this chamber in the quickest possible way, so that we will have ample opportunity to give a full and intense study to this bill.

**Senator Simard:** Honourable senators, as I said last week, the Leader of the Government in the Senate seems to be convinced and totally confident that we will have all the time in the world to study this important bill. However, again as I said last week, she has no control over the time that the other place will take to study the bill. We know that, and she knows that. We are only three months away from the target date for the implementation of the bill on July 1. Both Houses of Parliament will have a two-week adjournment at Easter and perhaps another week in May or June. We know from past experience that the House of Commons will want to adjourn around June 20 for the summer recess. All of this is to tell you that I am not at all confident that this house will have ample time to study the bill in its present form, and possibly to appreciate and assess whatever amendments the government may produce in a revised bill.

Honourable senators, why will the Liberal majority in this place not grant that authority? After all, there are many precedents. I need not remind you of the GST and other bills dealing with unemployment insurance. I remember travelling with my friend Senator Robertson to Newfoundland and Nova Scotia at the request of Liberal senators in this place. Why is it so difficult to grant authority? Sure, it may cost $25,000 or $50,000, but what is that compared to the $2 million that Doug Young is now telling the world that he will spend to sell that stupid bill? As a separate chamber, why can the Senate not do the work of travelling to New Brunswick and other places to hear witnesses? Why is it so impossible? Please tell us; come clean.

Honourable senators, I can tell you that I will stand in my place twice a day, even on Sunday, to attract and to keep the interest of citizens and hopefully our colleagues, the Liberal majority. There is no sacrilege here. It is no offence to Liberal senators to change their minds and grant this reasonable request.

**Senator Fairbairn:** Honourable senators, I agree that there is nothing sacrosanct about changing one's mind in the face of changing circumstances, and that could well be the case. I have tried to indicate that, at this time, I do not share the honourable senator's pessimism that this legislation will not move quickly. I believe that it will be before us in time to give us the opportunity to study it properly.

We will be watching the progress of this legislation very carefully. If there is an indication that my optimism is misplaced, I will certainly rethink the stance I have been taking in response to my honourable friend over the past week. I understand his concern.

As indicated in response to a question by Senator MacDonald the other day, we have had conversations over a period of time on the issue of pre-study. There are differing opinions in this house, and I respect those differing opinions. However, I also do not wish to jeopardize this legislation in any way. We will watch its progress on the other side very closely. I remain confident that we will have it in time for people on both sides of this house to study it very thoroughly.

[*Translation*]

## NATIONAL UNITY

POLL RESULTS IN FAVOUR OF RENEWED FEDERALISM—
GOVERNMENT POSITION

**Hon. Pierre Claude Nolin:** Honourable senators, yesterday, the CBC told both English- and French-speaking Canadians about the results of a vast survey that it conducted between March 11 and 17.

Among other things, 83 per cent of Canadians outside Quebec, a significant majority, and 60 per cent of Quebecers feel that Premier Bouchard should try to negotiate an agreement with the federal government and the other provinces with a view to renewing federalism, rather than work on Quebec sovereignty. I, for one, see this as very good news.

According to this poll, only 57 per cent of Quebec sovereignists share the same opinion. Can the Leader of the Government tell me if her government is willing to offer the Quebec government measures that would please the people of Quebec, in order to renew Canadian federalism?

[*English*]

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I am aware of the numbers which were talked about last night. I have not had an opportunity to go through them in detail. However, I share with my honourable friend a sense of encouragement by the direction which they reflected.

The federal government is very clearly intent on showing the people of Quebec, in the broadest possible way that it can, that the benefits derived, not only in dollars and cents but from being a part of this country, are such that their needs are met within this federation, and that there are changes which must be made within this federation to accommodate the best interests of the people of Quebec and those of people in other parts of Canada as well. That is why we are moving ahead in an area in which my honourable friend has a particular interest and concern: labour market training.

I sense as well that there are greater opportunities for discussion and cooperation between the federal government and the Government of Quebec as that government also comes to grips with the reality of the situation in that province and the need to bring forward policies and engage in cooperative efforts which will be to the very best interests of the people of Quebec.

As we were watching election results last night, we were also watching polling results. The confirmation of my colleagues Messrs Pettrigrew and Dion will be very helpful in bringing forward the best ways of working cooperatively and in the interests of all Quebecers.

[*Translation*]

## QUEBEC

POLL RESULTS IN FAVOUR OF SOVEREIGNTY—
GOVERNMENT POSITION

**Hon. Pierre Claude Nolin:** Honourable senators, the same poll found that if they had been asked the question between March 11 and 17 of this year, in other words after your government took the three steps last fall of recognizing Quebec as a distinct society, granting the right of veto, and withdrawing completely—and I hope financially—from the manpower training sector, as stated in the throne speech, 51 per cent of Quebecers would have voted "Yes."

In other words, when the poll was taken, all this was known and, still, 51 per cent of Quebecers would have voted "yes" to a question similar to that asked last October 30. What makes you think that your government is on the right track?

[*English*]

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, my honourable friend probably has more experience with polls than have I. There are a variety of questions asked on any given day which provide certain responses. My point in my answers to my honourable friend is that the federal government is interested in polling results, but is also interested in the visual and personal understanding on which it is working with people in Quebec to try to solve the problems that are causing so much strain in that province. Included in that are labour market training, veto, distinct society and other matters.

Also, in the heart of the great city of Montreal, there are a great many Quebecers who are fighting for their daily bread. Those people are also of great concern to the federal government. The stability of this country, with Quebec as part of it, is surely a strong lever in our ability to help the province and the people of Quebec to gain the very best opportunities for a good life.

The federal government has been devoting a lot of energy to economic areas, whether it be the deficit or providing the climate which has now pulled our short-term interest rates below those of the United States. We are now setting the groundwork for the people of Quebec, along with the rest of Canadians, to experience the very best that this country has to offer.

Those are parts of the federal government's plan to convince Quebecers that when those questions are asked by the pollsters, the answers will be different.

## AGRICULTURE

HEALTH REGULATIONS ON BEEF CATTLE—ASSURANCE TO PUBLIC OF SAFETY OF PRODUCE—GOVERNMENT POSITION

**Hon. Leonard J. Gustafson:** Honourable senators will know that the cattle industry has suffered some nervousness due to the decrease by 20 per cent or more in cattle prices over the past year. Added to that are the announcements from Great Britain with regard to mad cow disease.

What is the Government of Canada and the Department of Agriculture doing to assure consumers and producers of Canada's excellent health regulations? I am sure that the Minister of Agriculture and the department are concerned. I have seen between 15 and 20 news releases about this disease. I am not suggesting that the media should not be informing us about it. However, I think it is important that something be done in a specific way to assure consumers and producers of our excellent health rules and the fact that we have a very safe product for consumers.

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I am conscious of the concerns of my honourable friend. I will convey those concerns to the Minister of Agriculture.

The honourable senator knows the Minister of Agriculture. The minister is speaking out in every possible way to ensure that Canadians and the world know that there is not a trace of a suggestion that there is any difficulty in Canada insofar as our beef production and the so-called mad cow disease are concerned.

In fact, my honourable friend will remember how, not too many years ago, when there was a twinge of a possibility that there might have been a cow that was in some way related to Great Britain in this country, the government moved swiftly to destroy any possibility of something happening within our herds.

There is no question that, when compared with any other country in the world, Canada has the strongest and the best health protection rules with respect to its beef industry. I agree that that message must be put out, not only persuasively but with a sense of total determination, to the consumers of this country, who should have no fears whatsoever. I think that the industry already knows and accepts that responsibility.

One of the most potent indicators in this regard is that, almost immediately, focus was put on Canada as the, perhaps, first-line supplier should the United Kingdom find itself in difficulty.

**Senator Gustafson:** Honourable senators, I appreciate that answer. However, knowing the importance that Agriculture Canada and the government place on health regulations, would it not be advantageous to direct some advertisements to consumers to alleviate concerns as a result of this issue?

**Senator Fairbairn:** Honourable senators, I would be pleased to discuss that matter with my colleague Minister Goodale. I know that he, personally, was fast off the mark in communicating messages directly. I will discuss that matter with him.

My honourable friend is right: this is a news story which will not go away. It is a front-page issue with the media all around the western world. Extreme solutions are being proposed in the United Kingdom, and the reactions of a protective nature taking place within the countries of the European Economic Union are quite extreme.

Canada is blessed in that successive governments have undertaken measures to protect our production and the health of our animals. I will certainly talk to the Minister of Agriculture to see if there is an effective way that this message can be underlined in terms of public communications. My honourable friend is also a respected voice in the agriculture community. It is important that we talk about the security of Canada's supply for its consumers and farmers. That, too, is an important part of the communication on this issue.

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# ORDERS OF THE DAY

## JUDGES ACT

BILL TO AMEND—THIRD READING

**Hon. P. Derek Lewis** moved third reading of Bill C-2, to amend the Judges Act.

Motion agreed to and bill read third time and passed.

## BUSINESS OF THE SENATE

**Hon. B. Alasdair Graham (Deputy Leader of the Government):** Honourable senators, I would ask that we make a slight adjustment to our order of business. There has been discussion between the leadership on both sides of the house. In order to follow a more logical sequence, I would ask that the report of the Finance Committee on Supplementary Estimates (B) be considered now before we deal with Bills C-21 and C-22.

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

**Hon. Senators:** Agreed.

## THE ESTIMATES 1995-96

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B)—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (Supplementary Estimates (B)), presented in the Senate earlier this day.

**Hon. Pierre De Bané** moved the adoption of the report.

He said: Honourable senators, as the report demonstrates, your committee reviewed Supplementary Estimates (B) 1995-96 with its usual care and attention to detail.

Your committee held one meeting to examine these Supplementary Estimates on Thursday, March 21, 1996, under the chairmanship of our colleague the Honourable Senator Tkachuk.

An innovation suggested by the Treasury Board was to hold an informal *in camera* meeting with officials of the Treasury Board secretariat the previous day. The purpose was to allow members of the committee to state any particular concerns they might have with the Estimates.

As a consequence of the concerns that were raised at the meeting on March 21, the Treasury Board officials were accompanied by officials from the Departments of Justice and Agriculture and Agri-food. The result was a more effective meeting because the latter officials were able to respond to some very detailed questions concerning their department's Estimates.

In the absence of departmental officials, the Treasury Board officials would have had to undertake, in all probability, to supply a larger volume of written answers for the committee at a later date, thereby increasing their workload, as well as leaving the committee without the desired information for several weeks.

I should like to draw the attention of honourable senators to that portion of the report that discusses the attached table entitled, "Summary of Expenditure Framework and Estimates for 1995-96" and the important distinction between total budgetary Estimates tabled to date and what are called "projected budgetary Estimates."

• (1520)

With the inclusion of Supplementary Estimates (B), budgetary Estimates tabled now amount to $167.1 billion. Projected budgetary Estimates are also known as the expenditure framework. This is a key number announced by the Minister of Finance in the budget that, when subtracted from expected revenues, provides the anticipated budgetary deficit for the fiscal year.

The expenditure framework for 1995-96 announced in the 1995 budget and reiterated in the budget of March 6, 1996, is $163.5 billion or $3.6 billion less than budgetary Estimates tabled to date. The government is confident that net negative year-end adjustments of at least $3.6 billion will bring total 1995-96 Estimates down to well within the $163.5 billion framework. The new expenditure management system forces ministers and public service managers to adhere to their overall expenditure ceilings because policy reserves have been eliminated. Accordingly, a great deal more reallocation of resources, both within and between departments, takes place now than was the case in the past, as managers are obliged to reduce spending on lower-priority programs in order to free up resources for other initiatives. One consequence is that there will be large lapses of the spending authority granted earlier by Parliament in the Main and Supplementary Estimates. As well, with the end of the 1995-96 fiscal year almost upon us, no expenditure draws have yet been made on the 1995-96 contingency reserve of $2.5 billion, which can therefore be expected to lapse as well.

Your committee expressed concern about the explosive growth of Canada's public debt over the past 20 years — it is projected to surpass $600 billion in 1996-97 — and requested explanations for it. As the report states, one cause has been the enormous growth of social programs, such as Old Age Security, that are indexed to inflation and also designed to respond to economic recessions and the steady growth of the eligible populations, such as the elderly. In effect, these are programs that rise inexorably in good times and lean. The government, through its program review exercise, has striven to pare both direct program expenditures and government-to-government transfers. As well, monetary and fiscal policy have produced a low-inflation environment that is likely to continue for some time. Officials reminded your committee that, in his recent budget, the Minister of Finance forecast a decrease in financial requirements to only $6 billion in fiscal 1997-98, compared to the 1995-96 and 1996-97 requirements of $20 billion and $13.7 billion respectively. Assuming the trend of these figures continues, the government should be in a position to commence paying down the public debt by the end of the decade.

Your committee focused considerable attention on the Supplementary Estimates of the Department of Agriculture and Agri-Food where a number of large, one-time grants are being requested as part of the transitional arrangements put in place when the Western Grain Transportation Act and the Feed Freight Assistance Act were repealed. These can be compared to the $412-million reduction in statutory payments to railway and other transportation companies that appears in the Estimates of the National Transportation Agency.

Questions were asked as well about the sales of shares in Petro-Canada and Canadian National; the $325-million payment under Human Resources Development, most of it to cover part of the backlog of defaults on student loans; and transfer payments by the Departments of Justice and Human Resources Development to help fund provincial legal aid programs. Departmental officials undertook to provide your committee with further written information on some of these issues at a later date. As well, your committee expects to revisit some of this territory when it examines the 1996-1997 Main Estimates.

[*Translation*]

**Hon. Jean-Maurice Simard:** Honourable senators, before moving to adjourn the debate, I propose to move a motion. Why did I not stand and do so earlier this afternoon, when Senator De Bané moved that consideration of this bill be adjourned to later in the day, will you ask?

I did not want to be an absolute pain in the neck. I wanted to have the benefit of Senator De Bané's speech. I realize that the committee is chaired by a senator from this side. However, that does not mean that we must adopt every bill and every report on the very day they are introduced.

I certainly intend to take a few days to study this report. I would like to review and read over the speech made by my friend Senator De Bané. In due course, I will let you know when I am ready to add to the debate, if I have anything to add. I hope that my motion to adjourn is in order and that it is acceptable to most of the senators in this house.

Could Senator De Bané, before the adjournment motion is passed, tell us why this report has to be approved today or in the next few days?

**Senator De Bané:** The honourable senator has a great deal of experience. He knows full well that, in relation to budgetary or financial matters, if you do not want the administration to be disrupted, it is highly desirable that any issue relating to the budget or to financial matters be resolved as quickly as possible.

**Senator Simard:** Just the same, I cannot see any reason, in Senator De Bané's reply, to justify rushing things. Is the approach of March 31, which marks the end of the fiscal year, a good enough reason? Will the government run out of money to pay its employees and those who depend on government assistance if this report is not approved today, this week, or any time before March 31? Could Senator De Bané tell us if the government would be able to carry on its business after April 1 if the report was not adopted?

**Senator De Bané:** Honourable senators, I am unable to answer the specific questions my honourable colleague is putting to me. It is unfortunate that he could not attend last week's committee meeting, which was attended by representatives of his party. I was under the impression that all committee members agreed that the measures under consideration ought to be approved as quickly as possible. There was a general consensus on this. However, I recognize Senator Simard's fundamental right to ask any question he may consider relevant.

On motion of Senator Simard, debate adjourned.

## APPROPRIATION BILL NO. 4, 1995-96
## APPROPRIATION BILL NO. 1, 1996-97

SECOND READING

**Hon. Pierre De Bané:** Honourable senators, do I have the consent of my colleagues to consider second reading of Bill C-21 and Bill C-22 at the same time?

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

**Hon. Senators:** Agreed.

[*English*]

**Senator De Bané:** Honourable senators, the bills before you today, Appropriation Act No. 4, 1995-96, Bill C-21, and Appropriation Act No. 1, 1996-97, Bill C-22, provide for the release of the total of the amounts set out in Supplementary Estimates (B) for 1995-96, amounting to $675.8 million; and for the release of interim supply for 1996-97, amounting to $28 billion.

Supplementary Estimates (B) 1995-96 were tabled in the other place on March 8, 1996. These Supplementary Estimates seek new authority to spend approximately $675.8 million. From a fiscal planning perspective, these amounts were provided for in the recent budget of March 6, 1996, and represent reallocation of funds within and among departments and agencies or seek Parliament's authority to discharge liabilities that were provided for in the deficits of previous fiscal years.

An additional purpose of the Supplementary Estimates is to inform Parliament of the latest forecast of spending under certain statutory authorities. These Supplementary Estimates identify a net increase of $711.1 million, also provided for within the current expenditure framework.

Some of the major items provided for in this Appropriation Bill are as follows:

First, $333.4 million for nine departments and agencies for separation programs for public service employees such as the early retirement incentive, the early departure incentive and, for National Defence, the Civilian Employee Reduction Plan.

Second, $141.4 million for 13 departments and agencies to meet various operational requirements by using the 5 per cent carry-forward provision.

Third, $85 million in grants to enable Agriculture and Agri-food Canada to help individuals and organizations adjust to changes in the grain transportation system.

Fourth, $23.8 million for Statistics Canada to apply against the forecasted cost of the 1996 census.

[*Translation*]

The principal statutory adjustments indicated in these supplementary estimates represent an overall change in expenditures of $711.1 million. The main expenditure items are: $3,238 billion over three distinct items, for the transfer of Petro Canada and Canadian National to the private sector.

This amount includes two items from Transport Canada worth $2 billion and one item from the Department of Finance worth $1.328 billion, under the Petro-Canada Public Participation Act; $400 million for the Treasury Board of Canada for payments to the special retirement compensation arrangements account to cover the cost of pensions paid to public servants who decided to take advantage of the early retirement incentive program in 1995-96.

An increase of $325.4 million for Human Resources Development for assistance given under the Canada Student Loans Act and the Canada Student Financial Assistance Act.

A reduction of $2.5 billion in the cost of the public debt due to interest rates being more favourable than those anticipated for 1995-96.

A reduction of $656 million in payments from the UI fund.

A reduction of $412 million in transportation payments due to the repeal of certain legislative powers, with the main one being the Western Grain Transportation Act.

The Main Estimates for 1996-97 were tabled in the other House on March 7.

The Main Estimates for 1996-97 represent a total of $157 billion for the coming fiscal year. This figure includes $111.7 billion in budgetary expenditures arising from existing legislation and $45.3 billion in expenditures requiring Parliament's approval. The bill before us today, also known as the interim supply bill, seeks the power to spend $28 billion to enable the government to operate until the end of October 1996, when Parliament will consider the 1996-97 Main Estimates.

Honourable senators, I am at your disposal should you require more information on this matter.

[*English*]

**Hon. Terry Stratton:** Honourable senators, I also wish to speak with regard to Bills C-21 and C-22.

Bill C-21 deals with Supplementary Estimates (B). The Supplementary Estimates were examined in the National Finance Committee last week. Any comments or observations from our side are contained in the body of the report tabled earlier today by Senator De Bané.

Bill C-22, the interim supply measure, is just that, namely, an interim supply measure. Between now and June, the National Finance Committee will be examining the Estimates, and the details contained in the interim supply bill will be dealt with at that time.

The only comments I care to make are on the listing of one-time charges for agriculture, Petro-Canada and CN, particularly for Crown corporation sell-offs, and the one-time charges for civil service downsizing. I hope there will be a significant savings in future years as the government tries to wrestle the deficit to the ground — perhaps by the turn of the century.

For the above reasons, we on this side have no problem agreeing to expedite these pieces of legislation.

[*Translation*]

**Hon. Jean-Maurice Simard:** Honourable senators, I would like to ask Senator De Bané, the author of this motion and the government spokesperson, to refresh our memories and tell us when the Senate was apprised of these bills. I am speaking of Bills C-21 and C-22. I see on their cover pages that they were passed on March 20, 1996, that being a Wednesday. Since we do not sit Wednesday evenings, and did sit on the Thursday afternoon, I would like Senator De Bané or the Leader of the Government to tell us just when last week the Senate received the bills in question. I would then have some other questions to ask.

**Senator De Bané:** Honourable senators, Senator Simard must be aware that bills are studied here after the leaders of the two parties have reached agreement on our legislative agenda. I was in contact with representatives of the office of the Leader of the Official Opposition on the procedure to be followed. There is no question whatsoever of taking the opposition by surprise. Agreement was reached in advance on the legislative agenda we would be looking at.

My colleague Senator Simard will realize, after looking at these supply bills, that they are completely in line with the government's estimates and the traditional approach, which is to ask for interim credits pending the tabling of the main estimates next fall.

**Senator Simard:** Honourable senators, with all due respect to my friend Senator De Bané, he has not answered what I asked. He has referred to tradition, to what has been done, some might say behind the scenes, by the two parties present in the Senate. He still has not given the time and date, or even just the day, when the Senate received these two bills.

If I am not mistaken, the Committee on National Finance must have done a preliminary examination either last Wednesday or in the days prior to that. I would like him to tell us if indeed there was such a preliminary study. Every day, I shall continue to try to convince the Liberal majority in this Chamber to allow us a preliminary examination of those bills the government is so attached to, but also of Bill C-12. I want to see whether, in the space of one week, what is sauce for the goose is also sauce for the gander.

When I have the answer to my question, namely just when we received Bills C-21 and C-22, I will be able to confirm that in fact there are two sets of rules when that suits the government.

[*English*]

• (1540)

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, at the risk of confusing the issue, I shall try to bring some clarification.

We are now discussing a bill which was preceded by a study by the Standing Senate Committee on National Finance of the Supplementary Estimates. The tradition is that Supplementary Estimates go to the Finance Committee, and then the report is adopted. The bill to confirm those Estimates is not referred to the Finance Committee because the matter has been studied through the Estimates themselves. Therefore, the report of the committee dated March 26 covers the Estimates. The report has been approved by us, and now we are being asked to give second and third reading to a bill which has been confirmed by the report of the committee. There is no need to send the bill to the committee, since the study which would normally follow second reading has already been done.

This is an unusual reversal of what we usually do on other bills, but that has been the tradition. I know it lends itself to some confusion. I hope I have been able to clarify the procedure somewhat.

**Senator Simard:** Yes. I do not want to argue with my leader in this place, but the point I wish to make is that the matter of Bill C-12, not the Bill C-12, has not arrived here. For two weeks, I have been denied my request that the matter of Bill C-12 be studied by a committee of this place. Why are there two different views and two different treatments of a bill, whether it be Bill C-12 or Bill C-21 or Bill C-22?

I would like to hear some words of logic and wisdom from the Leader of the Government or the Deputy Leader of the Government. I agree that we need some order and cooperation between the two leaderships. However, all senators in this place, myself included, while not being a member of a committee, need time to study individually matters of importance, such as those encompassed in Bill C-21 and Bill C-22 and C-10. I think I deserve an explanation.

**Hon. B. Alasdair Graham (Deputy Leader of the Government):** Honourable senators, Senator Lynch-Staunton is perfectly right in his explanation. I tried earlier to explain the logical sequence in which we were trying to proceed, and that is why I asked that Supplementary Estimates B be brought forward for consideration before Bill C-21 and C-22.

Bill C-21 and Bill C-22 are not ordinarily referred to committees. They can be debated in this chamber, and it was my expectation that we would ask for their third reading tomorrow. Bill C-21 and Bill C-22 were given first reading on Thursday, March 21 and, as my honourable friends know, there have been discussions between the government and the opposition with respect to the disposition of these particular pieces of legislation, and we agreed to the procedure as indicated.

With respect to Senator Simard's concerns about Bill C-12, they are not necessarily related to Bill C-21, Bill C-22, or indeed Bill C-10, which we are considering today. Bill C-12 and his concerns about Bill C-12 being given adequate consideration by the Senate should be treated separately. The Leader of the Government has already given an undertaking to Senator Simard, which I hereby extend myself as Deputy Leader of the Government, that adequate time will be provided in this chamber and during the committee stage to give Bill C-12 proper and full consideration.

**Senator Simard:** It is my personal opinion that, regardless of whether other governments have been guilty of the same sin, it is inexcusable to wait to the last week, the last hour, the last minute. This government has had two years. If we read last year's report, we will probably see the same problem. We had to rush in the last week in order that the government could have money for April 1.

You are talking about arranging the legislative program or menu. Knowing that April 1 comes at the end of March, which is preceded by February every year, why could the government not have made the necessary effort? It has control over the other place. Why are we being treated the same way, and subjected to the same request every year to rush things at the last minute? Although we depend on the work of the committee, I believe that all senator have a right and obligation to study these bills themselves, and that they should be given enough time to do so.

I see July 1 coming. We will be told in June that of course the government meant to do it, that they had a legislative menu but that accidents happen, et cetera. They will try to explain the unexplainable, and this place will be asked to approve —

[*Translation*]

Bill C-12 quickly, without the necessary review requested by the people of New Brunswick and elsewhere. In any case, we will keep a close watch. We will give a few more days to the Liberal majority to change its mind. We will keep our eyes open. Until then, I am prepared to let go and accept that the bill be passed. I want to be reasonable. I do not want the review process which will be followed in the future, regarding Bill C-12 or other bills, to be abused.

[*English*]

Motion agreed to and bills read second time.

**The Hon. the Acting Speaker:** Honourable senators, when shall these bills be read the third time?

On motion of Senator De Bané, bills placed on Orders of the Day for third reading at the next sitting of the Senate.

## BORROWING AUTHORITY BILL, 1996-97

SECOND READING—DEBATE ADJOURNED

**Hon. Pierre De Bané** moved second reading of Bill C-10, to provide borrowing authority for the fiscal year beginning on April 1, 1996.

He said: Honourable senators I am pleased to rise in support of the second reading of Bill C-10, the borrowing authority bill. This is legislation that comes before our chamber each year. The borrowing authority it seeks is tied directly to the financial requirements set out in the federal budget introduced earlier this month. The information covering the financial aspects of the bill is also contained in the budget plan.

Before I highlight the specifics of the legislation, I believe that it is important to remind ourselves of its broader context: the federal budget itself. In particular, since this is a bill on borrowing, I want to highlight the government's fiscal philosophy and its concrete, proven commitment to deficit reduction.

[*Translation*]

The 1996 budget strengthens and extends the measures taken under the comprehensive strategy presented in the 1994 and 1995 budgets. Together, these budgets will help Canadians secure their future in a number of key sectors.

First, we must secure our financial future: The government's financial objectives will be reached and exceeded year after year, thanks to sustained spending cuts in federal programs. The 1996 budget reaffirms the government's commitment to achieve a balanced budget.

Second, we must rethink the role of the state: Other measures will be taken to define a more appropriate role for the federal government, in the context of a modern economy and a modern federation.

Third, we must secure our social programs for the next century: The measures adopted by the government seek to restore confidence in the Old Age Security system and to ensure reliable, stable and increasing federal support for health care, post-secondary education and social assistance.

Finally, we must invest in our future: The government is redirecting funding to make new investments in initiatives designed to help our young people, as well as to support technology and international trade, which are vital to future job creation and growth.

[*English*]

Honourable senators, this is not the time to review all measures in the budget. As I said, I want to focus on the fiscal outlook because this is what defines the government's borrowing requirements. I am sure I do not need to belabour why the government has taken dramatic steps in this arena. High public sector deficits and debts have pushed up interest rates, sapped confidence, soaked up domestic savings and led to a sharp increase in the country's net international indebtedness. They are also the ultimate cause of a tax burden which most Canadians feel is already far too high.

• (1600)

The lethal combination of high interest rates and deficit borrowing has also meant that a growing share of government resources must go to interest payments on a growing debt. This year, these charges will cost the government and taxpayers $47 billion. This is the interest to service the debt. That is money that cannot go to aiding those in need or helping our economy to create new jobs. These are the reasons why the government has acted, not because tackling Canada's fiscal problem is a goal in and of itself, but because fiscal reform is a fundamental component for national growth, new jobs, and economic security.

[*Translation*]

In the first two budgets we began a process of improving our public finances and restoring the state's budgetary credibility after years of failing to control the deficit.

**Hon. Jean-Maurice Simard:** We recall the budgets of Mr. Lalonde and Senator MacEachen.

**Senator De Bané:** Need I remind my honourable colleague that, with Mr. Wilson's first budget and then with Mr. Mazakowski's budget, we were supposed to resolve the problem of the deficit in the early 1990s?

**Senator Simard:** I would rather talk about Mr. Lalonde and Mr. MacEachen as Ministers of Finance.

**Senator De Bané:** My colleague wanted to allude to the management of his government, which was in business for over ten years. I think he will agree that the plans put forward by Mr. Wilson and Mr. Mazakowski were not carried out.

By setting credible rolling two-year targets, by basing budget planning on cautious economic assumptions and by creating substantial reserves for contingencies, we are making public finances once again credible.

The first two budgets provided for unprecedented cuts to program expenditures; these structural cuts focussed on the medium term.

Thanks to them, the 1995-96 and 1996-97 objectives of reducing the deficit to 3 per cent of the GDP will be met, despite the fact that the growth of the GDP is slower than expected. This progress is due in part to the fact that interest rates are also much lower than expected, and this in turn offsets the negative effect of the slower GDP growth.

The measures announced in the 1996 budget strengthen and extend those of our initial budgets and provide an added push toward the achievement of our economic and financial goals.

We set our sights on the reduction of program expenditures, because the debt problem was the creation of the governments. They must therefore resolve it by putting their own affairs in order. Therefore, the 1996 budget provides for no increase in taxes. I repeat: There is no increase in income taxes for individuals or corporations, and there is no increase in the excise tax.

Expenditure cuts in the 1996 budget will amount to $1.9 billion in 1998-99 and will build on the reductions of the two previous budgets to keep program spending on a downward track.

[*English*]

Here is the point that must be emphasized: Of the cumulative fiscal actions we will have taken from 1994-95 to 1998-99, a full 87 per cent have been expenditure savings. Together, the three budgets will contribute $26.1 billion in savings for 1997-98.

These actions, together with reform of the unemployment insurance program, will ensure that we hit our new deficit target to bring the deficit down to 2 per cent of the GDP. Through budget action, we have set a further $28.9 billion in savings for 1998-99. This means the deficit will continue to fall.

[*Translation*]

One other financial aspect merits mentioning: the government's financial requirements, or, in other words, the way many other countries, the USA and the U.K. included, measure their deficit.

In 1993-94, our financial requirements, or, in other words, the borrowings the Canadian government made on the money market, reached $30 billion dollars — 4.2 per cent of GDP. That is what the Canadian government borrowed in 1993-94. In 1997-98, this figure will have dropped to only $6 billion — barely 0.7 per cent of the economy — our financial requirements will decrease to only $6 billion. From 4.2 per cent of GDP we will drop to 0.7 per cent. In relation to the size of the economy, this will be the lowest level in 30 years. By maintaining this rate, we shall, it appears, record the lowest failure to gain of all central administrations in the G-7.

Therefore, instead of drying up the financial markets and grabbing up capital that ought to go to the private sector, previously $30 billion, government borrowing will drop to $6 billion.

Obviously, we are making sustained progress, along with all other public administrations. The big winners in all this will the people of Canada. We have taken the necessary steps to lower the interest rate, to make ourselves more competitive, to encourage job creation, to raise the level of economic security.

[*English*]

Having set the background, honourable colleagues, let me now consider Bill C-10 itself. Like past borrowing legislation, this bill contains three basic elements: authority to cover financial requirements for 1996-97, exchange fund account revenues, and a non-lapsing amount. In total, the government is requesting authority to borrow $18.7 billion for the 1996-97 fiscal year.

Let me touch briefly on the main provisions of the bill. First is the provision for $13.7 billion of authority to cover our anticipated borrowing to meet the net financial requirements set out in the new budget. Second is the provision to cover $1 billion to exchange fund account earnings which give rise to additional Canadian dollar borrowing requirements. That is because these earnings, although reported as budgetary revenues, are retained in the exchange fund account. They are not available to finance ongoing operations of the government. Third is the provision for a $4-billion non-lapsing amount. This is something I want to underscore because it represents a change from many previous years. The non-lapsing amount has been $3 billion since 1986. The government's requested increase will provide a greater ability to manage foreign exchange requirements more effectively in light of increased exchange market flows and volatility.

I must point out that the non-lapsing amount can either be used during the course of the year to manage contingencies or can be carried forward temporarily into the next fiscal year until we receive new borrowing authority. In either event, it underscores the sort of fiscal and economic prudence we believe must be the hallmark of good government in a world of accelerating change.

Honourable senators, there are also some minor technical provisions in the bill that more clearly link fiscal year borrowing authority with fiscal year borrowing requirements. For example, the legislation provides that the 1996-97 borrowing authority may only be used after the 1996-97 fiscal year begins.

• (1610)

As further background information, I would like to review the government's debt operations in the current fiscal year up to mid-March. So far in the fiscal 1995-96 domestic debt program, the government has issued about $25.4 billion in marketable bonds, $1.4 billion in real return bonds, and $55 million in CSBs. There were also net redemptions of $2.8 billion in treasury bills. This provides a total of $24 billion in net new market debt.

I would like to report to this chamber on last fall's CSB campaign. This year, the government took a first step in the highly competitive RRSP market. Last fall, for the first time, Canada Savings Bonds could be registered directly in the form of RRSPs. In January, the new RRSP option was extended to all outstanding series of compound interest bonds. The 1995 CSB campaign produced sales of $4.6 billion. After accounting for redemptions during the year, the net increase in CSBs outstanding was $55 million, as I indicated earlier.

Regarding foreign currency debt, outstanding Canada bills decreased by U.S. $2.8 billion to $3.7 billion at the end of February. These are short-term U.S. dollar denominated bills which are issued from time to time in the U.S. market to fund Canada's foreign exchange reserves.

The government launched two very successful global bond issues last year, a U.S. $1.5 billion five-year issue in May and a U.S. $1.5 billion ten-year issue in July. In fact, the five-year issue gained recognition from International Financing Review as the sovereign deal of the year. The proceeds of both issues were added to Canada's official exchange reserves.

[*Translation*]

In conclusion, I would urge the Senate to adopt this bill as soon as possible. Our objective is to be able to access the new borrowing power on April 1, when the new government fiscal year starts. This will avoid any interruption in normal funding activities. The borrowing powers assigned by last year's act, including the $3 billion, will be exhausted by mid-April. If the bill does not kick in in time, the government will have to make use of section 47 of the Financial Administration Act to meet its borrowing requirements.

Section 47 restricts short-term borrowing. It might prove costly for the government and the taxpayer to access short-term financing. This would also expose the government to the additional risk of changing interest rates, because of the increased proportion of short-term borrowing. This is why it is essential, in my opinion, to obtain borrowing power as promptly as possible after a budget is presented.

On motion of Senator Stratton, debate adjourned.

[*Translation*]

## CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING

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 Beaudoin*)

**Hon. Gérald-A. Beaudoin:** Honourable senators, the purpose of Bill S-2, which has been debated in this house for a few days, is to add sexual orientation to the prohibited grounds of discrimination listed in sections 2, 3 and 16 of the Canadian Human Rights Act.

This is in reaction to the court rulings according to which this ground is implicit in section 3 of the Canadian Human Rights Act.

The decision made by the Ontario Court of Appeal in the *Haig* case that the words "sexual orientation" should be included in section 3 of the Canadian Human Rights Act still stands in Canadian law. This ruling was not appealed to the Supreme Court of Canada. As a result, sexual orientation is now a prohibited ground of discrimination at the federal level.

In addition, the Supreme Court of Canada recognized a few months ago in the *Egan* ruling that sexual orientation is a ground of discrimination similar to those listed in subsection 15(1) of the Canadian Charter of Rights and Freedoms.

Some provinces have enacted their own legislation in this regard. In fact, Quebec, Ontario, Manitoba, New Brunswick and Nova Scotia, as well as the Yukon Territory, have in their human rights charters or codes provisions that prohibit discrimination based on sexual orientation.

Should Parliament legislate in this matter?

It should be pointed out that, while decisions made by the Court of Appeal of Ontario are accepted as authority, the court of appeal of another province might find to the contrary.

In his report released on March 19, the Chief Commissioner of the Canadian Human Rights Commission, Maxwell Yalden, condemns the government's failure to act in this regard. He states:

> Not for the first time we must report that improvements in Canadians' protection from discrimination on the basis of sexual orientation have been more a result of efforts in the courts than legislative reform. Despite repeated promises that the Government intends to amend the Canadian Human Rights Act to include sexual orientation, no such legislation has been forthcoming. The Commission sees the current absence of legislated protection from discrimination on this ground as little better than acquiescence in intolerance. Equal protection from discrimination on this basis would not only provide homosexuals with the same access to redress as other Canadians, it would also carry the larger message that equality does not play favourites: either it applies impartially to all of us or it becomes a debased currency of limited value to anyone.

Why not amend section 3 of the Canadian Human Rights Act, then, to make explicit what the courts, and even the Supreme Court of Canada, consider as implicit?

Honourable senators, I am in favour, of course, of referring Bill S-2 to the Senate Standing Committee on Legal and Constitutional Affairs. I must say that this is a progressive measure which, if passed, will take us one step closer to our ideal of equality before the law.

**Hon. Eymard G. Corbin:** I have a question for Senator Beaudoin.

**Senator Beaudoin:** Yes, what is it?

**Senator Corbin:** I listened with interest to what you had to say, but one thing was not very clear to me. I know that you have a very definite opinion on what I am going to say to you. Must Parliament follow the wishes of the court with respect to reform of legislation? You are better informed than I on the role of the United States Supreme Court, which apparently makes legislation quite often in certain areas, through the precedents it sets, without Congress having to intervene, or something along those lines. I do not have the benefit of legal training, but that is the gist of my thought.

In other words, in this specific case, are we moving because the court is urging us to do so — I am not saying that it is forcing us to do so — because the court has already handed down opinions in other areas. You may recall, just over a year ago, the court explaining how a person who was unable to take their own life, could go about achieving that end through a third party. It told people how to go about it.

To my way of thinking, interfering in an area clearly reserved for the legislator, the Parliament of the land, would I be wrong to say that this time Parliament is acting partly because it is being forced to do so, in the wake of decisions or opinions handed down by the court? And in so doing, it is interfering in an area reserved strictly for parliamentarians.

**Senator Beaudoin:** That is certainly a very good question. I must begin by admitting that I am from the Jefferson school of thought. I am very partial to charters of rights and freedoms and I am for the separation of powers. I like to see the court do its

job, and I like to see Parliament do the same. One may not share the same opinion as the Supreme Court, of course. You referred to the Sue Rodriguez case. Like me and other senators here, including Senator Carstairs, you were on the special committee. As you know, the Supreme Court was divided 5 to 4, and the court did not endorse euthanasia or assisted suicide. Even in our own committee, opinion was divided.

In this case, the Supreme Court concluded that it was a matter of discrimination, and that sexual orientation was implicitly protected in section 15 of the Charter.

Do we as legislators need to follow up on this? Yes, in my opinion, if we are convinced that this ruling is justified. No, if some members of the House of Commons or of the Senate feel it would be a mistake. I, for one, say — and I have a tendency to go in that direction — that this is a case where Parliament should take its responsibilities. It is a difficult and controversial matter. I fully appreciate this. I am looking at this from a legal point of view and saying that we should legislate in this area and include sexual orientation in the Canadian Human Rights Act. This is only an opinion, of course. I think our role as legislators is to try to promote equality before the law and to prevent discrimination.

I fully respect all opposing views on this. I know this is a difficult matter, like many other issues including capital punishment, abortion and euthanasia. It is always difficult to take a stand on such matters. I believe, however, that the time has probably come for Parliament to take a stand and I, for one, support the bill before us.

**Senator Corbin:** Let me put my question in even more direct terms. As I recall, in the past, Supreme Court decisions were not in the habit of containing comments — I am reluctant to use the word "instructions" — directed at the Parliament of Canada. This past little while, however, it seems to me that this has become a common practice. In the context of the separation of powers, do you think it is wise for the Supreme Court to continue with this practice in the future? Whether on issues relating to the Canadian Charter of Rights and Freedoms or on any other issue, are we witnessing the giving up of the position of neutrality held thus far by the court with regard to the clearly defined prerogatives of Parliament and the clearly defined rights of the Supreme Court? It seems that lines are getting blurred, that a new trend is emerging.

**Senator Beaudoin:** I do not deny that, since 1982, with the inclusion of the Canadian Charter of Rights and Freedoms in our Constitution, the role of Parliament has undergone profound changes. I do not deny that. I know that many legal experts and other people in various fields are not in favour of a charter of rights or, at least, do not want a court of justice to have the power to abrogate or invalidate an act of Parliament on the grounds that it violates the charter of rights and freedoms.

There are two schools of thought, and I respect both of them. I accept the fact that the Charter of Rights and Freedoms is enshrined in the Constitution. I accept the fact that it is the supreme law of the land. I accept the fact that the Supreme Court can rule that a section of an act is unconstitutional. I accept that. I know that others do not. However, in our current system, it is the law of the land. If we are not pleased, we can overrule a Supreme Court decision through an amendment or the use of the notwithstanding clause. This issue will always be debated by those who believe in charters of rights and freedoms and those who do not.

However, since 1982, the Canadian Constitution has included a charter of rights and freedoms which gives the last word to the Supreme Court regarding numerous issues. Some parliamentarians object to that, but such is our political system, our constitutional system.

Of course, if, in this particular case, the court arrives at that conclusion, Parliament will do whatever it wants to do. However, since the Supreme Court has arrived at such a conclusion, and since its arguments seem rather compelling, I think that we legislators should amend this federal act so as to make it more respectful of the principle of judicial equality. This is my opinion.

• (1630)

[*English*]

**Hon. Lorna Milne:** Honourable senators, I am pleased to speak today on Bill S-2, to amend the Canadian Human Rights Act. Senator Kinsella and the others who have spoken already have given much background to this matter, so I will try not to cover the same ground. However, there are some things I want to emphasize.

Senator Kinsella first introduced this bill as Bill S-15 in 1992. As he pointed out in his speech last week, the Court of Appeal in Ontario had recently ruled in the *Haig/Birch* case. The unanimous view of the panel of three judges was that the Canadian Human Rights Act was unconstitutional because it failed to protect the equality of treatment of homosexuals. In omitting a specific protection based on sexual orientation, the act failed to meet the sexual equality provision of the Charter of Rights. Rather than strike down the law as unconstitutional, the court chose to remedy this omission by ordering that the words "sexual orientation" be read into the act.

In other words, the court ordered that the act be interpreted, applied and administered as though discrimination on the grounds of sexual orientation was explicitly prohibited.

I must say, honourable senators, that I agree with this interpretation. Although I am certainly not a lawyer and I may not be qualified to interpret the Constitution as did the Ontario court in this case, I think that, as a matter of policy, the federal government should include sexual orientation as prohibited grounds for discrimination in the Canadian Human Rights Act.

As Senator Beaudoin pointed out, the Province of Quebec was the first to prohibit discrimination on the grounds of sexual orientation in 1976, 20 years ago. Most other provinces and territories have followed its example. The Liberal Party of

Canada has advocated this amendment to the federal law since as early as 1977. As Senator Kinsella noted in his speech, the federal level of government lags behind most provinces and territories in action on this area of public policy. I agree it is time to catch up.

It is important to note that the Government of Canada declined to appeal the decision in *Haig/Birch,* thus accepting the interpretation of the court. This suggests to me either that the government of the day did not think it could win the appeal to the Supreme Court or that the government agreed with that decision. In any case, the ruling of the court essentially became the law of the land. Bill S-15 was simply a responsible attempt to codify the *Haig/Birch* decision so that the written law could reflect the ruling of the court.

All witnesses before the Senate committee studying this bill expressed support for it. These witnesses included representatives of the Department of Justice, the Canadian Human Rights Commission, the Centre for Human Rights, and an advocacy group, Equality for Gays and Lesbians Everywhere, EGALE. I was particularly interested in Senator Kinsella's recollection of the testimony of the officials from the Department of Justice. They seemed to concur with the senator's assertion that the bill was simply a timely codification of the law as it already stood at that time. They also agree that making the law explicit, rather than relying on case law, was good practice.

Bill S-15 was reported from committee without amendment and passed on division at third reading in this house. Indeed, I understand the only dissenting voice was that of Senator Frith, whose sole concern at the time was that the failure of the House of Commons to pass the bill in the short time left before the summer recess would actually work to the detriment of the bill's objective. Senator Frith expressed no reservations about that objective but, as it turned out, he was quite correct in his expectations of the fate of the bill.

There has been a development since Bill S-15 died on the Order Paper. Senator Ghitter mentioned this in his question last week to Senator Kinsella. I am aware of this recent ruling in *Vriend v. Alberta* where the Alberta Court of Appeal disagreed with the basis for the decision in *Haig/Birch*. The Alberta court held that the Alberta Individual Rights Protection Act treats heterosexuals and homosexuals equally. Although the courts were interpreting different acts, their findings with respect to the constitutional protections afforded to gays and lesbians conflicted. That serves to make the application of both these acts unclear. It may be that, as things stand right now, an appeal to the Supreme Court will be needed to settle the matter. However, I am not sure that this is the best approach to law-making.

The Alberta court held that, even if there were discrimination, the only remedy would be to strike down the law to allow the legislative branch to amend the legislation. This last idea certainly has merit. In his reply to Senator Ghitter's question about the Alberta ruling, Senator Kinsella pointed out that it merely served to underline the need for legislative action to clear up any confusion.

In her speech on the bill, Senator Cohen quoted the outgoing Chief Commissioner of the Canadian Human Rights Commission, Max Yalden, when he appeared before the Senate's Legal and Constitutional Affairs Committee on Bill S-15.

I agree with Senator Beaudoin that one of Mr. Yalden's comments bears repeating:

> Parliament has a responsibility to legislate in this kind of important matter... Canadians should be able to find out what is in their legislation without having to read reports of the courts.

Mr. Yalden has repeated these sentiments very emphatically in his most recent report to Parliament.

It is not within the purview of the Senate to decide the question of constitutional interpretation, that is, whether the Charter requires the additional protection against discrimination on the basis of sexual orientation. However, we are constituted to deliberate on questions of policy. Whether or not the act should protect gays and lesbians is a matter of policy; it is a question that we certainly can address.

Honourable senators, the diametrically opposed court rulings that I have mentioned leave this law unclear. If Parliament does not act, this case will no doubt have to be settled by the courts. It has become apparent that there is a recent tendency, which I think is disturbing, of the Supreme Court to rule on cases based on what seems to me to be a personal interpretation of the law, rather than by trying to rule according to the intent of the original law-making body. That tendency was brought to the attention of all of us in a recent ruling where the Supreme Court divided in a decision strictly along gender lines. Rulings such as this recent one in the case of the *Yukon Order of Pioneers* underline the need to spell out more clearly the individual rights that are protected by law in this country. There is an opportunity here for the Senate to do good work. Ironically, it is probably easier for the Senate to deal with this question than for the House of Commons right now.

This is a bill worthy of study, and it should go to committee as soon as possible to expedite that study.

**Hon. Noel A. Kinsella:** Honourable senators —

**The Hon. the Acting Speaker:** Honourable senators, I wish to inform the Senate that if the Honourable Senator Kinsella speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

**Hon. Marcel Prud'homme:** Honourable senators, I shall not delay the proceedings today. I have listened to all the speeches including Senator Beaudoin's, I know what Senator Kinsella has done in the past, and I have read almost everything that has been written on the subject. However, I will not participate in the debate at this time. I simply want to go on record to say that I totally support what Senator Milne and others have said.

With pleasure, I resume my seat to let Senator Kinsella take the floor to close second reading debate on the bill.

**Senator Kinsella:** Honourable senators, our debate at second reading has canvassed the major issues that need to be canvassed as we examine the principle of the bill. As Senator Beaudoin reminded us this afternoon, most of the jurisdictions in the provinces and the two territories have enacted in their anti-discrimination statutes legislation similar to this bill. If we were to agree to send this bill to the Standing Senate Committee on Legal and Constitutional Affairs for study, it would probably be the most efficacious way of dealing with it.

**The Hon. the Acting Speaker:** Honourable senators, is it your pleasure to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

## CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Anne C. Cools** moved second reading of Bill S-4, to amend the Criminal Code (abuse of process).

She said: Honourable senators, in the previous session of Parliament this bill was known as Bill S-13. I refer honourable senators to the speech I made on that bill on December 5, 1995, which is reported at page 2407 of the *Debates of the Senate*.

Bill S-4 upholds the position that judicial privilege may not be employed by lawyers as a shield to mislead, obstruct or defeat truth and justice in judicial proceedings. Bill S-4 creates three new offences in the Criminal Code. The first makes it an offence for counsel in judicial proceedings to make public statements outside the court that are known by counsel to be false. The second makes it an offence to institute proceedings known by counsel to be brought primarily to intimidate or injure another person. The third is to knowingly deceive the court by relying on false, deceptive, exaggerated or inflammatory documents.

The need for this legislation is great because the public's doubt regarding the activities of certain members of the legal profession is increasing and because of the obvious commercialization of the practice of law. The conduct of lawyers in judicial proceedings is critical because lawyers are officers of the court. Recent jurisprudence attests that there is something needing correction in the way that many lawyers are conducting proceedings. I shall review some of the situations, court cases and court judgments that reveal abuse of process and show the pressing need for Parliament to amend the Criminal Code.

Honourable senators, the most obvious example of abuse of process in judicial proceedings is the case of *Casey Hill v. the Church of Scientology and Morris Manning*. I spoke on the Supreme Court of Canada decision in this case in this chamber on November 23, 1995, which is found at page 2356 of the *Debates of the Senate.*

This Supreme Court of Canada decision was delivered by Mr. Justice Peter Cory. This is a case of libel and slander and the defence of privilege for false allegations made by Scientology and its lawyers Morris Manning, Michael Code and Clayton Ruby. In his decision, Mr. Justice Cory rejected their defence of privilege and upheld the legal and moral position that falsehood in judicial proceedings is not shielded by judicial privilege.

Honourable senators, Casey Hill was a Crown Attorney in Toronto investigating the Church of Scientology in the early 1980s. The lawyers for Scientology, Morris Manning, Michael Code and Clayton Ruby, endeavoured to destroy the reputation of Casey Hill. During litigation, they made certain false allegations about Casey Hill's reputation and integrity. They did so in a most public manner. They instituted contempt of court proceedings against him seeking his imprisonment.

Scientology and its lawyers held a press conference on the steps of Osgoode Hall, the seat of Ontario's Court of Appeal. Against the backdrop of Osgoode Hall, Morris Manning, dressed in his barrister's robes, read from an unfiled Notice of Motion articulating false and ugly allegations about Mr. Hill. The contempt of court proceedings initiated by Messrs Manning, Code and Ruby were judged to be unfounded by Mr. Justice Cromarty, who was unequivocal on the point that the evidence was overwhelming that these allegations were false. Later, in 1984, when Casey Hill sued Scientology and Morris Manning for damages to his reputation by these false statements, these lawyers claimed that their false statements were protected by judicial privilege and consequently shielded them from liability.

In his Supreme Court judgment, Mr. Justice Cory described the conduct of Scientology and its lawyers in making false statements as "recklessly high-handed, supremely arrogant and contumacious." Mr. Justice Cory added:

> There seems to have been a continuing conscious effort on Scientology's part to intensify and perpetuate its attack on Casey Hill without any regard for the truth of its allegations.

Mr. Justice Cory was unequivocal on the issue of judicial privilege as a shield against such conduct. He ruled that the court's privileges are not to be abused and that falsehood will defeat privilege. Mr. Justice Cory ruled:

> As an experienced lawyer, Manning ought to have taken steps to confirm the allegations that were being made... In those circumstances he was duty bound to wait until the investigation was completed before launching such a serious attack on Hill's professional integrity. Manning failed to take either of these reasonable steps. As a result of this failure, the permissible scope of his comments was limited and the qualified privilege which attached to his remarks was defeated.

This misuse of judicial privilege, this abuse of process in judicial proceedings is at the heart of the crisis in civil justice in Ontario and in Canada. The problem is the use of the court process and judicial proceedings by barristers for harassing and injuring others, that is, for civil molestation, without penalty. The deployment of court documents, court privileges and court proceedings as instruments of malice and injury should, indeed, be made criminal offences. This continuing abuse of the legal and judicial process by certain members of the legal profession compels careful examination and scrupulous attention. The barristers in the Scientology case read like a list of the who's who of the legal profession in Canada. This case and the Supreme Court decision seriously questions the conduct of the barristers, one of whom, Clayton Ruby, was a bencher of the Law Society of Upper Canada and, at the time, the vice-chairman of the Law Society's Discipline Committee.

Honourable senators, the abuses which this legislation is intended to remedy are most visible in family law proceedings. I spoke to this matter in this chamber on July 13, 1995. That debate can be found at page 2052 of *Debates of the Senate*. That day, I called the attention of the Senate to the 1995 Civil Justice Review Report and the use of malice, untruth, false statements under oath and perjury in judicial proceedings in the practice of family law in Ontario. The Civil Justice Review was a joint review of the civil justice system in Ontario by the Ontario Court of Justice and the Ministry of the Attorney General of Ontario, co-chaired by the Honourable Mr. Justice Robert Blair. Mr. Justice Blair's report stated:

> Lawyers were criticized for their drafting of lengthy, damaging, and sometimes unsupportable affidavit materials.
>
> The Review was told frequently about...the often poisonous nature of lengthy affidavit materials....
>
> We were told...that perjury in these affidavits is rampant.
>
> ...it is clearly a perception...that such perjury goes unpunished.

He further stated:

> Concern and frustration were expressed about the number of allegations made in affidavits that were not capable of being substantiated in any way.

Mr. Justice Blair concluded in his report that the civil justice system in Ontario is "in a crisis situation."

In my July speech, I addressed the problem of false allegations within the context of matrimonial and custody disputes in Ontario. Let us consider some family law proceedings from four provinces.

The case of *Plesh v. Plesh* is a case of false allegations within a custody dispute from Manitoba. In his 1992 judgment, the trial judge of the Manitoba Court of Queen's Bench, Mr. Justice Carr stated:

> This is a classic example of a family law case gone amok.... It is the sort of case that from time to time has prompted our appellate court and our Chief Justice to comment with amazement at how a seemingly simple matter snowballs and only stops when the financial resources of the parties — and often their parents — are depleted. The chosen course here might seem like sweet revenge to one side, but there is a real loser — the six-year-old boy who is the subject of these proceedings.

Justice Carr told us that:

> It is patently obvious from the evidence and the manner in which it was given that the mother...set out to punish the husband.... The only ways she knew of were to deprive him of property — she took all the furniture — and their son. Her motivation was revenge, pure and simple.

Justice Carr focused on the false accusations therein, saying:

> ...she cried child abuse and continues to make the allegation to this date. In so doing she has nearly destroyed her husband and his relationship with their child. I conclude that she never believed that their son had been abused, not when she reported the abuse and not now. She could not have believed it because she is intelligent, and there was not then and is not now a shred of evidence to suggest it!

Mr. Justice Carr continued:

> One of society's most pressing problems is child abuse. It is for this reason that professionals now take so seriously each and every allegation that is brought to their attention.... A case such as this, however, serves as a chilling reminder to us all that an accusation is not a finding.

Justice Carr noted the potential for future dispute, saying:

> From the observed sneers and glances of the mother, I worry that she has not yet "finished" with the father.

My next case is *Lin v. Lin* from the British Columbia Court of Appeal, which again reveals the use of false allegations in custodial disputes. In his judgment, Mr. Justice McEachern quoted the trial judge's findings:

> There is no doubt that Mrs. Lin is an adequate care giver in the sense of feeding and clothing the children, but in the broader area of care and affection, she has consistently placed her interests, rather than those of the children, first. She has, in fact, acted against the best interests of the children on a regular basis.

Mr. Justice McEachern affirmed and further quoted the trial judge on the mother's falsehood, saying that:

> She coached the older child to repeat her allegations of abuse by Mr. Lin, which the boy later withdrew. She has deliberately cast obstacles in the path of access by Mr. Lin and has attempted to interfere in the children's relationship to him.

Mr. Justice McEachern continued:

> ...the mother made serious allegations of misconduct against the father, which were later found to be unsubstantiated. These allegations included violence towards the children.... When parties make unsubstantiated allegations which are not supported by evidence, they cannot complain that judges, when required to make a choice about custody, decide in favour of the party who has not exaggerated or overstated his or her case.

Honourable senators, the most notorious case from Ontario is that of *Reverend B.*, an Anglican minister. When it appeared that he might be successful in the child custody proceedings, his wife falsely accused him of sexually abusing their two daughters, then aged two and four years. In this case of false sexual abuse allegations, the Children's Aid Society believed the mother and actively supported her in her false allegations against the father. Both Reverend B. and his children were damaged by these false accusations, particularly in light of the fact that the mother and her lover, a convicted sex offender, had actually abused the children. Reverend B. then sued the Children's Aid Society of Durham Region and the Children's Aid worker, Marion Van Den Boomen. Mr. Justice Somers, in his 1994 ruling in favour of Reverend B. stated:

> ...one can certainly understand the frustration the father must have felt in this case attempting to deal with allegations against him which were untrue and which he regarded as utterly repugnant, and a bureaucracy that treated him with ill_concealed contempt....as I have said, I do believe that much of the damage sustained by the plaintiff was as a result of the machinations of his former wife...

Referring to the testimony of Barbara Chisholm, an experienced professional in the field of child abuse, Mr. Justice Somers said:

> Ms. Chisholm indicated that the experience has been for some time that sexual assault allegations made by a mother against a father in custody disputes are very prevalent nowadays and indeed have become what she called "the weapon of choice".

My final case is the Saskatchewan case of *Paterson v. Paterson*, a case from the Court of Queen's bench in which the mother was seeking to deny the father's access to their two-year-old son. Mr. Justice Dickson, in his 1994 judgment, said:

> Her belief is based primarily upon what she calls her recovered memory of satanic cult rituals at which both she and the boy were sexually abused by Allan and others.

About the mother, Melanie, Mr. Justice Dickson tells us:

> ...she says she experienced the first of what she calls several separate episodes of memory recall while she was in a wakeful state.

In one episode of recovered memory, Mr. Justice Dickson tells us that the mother recalled:

> A woman wearing a hood and seeming to be surrounded by a fiery aura resembling a devil's head, ... Allan and his brother held her legs apart while this woman cut one inch into her vagina. The blood from the cut was drained into a cup from which each person in the room drank. A shimmering blue triangle floated between her legs, entered her vagina...

Mr. Justice Dickson continued:

> A few nights later, Melanie says she experienced two more episodes of memory recall in which she saw a white, smoky figure emerge from the keys of the piano.... She saw a wolf and a huge rat on the floor and a snake in the air. Again, the shimmering blue triangle was present and again many of the same people were there.

About this situation, with absolutely no evidence put before him by the mother, Melanie, Mr. Justice Dickson concluded that the mother:

> ...presented no physical evidence that she and the boy have been sexually abused. She offered no independent evidence that even remotely suggests that Allan is involved with a satanic cult. Her evidence consists only of her own assertion that widely improbable events took place. I am expected to believe that her husband committed acts of monstrous depravity just because she says he did. That I cannot do. I find it nothing short of preposterous that I am expected to do so. Facts are not proved by simple assertion.

Honourable senators, in this very nasty case which I have just shared with you, Melanie falsely accused 13 persons in this case, making false allegations in judicial proceedings. Some of these persons were virtually unknown to her. The only thing that allowed reason to prevail in this case was that the accusations were so all-encompassing.

Honourable senators, the mischief I am placing before the Senate for correction today is the role of certain lawyers in advancing and perpetrating these false allegations, and their reliance on the protection of judicial privilege, and on their positions as officers of the court. It is a symptom of the times that the criminalization of falsehood by lawyers is necessary because of its widespread usage in civil litigation.

The cases I have cited are only a few of hundreds. It is clear that neither the courts nor the professional governing bodies are willing to curb these abuses without Parliament's support. These cases jolt every sensibility.

**The Hon. the Acting Speaker:** Honourable senators, the senator's time has elapsed. Will honourable senators consent to allow the honourable senator to continue?

**Hon. Senators:** Agreed.

**Senator Cools:** Such instances of perjury and prevarication of false allegations offend every principle of law. Parliament must invoke the power of the criminal law to rectify this continued corruption and perversion of our principles of justice. We must act because the legal profession is failing to do so. The recent scandals in the Law Society of Upper Canada provide sufficient proof that the legal profession in Ontario is incapable of self-regulation. It has fettered its own ability to act resolutely in the face of these problems. This malignancy, this pathology, is deeply imbedded within the hardened and crystallized interests of the practice of law as a commerce. The law society and its benchers are reluctant to make the corrections that are needed.

Honourable senators, this legislation answers a pressing need in Canadian society. Bill S-4 will criminalize the behaviour of barristers who put before the courts allegations known by them to be false. This legislation will rectify an insufficiency in the common law. It will correct an increasingly insistent, unconscionable and unremitting legal problem. Parliament must speak to these mischiefs of fraud and deceit perpetrated on the courts by its own officers.

I urge honourable senators to pass this bill.

On motion of Senator Kinsella, debate adjourned.

## PALLIATIVE CARE IN CANADA

INQUIRY—DEBATE ADJOURNED

**Hon. Sharon Carstairs** rose pursuant to notice of March 19, 1996:

> That she will call the attention of the Senate to the state of palliative care services in Canada.

She said: Honourable senators, in *Julius Caesar*, Shakespeare wrote, and Julius Caesar said:

> Of all the wonders that I yet have heard,
> It seems to me most strange that men should fear;
> Seeing that death, a necessary end,
> Will come when it will come.

Honourable senators, this is as true today as it was in Shakespeare's England of the 16th century. However, it has been my experience that in Canadian society today, Canadians for the most part fear the dying more than they fear the death. Because our society and its knowledge of medical things has become so technologically driven, many Canadians fear that they will spend their last days, or months, or sometimes years, hooked up to machines with tubes going this way and that way, in pain and suffering. That is what they fear.

Honourable senators, that is what good palliative care would seek to address. Palliative care is, in my view, the right of every Canadian. It is something on which we must all acquire some information and some knowledge so that, to the very best of our ability, we can effect the change that is required in the delivery of health care in Canada.

Honourable senators, palliative care represents a shift back to patient-centred care. The definition of palliative care as given by Health and Welfare Canada is a program of active, compassionate care primarily directed towards the quality of life for the dying, delivered by an interdisciplinary team that provides sensitive, skilled care to meet the physical, psycho-social and spiritual needs of both the patient and the patient's family. Palliative care neither hastens death nor does it postpone death.

In Canada, because unfortunately we have provided inadequate resources, much of the palliative care is provided by volunteers; volunteers who, despite their very best efforts, often lack the expertise and knowledge to provide the optimum level of care.

The first palliative care programs were offered in the cities of Montreal and Winnipeg in 1975. At the present time, palliative care is available in all Canadian provinces, but with quite different levels of success and different levels of accessibility.

British Columbia, for example, operates some 100 organized hospices within the province. Palliative care is available in most parts of Alberta, but not all, and not in all sectors. In other words, not all diseases are funded for palliative care. The dollars have been targeted primarily to cancer patients.

In Saskatchewan, there has been a genuine effort by the government to develop palliative care services. Although there is a serious commitment, the government itself will admit that there is inadequate research into pain relief, and insufficient education programs.

In Manitoba, palliative care is primarily delivered in three centres. As Senator Jessiman knows, there is an excellent palliative care unit at St. Boniface Hospital. There is also one at the Riverview Centre. However, the number of people who can access that care is very limited and, again, it is primarily directed to those dying from cancer.

Recently, there has been a movement to provide much more support for the delivery of palliative care in the home. That is a difficult and complex issue, and one which requires very knowledgeable physicians who are willing to be active in the community.

Ontario has full palliative care teams in all of its hospitals and in 38 of its home care programs. The Scarborough program was established in 1990. Now, instead of an average of 7 per cent of people dying in their homes, 69 per cent of the people with whom they have dealt have been able to die at home as a result of the delivery of adequate amounts of palliative care.

• (1710)

Quebec has one of the finest palliative care programs in all of Canada. That is, to some degree, based on the fact that it has fixed salaries for doctors who work in the area. Therefore, they are not limited by the time constraints and the billing constraints of providing that palliative care. For example, they are not limited to a 15-minute visit or an hour visit. Because they are on salary, they can provide the patient with all of the time that that individual requires.

In New Brunswick, although there is a strong government commitment to palliative care, they too admit that they require more education for their health care professionals and stronger support systems. In Nova Scotia, unfortunately, palliative care is almost entirely focused in Halifax, which is the major hospital centre for the province. That which is located outside of Halifax tends to be delivered entirely by volunteers. P.E.I. has no official government policy on palliative care, and they, too, rely heavily on volunteers. In Newfoundland, partly because of budgetary constraints, there has been a serious lack of appropriate equipment, support, and counselling, although again volunteers are carrying a heavy burden.

One of the issues that we in the Special Committee on Euthanasia and Assisted Suicide discovered was that, in real terms, about 5 per cent of dying people in Canada had access to palliative care in its inter-disciplinary approach. We found, for example, that if you lived in a city, you were much more likely to have access to such care than if you lived in a rural or a northern, remote community.

We learned that the Canadian health care system is still organized along the concept of treatment of disease. That is the focus of our health care system. That tends to run in direct contradiction to what palliative care is all about. Doctors must admit, as the health care system must admit, that for the patient requiring palliative care, the disease treatment phase has ended. You can no longer treat the disease. The disease is not treatable. What you must do at this particular point in time is provide the quality of care which is necessary to allow that person to die in as peaceful a manner as possible.

We discovered that changes to the Criminal Code were definitely required, changes which I hope will be forthcoming. Unfortunately, in this country, because doctors, and in some cases nurses, fear that they will be sued by patients or, more particularly, their loved ones because they have given amounts of pain medication that may be interpreted as having been the cause of death, that, for example, there is a rigorousness in the application of the rule which says medication can only be given every four hours. If we give it more often than every four hours, then perhaps the individual will become addicted. We need to deal with the reality that we are talking about a dying person, and the reality must be that pain medication should be given to relieve pain. If the patient requires that that medication be given a little more often, then surely that pain medication must be given.

We also recognized that the Criminal Code needed to be changed to clarify the whole concept of withdrawing and withholding treatment. The *Nancy B.* case in the province of Quebec proved quite clearly that an individual had the right to be removed from equipment. However, there are still doctors who fear prosecution based on the fact that they have agreed to the patient having this equipment removed, even though the only case on record in the courts says that that is the patient's right as an autonomous human being.

For purposes of clarity, it is necessary that we clearly make those changes in the Criminal Code so there is no question that the doctors, nurses and volunteers providing care can act in the best interests of the patient.

One of the issues that struck me so forcefully when I was engaged in the study along with the other senators was the absolute lack of training in Canadian medical schools on palliative care. Senator Corbin, just two days ago, I believe, made reference to the fact that an association of family physicians intended to provide an optional course on palliative care to their members. However, it will be an optional course. In order to have all doctors trained in palliative care, it is necessary to make that training an absolute requirement of any graduate of a medical school in Canada today.

It is really quite shocking. Some schools offered a designated lecture on palliative care in Canada, but the times varied from a high of 20 hours at McGill to a low of one to three hours at UBC, Queen's, and Western. Over a four-year period of time that these students are studying, they might get a one-hour lecture on palliative care. That must end, honourable senators. We must provide ways in which our medical schools accept the challenge so that the teaching of palliative care becomes an essential component of the education of any medical student.

Almost all of the provinces' health departments are reorganizing in order to save money, and the result is that patients are being discharged from hospitals much sooner than ever before. For the most part, if the patients are carefully monitored, that is a good move. For example, to provide someone with palliative care in a hospital in Canada costs about $900 a day. To provide a person with palliative care in their home costs about $24 a day. It makes financial sense.

However, it does not make sense to leave those individuals who will provide that care in the home without any education, without any support system, without any training, without any help, and without any emergency numbers to call. That, all too often, has become the burden of women in Canadian society. We must rethink how we pay doctors when examining the provisions that they will make for palliative care.

The Senate Committee on Euthanasia and Assisted Suicide made a number of important recommendations. I recommend all of them to the honourable senators, but let me just reiterate a few of them for you. We said that governments should make palliative care programs a top priority in the restructuring of the health care system. We said that there needs to be national standards for palliative care and that this area of medicine, which began in the last decade, must be continued into the 21st century. We said that health care professionals must be trained in all aspects of palliative care, not just the treatment of pain but the emotional needs of the patient. We said that there needs to be an integrated approach to palliative care to maximize its effectiveness, and we said that there needs to be more research, particularly in pain control.

We discovered that, while pain relief can be optimized for about 95 per cent of patients in Canada, about 5 per cent will still die in excruciating pain. That, we hope, could be addressed by new research methodologies and discoveries in pain treatment. Some of this work is under way, but we need to move further.

Until the 1930s, people died at home. Now they die in hospitals. For example, there were 2,580 terminally ill in Winnipeg last year alone. Only 7 per cent stayed at home. It is estimated that with appropriate support services that number could increase, literally within weeks, to some 30 per cent. Some surveys have clearly shown that up to 70 per cent of all terminally ill patients would prefer to die at home. We have the ability, and it is time for us to act.

I should like to close with a quotation from William Cullen Bryant, who wrote in *Thanatopsis*:

> So live, that when thy summons comes to join
> The innumerable caravan, which moves
> To that mysterious realm, where each shall take
> His chamber in the silent halls of death,
> Thou go not, like the quarry-slave at night,
> Scourged to his dungeon, but, sustained and soothed
> By an unfaltering trust, approach thy grave,
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

On motion of Senator Corbin, debate adjourned.

## NATIONAL FINANCE

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES OF PERSONNEL

**Hon. Pierre De Bané,** for Senator Tkachuk, pursuant to notice of Thursday, March 21, 1996, moved:

> That the Standing Senate Committee on National Finance have 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.

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

Motion agreed to.

The Senate adjourned until Wednesday, March 27, 1996, at 1:30 p.m.

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## Friday, February xx, 1994

## ORDERS OF THE DAY