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Thursday, May 16, 1996

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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, May 16, 1996

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

Prayers.

NEW SENATOR

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received a certificate from the Registrar General of Canada showing that Jean B. Forest has been summoned to the Senate:

INTRODUCTION

The Hon. the Speaker having informed the Senate that there was a senator without, waiting to be introduced:

The following honourable senator was introduced; presented Her Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk; and was seated:

Hon. Jean B. Forest, of Edmonton, Alberta, introduced between Hon. Joyce Fairbairn and Hon. Nicholas William Taylor.

The Hon. the Speaker informed the Senate that the honourable senator named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1410)

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, it gives me great pleasure to introduce to you our newest member of this chamber, Senator Jean Forest of Edmonton, Alberta.

Senator Forest came to Alberta from Manitoba back in 1947, and she has made a significant contribution to her province in the fields of business, education, human rights, as well as to the life of her community and her church.

Senator Forest is a former teacher. That interest led to her election to the Edmonton Catholic school board where she served for many years as trustee, and then as chair and also as president of the provincial association. She has spent many years of active participation in the life of the University of Alberta, serving on the Senate and the Board of Governors, and she is now a very respected Chancellor *Emeritus*. She was also the chair of the Senate at St. Stephen's, the United Church college on the University of Alberta campus.

Senator Forest has a record of service, too, in the area of human rights in Alberta. She was appointed to the province's first Human Rights Commission in 1974. In 1994, she became a member of the Alberta Human Rights Review Panel. In her church, Senator Forest has played an active role locally, regionally and nationally. She is the former president of the

Edmonton Archdiocese Council for Women and is currently the Vice-Chair of the Board of Governors of the Newman Theological College.

Throughout the years, she has been a partner with her husband, Rocky, in the family business. She later managed a business of her own. Together, they have raised seven children.

Senator Forest has been honoured repeatedly for her local activity. Three years ago, she was named President of the Edmonton Community Foundation. She is currently the honorary chair and, as was mentioned earlier, she is a member of the Order of Canada.

Honourable senators, Senator Jean Forest is dedicated to the cause of national unity. She reminded me, when we spoke before coming into the chamber, that we first met back in the late 1970s on this issue when she was serving on the Provincial Ministers' Advisory Committee on the Constitution.

I know that, with her diverse background, Senator Forest will make a strong contribution to this house. We congratulate her. We welcome her. We look forward to working with her on the important issues which face our Parliament and our country.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am pleased to join with the Leader of the Government in welcoming Senator Forest. I see that she has met the requirements of the premier of her province, as she has already been elected to the Senate — of the University of Alberta. Shortly thereafter, she was elected Senate representative so she is doubly qualified to represent her province. I am delighted to welcome her.

There is controversy about an elected Senate and the reform of the Senate. An elected Senate is for another day. For now, however, the choice of those who are to sit in this place is the responsibility of the Prime Minister of the day. Fortunately, those choices, no matter how controversial at the time, have usually proved most judicious. The appointment of Senator Forest only confirms this.

This non-elected body is made up of talents, abilities and experiences which are simply not found in the other place — especially at the present time, my colleague Senator Murray reminds me. While Canadians may, with reason, question the Senate as it is composed today, they should be comforted by the knowledge that it includes a unique cross-section of Canadians of whom they have reason to be proud. Senator Forest's appointment again confirms this. I wish her well in her new responsibilities.

Hon. Nicholas W. Taylor: Honourable senators, this is indeed a happy moment for me. I first met Jean Forest when we were both separate school trustees, she in Edmonton and I in Calgary. For more years than I care to remember — close to 40 — we would check in with each other on many issues. As time went on, we had occasion to compare notes on our families. We both have large families.

I should like to let the Leader of the Opposition know that, if you are a Liberal in Alberta, you often have to “create” your own constituency vote. With my nine children and her seven, we were able to hold the odd convention together.

Jean has been a great fighter for rights of minorities. I think Senator Kinsella will be particularly overjoyed to know that he has a soulmate in this house. Besides being chancellor of the university for some years, Jean Forest was on Alberta's first Human Rights Commission in 1974 and on the Ministers' Advisory Committee on the Constitution in 1976 and, more important, on the Alberta Education Provincial Appeal Committee and also on the Alberta Human Rights Review Panel.

When you read about Jean Forest, it is easy to get lost in the number of titles and awards of which she has been the worthy recipient, all the way from the Order of Canada to Chancellor *Emeritus* of the University of Alberta.

It is perhaps most important to remember that Jean and her husband, Rocky, are great family people, proudest of their 7 children and 13 grandchildren. I might have won the race for the first generation of descendants, but the Forest grandchildren are rapidly pulling away. The Forest family is one of the warmest, most interesting and friendliest groups that one will encounter in Alberta.

I am sure honourable senators will grow to know, in the next few weeks and months, that Jean Forest is a great contributor. Her ideas are always well thought out, to the point and spoken with a great deal of compassion for the average soul.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a delegation of parliamentarians from Mexico, who are here on the occasion of the 10th Canada-Mexico Interparliamentary Meeting. The delegation is headed by His Excellency Fernando Ortiz Arana, President of the Senate of the United Mexican States and co-chair of the delegation, Mr. Augusto Gomez Villanueva, President of the Foreign Affairs Committee of the Chamber of Deputies of the United Mexican States. They are accompanied by Her Excellency the Ambassador of Mexico to Canada.

SENATORS' STATEMENTS

CANADIAN ASSOCIATION OF FORMER PARLIAMENTARIANS BILL

STATEMENT OF INTENTION

Hon. Philippe Deane Gigantès: Honourable senators, I rise for once to agree with Senator Lynch-Staunton in his criticism of the House of Commons for sending us Bill C-275, which was a botched bill. Happily, colleagues on the Standing Senate Committee on Legal and Constitutional Affairs have removed some of the worst mistakes and corrected the awful French, though not necessarily making the English more harmonious.

I felt that the bill itself, which gives the imprimatur of Parliament to an association of ex-parliamentarians — an association which exists already — was totally unnecessary and a waste of time for us all. However, I was a minority of one. I have been persuaded not to use the privilege of refusing consent and let this bill pass as corrected.

• (1420)

The Hon. the Speaker: Senator Gigantès, I am sorry to interrupt you. You are referring to legislation that will be before us shortly, or that is presently under discussion. I regret that under Senators' Statements —

Senator Gigantès: May I add a few more words? I will not refuse consent.

[*Translation*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

CONGRATULATIONS TO CHAIRMAN OF COMMITTEE

Hon. Jean-Maurice Simard: Honourable senators, allow me to take a few moments to recognize the excellent work of Senator Kenny as chairman of the Standing Committee on Internal Economy.

He is committed to improving services to senators: for example, the new reading room and offices behind the Senate chamber, the consolidation of research budgets, and a technology development strategic plan.

He is equally committed to reducing spending through increased efficiency in the printing of the proceedings of the Senate and of its committees.

I congratulate Senator Kenny for his proven commitment to improving services and reducing spending. When I left, in June 1995, I gave his predecessor a report on the waste of paper. Having noticed the work done so far by the chairman of the Committee on Internal Economy, I am confident he will act on this report.

Bravo and congratulations to Senator Colin Kenny and to the other members of the Standing Committee on Internal Economy who have been supporting him in his efforts.

[*English*]

WORLD VOLUNTEER CONFERENCE, 1998

TO BE HELD IN EDMONTON, ALBERTA

Hon. A. Raynell Andreychuk: Honourable senators, I wish to bring to your attention an event that will take place in Canada in 1998, in fact, in the province of Alberta. I am sure our new senator will be part of that process.

It is a pleasure to share with you the recent announcement that Edmonton, Alberta, will be the site of the 1998 World Volunteer Conference of the International Association for Volunteer Effort, or IAVE. This will be the first time that the World Volunteer Conference has been held in Canada. We anticipate that

1,500 delegates from more than 100 countries will participate in the conference that is to take place from August 23 to 28, 1998.

Based on a submission presented by the Wild Rose Foundation, an Alberta government lottery-funded foundation, the IAVE board chose Alberta, Canada from amongst bidders from Europe, Latin America and the Mediterranean.

Every two years, IAVE conducts a world conference which serves to bring volunteers together from all over the globe. The aim of the conference is to share information and resources, and to provide training opportunities where none are currently available on such a global scale. An added factor is the establishment of relationships among volunteers and volunteer leaders worldwide.

As Canadians, we can take pride in the fact that our country has one of the highest rates of volunteerism in the world. I would ask you to join me in congratulating the Wild Rose Foundation, in collaboration with the Canadian Association for Volunteer Bureaus and Centres, for its involvement and commitment to the volunteer sector, provincially, nationally and internationally. The foundation was instrumental in the success of the bid to host the conference. We look forward to hosting this conference in Canada in August, 1998.

OFFICIAL LANGUAGES ACT

COMMENTS ON REPORT OF COMMISSIONER

Hon. Dalia Wood: Honourable senators, I should like to draw your attention to the latest report tabled by the Commissioner of Official Languages, Victor Goldbloom. In his 1995 report, he states that in most regions of Canada the representation of the two language communities in federal institutions subject to the Public Service Employment Act compares quite closely to the population ratios within the regions, the exemption being Quebec.

In 1995, English-speakers represented 5.1 per cent of the personnel hired, still far from 13.2 per cent that they represent in Quebec society. This 1995 report is exactly the same as the years 1991, 1992, 1993 and 1994.

I should like to ask the Commissioner when he will take steps to see that this problem is solved. For over five years the Commissioner has complained of this problem in his reports, but to date no concrete steps have been taken.

When will he finally take steps to correct this serious discrepancy?

[Senator Andreychuk]

ROUTINE PROCEEDINGS

CANADIAN ASSOCIATION OF FORMER PARLIAMENTARIANS BILL

REPORT OF COMMITTEE

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

Thursday, May 16, 1996

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

SIXTH REPORT

Your Committee, to which was referred Bill C-275, An Act establishing the Canadian Association of Former Parliamentarians, has, in obedience to the Order of Reference of Tuesday, May 14, 1996, examined the said bill and now reports the same with the following amendments:

1. *Page 1, clause 2:* in the English version, strike out lines 13 to 15 and substitute the following:

“who was, but is not at present, a member of the Senate or House of Commons of Canada;”

2. *Page 1, clause 2:* in the French version, strike out lines 17 and 18 and substitute the following:

“*teur ou député au Parlement du Canada, mais qui n’est plus ni sénateur*”

3. *Page 2, clause 5:* in the English version, strike out lines 10 to 12 and substitute the following:

“(d) to foster good relations between members of the Senate and House of Commons of Canada and former parliamentarians; and”.

4. *Page 2, clause 5:* in the French version, strike out lines 12 and 13 and substitute the following:

“*ses entre les sénateurs et députés actuels et les ex-parlementaires*;”

5. *Page 3, clause 7:* strike out lines 10 to 14 and renumber paragraphs (i) to (k) and any cross-references thereto accordingly.

Respectfully submitted,

SHARON CARSTAIRS
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

Senator Carstairs: Later this day, with leave.

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

Hon. Senators: Agreed.

Motion agreed to and bill placed on the Orders of the Day for consideration later this day.

**INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION**

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chairman of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 16, 1996

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee wishes to inform the Senate that the Chair and Deputy Chair have approved the following emergency funds for Senate Committees pursuant to Guidelines 3:03 of the *Procedural Guidelines for the Financial Operations of Senate Committees*.

| | |
|---|----------------|
| • Banking, Trade and Commerce (April 5, 1996) | \$10,000 |
| • Energy, the Environment and Natural Resources (April 16, 1996) | \$10,000 |
| • Foreign Affairs (May 14, 1996) | \$10,000 |
| • Legal and Constitutional Affairs (April 5, 1996) | \$10,000 |
| • Scrutiny of Regulations (Joint) (May 14, 1996) | \$10,000 |
| • Social Affairs, Science and Technology (April 5, 1996) | \$10,000 |
| • Transport and Communications (March 29, 1996) | <u>\$5,000</u> |
| Total | \$65,000 |

Your Committee notes it will commence its examination of all Committee budgets for fiscal year 1996-97 on Tuesday, May 28, 1996.

Respectfully submitted,

COLIN KENNY
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

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

EMPLOYMENT INSURANCE BILL

ALLOTMENT OF TIME FOR DEBATE

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, there has been discussion between the leadership on both sides with respect to Bill C-12. Accordingly, pursuant to rule 38 of the *Rules of the Senate of Canada*, I move:

That no later than 4:00 p.m. on Friday, May 31, 1996, any proceedings before the Senate shall be interrupted and all questions necessary to dispose of second reading of Bill C-12, An Act respecting employment insurance in Canada, shall be put forthwith without further debate or amendment, and that any votes on any of those questions not be further deferred.

• (1430)

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

Hon. Senators: Agreed.

Motion agreed to.

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-243, to amend the Canada Elections Act.

Bill read first time.

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

On motion of Senator Taylor, bill placed on the Orders of the Day for second reading on Tuesday, May 21, 1996.

THE SENATE AND HOUSE OF COMMONS

NOTICE OF MOTION—TREATMENT OF SENATE PUBLIC
BILLS—MESSAGE TO COMMONS

Hon. Sharon Carstairs: Honourable senators, I give notice that on Tuesday, May 28, 1996, I will move:

That a message be sent to the House of Commons expressing the Senate's concern with the treatment of Senate public bills by the House of Commons.

QUESTION PERIOD

FISHERIES

MALPEQUE, P.E.I.—AVAILABILITY OF EMERGENCY FUNDS
TO AID LOBSTER FISHERMEN—GOVERNMENT POSITION

Hon. Orville H. Phillips: Honourable senators, my question is for the Leader of the Government in the Senate. Malpeque harbour, which is located on the north shore of Prince Edward Island and home port for approximately 50 lobster fishing boats, is presently blocked by a sandbar. I should point out to honourable senators that these 50 fishing boats are allowed to fish for lobsters only in May and June, and that this is the main source of their income.

The Minister of Fisheries and Oceans and his department insist that there are no funds for dredging the harbour. The Leader of the Government in the Senate knows as well as I do that emergency funds exist within the department for this purpose.

Will the honourable leader use her considerable charm, experience and persistence to intervene with the Minister of Fisheries and Oceans to see if she cannot persuade him to provide the meagre funding required to clear this harbour and thus assist the fishermen, who are already facing a reduced catch and a reduced price for their products?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, that is a powerful appeal. I will undertake to my honourable friend to use all the attributes with which he has credited me, whether real or imagined, in intervening with my colleague the Minister of Fisheries and Oceans.

My honourable friend refers to emergency funding. I am not sure exactly where this particular case would fit within such funding provisions. From time to time, provinces can help to activate joint funding arrangements when there is an emergency.

I will take my honourable friend's question to the minister to see what I can find out for him.

THE ENVIRONMENT

MALPEQUE, P.E.I.—DELAY IN REMOVAL OF
SAND BLOCKING HARBOUR—GOVERNMENT POSITION

Hon. Orville H. Phillips: Honourable senators, the second excuse being used by the Department of Fisheries and Oceans is that it will take three to six months to obtain an environmental permit to dump the sand. That is absolutely ridiculous. The sand came from one of the best beaches just a few miles away. I can see no reason for such a delay.

Perhaps the minister would like to remind the Minister of the Environment that the sand is not contaminated. It moves around the island continually. If the environmental people could speed up their approval process, then the Department of Fisheries and Oceans might be a bit more cooperative.

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I will take my honourable friend's concerns to the Minister of the Environment.

JUSTICE

INVESTIGATION INTO SALE OF AIRBUS AIRCRAFT
TO AIR CANADA—EXTENSION OF TIME FOR FILING DEFENCE
IN LIBEL ACTION—EFFECT OF RESULTING DELAY ON PLAINTIFF—
GOVERNMENT POSITION

Hon. Richard J. Doyle: Honourable senators, my question is for the Leader of the Government in the Senate whom, like Senator Phillips, I approach in search of wisdom and reassurance.

My question has to do with the case made by government lawyers who are attempting to stall Brian Mulroney's libel suit in the Airbus affair. One of the federal counsel acting on behalf of the RCMP acknowledged this week that the leak of the government's accusations against the former Prime Minister had, on a human level, been very upsetting. Regrets were expressed.

Does the government leader draw from this approach that the ministry is implying that, tragedy aside, it is quite proper for the government to pursue a citizen for one, two or ten years with no grounds beyond its hope of accumulating enough evidence to lay a charge?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I acknowledge Senator Doyle's comments concerning the reports of one of the counsel in this case. I must say to him again, as I have said repeatedly, at the heart of this case that is now before the court in Montreal is a police investigation in which neither the ministry nor individual ministers are involved. Nor do they have any knowledge of the substance of that investigation. I have repeated that statement many times here in the Senate and will probably do so again.

• (1440)

The activities we discussed at some length yesterday about the request by the Commissioner of the RCMP for the extension of the hearings are known. I have no further comment on them for the honourable senator.

Senator Doyle: By way of supplementary, honourable senators, does the Leader of the Government in the Senate not feel that Mr. Mulroney's plight is somewhat akin to the plight of the fishermen on the East Coast? Something is blocking his path to justice and it needs to be removed. Does the minister believe that any person so pursued could have any hope whatsoever of recovering his or her reputation or even his or her own sense of innocence?

Senator Fairbairn: I understand my honourable friend's concern, but I cannot answer his question. The case in Montreal is being pursued, and the investigation, which is an entirely different process, is also being pursued. I cannot offer my honourable friend a personal opinion on his question.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, we are not asking Senator Fairbairn to give a personal opinion. We are asking her to acknowledge the fact that the Government of Canada is part and parcel of the investigation and that the Government of Canada has gone to court and asked that certain proceedings be stopped in order for the investigation to be continued.

Senator Fairbairn said just a moment ago that the heart of the case is not a police investigation. Those were her very words.

Honourable senators, there are two different things involved here. There is a police investigation, which has been going on for God knows how long, and there is a citizen of Canada who is asking for the restoration of his reputation which, according to him, has been damaged by the Government of Canada.

My question is one which I asked two days ago, one which I asked yesterday, and one which I am asking again today: How can the Government of Canada detach itself from the police investigation and pretend, and even suggest, that it is in the hands of the police, when we all know that what initiated the investigation was information which was, by his own admission, given to the Minister of Justice last fall and which he then transmitted to the Solicitor General? The Minister of Justice at the time said that he had received certain information implicating certain people which he felt was so important that he passed it on.

From the beginning, the Government of Canada was involved in the whole investigation and the whole process. Why continue with the pretence that all this is done by the police, that all this is in the hands of the police and that you have nothing to do with it, particularly as the request being made to the courts to delay Mr. Mulroney's action is being made jointly by counsel for the RCMP and counsel for the Attorney General and Ms Kimberley Prost? They have made the request jointly; therefore, they have a joint interest in the investigation and in the proceedings. Why try and detach what has already been linked from the beginning?

Senator Fairbairn: Honourable senators, my honourable friend very clearly has his perspective on this issue and I, with great respect, do not share it, particularly when he asks the Government of Canada to admit that it is part and parcel of the investigation and when he talks about how we must not try to detach ourselves from the investigation. I must say to my honourable friend, again with all sincerity, that the ministers of the Crown to whom he refers have not been part of the investigation. They have not been involved in the investigation. They are not aware of the substance of the investigation. I believe that if my honourable friend will go back to the beginning, he will find that the Minister of Justice, the Attorney General, said, in the very beginning, that any comments he may have passed on had nothing to do with the Airbus case. There has been no involvement of ministers in this investigation at all.

Honourable senators, when my honourable friend asks me to admit that the government and its lawyers were part and parcel of the process from the beginning, I have to say, as I said yesterday, that the reason that lawyers are in court in Montreal is that the Government of Canada, the RCMP and others have been sued by the plaintiff. That is why counsel are in court in Montreal. Honourable senators, in no way is this any kind of admission of involvement in the investigation — far from it.

Senator Lynch-Staunton: It is very clear, then, that the Government of Canada is absolving itself completely of the activities of any police force under its jurisdiction. That is what we have heard. No matter who they may go after, whether it be

the RCMP or any other police force under its jurisdiction, they do not want to know or be involved. Let them run rampant. Let them convince the Department of Justice to send false information to the Government of Switzerland. That is their doing, their responsibility and their jurisdiction. We at the political, elected level have absolutely no responsibility.

Honourable senators, are we admitting today that the police forces under federal jurisdiction are allowed to conduct themselves without any scrutiny, any observation or any code of conduct? Is that what we have been hearing for the last three days?

Senator Fairbairn: Not at all, honourable senators. My honourable friend is drawing his own conclusions and making his own judgments on a very difficult issue.

Senator Lynch-Staunton: I am asking a question.

Senator Fairbairn: My colleagues and I have been saying — not just for three days, but for many months — that this investigation is being carried out by the RCMP. For any minister of the Crown to insert himself or herself into that investigation should be a matter of great concern to the citizens of Canada and to colleagues in this house.

Honourable senators, there is no involvement of ministers in the investigation being conducted by the RCMP. That message has been repeated over and over again. I know that my honourable friend has drawn his own conclusions and judgments on this matter. However, fundamentally, government members should not be involved in investigations conducted by the Royal Canadian Mounted Police — and they are not. As head of the RCMP, the Commissioner is in charge, and the ministers are not involved.

Senator Lynch-Staunton: Honourable senators, if you will allow me a comment, it is a sad day to be told that the police are a force unto themselves and they answer to no one but to themselves.

• (1450)

I never thought a minister of the Crown would ever admit what the Leader of the Government has admitted to us today.

FISHERIES

MALPEQUE, PRINCE EDWARD ISLAND—AVAILABILITY OF EMERGENCY FUNDS TO AID LOBSTER FISHERMEN—GOVERNMENT POSITION

Hon. M. Lorne Bonnell: Honourable senators, I have a supplementary question to Senator Phillips' question about Malpeque harbour.

Senator Phillips talked about the fishermen losing some of their income, and the boats being unable to get in and out. I am concerned that the fishermen might also lose their lives. Their boats could get stuck on the sand bars and overturn, and the fishermen could drown. That is a real danger.

I know the Department of Fisheries people will tell us that there is no money, but if the fishermen hired a contractor to come in and do the job, they could send the bill to the Department of Fisheries and Oceans and have it paid later, so that we could have the harbour cleared now.

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, as with the question from Senator Phillips, I will need to take my honourable friend's question to the ministers to see what kind of answer I can get from them.

Senator Lynch-Staunton: Take it to the RCMP!

NATIONAL REVENUE

ELIGIBILITY OF COMMUNITY DEVELOPMENT FUNDS FOR INVESTMENT OF RRSP CONTRIBUTIONS— REQUEST FOR ANSWER

Hon. Gerald J. Comeau: Honourable senators, a few weeks ago I asked a question regarding the budget presented by the Nova Scotia government. This concerned the announcement by the Nova Scotia Minister of Finance seeking agreement with the federal government to allow investments in community economic development for cooperation and cooperatives to be deemed eligible for RRSP contributions.

The minister gave me an assurance that I would be receiving a response to that question very soon — as a matter of fact, we had tried to get the response by the following Tuesday. That was two weeks ago. Would the minister attempt to speed up the response to this question?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I will certainly make every effort to obtain a response for Senator Comeau.

As I have said before in this house when we have talked about the answers to questions, I regret very much the length of time it has been taking to achieve results. Whether or not my honourable friends are ever satisfied with the results, at least the effort is being made. I and my colleague the Deputy Leader of the Government have a sense of frustration at the length of time that it is taking to receive information. We felt that frustration in the last session, and we feel it even more so right now. We are doing everything we can to try to put a burr under the saddle of those involved. I can assure my honourable friend that his question is very much on that list.

FOREIGN AFFAIRS

PEACEKEEPING—CONTRADICTIONARY POSITIONS OF MINISTER AND DEPARTMENTAL OFFICIALS—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I understand that the minister does not know a great deal more today about helicopters than she did yesterday, but perhaps she could give us some direction with respect to defence policy generally.

A number of mixed messages have been coming through lately. In response to the Auditor General's comments about the

cost of peacekeeping operations, the Department of Foreign Affairs indicated that a substantial drop in the number of peacekeeping missions is expected shortly. The suggestion is that peacekeeping will have a considerably lower priority. This appears to be in sharp contrast to what the minister said only a few weeks ago. Mr. Axworthy commented that peacekeeping was to become the driving force in this country's defence strategy.

Could the minister give us some explanation with respect to these two apparently contradictory positions?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, as I told Senator Comeau, we have been on the phone today trying to get a response to the questions that my honourable friend put before me yesterday. As soon as we have an indication, my office will communicate with his.

On the subject of peacekeeping, there is no question that this is a central priority of the Canadian governments's foreign policy. That was set out in the white paper, and in some of the discussions that have taken place in parliamentary committees and in both joint committees that were held on national defence and foreign affairs. The Auditor General has also made some observations on this subject, and those will be looked at very carefully by the government and by the departments.

There is no question that this is a costly exercise. We have already given indications, through the various ministers involved, that some of the criticisms of the Auditor General are already in hand. The government is conscious of some of the criticisms that were made.

For the Government of Canada, the role of peacekeeping is critical to our foreign policy. There is no backing away from that.

Senator Forrestall: I find that response to be in direct conflict somewhat with the comment of the department as reflected in the Auditor General's report, which is found at paragraph 6.29. However, I will simply leave that with the honourable leader.

FUNDS EARMARKED FOR PURCHASE OF SUBMARINES DIVERTED TO PURCHASE OF MILITARY MATERIEL—GOVERNMENT POSITION

Hon. J. Michael Forrestall: We now have this spectacle of funds being available for capital purposes, which is being directed towards an upgrade in armoured personnel carriers and other vehicles for the military — a much-needed purpose — rather than to the purchase of four British submarines.

Does it not appear that this change in direction supports the suggestion that, despite what the department has said, peacekeeping is, indeed, the driving force and, somewhere along the line, there has been a slip between the two chairs? As the leader will note, they are in absolute conflict.

Hon. Joyce Fairbairn (Leader of the Government): As I said to my honourable friend, peacekeeping is central to Canada's contribution internationally. However, other critical elements of our foreign policy also exist, in terms of our assistance to other countries and in terms of wishing to equip our forces to the very best of standards that we possibly can for their operations both here in Canada and abroad.

Obviously, the government is doing that under a reduced budget and reduced circumstances. There is no question about that. However, I do not share my honourable friend's opinion that a contradiction exists here.

Senator Forrestall: I will bring this discussion to some kind of conclusion. I will quote from this section. The Department of Foreign Affairs notes that "the costs of peacekeeping have risen in recent years, due to an increase in the number, size and complexity" of involvement. They go on to say:

The Department notes, however, that the costs of UN peacekeeping are likely to decline substantially in coming months and years, due to a drop in the number of new missions, the wind-up of some of the larger operations and the smaller size of the UN's current operations.

On the one hand, one department is saying that costs will go down as a result of our withdrawal from a highly active role. On the other hand, after having given the Navy the military freedom — that is, if they could find the money within their existing budget — to buy the four British submarines, the department subsequently shot down the purchase of those submarines.

We are now about to buy armoured personnel carriers and other vehicles for peacekeeping operations; operations which both the Auditor General and Minister Axworthy's department say will be in a decreasing mode.

Senator Fairbairn: Honourable senators, obviously, the extent of our peacekeeping missions will be determined by a number of factors, including our role with our allies in various parts of the world. As the honourable senator knows, we have recently taken a leadership role in Haiti, which we are fulfilling to the great credit of Canada.

• (1500)

With regard to the submarines, the last time I spoke to the Minister of National Defence about this subject, which was only a few days ago, he indicated, as he has publicly, that no decision has been made on that issue.

JUSTICE

INVESTIGATION INTO SALE OF AIRBUS AIRCRAFT TO AIR CANADA—RISK TO RIGHTS OF INDIVIDUAL—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate and relates to the Airbus issue. The Leader has given her explanation in this place with regard to the role of fellow ministers. Some of us on this side disagree with and discount that explanation. I have spoken to former ministers of justice and former solicitors general with regard to the operations of their respective departments. All of those to whom I have spoken have said that they do not believe that something of this nature would have ever taken place in their respective departments without their knowledge.

Does the leader not agree that the Minister of Justice has the obligation to protect the rights of individuals, and that in this

type of an investigation involving a former prime minister, the Minister of Justice, or at least the Solicitor General, should have some knowledge?

No one in this country is questioning or wanting to impede police investigations. That is not the issue. The letter says that Mulroney defrauded the Canadian government by taking secret commissions in relation to the purchase in 1988 of Airbus aircraft by Air Canada.

Why, in that case, would the RCMP not have dealt police agency to police agency, as happens every day? I know that the Solicitor General and the Minister of Justice might not necessarily know what is going on with Interpol. As a former policeman, I know what goes on. Why would it not have been dealt with police agency to police agency, as opposed to government to government or Minister of Justice to Minister of Justice?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, in his preliminary remarks the senator indicated that he and others discount the answers they have been receiving, as is their right. I am answering the questions of my honourable friends as openly as I can.

I am pleased to see that my honourable friend is supportive of the RCMP because, as I think everyone in this chamber would agree, it has provided extraordinarily fine service for this country throughout our history. However, I am not in a position to enter into a discussion on the internal operations of the RCMP. As far as the letter that was sent from this country to another is concerned, that is the route which such letters have traditionally taken. I regret that I cannot be helpful to my honourable friend in terms of discussing what procedures might be used internally by the RCMP in its investigations here in Canada or abroad.

Senator St. Germain: Honourable senators, the honourable minister has not answered the question I posed with regard to protecting the rights of an individual against whom a forthright accusation is being made.

Yesterday the minister reacted quite aggressively to a statement I made about McCarthyism. Government lawyers have asked for extensions of at least a year. The newspapers today make reference to the letter. They say that the letter reads like a criminal indictment, not a request for information. There is no evidence that the government is trying to source the leak or protect the rights of this individual. It is simply sitting back for what appears to me to be political gain. It appears to me that, in fact, what we have here is a form of McCarthyism being perpetrated against an individual in our society. What is the leader's reaction to that statement?

Senator Fairbairn: Honourable senators, my reaction to my honourable friend today is the same as my reaction yesterday, which he describes as aggressive. My honourable friend has a very aggressive point of view, as is his right. I will respond aggressively again to the use of the word "McCarthyism" and to the tenor of my honourable friend's questions on an issue which is now before a court of law in Montreal, where it is being argued and where evidence is being adduced. Next Wednesday, a judge will make a decision as to the future of the issue.

I am not prepared to enter into a discussion on the issues which my honourable friends want me to debate while they are in the domain of that courtroom and that judge in Montreal.

Senator St. Germain: Does the minister not agree that, under McCarthyism, individual freedoms were being attacked? The editorial writers are at arm's length from political activity.

Does the Leader not think that the rights of an individual are being trampled on very aggressively? The government is now trying to stall and further exacerbate this horrific situation. It would not matter whether it were a former Prime Minister, a chicken farmer from B.C., or a fisherman from Newfoundland. The government is using a police force to trample on the rights of people and is hiding behind ministers.

Senator Fairbairn: Honourable senators, the government is not hiding behind a police force or anything else. We have a process of justice in this country. I do not accept the condemnation of my honourable friend. We have a fundamental disagreement. I accept my honourable friend's right to express his point of view in this house. I also have the right, on behalf of the government, to support the process of law in this country, difficult though that process may be. The RCMP is undertaking an investigation with which the Government of Canada and its ministers must not interfere.

• (1510)

An action is before the courts at the moment in which there is a plaintiff, there are defendants and there is a judge. The law, which rules and protects every citizen in this land, must run its course. Either inside or outside this chamber, I cannot get myself or any other minister involved in any kind of disruptive way in the actions which are taking place before that court. I cannot, Senator St. Germain, and I will not.

The Hon. the Speaker: Honourable senators, we are well beyond the time set aside for Question Period. The last exchange, frankly, took us a good five minutes over the time. Under the rules, I must call for delayed answers unless leave is granted for further questions.

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Then leave is not granted.

Senator Lynch-Staunton: That is very indicative.

THE HONOURABLE JEAN-ROBERT GAUTHIER

BEST WISHES ON RETURN TO CHAMBER

The Hon. the Speaker: Honourable senators, although he has been in the Senate on two recent occasions, I did not get the opportunity to recognize our colleague the Honourable Senator Jean-Robert Gauthier. I would like to welcome him back to this chamber. Although he is with us under very difficult circumstances at the present time, we appreciate his presence here.

[Senator Fairbairn]

ORDERS OF THE DAY

CANADA TRANSPORTATION BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Lewis, for the third reading of Bill C-14, An Act to continue the National Transportation Agency as the Canadian Transportation Agency, to consolidate and revise the National Transportation Act, 1987 and the Railway Act and to amend or repeal other Acts as a consequence.

And on the motion in amendment of the Honourable Senator Spivak, seconded by the Honourable Senator Forrestall, that the Bill be not now read the third time but that it be amended,

(a) in clause 27, on page 11, by

- (i) deleting lines 1 to 25 and lines 29 and 30, and
- (ii) renumbering subclause (4) as subclause (2) and any cross-references thereto accordingly; and

(b) in clause 112, on page 50, by

- (i) deleting the heading preceding clause 112,
- (ii) deleting lines 8 to 11, and
- (iii) renumbering subclauses 113 to 278 as subclauses 112 to 277 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator DeWare, seconded by the Honourable Senator Bolduc, that the Bill be not now read the third time but that it be amended at Clause 129 by adding after line 36, on page 59, the following:

“(3) For the purposes of sections 129 to 136, the former Canadian Pacific line through Maine shall be deemed to be a route wholly within Canada, and any carrier serving any portion of the line between Saint John (New Brunswick) and Montreal (Quebec) shall be deemed to be a connecting carrier and any place where the line of a railway company connects with such connecting carrier shall be deemed to be an interchange.”

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Andreychuk, that the Bill be not now read the third time but that it be amended by deleting Section 171 and replacing it with the following:

“the Agency shall coordinate its activities in relation to the transportation of persons with disabilities with the Canadian Human Rights Commission in order to foster complementary policies and practices and to avoid jurisdictional conflicts.”

The Hon. the Speaker: Honourable senators, in view of the decision taken yesterday, by agreement of both sides of the house, I presume that we will now have an open debate on this bill on all of the amendments, because we did circumvent the normal procedure. Unless there are objections, I would propose that we now hear from any senators who wish to speak on any of the amendments, or on the body of the bill itself.

Is that agreeable, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: If no one wishes to speak, I will put the question.

Hon. Mira Spivak: Honourable senators, I have spoken on this bill, but since there are several amendments, I presume I have the right to simply close the debate here.

The Hon. the Speaker: Senator Spivak, it is not a matter of closing the debate. You have the right to debate, but your speech will not close the debate.

Senator Spivak: Very well. I want to say, honourable senators, how disappointed I am with the lack of interest in and lack of discussion there has been in relation to these two very important amendments which were put forward in committee, and which were supported by all of the interests: the producers and shippers on the railways in Western Canada. We are talking about coal, sulphur, forestry, grain, and many other commodities whose producers and shippers have requested that these amendments be made.

Since no one has really addressed the arguments for the amendments, and no one has brought forward any reason why these amendments should not be passed, henceforth Western Canadians will have a right to say that these amendments were dealt with in a cavalier way and dismissed.

As I said earlier, this is not a small matter. We are dealing with a matter of utmost importance to Western Canadians. These are matters which concern captive shippers. This is not a matter of speculation. It is not just that some people think they are captive shippers; they are indeed captive. Grain producers in High River, Alberta, must go 500 kilometres to get to an alternate railway. I cannot really understand why, with respect to a bill that was generally supported, no one is willing to take into consideration the western interests here in the matter of two amendments which would make all the difference in the world to the grain producers, and all the difference in the world to the shippers, as all of them have indicated.

I can only assume from what has taken place here, and from what has taken place in the other House, that westerners once again, as they have in the past, will ask themselves why Ottawa is not responding to their interests. They will ask that question of the Senate, in particular, which has a right and a duty to make amendments if it feels that the other House has overlooked some things, or that they have not been given enough attention. Perhaps in the other House they think, as Stan Keyes said here, that forestry interests or grain producers can just move their plots to another location in another region or another country. That is a very erroneous impression.

Why should western producers not feel let down by this Senate, which is supposed to represent their regional interests? We are not asking for the bill to be defeated. We are just asking for these amendments. That is a legitimate question. Why has the Senate not debated these issues? Committee members heard all the arguments, but the majority of senators have not.

I have to tell honourable senators that people in the west will say to themselves, "The Senate is just a rubber stamp. It is not looking at our interests carefully, and it has not considered this issue carefully."

Frankly, honourable senators, this is a great failing. We need not have rushed. We must go home tomorrow, but we could very easily have debated the matter longer if there had been agreement. These are not trivial issues. These are substantive issues which are of great concern to all of the industries and to the agricultural community in Western Canada.

I am very disappointed indeed that that did not take place. I do not think that Canadian consumers and shippers — and not just those in the west — will forget this easily. They will not forget this, and they will think again that their interests have not been well served here.

Hon. Terry Stratton: Honourable senators, I, too, would like to voice my concern with respect to the lack of thought given to the adoption of these amendments. I feel that not just the west but the rural parts of Canada are being totally ignored in this situation. I guarantee that this oversight will come back to haunt the other side. This bill will not go away. This bill will come back and kill you in the next election, because you are again ignoring the concerns of rural Canada where the railways are needed. You will allow railways to do whatever they like concerning imposing charges and shutting down lines. You will rue the day you did that, because it will now cost you seats in the next election.

Hon. Eric Arthur Berntson (Deputy Leader of the Opposition): Honourable senators, being the eternal optimist, I am not prepared to give up just yet. We see that this bill is not entirely a bad bill. For the most part, it is a pretty good bill. These are also pretty good amendments. The amendment dealing with the captive shippers, particularly in the west, for potash, forest products, pulp and paper, grain, et cetera, is a good amendment. The amendment which allows the maritime line to be deemed Canadian is a good amendment. That is the way it once was, and that is the way it worked for a long time. These are good amendments.

• (1520)

I would have hoped that members opposite would have seen the wisdom of these amendments, and maybe they will. That is why I am not prepared to give up yet. Indeed, I hope that members opposite will, in fact, support these amendments. Their seats will not be at risk in the next election, as has been alleged. In fact, they may even gain some support in those areas where the captive shippers will be seriously impacted by the lack of consideration of these amendments.

The Hon. the Speaker: If there are no other speakers, the question before the house relates to the three amendments that were moved yesterday. Yesterday there was an agreement as to procedure. In that regard, I would quote what Senator Graham said:

There is also agreement that we would deal with all of these amendments as the first order of business tomorrow. Of course, we would deal with the amendments first, and then come back to the main motion.

That is the understanding that the house came to yesterday. We will deal with all the amendments moved. In reverse order, they were as follows: Motion by Senator Kinsella, seconded by the Honourable Senator Andreychuk, to amend the bill by deleting section 171 and replacing it with —. Do honourable senators wish me to read all the amendments?

Hon. Senators: Dispense.

The Hon. the Speaker: We have before us a motion in amendment by the Honourable Senator Kinsella which was seconded by the Honourable Senator Andreychuk; a second motion in amendment by the Honourable Senator DeWare which was seconded by the Honourable Senator Bolduc; and a third motion in amendment by the Honourable Senator Spivak which was seconded by the Honourable Senator Forrestall.

Is it your pleasure, honourable senators, to adopt the motions in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour please say “yea”.

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say “nay”.

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators. Is there an agreement between the Whips?

Senator Kinsella: One Whip is present, but the other is not.

Senator Lynch-Staunton: I believe they are trying to locate Senator Kirby.

The Hon. the Speaker: Honourable senators, unless I hear a suggestion to the contrary, the bell will ring for 60 minutes.

Hon. Jacques Hébert: I would suggest that it ring for 15 minutes.

The Hon. the Speaker: Is it agreed that the bell should ring for 15 minutes?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

The Hon. the Speaker: When the bell ceases to ring 15 minutes from now, the vote will be held.

• (1540)

Motions in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

| | |
|------------|------------------------------|
| Andreychuk | LeBreton |
| Atkins | Lynch-Staunton |
| Balfour | MacDonald (<i>Halifax</i>) |
| Beaudoin | Meighen |
| Berntson | Phillips |
| Bolduc | Rivest |
| Cochrane | Rossiter |
| Cogger | Spivak |
| Comeau | St. Germain |
| Forrestall | Stratton—21. |
| Kinsella | |

NAYS

THE HONOURABLE SENATORS

| | |
|------------------|-------------|
| Adams | Kenny |
| Anderson | Landry |
| Bacon | Losier-Cool |
| Bonnell | MacEachen |
| Bosa | Maheu |
| Bryden | Marchand |
| Carstairs | Milne |
| Cools | Pearson |
| Corbin | Petten |
| De Bané | Riel |
| Fairbairn | Rizzuto |
| Forest | Robichaud |
| Gauthier | Rompkey |
| Gigantès | Roux |
| Grafstein | Stanbury |
| Graham | Stewart |
| Hays | Taylor |
| Hébert | Watt—37. |
| Hervieux-Payette | |

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Bacon, seconded by the Honourable Senator Lewis, that this bill be read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: On division!

Motion agreed to and bill read third time and passed, on division.

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT BILL

THIRD READING

Hon. Bill Rompkey moved third reading of Bill C-11, to establish the Department of Human Resources Development and to amend and repeal certain related acts.

Motion agreed to and bill read third time and passed.

CANADA LABOUR CODE

BILL TO AMEND—THIRD READING

Hon. Peter Bosa moved third reading of Bill C-3, to amend the Canada Labour Code (nuclear undertakings) and to make a related amendment to another act.

Motion agreed to and bill read third time and passed.

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Losier-Cool, seconded by the Honourable Senator Carstairs, for the second reading of Bill C-33, An Act to amend the Canadian Human Rights Act.

Hon. Anne C. Cools: Honourable senators, I rise today to speak to Bill C-33. I would like to begin by thanking Senator Kinsella for his abiding devotion to social justice.

Honourable senators, I shall review the history of the persecution of homosexuals, and then I shall record some of the concerns that have been brought to me about this bill.

The persecution of homosexuals has been well documented throughout history. The case of Oscar Wilde is a particularly poignant articulation of the pain and suffering endured by homosexuals at the hands of the state and individuals. Oscar Wilde was a British 19th century writer and a homosexual who had a relationship with Lord Alfred Douglas, the son of the Marquess of Queensberry. Lord Alfred was hostile to his own father, the Marquess, who, in turn, was hostile to Wilde and Wilde's homosexual relationship with his son. The Marquess and Wilde exchanged hostilities. Lord Alfred, Wilde's lover, urged Oscar Wilde to engage the Marquess in court proceedings. Wilde, vulnerable to and desirous of pleasing his lover, engaged the Marquess, causing him to be arrested for criminal libel.

Wilde's efforts to injure the Marquess foundered. Consequently, the Marquess retaliated and caused Wilde to be arrested and charged with the crime of homosexuality, that is, committing acts "of gross indecency with other male persons." On May 25, 1895, the jury found Oscar Wilde guilty as charged. Judge Wills sentenced the 41 year-old Wilde to two years imprisonment with hard labour. Oscar Wilde later described himself, saying:

I have made my name a low byword among low people,...

While serving in Reading Gaol, Wilde wrote *De Profundis*, an epic letter describing his enormous suffering, drawing its title from Psalm 130, *De profundis*. Psalm 130 reads partly as follows:

Out of the depths have I cried unto thee, O Lord.

Lord, hear my voice: let thine ears be attentive to the voice of my supplications....

My soul waiteth for the Lord more than they that watch for the morning: I say, more than they that watch for the morning.

London society was brutal to Oscar Wilde, referring to his homosexuality as "Wilde's vice." He lost everything, his children, property, good name. His public shame and scandal were unspeakable. Wilde's *De Profundis* bequeathed an eloquent chronicle of his torment and suffering for posterity. He said:

Suffering is one very long moment. We cannot divide it by seasons. We can only record its moods, and chronicle their return.

Sorrow after sorrow has come beating at the prison doors in search of me; they have opened the gates wide and let them in.

Honourable senators, much suffering was endured by individuals who, like Wilde, were criminally prosecuted, convicted and imprisoned because of their homosexuality and by those who lived with fear of same. Such discrimination and such potential for persecution was abolished in Canada when homosexuality was decriminalized in 1969. The Criminal Law Amendment Act, 1968-69, amended the Criminal Code to exclude homosexuality between consenting adults from the provisions of the code regarding acts of gross indecency.

The Honourable John Turner, then Minister of Justice, at second reading of the Criminal Law Amendment Act, 1968-69, in the other place on January 23, 1969, stated that:

These amendments remove certain sexual conduct between consenting adults in private from the purview of the criminal law.

Adults were defined as persons aged 21 years and older.

• (1550)

Honourable senators, Mr. Turner and Prime Minister Trudeau's amendment was motivated in part by the sad and terrible case of Everett George Klippert and the 1967 Supreme Court of Canada decision in *Everett George Klippert v. Her Majesty the Queen*. Klippert, a 39-year-old man from Pine Point, Northwest Territories, was a homosexual in a small community, known to the police and frequently visited by them. His criminal record showed convictions for 18 similar charges. Klippert pleaded guilty in August, 1965, to four charges of "acts of gross indecency." After Klippert's sentencing, the Crown made application to declare him a dangerous sexual offender. Judge Sissons made the finding and imposed a sentence of preventive detention.

Two psychiatrists had testified that Mr. Klippert had never caused injury or pain to any individual, was unlikely to cause pain or injury to anyone in the future, and, further, would likely recommit the same offence with other consenting male adults. In short, Klippert was a homosexual and likely to remain one.

Judge Sissons declared Mr. Klippert a dangerous sexual offender because he was a practising homosexual. Mr. Klippert's appeal to the Court of Appeal of the Northwest Territories was dismissed. He appealed unsuccessfully to the Supreme Court of Canada, which dismissed his appeal. In this Supreme Court decision, Chief Justice J. Cartwright and Mr. Justice Emmett Hall dissented, indicating that they would have allowed the appeal. Chief Justice Cartwright wrote their reasons. Honourable senators, their reasons formed part of the government's political decision to decriminalize homosexuality in 1968-1969. Writing that Mr. Klippert was not violent or harmful to anyone and had engaged sexually only with consenting adults, Chief Justice Cartwright said:

I am glad to arrive at this result. It would be with reluctance and regret that I would have found myself compelled by the words used to impute to Parliament the intention of enacting that the words 'dangerous sexual offender' shall include in their meaning 'a sexual offender who is not dangerous.'

...I think it improbable that Parliament should have intended such a result.

This statute did not spare Klippert his sentence. However, mercifully, he was released on parole two years later, in 1971.

Honourable senators, that case may mean very little to many of you, but when I was on the National Parole Board I summoned up that file and read it cover to cover. That case was a definitive case in the history of this country.

Klippert's case was terrible, and remains a dark reminder that persecution and discrimination on the basis of homosexuality offends our humanity and sense of dignity.

Honourable senators, I shall address certain issues raised with me by many members in the other place and by various organizations. Gwendolyn Landolt, National Vice President of REAL Women of Canada, and the Most Reverend Marcel Gervais, Archbishop of the Roman Catholic Church of Ottawa, met with me. Bishop Dale Shaw of the Brethren in Christ Church, Father John Affleck, a Roman Catholic priest, Reverends Tracey Lloyd and David Thurlow, Anglican ministers in Saskatchewan, and many others, have told me their concerns.

Their first concern is the preservation of the family. Prime Minister Chrétien has included a preamble to Bill C-33 which states, in part:

...the Government recognizes and affirms the importance of family as the foundation of Canadian society and that nothing in this Act alters its fundamental role in society;

This preamble is a caution, a signal of the government's intention to uphold the family.

Another issue raised by all is the use of human rights acquired in administrative law as a mechanism to advance other claims

intended to affect changes in other statutes and particularly in the Criminal Code, the Marriage Act, and the Divorce Act. In the 1993 Supreme Court of Canada decision, *Canada (Attorney General) v. Mossop*, Chief Justice Antonio Lamer made the following obiter statement:

...if Parliament had decided to include sexual orientation in the list of prohibited grounds of discrimination, my interpretation of the phrase 'family status' might have been entirely different and I might perhaps then have concluded that Mr. Mossop's situation included both his sexual orientation and his 'family status'.

Honourable senators, the concern is that the terminology 'sexual orientation', in the Human Rights Act is wide, elastic, unclear and undefined. They want 'sexual orientation' precisely defined, like age, gender or colour. They are concerned that the term 'sexual orientation' is wide enough to encompass heterosexuals. They believe that 'sexual orientation' may be used to defend bigamy, polygamy, philandering, same sex marriages, and other practices that will imperil the definition of family and marriage.

Another concern was paedophilia, both heterosexual and homosexual. The concern was that the term 'sexual orientation' may be expanded to encompass paedophilic interests and consequently may be used by legalists and claimants to advance claims not intended by Bill C-33. There was concern about incest, both heterosexual and homosexual incest; there was concern about the body of support favouring the heterosexual paedophilia of father-daughter incest; there was concern about the promotion of homosexual paedophilia and its promotion of so-called free sexual expression for young people and children. A December 5, 1988 newsletter, "Behaviour Today" reported on Dr. Sharon Satterfield's speech at a sexology conference held in Guelph, Ontario, saying:

Dr. Satterfield, ... stated that paedophilia — a condition where adults are sexually attracted to pre-pubescent children — may be a sexual orientation rather than a deviation. She then raised the question as to whether paedophiles may have rights.

Dr. Satterfield articulates the anxiety of many in this country; that the term 'sexual orientation' as used in the Human Rights Act can possibly be utilized to advance claims that both heterosexual and homosexual paedophilic activities are entitlements as a matter of human rights.

Another concern, and a different one, was pederasty, and the use of the term 'sexual orientation' to promote pederasty, which is defined as sexual relationships involving sodomy between adult males and young boys. The winter 1990 edition of the Canadian publication, *Victims of Violence Report*, in a chapter *The paedophile and his organizations*, quotes a *Playboy* magazine interview with a paedophile, a member of the Rene Guyon Society, a national organization promoting sex with children, saying — and this is disturbing — that:

the (anal) cavity is large enough at age four for boys and girls to painlessly hold an adult penis, an act they constantly desire from adult males they love.

These concerns are quickened by organizations such as NAMBLA, the North American Man Boy Love Association, and individuals like Gerald Hannon, a professor at Ryerson Polytechnical Institute in Toronto and advocate of sexual relationships between adult males and male children as a matter of right. Canadian Judy Steed, in her book *Our Little Secret: Confronting Child Sexual Abuse in Canada*, says about Hannon:

He feels that pedophilic sex has been unfairly vilified by a puritanical, hypocritical society.

Hannon, in his notorious article *Men loving boys loving men*, reprinted in the book *Flaunting It! A decade of gay journalism from The Body Politic*, cites one paedophile's reflections as follows:

... I think my relationships give *all* the kids a real appreciation for a perfectly valid form of sexual activity. It takes the threat away from it and gives them some kind of balance, more sense of objectivity than they would have otherwise.

Honourable senators, some paedophiliacs assert that the children seduce them and that the children desire sexual activity with them.

Honourable senators, David Thorstad of the North American Man/Boy Love Association is quoted by Michael Coren, in an *Ottawa Sun* article of April 24, 1996, saying:

The ultimate goal of gay liberation is the achievement of sexual freedom for all — not just equal rights for lesbians and gay men but also freedom of sexual expression for young people and children.

The concern is that pederasts and paedophiles will advance claims to engage in adult/child sexual relationships as a matter of human rights; that claims will be advanced on the legal grounds that pederasty and paedophilia are sexual orientations having entitlements. Bill C-33 must leave no doubt for interpretation by the courts. Parliament's intention must be clear. Parliament's intention is to combat discrimination against homosexual persons and should explicitly do so.

• (1600)

It is undesirable to leave certain matters to the courts. The courts are not intended to govern. Chief Justice McClung of the Alberta Court of Appeal tells us this in *Vriend v. Alberta*, a case about a homosexual man in a wrongful dismissal lawsuit. Chief Justice McClung said:

When unelected judges choose to legislate, parliamentary checks, balances and conventions are simply shelved. Yet those cornerstones took centuries to assemble.... (When judges legislate their product is assented to by them alone.)

All of these formative resources stand suspended when rights-restless judges pitchfork their courts into the uncertain waters of political debate.

He went on to say:

...judicial solutions are forced choices;... I have said, once issued, they can become unwelcome, even corrosive interventions into the equilibrium of the community.

The Hon. the Speaker: I hesitate to interrupt the honourable senator, but the time period of 15 minutes is expired.

Senator Cools: May I have leave to continue, honourable senators?

Senator Lynch-Staunton: We always allow speakers to finish.

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

Hon. Senators: Agreed.

Senator Cools: The Chief Justice stated that governance of the community is the business of Parliament and not the courts, and that Parliament should legislate with clarity. The term "sexual orientation" is undefined in this legislation. Many are concerned that the term "sexual orientation" will be used by those who advance changes in the Criminal Code and other federal statutes, to disable these statutes.

Former Minister of Justice John Turner, at second reading of the Criminal Law Amendment Act, 1968-69, cited the United Kingdom's *Report of the Committee on Homosexual Offences and Prostitution*, known as the "Wolfenden" report, when he said:

Unless a deliberate attempt is to be made by society, acting through the agency of the law, to equate the sphere of crime with that of sin, there must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business....to emphasize the personal and private nature of moral or immoral conduct is to emphasize the personal and private responsibility of the individual for his own actions...

The slogan at the time was, "The state does not belong in the bedrooms of the nation." Honourable senators, Parliament must clearly define "sexual orientation" or the state will be forced to return to the bedrooms of the nation.

This legislation has not received the time and attention it deserves. It has been accompanied by enormous intolerance and uncharitableness. Any critical comments and any proposed improvements have been treated harshly. Any concern about Bill C-33 is deliberately misunderstood and clouded by accusations of homophobia and bigotry. There has been intolerance. Honourable senators, I speak as one who knows a little about discrimination and as one who has spent many years healing the wounds of many homosexual individuals who have been deeply damaged by human cruelty.

Children have been used and abused by adults in various sexual activities for generations. Laws forbidding the sexual abuse of children only appeared at the beginning of this century. There is mounting evidence to suggest that there are persons and organizations coalescing to promote the sexual liberation of children and promoting sexual access to children for adults. This fact shocks us all, homosexuals and heterosexuals alike. The sexual abuse of children is so shocking and so disturbing that many choose to believe that it is not possible, thereby turning a blind eye and a deaf ear to the plight of many children. Honourable senators, my life's work informs me of this dark side of human experience. I have looked into this heart of darkness.

I would ask the committee to obtain certain clarifications from the minister and ascertain, first, whether legal claims can be advanced that paedophilia and pederasty are sexual orientations, and that such orientations and claims are matters of human rights; second, on the minister's "yes" or "no" answer, what authorities, research, doctrine, jurisprudence, and statutes support him; third, whether the minister has considered the likelihood that the courts, in response to claims, will interpret "sexual orientation" to include entitlements to both homosexual and heterosexual paedophilic access to children as a matter of human rights; fourth, that if the minister asserts that the courts will not interpret sexual orientation to include homosexual and heterosexual paedophilic access to children, will he be prepared to act immediately to correct the courts' judgements if he is proven wrong in the future. Finally, the committee should inquire just how the Minister of Justice plans to safeguard the preamble protecting the family as inserted by the Prime Minister, a matter of great concern for many people.

I urge honourable senators to study these matters carefully in committee. I laud the aspects of the bill that combat discrimination, and urge the committee to improve the bill's drafting deficiencies.

I conclude with Oscar Wilde's *De Profundis*. He said:

For us there is only one season, the season of sorrow.

Bill C-33 must reduce the pain and anguish suffered unjustly by many homosexual persons. Honourable senators, Bill C-33 must also address the concerns raised by many Canadians.

Hon. Sharon Carstairs: Honourable senators, it was not my intention to speak to this bill at this time. However, having listened to the previous address, I feel compelled to intervene now.

Honourable senators, this bill is not about paedophilia. Paedophilia is a crime; it is a crime against children. Any form of sexual assault upon a child is a crime against children. As a child, I was sexually assaulted. Does that mean that, because it was done by a heterosexual man, I should deny all heterosexual males accommodation, or that I should deny any of them

accommodation? Does it mean that I should deny them access to goods and services? Does it mean that I should deny them employment opportunities because the man who violated me was a heterosexual male?

Honourable senators, this bill is an amendment to the Canadian Human Rights Act. It deals with three things: It deals with the provision of goods and services; it deals with employment opportunities; it deals with the right to accommodation. That is all it does.

I urge passage of this bill.

Hon. Rose-Marie Losier-Cool: Honourable senators —

The Hon. the Speaker: Honourable senators, I must inform the Senate that if the Honourable Senator Losier-Cool speaks now, her speech will have the effect of closing the debate on second reading of the bill.

Senator Losier-Cool: I have listened with interest to all comments on this bill, honourable senators. Again, I reiterate that this bill is about human rights, and gays and lesbians are humans. We must protect their rights.

I look forward to the discussion in committee on this bill.

The Hon. the Speaker: It was moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Carstairs, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are against the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: On division?

Senator St. Germain: Call in the senators.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators.

The two Whips have informed me that they have an agreement as to a 15-minute bell. Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: We will vote at 4:25 p.m.

• (1620)

Motion agreed to and bill read the second time on the following division:

YEAS

THE HONOURABLE SENATORS

| | |
|------------------|------------------------------|
| Bacon | Kinsella |
| Beaudoin | Landry |
| Berntson | LeBreton. |
| Bosa | Losier-Cool |
| Bryden | MacDonald (<i>Halifax</i>) |
| Carstairs | MacEachen |
| Cogger | Marchand |
| Cools | Milne |
| Corbin | Pearson |
| De Bané | Petten |
| Fairbairn | Prud'homme |
| Forest | Riel |
| Gauthier | Robichaud |
| Gigantès | Rompkey |
| Grafstein | Roux |
| Graham | Simard |
| Hays | Spivak |
| Hébert | Stanbury |
| Hervieux-Payette | Stewart |
| Kenny | Taylor—40 |

NAYS

THE HONOURABLE SENATORS

Phillips
St. Germain
Stratton—3

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

REFERRED TO COMMITTEE

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

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

EMPLOYMENT INSURANCE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Bill Rompkey moved second reading of Bill C-12, respecting employment insurance in Canada.

• (1630)

He said: Honourable senators, I am pleased to have this opportunity to give you an overview of the government's new employment insurance legislation as contained in Bill C-12.

Through Bill C-12, the government is replacing the 55-year-old Unemployment Insurance Program with the Employment Insurance Program. After broad consultations, it became apparent that the UI program is out of date. It has served us well, but its time is past.

Employment insurance, on the other hand, is a pro-employment, modern, balanced system that will serve the needs of Canadian workers during this time of economic restructuring and for decades to come.

EI will help unemployed workers return to the labour market as quickly as possible. As part of social security reform, EI is designed to insure fairness, strengthen work incentives, help workers adjust to economic change through reinvestment and active employment measures and secure savings to the government of \$1.2 billion by the year 2001-2002.

[*Translation*]

That is why the employment insurance system has two parts. First, revised income support benefits will provide temporary income to some 2.4 million recipients every year while they look for work. Second, benefits called active employment benefits will provide assistance to approximately 400,000 unemployed workers every year.

Let me start with the first part of the bill.

[*English*]

Unlike unemployment insurance, where a person has to work a certain number of weeks to qualify, eligibility for employment insurance benefits will be based on total hours worked. The number of hours to qualify will depend on the local rate of unemployment. In the highest unemployment areas, a person will have to work for at least 420 hours. In the lowest unemployment regions, the requirement will be 700 hours. That is the one important and fundamental difference which will bring so many more people into the program.

Beginning in January 1997, every hour of work will count. Counting every hour is a more realistic measurement of the way people work in today's economy. All part-time employment will become insurable. It means most workers will find it easier to meet eligibility requirements.

Equally important, hours worked beyond an average of 35 hours per week will count toward longer duration. When a person qualifies for income benefits, those benefits will be calculated in a way that reflects the work effort. A claimant who simply works up to an entrance requirement will receive an employment insurance benefit but at a lower rate than a person who has worked a few hours more than the minimum.

To optimize benefits by ensuring that average earnings used for the benefit calculation are equal to weekly wages, a claimant may need to work two weeks more than the regional minimum entrance requirement.

The benefit will, in fact, be calculated by taking the claimant's total earnings over a 26-week period prior to their most recent work and dividing those earnings by the appropriate divisor. The divisor will range from a minimum of two weeks more than the regions' entrance requirement up to a ceiling of 26 weeks. That is, the minimum divisor will range from 14 weeks in high unemployment areas to 22 weeks in low areas of unemployment. However, the divisor for claimants who have been on the job for additional weeks will be identical to the number of weeks they have worked up to a maximum of 26. This provision is an incentive for people to take all available work including employment during breaks in their usual job.

Senators, government amendments to Bill C-12 corrected deficiencies in the original legislation. It was an Atlantic government members' amendment presented during deliberations of the standing committee in the other place which changed the divisor to two weeks over the regional entrance requirement.

It was also noted that many claimants might not work consecutive weeks prior to filing a claim. As a result of another amendment proposed by a government member, claimants will not be penalized for gaps in earnings during a 26-week period. All earnings within the last 26 weeks will be included for the calculation of the benefit. This ensures that weeks with no earnings are ignored, provided that the claimant worked at least two more weeks than the minimum divisor.

Honourable senators, principles of fairness and balance permeate this legislation. The standing committee in the other place held wide consultations and listened to the testimony of Canadians from all walks of life. That committee was told that Canadians want an insurance system that helps those who genuinely need temporary income support. However, the percentage of UI claimants who collect benefit three or more times in a five-year period has escalated to 40 per cent.

Four claimants out of ten regularly use the program to supplement their income. It demonstrates one of the many shortcomings of unemployment insurance. It has become an income supplement, an income support program. It was not designed for that. Rather, it creates a disincentive to work and, more important, it creates a permanent dependency.

Under employment insurance, claimants with more than 20 weeks of regular benefits in the previous five years will have their benefit rate gradually reduced. The rate will decline by 1 percentage point for each 20 weeks of past benefits down to a floor of 50 per cent.

Honourable senators who think that the intensity rule might impose undue hardship on low-income earners will be pleased to know that another amendment ensures that this does not happen. Claimants who qualify for the family income supplement will be exempt from the intensity rule. This family income supplement will top up EI benefits to reflect family circumstances. On average, it will be worth about \$800 per year per family. The

supplement will provide approximately 12 per cent more in benefits for 350,000 claimants and families with incomes under \$26,000. Some claimants with low family incomes will qualify for an EI benefit level as high as 80 per cent of insurable earnings. That is compared to the basic benefit rate of 55 per cent. Again, the intensity rule will not reduce the EI benefit level of claimants receiving the family income supplement.

Another government amendment will ensure that claimants will be given credit for work they do while receiving benefits. This provision as amended will provide an additional \$24 million to 188,000 claimants in low-income families. This will encourage honest reporting of earnings and help reduce abuse of the system.

At the other end of the scale, an increased claw-back will discourage high income earners from abusing the system. The basic threshold for the claw-back will be lowered from \$63,000 to \$48,000 but, for claimants with over 20 weeks of benefits, the threshold will be reduced to \$39,000.

Depending on the number of weeks of benefits received in the past five years, claimants could be required to pay back from 30 per cent of their employment insurance benefits for claimants with little past usage, to 100 per cent for claimants with more than 120 weeks of benefits in the past five years.

The figure \$39,000, honourable senators, is also the amount for the calculation of the yearly maximum insured earnings. This figure is approximately 30 per cent higher than the average Canadian industrial wage. The MIE capped at \$39,000 in the 1996 budget, in combination with first-dollar coverage, will mean that more earnings will be insured for a broader range of work patterns.

Indeed, first-dollar coverage will treat all workers and all employers alike. All earnings from the first dollar will be insurable as they never were before, up to the annual maximum insurable earnings. There will no longer be weekly minimums or maximums for determining insurable earnings.

Another weakness of the current system is that, without a reserve in the account, premium rates rise during a recession to meet the unemployment insurance account's growing deficit. Increased premiums are a burden on business at the worst possible time. They result in more people being laid off. As well, the government is then obligated to raise funds by increasing taxes or by borrowing. It is the intention of the employment insurance system to resolve that quandary by building a significant reserve in the employment insurance account. That will help stabilize premium rates and ensure adequate funds to pay benefits. The employment insurance account will build a reserve during economic expansion and draw on the funds when needed during recession.

• (1640)

The purpose of building a reserve in the EI account is to ensure more stable premium rates. The last recession showed us why such a reserve is necessary. The premium rate increased by over 33 per cent from \$2.25 in 1991 to \$3.07 in 1994. This represented a payroll hike that is estimated to have cost our economy 200,000 jobs.

[Translation]

A native of Newfoundland myself, I can easily understand the concerns of workers in seasonal industries. Because it will be based on the number of hours worked, the employment insurance system will be much fairer for these men and women who work hard for their money. Many more will now be eligible for benefits. In fact, some 45,000 seasonal workers who do not qualify for employment insurance while being unemployed at the moment will now be eligible for employment insurance benefits.

[English]

In addition, some will qualify sooner because they tend to work for long hours, and many will receive benefits for longer duration. Again, this is primarily because of the shift to counting every hour, not an arbitrary number of weeks, which has never been relevant to most seasonal industries.

EI coverage will include more part-time workers and multiple-job holders. An additional 500,000 part-time workers will have their work insured for the first time. That is worth repeating, honourable senators: Half a million workers who were never insured at all before will now be insured as a result of this program. Because every hour of work will count, part-time workers will have greater incentives to accumulate the number of hours required to qualify.

As for employment insurance's effect on women, some 270,000 women who work part-time will be insured for the first time. Even with no change in hours of work, 36,000 women will qualify for employment insurance benefits primarily because of the removal of the 15-hour "glass ceiling." It is estimated that, at most, 4,000 of the current 195,000 maternity claimants, for example, will need to work more to qualify for benefits. However, the hours-based system will enable more women working part-time or holding multiple jobs to qualify for maternity benefits, and that seems to me to be one issue that has been overlooked or, at least, has not been dealt with in the fullest way in this debate.

Women are still disadvantaged in Canada. They make less than men do, and they have a more difficult time advancing. That is the reality in Canada today. The fact is that more women will be helped under this program. They will also be helped to acquire the increased educational qualifications that will allow them to break through that glass ceiling that holds them back. I think this chamber and our committee should explore the effects of this legislation on women in particular.

EI will have only a minor impact on premium payments for individual students. Since many students are part-timers, they will gain on the hours-based system, and since every hour and every dollar counts, employers will no longer be able to avoid paying premiums by limiting an employee's hours of work. Employment Insurance provides equal coverage to all workers, including students, making a living through several part-time jobs. Premiums will be refunded to about 625,000 young people, about 49 per cent of all those who receive rebates. Of the total number of young people receiving rebates, 400,000 will be full-time students. Students are another group in our society that will be helped by this legislation. More students will be able to

qualify for and collect employment insurance than ever before, this at a time when students need all the help they can get.

For the business community, the men and women who create the jobs in this economy, EI will be simpler to administer and less costly to manage. A lower premium rate and lower maximum insurable earnings will mean real savings to businesses and will help to stimulate job creation.

Estimates indicate that when EI is fully implemented, employers will save more than \$150 million annually in administrative costs alone. It will cut down on the paper burden for small business, eliminate a lot of the records they were having to keep, and thereby free them up to make money, which is what they should be doing.

Honourable senators, the EI program will include an ongoing process of feedback and adjustment. Indeed, the federal government will carefully monitor the impact of the new measures on individuals, employers and communities. It will assess the performance of the economy and job markets and the ways in which workers, employers, industries, and communities are adjusting to the new system. An in-depth study will examine how almost a dozen communities across Canada are adjusting to the new system. These communities will represent different types of labour markets: urban, small town, rural areas, and seasonal economies.

Furthermore, the Employment Insurance Commission will provide an annual report to the minister starting in 1997 on how individuals, communities and the economy are adjusting to the new system. This monitoring will also be looking to see how well the government's programs are working. It will not be a one-sided process. I think I can say, too, that the Social Affairs Committee will be doing its own independent monitoring of how this new system is working.

It is important to note that in order to encourage and help workers to take available work and to ensure employers accept a larger responsibility for providing work, the reaction of both claimants and corporations to the changes will also be monitored.

Under the Employment Insurance Program there will be little tolerance for those who deliberately defraud the system. It is important to understand that when we refer to fraudulent activities, we mean those actions taken deliberately and with full intent to get benefits to which the claimant is not entitled. There will be stiffer eligibility rules for claimants who have committed fraud, increased financial penalties for employer fraud and, further, corporate directors will be held personally liable for penalties where due diligence is not exercised.

Honourable senators, that is the essence of the restructured income benefits. As I stated earlier, the Employment Insurance Program is pro-employment.

Allow me to give, if I can now, an overview of Part II of the legislation, the active employment benefits. We all know that the structural transformation in our economy is playing havoc with the labour market. Too many people are having difficulty adapting to continual reorganization. The result is that people are losing their jobs and not finding new ones because workforce requirements are constantly changing.

[*Translation*]

The second part of the employment insurance system will provide direct assistance to help people get back to work. After due consideration, the government decided on five employment benefits — hence the greater flexibility — which will meet the specific needs of unemployed workers through re-employment programs specifically tailored to suit their circumstances.

[*English*]

The federal government is discussing new labour market arrangements with provincial governments on the active employment measures which will eliminate overlap and duplication and clarify roles and responsibilities. The key, of course, is results. That is, to get Canadians back to work quickly. The new employment arrangements will be adjusted to local circumstances and local needs.

It is believed that this approach, based on partnership with the provinces, will ensure that every dollar spent is spent in a way that is linked to local labour market priorities. We believe it will ensure value for the money we spend to help our clients improve their employability.

• (1650)

The government has committed to reinvesting \$800 million in savings from employment insurance toward active employment measures. When you add that to the \$1.9 billion now being spent on employment services, the government will be investing a total of \$2.7 billion to help claimants return to work. That figure includes \$500 million in EI benefit entitlements.

The five active employment benefits are proven, results-oriented, and they will replace approximately 39 existing programs. I would like to give a brief description of each.

First, targeted wage subsidies are new initiatives, and I do not think that they have received adequate debate or discussion in the debate on this issue so far. Targeted wage subsidies will encourage hiring and provide on-the-job experience. The measure is designed for claimants in danger of facing continuous unemployment or experiencing barriers to employment. They will be able to arrange for a wage subsidy with an employer who will provide a job that will lead to long-term employment or re-employment elsewhere. Past experience shows that wage subsidies enable claimants to claim, on average, 13 more weeks of work or an additional \$5,000 a year in earnings. Placement and results for clients will be monitored closely.

Second, targeted earnings supplements will encourage claimants to take available jobs. Individuals will receive temporary support as they re-enter the workforce while they are getting re-established. In similar programs in New Brunswick and British Columbia, participants are \$3,000 to \$5,000 better off than they would have been on income benefits. Earnings

supplements will help people move from dependency to independence.

Third, self-employment assistance will help unemployed workers become entrepreneurs and, in the process, create jobs for others as well. Experience shows that these individuals earn \$142 a week more than non-participants, claim 92 per cent less in insurance benefits than comparable workers, and are 30 per cent less likely to require social assistance.

Fourth, job creation partnerships will work closely with the provinces, the private sector and local communities. They will enable unemployed workers to earn an income while maintaining or developing their skills and acquiring valuable work experience. This active employment benefit not only improves the claimant's future prospects for a job, it also fosters sustainable economic growth and permanent job creation for that particular region.

The fifth active employment benefit, skills, loans and grants, will be offered to EI claimants where the individual province requests. This measure will enable unemployed workers to pursue skills training, but it will be a matter of individual choice and responsibility, not government-directed training.

Honourable senators, those are the five active employment benefits.

In addition to these measure, a \$300-million transitional job fund will help create thousands of additional jobs in high areas of unemployment. I repeat that the \$300-million transitional job fund is targeted purely at high areas of unemployment to help them through this transitional period because they will need to get a leg up on the rest of the country.

Honourable senators, the number one priority of this government is jobs for Canadians. The provisions of Bill C-12 are designed to complement the government's jobs strategy and related initiatives. They are designed to complement productive partnerships with the provinces and the private sector. The collective goal is to stimulate economic growth and the creation of stable employment. The government is giving Canadians a fair, well-balanced, modern insurance system, a system that will provide temporary income support to those who truly need it. Through active employment benefits unemployed workers will be given the help they need to return to the labour market as quickly as possible.

[*Translation*]

The government is offering Canadians a fair, balanced and progressive insurance system, which will provide temporary assistance, in the form of income support, to those who really need assistance. In addition, active employment measures will give unemployed workers the boost they need to reenter the labour force as quickly as possible.

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

[English]

AGREEMENT ON INTERNAL TRADE IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Philippe Deane Gigantès moved second reading of Bill C-19, to implement the Agreement on Internal Trade.

He said: Honourable senators, I am pleased to introduce to the chamber today Bill C-19, to implement the Agreement on Internal Trade.

Honourable senators, this is an historic piece of legislation. It presents us with an opportunity to implement the first comprehensive domestic trade agreement in Canada since the British North America Act of 1867.

In the 129 years since 1867, the Canadian economy has grown and evolved in ways never imagined by the Fathers of Confederation. The federal government has, under the Constitution, direct responsibility for interprovincial trade and commerce. However, over time, the provinces have assumed prominent roles as influences of economic growth and in the regulation of trade and commerce at their level. As a result, trading arrangements and regulations across the country have developed very much ad hoc. All too often, they have developed in response to regional needs, with little consideration for the effects on the national economy.

Honourable senators, many of these measures have created barriers to trade. They have had serious, adverse impacts on the free flow of goods and services, people and capital within Canada. Such barriers can lead to the inefficient use of resources, and limit the ability of industry to take advantage of economies of scale and to maintain competitive market positions. The result is to reduce the competitiveness of Canadian business and adversely affect the Canadian economy.

There are many examples of such impediments. Different professional and occupational standards in different jurisdictions can limit labour mobility between provinces. Some provincial liquor boards have practised selective listing policies to discriminate against products from outside their province, something I notice when I am looking for a special kind of beer. Different transportation regulations, safety codes, inspection arrangements, and vehicle standards in each province make it difficult for truckers to cross provincial borders.

[Translation]

Honourable senators, the great variety of transportation regulations — highway safety codes, inspection mechanisms, vehicle standards for each province — make it difficult for truckers to go from one province to another.

Government procurement policies with their preference for local businesses have been harmful to interprovincial trade.

Construction procedures vary from one jurisdiction to the next. They are also a barrier.

These measures are some of the most common examples of barriers or impediments to interprovincial trade that have existed in Canada, and they continue to this day. We find ourselves faced with a set of mismatched regulations and standards and other barriers to interprovincial trade that have sprung up around us.

As the world changed around us, so did our economy and economic interests, resulting in the Canadian internal market becoming increasingly inadequate.

The fear of seeing these barriers and impediments to trade adversely affect Canada's ability to remain competitive in the commercial environment continues to grow.

For this reason, it is urgent for us to establish a new commercial regime in Canada based on more open interprovincial trade, one which does not place barriers in the way of the movement of people and investments across the national territory, and which includes mechanisms of cooperation for settling internal trade disputes.

[English]

- (1700)

Honourable senators, Bill C-19 presents us with the opportunity to ensure the federal government can play its part in lowering interprovincial barriers to trade. This bill provides the government with the authority it needs to comply with the obligations it has accepted under the agreement on international trade that was signed in July 1994 by first ministers and came into effect on July 1 last year.

The Agreement on Internal Trade established a framework that will allow us to continue to develop a trading regime that will remove barriers to interprovincial trade in goods and services, will reduce the impediments to the movement of workers and investment capital between the provinces, and will provide a forum for the resolution of individual trade disputes without resorting to the courts.

The process leading to the agreement to this bill has been a long one. It has involved many people and considered many issues and perspectives. In addition to the federal, provincial and territorial governments of both the ministerial and official levels, representatives of the private sector were actively involved in the process.

Representatives of the private sector, and of business interests in particular, kept the pressure on us at all levels of government to deal with the problems of interprovincial trade, the barriers, and the consequent economic costs to Canada. They have continued to do so. The Canadian Manufacturers Association, for example, estimated in 1991 that barriers to trade in our domestic market cost the Canadian economy 1 per cent of the gross domestic product — that is, some \$7 billion annually. These are losses in jobs and income.

A long and thorough process has been under way to identify problem areas and to develop practical workable solutions. A key characteristic of the process has been the spirit of cooperation that all the parties involved have demonstrated. The Agreement on Internal Trade is an important example of what can be accomplished within a cooperative framework in Canada. It is also important to note that political parties of all stripes and all regional perspectives are part of the process.

The one perspective that was shared by all the parties in the negotiating process was a recognition that a more open trading environment would be good for Canada. While the process was of long duration, it was characterized by cooperation and a sense of a shared mission. This agreement represents a major step towards the common objective of improving the domestic trading environment and eliminating barriers to trade, investment and labour mobility.

[*Translation*]

Honourable senators, the agreement provides various elements: a system based on rules to govern trade in Canada, the suspension of new obstacles, a commitment to negotiate in order to broaden and strengthen the agreement, a code of conduct to prevent competition harmful to investment, increased manpower mobility, a commitment to harmonize standards-related measures, a dispute resolution system designed for Canada that promotes uniformity through consultation and cooperation instead of more official procedures using the courts. These are major accomplishments.

The overall implementation of the agreement on Internal Trade is being supervised by the Committee on Internal Trade, comprising representatives at the ministerial level of all public Canadian powers that are party to the agreement, that is the federal, provincial and territorial governments.

The committee is supported by a secretariat, in Winnipeg, which looks after administrative and operational services. The Agreement on Internal Trade represents a milestone for Canadians.

It is a huge step forward in the establishment of a more open and competitive market in Canada. It lays the foundations for a more competitive internal market and supports the efforts of the Prime Minister and the other first ministers who have been actively involved in the very successful efforts of Team Canada to open more export markets to Canadian goods and services.

With this bill, we will implement the legislative changes required federally in order to take the steps within federal jurisdictions to implement the agreement and continue the process of change initiated by the federal government.

In passing the bill, this House will reaffirm the federal government's commitment to make the changes required to create a new trading arrangement in Canada, one that reflects today's political and economic realities.

When the Agreement on Internal Trade came into effect on July 1, 1995, all the signatory governments became bound by the obligations they had accepted by signing it.

Each government is bound to fulfil these obligations and to assume its responsibilities under the terms of the agreement.

At their annual conference last summer, the first ministers and the territorial leaders renewed their commitment to eliminate barriers and to implement the agreement.

Several provinces have already passed their own implementation legislation.

[Senator Gigantès]

In my opinion, it is important that the federal government proceed expeditiously in its consideration of this bill.

The federal government has played a leading role in making all the governments work closely together on internal trade issues in the interest of all Canadians.

This bill will allow the federal government to continue playing a leading role in this intergovernmental process based on cooperation. The time to act is now.

On motion of Senator Berntson, debate adjourned.

[*English*]

CANADIAN ASSOCIATION OF FORMER PARLIAMENTARIANS BILL

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-275, establishing the Canadian Association of Former Parliamentarians, with five amendments), presented in the Senate earlier this day.

Hon. Sharon Carstairs moved the adoption of the report.

She said: Honourable senators, I should like to briefly go over the amendments that were made in committee today. Copies of the report have been distributed to your desks.

To explain briefly, the first four amendments which are found on the front page of the sixth report are simply amendments which change language. They made a serious error in the other place. They referred to "senators and members of Parliament." We have changed that both in the French and English editions so that it reads "senators and Members of the House of Commons" throughout the legislation. That is what the four amendments are about.

The fifth amendment is a much more substantive one. The clause that we have deleted reads as follows:

To expend, in furtherance of the objects of the association, such moneys as may be appropriated by Parliament or by any other government for the activities of the association.

The committee did not want an impression to be made that this Canadian association of former parliamentarians could look to the government for funding. To ensure that that was absolutely clear, clause 8 has been deleted from the bill and the remaining clauses renumbered accordingly.

• (1710)

Hon. Eymard G. Corbin: May I ask a question of Senator Carstairs?

Senator Carstairs: Certainly.

Senator Corbin: Did any witnesses appear before the committee?

Senator Carstairs: Yes, we had witnesses, three of them in fact, from the clerks of the House of Commons.

Senator Corbin: I have not studied this bill in great detail. However, why has this group sought what appears to me to be nothing but an incorporation under the statutes of Canada when there is another route available to any group and even individuals in this country, namely to be incorporated under the Companies Act?

Senator Carstairs: We touched on this in committee. Since they were former parliamentarians, both members of this chamber and of the other place, they wanted it to be incorporated in the institution they formerly served.

Senator Corbin: Will passage of this bill grant to former parliamentarians rights or privileges exclusive to members of the House of Commons or the Senate?

Senator Carstairs: No, it will not. We deleted clause (h) because we did not want them to think it might.

Hon. Philippe Deane Gigantès: We also excluded clause (h) because it permitted this association to receive moneys from Parliament, from the government, from governments in the plural. I personally felt this might allow members of this association to do what some friendship associations do, which is accept first-class treatment by a foreign government which may transport them out to its own territory in the hope of obtaining their approval of that government. If we accept such treatment but do not act to please that other government, we will have robbed them. If we do act to please that other government, they have bought us. That was a particularly objectionable clause of the bill, and I am glad it has been removed.

I still think this is an unnecessary piece of legislation, badly botched, but, as I said earlier, I shall not oppose it.

Hon. John B. Stewart: I should like to ask a question of the honourable senator. Was any evidence obtained by the committee as to whether members of other legislatures, let us say in Great Britain, France or Australia, have a comparable constitution?

Senator Carstairs: We were not given any such information, nor, to be fair, was any requested.

The Hon. the Speaker: It was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Pearson, that this report be adopted. Is it your pleasure, honourable senators, to adopt the motion?

Senator Gigantès: On division.

Motion agreed to and report adopted, on division.

THIRD READING

The Hon. the Speaker: When shall this bill as amended be read the third time?

Hon. Sharon Carstairs: With leave, now, honourable senators.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Pearson, that this bill as amended be read the third time now. Is it your pleasure, honourable senators, to adopt motion?

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

[*Translation*]

PRIVATE BILL

THE NIPISSING AND JAMES BAY RAILWAY COMPANY—
BILL TO DISSOLVE—THIRD READING

Hon. Lise Bacon, moved third reading of Bill S-7, to dissolve the Nipissing and James Bay Railway Company.

Motion agreed to, and bill read third time and passed.

[*English*]

OFFICIAL LANGUAGES

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on Official Languages (Privy Council Vote 25 of the Estimates for the fiscal year ending the 31st March, 1997), presented in the Senate on May 15, 1996.

Hon. Jean-Louis Roux moved the adoption of the report.

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT
STATE AND FUTURE OF FORESTRY—DEBATE ADJOURNED

Hon. Noël A. Kinsella, for Hon. Mira Spivak, pursuant to notice of May 15, 1996, moved:

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

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

He said: Honourable senators, for several years now, the Senate, through its committees, has paid little attention to forestry, an industry whose exports have been as great as the exports of the energy, fisheries, mining and agricultural industries combined.

The forestry industry employs more than three-quarters of a million Canadians, directly and indirectly. It has also undergone significant change as a result of international pressures,

development of new products, new technology, and environmental concerns.

The federal government plays a role in determining whether Canada's forestry practices are sustainable or unsustainable. It has an interest in whether forestry jobs will continue to be available to Canadians in the future or whether, as we have seen in recent years, there will be fewer jobs.

The members of the committee from this side of the house believe that it is time that we examine some of these key issues in forestry, as a committee of the House of Commons did two years ago. That view is shared by other members of the committee and, as a result, I am pleased to propose the motion that the committee's mandate be extended to include an inquiry into the current state of forestry and the future of forestry in Canada.

On motion of Senator Taylor, debate adjourned.

FISHERIES

COMMITTEE AUTHORIZED TO STUDY MATTERS RELATED TO ITS MANDATE

Hon. Noël A. Kinsella, for Hon. Gerald J. Comeau, pursuant to notice of May 15, 1996, moved:

That the Standing Senate Committee on Fisheries, in accordance with Rule 86(1)(o), be authorized to examine such issues as may arise from time to time relating to Canada's fisheries and oceans generally in Canada, and;

That the committee present its final report to the Senate no later than March 31, 1997.

• (1720)

He said: Honourable senators, in speaking to this motion, it is my understanding that members of the committee have reflected upon this proposal. I believe that the issue is of great significance to Canada, not only to those regions that are bounded by our great oceans, but to the entire country. I believe that what the committee is proposing should be supported by the chamber.

Motion agreed to.

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

EMPLOYMENT INSURANCE BILL—MOTION TO AUTHORIZE COMMITTEE TO TRAVEL DURING STUDY—DEBATE ADJOURNED

Hon. Jean-Maurice Simard, pursuant to notice of motion given of May 15, 1996, moved:

That it be an instruction of this House that the Standing Senate Committee on Social Affairs, Science and Technology adjourn from time to time and from place to

place in Canada when it begins consideration of Bill C-12, An Act respecting employment insurance in Canada.

He said: Honourable senators, I would like to take the next ten minutes to explain to you the need for an exhaustive study of Bill C-12 by the Social Affairs, Science and Technology committee.

The sponsor of this bill told us a few moments ago that the members of the committee must examine closely, clarify and gather information on the numerous clauses contained in the bill.

It is not my intention today to speak to the substance of the bill. I would like to be able to convince the Liberal and independent senators. I can assure you that the honourable senators on this side of the house support my initiative and my motion to authorize the Social Affairs, Science and Technology Committee to travel across Canada.

[*English*]

Honourable senators, I rise to speak on an issue which concerns my colleagues and me deeply, and which I believe should concern all of us in this chamber; that is, the refusal of the committee studying Bill C-12, the proposed employment insurance act, to authorize travel in Canada.

The committee has been given the task and the responsibility of giving proper study to this bill, which will affect hundreds of thousands of employed and unemployed Canadians. Members from both sides of this chamber owe it to Canadians to conduct an in-depth, critical examination of the bill at hand. Allowing the committee to travel to hear Canadians in the regions that will be most affected by Bill C-12 is essential to that important task.

Honourable senators, Bill C-12 does not aim to simply cross a few "t"s and dot a few "i"s in an existing act of Parliament. It replaces a major piece of legislation — the Unemployment Insurance Act — with another major piece of legislation — the Employment Insurance Act.

The program which it attempts to overhaul represents the federal government's second biggest single expenditure. In the legislative process thus far it has not been clear that the government itself has recognized all of Bill C-12's ramifications.

I am certain that all of us here agree that Bill C-12 will have far-reaching consequences, especially in New Brunswick, the other Atlantic provinces and parts of Quebec, the economies of which are structured on seasonal employment. In order to be able to properly assess its effects, it is of vital importance that we hear from the individual Canadians and groups of Canadians who are most likely to be affected by it. The most efficient and effective means of doing this is to have the committee studying Bill C-12 travel to the regions to give people across Canada the opportunity to make their voices heard.

Few among them, I am sure, can afford the expense or the time needed to come to Ottawa. It is also an unfortunate matter of record that a number of groups were refused a hearing before the committee in the other place.

I have before me, honourable senators, a clipping from the *Telegraph-Journal* of New Brunswick which quotes in part a statement by the Mayor of Doaktown, James Porter. Allow me to quote briefly from this article:

“What’s going to take place here?” Mr. Porter asks. “In our situation it’s likely 80 per cent of the people who work in this area are seasonal workers.

“I don’t even want to say what I see happening.”

Mr. Porter says he supports cutting abuse out of the unemployment insurance system but he doesn’t understand the benefit of penalizing people who have no alternative.

“If there’s no work in January, February, March and April then there’s no work,” he says.

Elmer Oickle owns a Petro-Canada gas station and convenience store in Doaktown that employs nine people. He thinks the changes will force him to lay off three people almost immediately.

“It’s scary for me, I’ve got a large investment here,” Mr. Oickle says.

The article concludes:

That’s what worries Mr. Porter. He says taking money from the seasonal workers here could cause this village to “slowly fade away.”

All this to say that we need to hear from Mr. Porter and other groups. We do not need to hear only from union people and big companies; we need to hear the real people in their villages. I do not want a repeat of the 1989 exercise headed by Senator Hébert. At that time, a special committee was formed to look at an earlier version of reform of unemployment insurance. As a matter of fact, the Liberals in opposition took a year and a half.

Senator Kinsella: Did they travel?

• (1730)

Senator Simard: Yes they travelled, and I was part of the group.

We wanted to give Canadians an indication and more proof, if proof needs to be given, that this Parliament is serious. Parliament had every opportunity to review the legislation and hear the points of view of different people.

I am not suggesting that this committee needs to travel extensively or for a long time. It could complete its hearings much faster than the previous committee to which I just referred.

I would like to assure this chamber that it is not the intention of my colleagues on this side of the house to delay or otherwise obstruct the legislative process as a result of partisan motives.

Honourable senators, you will recall the special Senate committee — which I mentioned earlier, no doubt refreshing some memories — on Bill C-21, an unemployment insurance initiative of the previous government. It was formed in 1989

under the chairmanship of the Honourable Senator Hébert. It held hearings both in Ottawa and in other parts of Canada at a cost, I might add, of almost \$80,000, before tabling its final report in February 1990.

Coming back to this bill, the current reforms being proposed to the UI system are no less significant. This is a very complex bill. I would like to hear — perhaps in New Brunswick and not in Ottawa — the provincial Minister of Labour who, in his previous federal civil service role, spent 10 to 12 years trying to administer the existing legislation. I would like to hear what he has to say about this legislation, this so-called easy bill, this bill of technical changes.

This bill is very complex. It contains necessary legislation to cut abuse, and we are all in favour of that. However, this bill goes far beyond the reform contained in Bill C-21 of 1989. I would like to hear from the minister and from others. Perhaps I would like to hear from the Government of Nova Scotia, not in Ottawa, not through a video operation, as was the case in the House of Commons. It is only common sense that we be allowed to meet and talk with people who are before us, not through technology such as video.

This legislation is necessary, but it is incomplete, imperfect. If this legislation is allowed to go forward without the government making a commitment to return part of that \$5 billion which it is projected to reach next year, and possibly double to \$10 billion in 1998, perhaps we could hear suggestions from taxpayers, business people, seasonal workers, many of whom will be left in a snowbank by Mr. Young.

Honourable senators, Doug Young seems to be happy that he has solved the problem for 90 per cent of seasonal workers. If 10 per cent of seasonal workers in New Brunswick are left in a snowbank, that means that about 10,000 people. We should hear from some of these people — not the union leaders, not the hired guns, not the representatives of Mr. White and the Canadian Labour Congress; we should hear from the workers and the families of workers who will be affected by this legislation. That is why I suggest that this committee be instructed to travel.

I believe that Bill C-12 should receive the same treatment that Bill C-21 received in 1989. It should receive the same careful and serious consideration.

This brings me to another matter which I hope was not a factor in the decision to deny the committee the right to travel. It involves the strict time constraint that appears to have been imposed on the passage of this legislation. Bill C-12 has a number of key provisions, such as the rate calculation periods which are scheduled to come into force just a few short weeks from now, on June 30 and July 1, 1996.

If I can convince enough people on the government side to join me, as well as some of my colleagues, we will tell the government that July 1 is not a magic date. Why could it not be August 1 or September 1? It is an imaginary deadline. It is an apparent deadline. However, in light of this apparent deadline, I repeatedly asked the government to pre-study the bill, a request which was repeatedly turned down. We could have commenced a study of this bill two months ago.

I plead with the Liberal senators and those from Atlantic Canada and from Quebec to ensure that they think deeply about

this matter over the weekend, to search their consciences, and then join us in urging Senator DeWare and her committee to travel.

It may appear to a casual observer that we are being expected to rubber-stamp this legislation just to ensure that it passes quickly. Honourable senators, if that were the case then we would be doing a grave disservice to Canadians indeed.

Again, I must express my deep disappointment at the decision to deny the committee the opportunity to travel on Bill C-12. That decision denies Canadians across Canada the opportunity to make their views known on legislation which will affect them greatly. I ask for the support of all honourable senators in this chamber in urging that this decision be reconsidered. In fact, I urge the Senate to instruct the Standing Senate Committee on Social Affairs, Science and Technology to adjourn from time to time and from place to place in Canada when it begins consideration of Bill C-12, respecting employment insurance in Canada.

On motion of Senator Kinsella, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

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 Monday, May 27, 1996 at two o'clock in the afternoon.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Monday, May 27, 1996, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 35th Parliament)
Thursday, May 16, 1996**

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1st | 2nd | Committee | Report | Amend. | 3rd | R.A. | Chap. |
|------------|---|------------|------------|--------------------------------------|---------------|---------------|---|-------------|--------------|
| C-2 | An Act to amend the Judges Act | 96/03/19 | 96/03/20 | Legal & Constitutional Affairs | 96/03/21 | none | 96/03/26 | 96/03/28 | 2/96 |
| C-3 | An Act to amend the Canada Labour Code (nuclear undertakings) and to make a related amendment to another Act | 96/03/27 | 96/03/28 | Social Affairs, Science & Technology | 96/05/01 | none | 96/05/08 referred back to Committee 96/05/16 | | |
| C-7 | An Act to establish the Department of Public Works and Government Services and to amend and repeal certain Acts | 96/03/27 | 96/03/28 | National Finance | 96/05/14 | none | | | |
| C-8 | An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof | 96/03/19 | 96/03/21 | Legal & Constitutional Affairs | | | | | |
| C-9 | An Act respecting the Law Commission of Canada | 96/03/28 | 96/04/23 | Legal & Constitutional Affairs | 96/05/09 | none | 96/05/14 | | |
| C-10 | An Act to provide borrowing authority for the fiscal year beginning on April 1, 1996 | 96/03/26 | 96/03/27 | National Finance | 96/03/28 | none | 96/03/28 | 96/03/28 | 3/96 |
| C-11 | An Act to establish the Department of Human Resources Development and to amend and repeal certain related Acts | 96/04/24 | 96/04/30 | Social Affairs, Science & Technology | 96/05/15 | none | 96/05/16 | | |
| C-12 | An Act respecting employment insurance in Canada | 96/05/14 | | | | | | | |
| C-13 | An Act to provide for the establishment and operation of a program to enable certain persons to receive protection in relation to certain inquiries, investigations or prosecutions | 96/04/23 | 96/04/30 | Legal & Constitutional Affairs | | | | | |
| C-14 | An Act to continue the National Transportation Agency as the Canadian Transportation Agency, to consolidate and revise the National Transportation Act, 1987 and the Railway Act and to amend or repeal other Acts as a consequence | 96/03/27 | 96/03/28 | Transport & Communications | 96/05/08 | none | 96/05/16 | | |
| C-15 | An Act to amend, enact and repeal certain laws relating to financial institutions | 96/04/24 | 96/04/30 | Banking, Trade & Commerce | 96/05/01 | none | 96/05/02 | | |

| No. | Title | 1st | 2nd | Committee | Report | Amend. | 3rd | R.A. | Chap. |
|------|---|----------|----------|--------------------------------------|----------|--------|----------|----------|-------|
| C-16 | An Act to amend the Contraventions Act and to make consequential amendments to other Acts | 96/04/23 | 96/04/25 | Legal & Constitutional Affairs | 96/05/02 | none | 96/05/08 | | |
| C-18 | An Act to establish the Department of Health and to amend and repeal certain Acts | 96/04/24 | 96/04/30 | Social Affairs, Science & Technology | 96/05/08 | none | 96/05/09 | | |
| C-19 | An Act to implement the Agreement on Internal Trade | 96/05/14 | | | | | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1996 | 96/03/21 | 96/03/26 | -- | -- | -- | 96/03/27 | 96/03/28 | 4/96 |
| C-22 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1997 | 96/03/21 | 96/03/26 | -- | -- | -- | 96/03/27 | 96/03/28 | 5/96 |
| C-28 | An Act respecting certain agreements concerning the redevelopment and operation of Terminals 1 and 2 at Lester B. Pearson International Airport | 96/04/23 | | | | | | | |
| C-33 | An Act to amend the Canadian Human Rights Act | 96/05/14 | 96/05/16 | Legal & Constitutional Affairs | | | | | |

COMMONS' PUBLIC BILLS

| No. | Title | 1st | 2nd | Committee | Report | Amend. | 3rd | R.A. | Chap. |
|-------|---|----------|----------|--------------------------------|----------|--------|----------|------|-------|
| C-243 | An Act to amend the Canada Elections Act (reimbursement of election expenses) | 96/05/16 | | | | | | | |
| C-275 | An Act to establish the Canadian Association of Former Parliamentarians | 96/04/30 | 96/05/14 | Legal & Constitutional Affairs | 96/05/16 | five | 96/05/16 | | |

SENATE PUBLIC BILLS

| No. | Title | 1st | 2nd | Committee | Report | Amend. | 3rd | R.A. | Chap. |
|------------|--|------------|------------|--------------------------------------|---------------|---------------|------------|-------------|--------------|
| S-2 | An Act to amend the Canadian Human Rights Act (sexual orientation) (Sen. Kinsella) | 96/02/28 | 96/03/26 | Legal & Constitutional Affairs | 96/04/23 | none | 96/04/24 | | |
| S-3 | An Act to amend the Criminal Code (plea bargaining) (Sen. Cools) | 96/02/28 | 96/05/02 | Legal & Constitutional Affairs | | | | | |
| S-4 | An Act to amend the Criminal Code (abuse of process) (Sen. Cools) | 96/02/28 | | | | | | | |
| S-5 | An Act to restrict the manufacture, sale, importation and labelling of tobacco products (Sen. Haidasz, P.C.) | 96/03/19 | 96/03/21 | Social Affairs, Science & Technology | | | | | |
| S-6 | An Act to amend the Criminal Code (period of ineligibility for parole) (Sen. Cools) | 96/03/26 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1st | 2nd | Committee | Report | Amend. | 3rd | R.A. | Chap. |
|------------|--|------------|------------|----------------------------|---------------|---------------|------------|-------------|--------------|
| S-7 | An Act to dissolve the Nipissing and James Bay Railway Company (Sen. Kelleher, P.C.) | 96/05/02 | 96/05/08 | Transport & Communications | 96/05/15 | none | 96/05/16 | | |

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