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

## Wednesday, June 12, 1996

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

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

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# THE SENATE

**Wednesday, June 12, 1996**

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

## SENATORS' STATEMENTS

### OFFICIAL LANGUAGES

QUEBEC'S LANGUAGE LAW—
NECESSITY TO PROTECT MINORITY RIGHTS

**Hon. Dalia Wood:** Honourable senators, Quebec's language police are back. Premier Lucien Bouchard's government is introducing Bill 40, a signage law, allowing English signs provided that the English lettering is half the size of the French lettering. Until now, equal lettering was permitted. No longer, says Lucien Bouchard.

The Quebec government will pay $5 million to bring back bureaucrats with tape measures and rulers. These bureaucrats will be empowered to examine any document, make copies, take photographs and demand relevant information. Violation of the commercial signage legislation will be subject to penalties, under the French language charter, from $50 to $4,000.

Honourable senators, business people are concerned; Canadians generally are concerned. This is an intrusion into their daily lives, an intrusion into their economic lives. It is unacceptable to spend $5 million to send out inspectors who can drop in on a business at any time of the day, get reasonable access, start looking through francization certificates and measure lettering. That is $5 million — at a time when Quebec is closing hospitals and cutting back on other essential services.

The same Lucien Bouchard, when he was Secretary of State, stated before the Official Languages Committee in 1988 that he refused to accept Quebec's claim that the provincial government has primacy over language matters in Quebec, particularly the fate of anglophones in Quebec. It now appears that Mr. Bouchard is asserting the Province of Quebec's jurisdiction over these same rights.

Mr. Bouchard, when testifying before the Special Committee on the Senate on Bill C-72, an act respecting the status of the use of the official languages of Canada on July 19, 1988, recognized the following:

> The federal government is invested with national and general responsibility for protecting and promoting minorities in the two official languages.

Honourable senators, it is our responsibility to protect and promote minority languages. This legislation, honourable senators, represents the erosion of minority rights in the province of Quebec.

Mr. Bouchard, in a speech to the anglophone community in Quebec in Montreal on March 11, 1996, said:

> As a sovereignist, and as a premier of Quebec, I believe I have a responsibility to reaffirm our solemn commitment to preserve the rights of the anglophone community,...

He has often stated that one cannot protect and promote the French language and respect English minority rights at the same time.

Honourable senators, I am of the opinion that the protection and promotion of the French language in the manner proposed by Mr. Bouchard does not allow for respect of minority language rights in the province of Quebec. By acting in this manner, Mr. Bouchard has failed in his responsibility to preserve the rights of the anglophone community.

Honourable senators, there are other ways to promote the French language and ensure that the French culture is preserved. We have a duty to the anglophones and allophones in Quebec to protect their rights. We must not allow this erosion of their rights without having taken the matter into our cognizance.

### CANADA-UNITED STATES RELATIONS

INTERNATIONAL TRADE POLICIES

**Hon. Donald H. Oliver:** Honourable senators, just a few months ago the government pushed through legislation which had as its goal the termination of publication of split-run editions of *Sports Illustrated* magazine in Canada. A number of senators on this side of the chamber, myself included, warned that this action would be opposed by the United States government. In fact, Senator Kelleher produced a letter in committee whereby the Minister of Trade warned the Minister for Canadian Heritage about this possibility.

• (1340)

As we know, the United States launched a formal complaint to this action with the World Trade Organization. This action against *Sports Illustrated* magazine won Canadians no friends in the U.S. state or commerce departments. This shortsightedness on behalf of the federal government has now caught up with it as it tries to gain concessions from American officials regarding the application of the Helms-Burton Act. Soon, senior executives of Canadian companies will be facing a ban that will keep them from entering the United States. We are presently waiting for the United States to present the Government of Canada with the list of persons who will be barred at the borders because their companies do business with Cuba.

Honourable senators, all of this seems to be happening while the Canadian government stands on the sidelines watching, not participating. Surely, if the Government of Canada followed a consistent trade policy with regard to the United States, it would have been effective in gaining from the United States government exemptions from the application of this act.

## ENVIRONMENT

STRESS CORROSION CRACKING IN OIL AND GAS PIPELINES

**Hon. Mira Spivak:** Honourable senators, the Standing Senate Committee on Energy, the Environment and Natural Resources travelled to Calgary last week and was briefed by officials of the National Energy Board, among others, on issues of energy production and fuel transportation, including pipelines and the environment. I am sure you will hear more about it later.

Of particular interest to the people of Manitoba at this very minute is the issue of pipeline safety. National Energy Board officials told us frankly that their concern about stress corrosion cracking in the Trans-Canada pipeline system is one of the two biggest safety issues now before them. It launched an inquiry last fall into stress corrosion cracking, a process whereby a series of small cracks appear on the external surface of the steel pipe and, over time, link together to cause a rupture.

On the very day last April that the board opened hearings on the issue in Calgary, it received a report of the first major pipeline rupture in Canadian history to occur within the limits of a major urban centre. Unfortunately for the residents of St. Norbert, Manitoba, near Winnipeg, that rupture sent a fireball 40 meters into the air and set fire to a river-front home. Now there are three relevant inquiries proceeding. There have been preliminary suggestions that a welding defect may have contributed to the accident. However, the phenomenon of stress corrosion cracking is not ruled out as another contributing factor.

Stress corrosion cracking is believed to be caused by stress, soil or water corrosion and internal pipeline pressure, as well as the type of pipe and its coating. The pipe that ruptured was one of six in the area. It has not been repaired because the section that exploded runs under the La Salle River and water levels in the river are extraordinarily high — almost six meters higher than normal. Trans-Canada Pipeline, of course, has been forced to shut down its line.

Another factor that investigators are considering is the stress placed on the pipe this past year as a result of an extraordinarily cold winter and spring flooding. Manitobans know all too well that they lived through extreme weather last winter and spring. Few would equate it with the phenomenon we call global warming or, more accurately, climate change. Yet extreme weather variations and heavy snowfall on the Prairies are precisely what meteorologists have predicted will be the result of the build-up of greenhouse gases in the atmosphere. The record snowfall on the Prairies and springtime flooding in the past two years is consistent with the predictions of climate change impact. We were told at the National Energy Board that the number of reported pipeline incidents has increased from 47 in 1990 to 80 last year.

The specific issue of concern for Manitobans is that the investigation's findings assure them of several things. First, that the cause of the rupture has been clearly determined; second, that the remaining five lines in the area are absolutely safe or, if there is any doubt, that appropriate measures are being taken; and, third — and this applies to pipelines everywhere in Canada — that climate change, unforeseen 30 years ago when much of the pipeline was being laid, is being fully considered by officials of the National Energy Board, the Transportation Safety Board and gas and oil pipeline companies.

There are approximately 23,000 kilometres of major gas pipelines extending across Canada, some 16,000 kilometres of oil pipelines. We need assurance that they are absolutely safe, no matter what happens to our climate. Similarly, we need assurance that the proposed pipelines into the north are fully engineered to withstand dramatic changes in climate. We hope that the incident in St. Norbert is not the canary in the mine shaft.

## BUSINESS OF THE SENATE

AUDIO SYSTEM—SENSITIVITY OF MICROPHONES IN SENATE CHAMBER

**The Hon. the Speaker:** Before I call the next item, I wish to remind honourable senators that, when using papers or documents, please do not allow them to touch the microphones, which are very sensitive. When even a piece of paper touches one, a very loud sound is emitted from the earpieces.

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# ROUTINE PROCEEDINGS

## FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. John B. Stewart,** with leave of the Senate and notwithstanding rule 58(1)(*a*), moved:

> That the Standing Senate Committee on Foreign Affairs have power to sit at 3:15 p.m. today, Wednesday, June 12, 1996, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

Motion agreed to.

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# QUESTION PERIOD

## JUSTICE

INVESTIGATION INTO SALE OF AIRBUS AIRCRAFT TO AIR CANADA—POSSIBILITY OF OUT-OF-COURT SETTLEMENT IN LIBEL ACTION—GOVERNMENT POSITION

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate. Last night, CBC's Neil MacDonald reported that federal government lawyers are trying to reach an out-of-court settlement on former Prime Minister Mulroney's lawsuit over Airbus kickback allegations. In his story on CBC, Mr. MacDonald quoted an unnamed government source as saying that government lawyers are in negotiations with Mr. Mulroney and could have an agreement within 24 to 48 hours.

My question is this: Has the government initiated any attempts to settle this matter out of court?

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, the only response I can give my honourable friend is that regular discussions between lawyers in this case are ongoing. The Minister of Justice has said publicly that we would be prepared to discuss a settlement, but there is nothing imminent.

**Senator LeBreton:** Honourable senators, I had not heard that the Minister of Justice had said that he was prepared to discuss this matter.

In any event, in the same story on CBC — and repeated in today's *Montreal Gazette* — it is reported that Justice Minister Allan Rock told the CBC that he knew of no specific settlement proposal. That comment begs the question: Is there a non-specific or general settlement proposal being advanced by government lawyers? "Yes" or "no."

**Senator Fairbairn:** Honourable senators, not to my knowledge. As I said, lawyers in the case on both sides are in regular communication with each other. I am aware of the story presented on the news last night, which was very dramatic. I have been advised today that conversations take place on a regular basis and there is nothing imminent. That is all I can comment on.

POSSIBILITY OF SETTLEMENT IN LIBEL ACTION UNDERMINING INVESTIGATION INTO SALE OF AIRBUS AIRCRAFT TO AIR CANADA—GOVERNMENT POSITION

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, by way of supplementary, I am startled to hear the minister say that the government lawyers would be willing to discuss a settlement because if a settlement were to be achieved, it would mean the end of the investigation because — and I do not want to hypothesize — it would indicate that the government has abandoned the chase.

• (1350)

**Senator Stewart:** No.

**Senator Lynch-Staunton:** You say "no", but the fact is that when you reach an out-of-court settlement, you do so because you know you will not gain anything by going to court.

**Some Hon. Senators:** No.

**Senator Lynch-Staunton:** Why would the government even envisage a settlement when by doing so it would interfere with the investigation? It is telling the RCMP, "We have nothing to do with your investigation. We know not how it was initiated. We have no idea who wrote the letter or how it got to Switzerland. We are hands-off on this one completely. By the way, we are willing to settle with the plaintiff," thereby interfering directly in the investigation, and cutting the ground from under the feet of the RCMP.

Members opposite are shaking their heads, but I am asking the minister to explain how the admission that the government is willing to settle will help a so-called independent investigation into criminal activities committed by the former prime minister, according to the RCMP.

**Hon. Joyce Fairbairn (Leader of the Government):** My honourable friend is talking in extremely hypothetical terms. I have not said that the government is proposing a settlement. I have tried to look into this matter today, and I can only say to my honourable friend, as I have said to Senator LeBreton, that there is nothing imminent as regards the contents of that story, and as far as I am aware there is no proposal being put forward by the government. There are lawyers talking in Montreal in the preparation of this court case, and that is where it sits.

**Senator Lynch-Staunton:** If the minister's colleagues would stop interrupting me, perhaps she could get my question. It is quite simple: How can the government, as the minister did just a few moments ago, admit to agreeing to discuss a settlement — those are pretty well her words — when to do so would be to undermine an investigation? You could leave the investigation alone and let it run its normal course. If you do that, then you are being consistent with what you have said in the past.

However, now we are hearing that a settlement is possible, and that the government would entertain discussions along those lines. How will the RCMP feel when they hear that an out-of-court settlement is possible while they are doing everything possible to bring the matter under investigation to court?

**Senator Fairbairn:** Honourable senators, there is a court case on libel being discussed in the courts in Montreal. Among lawyers, there is an investigation that is currently in progress. I have no comment whatsoever to make on the investigation, nor indeed on the rumours and speculation that came out on last night's news.

I have said that there are conversations taking place in Montreal on a daily basis between lawyers. There is absolutely nothing imminent, and the government is not putting forward any proposal.

[*Translation*]

## FOREIGN RELATIONS

### VISIT OF FRENCH PRIME MINISTER TO CANADA— RECOGNITION OF FRENCH FACTOR OUTSIDE QUEBEC

**Hon. Gérald J. Comeau**: Honourable senators, my question is for the Leader of the Government in the Senate. It refers to the comments made by French Prime Minister Alain Juppé during his visit to Quebec.

According to press reports, the French Prime Minister came dangerously close to supporting the Quebec separatists.

Has the Prime Minister, the Right Honourable Jean Chrétien, had an opportunity to indicate firmly to the Prime Minister of France that the French fact extends beyond the borders of the Province of Quebec?

By supporting the cause of the separatists, is the Prime Minister of France not abandoning and rejecting the francophone and Acadian communities in other parts of Canada?

[*English*]

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, the meeting between the French Prime Minister and the Prime Minister here in Ottawa was a very positive encounter. I understand that his visit to Canada went very well indeed. He took advantage of his visit to reassert the friendship between France and Canada, and to reaffirm our economic and political partnership. At his press conference here in Ottawa, he stated that our relations were very good and free of irritants, and that France did not have to take a position on the situation within Canada.

## JUSTICE

### INVESTIGATION INTO SALE OF AIRBUS AIRCRAFT TO AIR CANADA—POSSIBILITY OF OUT-OF-COURT SETTLEMENT IN LIBEL ACTION—REMARKS OF PRIME MINISTER

**Hon. Gerry St. Germain:** Honourable senators, my question is also to the Leader of the Government in the Senate.

I heard the leader say that the Minister of Justice has indicated that he is prepared to discuss a settlement in regard to the Montreal case. She went on further to say, I believe, that there is no specific agreement nor anything imminent, other than talks which are ongoing between lawyers.

Am I correct in what I have said? Did the leader make such statements?

**Hon. Joyce Fairbairn (Leader of the Government):** Yes.

**Senator St. Germain:** The minister has always said that the Minister of Justice, the Solicitor General, the Prime Minister's Office and the PCO, are not involved at all in this investigation. Are they being briefed on this issue at this point in time, and are they now involved with the RCMP and others in the investigation?

**Senator Fairbairn:** Absolutely not.

**Senator St. Germain:** In that event, how then can the minister explain what the Prime Minister said yesterday in regard to the report about the lawyers attempting to reach an out-of-court settlement in the case brought against Brian Mulroney? How can the Prime Minister say to the country that the government was not attempting to reach an out-of-court settlement if he is not aware of what is happening? In order to make a statement such as that, he must know what is going on. How can he possibly make a statement that there are no negotiations or anything else going on when he is totally kept out of the picture? He emphatically stated that the government was not attempting to reach an out-of-court settlement. Tell me how he can know this.

**Senator Fairbairn:** Honourable senators, there is a court case for libel, and there is an investigation. The two are totally separate. The investigation is being conducted by the RCMP, as it has been and continues to be. There is a case going on in the courts of Montreal, and that is the libel suit. The two are quite separate.

As I have said, as you have said, and as the Prime Minister has said, there is no proposal put forward for a settlement. Personally, I do not know the basis for what was said on television last night. I am simply saying that lawyers are talking back and forth in the course of preparation for that case, and the Prime Minister would be absolutely correct in what he said.

**Senator St. Germain:** Honourable senators, the Leader of the Government in the Senate has said emphatically that the Minister of Justice has indicated that he is prepared to discuss this matter of settlement. She is also saying that the two matters are divorced. I do not see how they can be. The libel suit is as a result of the investigation. If you know what is going on on one side, you must know what is going on on the other. I do not see how the two can be divorced.

Does the Leader of the Government in the Senate still stand by her position that the PMO, the PCO, the Solicitor General, the Minister of Justice and the Prime Minister knew nothing about this matter, and that this whole affair was not a fishing trip or a witch hunt?

**Senator Fairbairn:** Absolutely, senator.

**Senator Lynch-Staunton:** An act of God!

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. B. Alasdair Graham (Deputy Leader of the Government):** Honourable senators, I have a response to a question raised in the Senate on December 12, 1995 by the Honourable Senator Balfour regarding the sale of Airbus aircraft to Air Canada; a response to a question raised in the Senate on December 12, 1995 by the Honourable Senator Balfour regarding the sale of Airbus aircraft to Air Canada, knowledge of government ministers; and a response to a question raised in the Senate on May 29, 1996 by the Honourable Senator Carney regarding the imposition of the Mifflin plan without necessary studies.

## JUSTICE

### AUTHORITY FOR STATEMENT ON POLITICAL NON-INVOLVEMENT IN POLICE INVESTIGATIONS—GOVERNMENT POSITION

(*Response to question raised by Hon. R. James Balfour on December 12, 1995*)

It is a well-established principle in Canada that both the police and the Attorney General are independent in the performance of their lawful duties. This independence requires that decisions be made without consideration of the political advantage or disadvantage to the government or any political group or party. Consequently, it would be inappropriate for a Minister of the Crown to be involved in decisions made by the police concerning an investigation.

The leading Canadian authority for this principle is the late Professor John Edwards, formerly of the University of Toronto. In his discussion paper on "The Office of Attorney General — New Levels of Public Expectation & Accountability" he states:

> Among the central criteria by which a country's justice system is publicly judged are fairness and evenhandedness in the handling of criminal proceedings, the absence of any perception of bias or political interference on the part of those exercising police and prosecutorial authority, as well as professional competence and integrity throughout the system.

The principle was succinctly stated by the Honourable Roy McMurtry while he was Attorney General of Ontario:

> Fundamental to our system of law enforcement is that the police are independent of any direct political control. They are not the servants of individual ministers of the crown or even of the government as a whole....
>
> ...the bottom line is that independence from political control in individual cases is one of the hallmarks of the basic independence of constables and chief constables under our system of law.

### SALE OF AIRBUS AIRCRAFT TO AIR CANADA—ALLEGED CONSPIRACY TO DEFRAUD FEDERAL GOVERNMENT—KNOWLEDGE OF GOVERNMENT MINISTERS—REQUEST FOR PARTICULARS

(*Response to question raised by Hon. R. James Balfour on December 12, 1995*)

The letter of request in the Airbus matter was sent to the Swiss government on September 29, 1995. A request must be approved by an official of the International Assistance Group of the Department of Justice, on behalf of the Minister of Justice. The Minister of Justice became aware of the request on November 4, 1995.

## FISHERIES AND OCEANS

### IMPOSITION OF MIFFLIN PLAN WITHOUT NECESSARY STUDIES—GOVERNMENT POSITION

(*Response to question raised by Hon. Pat Carney on May 29, 1996*)

The Buy-back Program is designed to allow individuals to voluntarily leave the salmon fishery. There is no intent to remove the smaller operators or negatively affect coastal communities — there is an intent to be fair and permit those who do not wish to remain in the industry to leave with compensation. The Department of Fisheries of Oceans has no information to support the view that a disproportionately high percentage of aboriginal commercial fishers have applied.

The program has not been targeted to one gear sector or vessel length category — on the contrary, all gear sectors must participate in the changes announced for the salmon fishery and all are eligible to participate in the buy-back program, which reflects the Roundtable Report recommendations.

An independent Fleet Reduction Committee, chaired by Jim Matkin, will review the applications and make recommendations to the Department on acceptance of offers. Detailed information on the composition of applications will be available later.

An environmental assessment was not required, as the activities contemplated under this Plan were not prescribed pursuant to Regulations made under the Canadian Environmental Assessment Act.

The Revitalization Plan for the West Coast Salmon Fishery will likely have an effect on the B.C. labour market. However, until the take-up of the DFO buyback offer is finalized, the employment impact of this measure is not known.

Concerning employment impact studies, the Department will be working closely with Human Resources Development Canada and the fishing industry to ensure the transition needs are met. HRDC is the Department of the Government of Canada responsible for both Unemployment Insurance and Labour Market Programming (job search assistance and Labour Market Information). One of HRDC's primary responsibilities is to help both individuals and industries adjust to the changing needs and requirements of the labour market.

In communities where the fishing industry represents a significant part of the labour market, their specific assessment and employment needs will be addressed through existing HRDC programs and services to assist fishers and shoreworkers exploring alternative employment opportunities.

Local Human Resource Centres of Canada (HRCC) already help individual clients by providing:

UI benefits (where clients are eligible);

Job search assistance;

Labour Market Information.

Under the proposed EI legislation, scheduled to come into effect July 1, 1996, active adjustment measures such as the following will be available to eligible workers:

Targeted Wage Subsidies — a wage subsidy to employers who wish to hire eligible clients to provide work experience and employment;

Self-Employment — Income support assistance to help clients start their own business;

Job Creation Partnerships — to help clients get work through work experience and labour market development activities which are linked to local economic development plans;

EI active measures will be available to all individuals who have had an active UI/EI claim within the past three years.

EI income support benefits will continue to be available to those clients who qualify.

Industrial Adjustment Service (IAS)

HRDC is currently involved in an Industrial Adjustment Service (IAS) agreement with the United Fishermen and Allied Workers Union (UFAWU), the Commercial Fishing Industry Council (CFIC) and the Adjustment Programs Branch of the provincial Ministry of Education, Skills Training (MEST). The purpose of the agreement is to develop an industry-sponsored employment transition service (ETS) tailored to the needs of those displaced from the industry. The Department of Fisheries and Oceans (DFO) has been invited to participate in the Industrial Adjustment Service.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

DEPARTMENT OF WESTERN ECONOMIC DIVERSIFICATION—VEHICLES PURCHASED—REQUEST FOR DETAILS

**Hon. B. Alasdair Graham (Deputy Leader of the Government)** tabled the answer to Question No. 36 on the Order Paper—by Senator Kenny.

FISHERIES AND OCEANS—EXPORT OF GROUNDFISH FROM NOVA SCOTIA TO UNITED STATES—NAFTA PROVISIONS

**Hon. B. Alasdair Graham (Deputy Leader of the Government)** tabled the answer to Question No. 63 on the Order Paper—by Senator Comeau.

INTERNATIONAL TRADE—DETAILS ON FREE TRADE AREA OF THE AMERICAS

**Hon. B. Alasdair Graham (Deputy Leader of the Government)** tabled the answer to Question No. 90 on the Order Paper—by Senator Oliver.

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• (1400)

## WITNESS PROTECTION PROGRAM BILL

CONCURRENCE BY COMMONS IN SENATE AMENDMENTS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons to acquaint the Senate that they have agreed to the amendments made by the Senate to Bill C-13, 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.

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# ORDERS OF THE DAY

## DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES BILL

THIRD READING

On the Order:

Resuming the debate on the motion of the Honourable Senator De Bané, P.C., seconded by the Honourable Senator Poulin, for the third reading of Bill C-7, to establish the Department of Public Works and Government Services and to amend and repeal certain acts;

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator LeBreton, that the bill be not now read a third time but that it be amended:

1. in clause 2, on page 1, in the French version, by adding, after line 12, the following:

« " ministre " S'entend du ministre des Travaux publics et des Services gouvernementaux. »

2. on page 4, in clause 10, by replacing line 22 with the following:

"consent of its owner, if the expenditure or performance is in the completion of a public work."

3. (*a*) in clause 16, on page 5,

(i) by replacing line 34 with the following:

"16.(1) The Minister may do any thing for or on",

(ii) by replacing lines 41 and 42 with the following:

"Canada that requests the Minister to do that thing"; and

(*b*) in clause 16, on page 6, by adding after line 2 the following:

(2) Nothing in paragraph (1)(*b*) confers on the Minister the power to provide architectural or engineering services.

4. in clause 62 by replacing 21, on page 23, with the following:

62. If Bill C-8, *An Act respecting the***.**

**Hon. David Tkachuk:** Honourable senators, the National Finance Committee heard compelling evidence that Bill C-7 must be amended. The concerns raised by the private sector witnesses who appeared before the committee boil down to one key point: Architects, engineers and other professionals fear clauses 10 and 16 of this bill will put the government into competition with them, not only for domestic contracts but for foreign business as well. The government dismisses these concerns and says it has no plans to compete with the private sector. It refuses to amend this bill to ensure that that does not happen. Since the government says it has no plans to compete with the private sector, one would think that there would be no problem with putting the commitment in writing in this bill.

The problem, of course, as pointed out by the witnesses, is that the department is already competing with the private sector and actively soliciting new business. The fact that the private sector wants that commitment of non-competition put into the bill tells us something about the current level of trust in the government. The government's refusal to accept such amendments speaks volumes about its attitude.

Our hearings opened with the minister, the Honourable Diane Marleau, telling us:

> Many of the amendments that were made in the House of Commons were made deliberately to calm the fears that had been expressed, to show that we are not at all intent on competing with the private sector.

Were these fears calmed? No. The minister herself went on to say that it would not matter if further changes were made in the bill because she did not think it would do anything to restore trust. Her exact words were:

> ...there is a lack of trust and we have to build that trust. I do not care how many rules and how many clauses we add there; until we build that trust and we prove what we are saying — which we are going to do — it will not matter.

Honourable senators, it does matter. Pierre Franche of the Association of Consulting Engineers of Canada told us:

> There is distrust, yes, because when we are told, "We do not want to compete with the private sector, but we do want the powers requested under articles 10 and 16," yes, we are concerned about it because, Mr. Chairman, ministers change, officials change, governments change over time.

Mr. Franche went on to say:

> If we want to rebuild trust, I suggest to the honourable members of this committee that the first step is to modify this bill. That will help us go a long way.

He suggested an amendment that would add a legal restriction to the department's powers prohibiting it from placing itself in direct competition with the private sector.

Dale Craig of the Association of Consulting Engineers of Canada spoke to the line in clause 16 which will allow Public Works to compete not only for contracts within Canada but for contracts in other countries. Mr. Craig said:

> The idea of government personnel travelling abroad to seek contracts for the government in which they may or may not involve the private sector, but having the freedom to do so under the legislation, is not something that we want to do or see happen, because the fact that they have the power to do so means that sooner or later it is possible that would be exercised.
>
> We are spending a lot of our own money to pursue these same contracts in some cases and try and establish relationships, and we believe that the private sector should be the lead.

He continued:

> Believe me, private industry will identify opportunities where other governments have needs.... Our contacts will uncover these opportunities. And we will be very quick to go back to the government when there is a role for government-to-government credibility or for expertise that we do not have in the private sector.

Honourable senators, perhaps there would be more trust if the government started listening to those who are affected by this legislation and talking to them in advance.

Mr. Craig also told us:

> I do not disagree that cooperation is a desirable mode of operation. I think the difficulty is that we are being presented with legislation that changes the powers of Public Works from what has been in place for about 120 years. The consultation with us was not done in advance. We were presented with, effectively, a fait accompli and asked — or told, to accept it.
>
> The difficulty is that without advance consultation in a change of legislation, we do automatically get a little concerned about the potential for abuse of the power.

There was more. Mr. Hart of the Canadian Environmental Industry Association said:

> It is, therefore, all the more incomprehensible to discover that our industry may soon find itself in head to head competition with the very government that has been so supportive of our growth and development...

Mr. Hart said that his organization —

> ...has vigorously opposed two sections in this bill which strike at the heart, in our opinion, of fair competition in the private sector.

Mr. Hart went on to provide examples of how Public Works has already started to compete with the private sector, as Senator Nolin stated yesterday. They offered to work with the government on possible changes to the wording of the offensive clauses. He said, however, that they have not been able to get through the door.

The government said that it would not change the legislation because it will not compete with the private sector. However, it will sign a memorandum of understanding saying that it will not compete with the private sector, therefore admitting that the bill gives it the power to compete with the private sector. Otherwise, why would the government need a memorandum of understanding?

Tony Griffiths of the Ontario Association of Architects, the Royal Architectural Institute of Canada, gave us six compelling reasons why this bill should be amended to prevent Public Works from competing with the private sector. The first was that it goes against the government's own policy of streamlining and downsizing. The second was that the less than precise allocation of real costs, both direct and indirect, could allow the government an unfair advantage. The costs, including overheads, which are faced in the private sector are truly the cost of doing business, and cannot be ignored, discounted or absorbed elsewhere.

The third reason was that it would run counter to the government's deficit reduction policy, both because taxpayers are indirectly subsidizing the department and because there would be a loss of revenue. We all know that government bureaucrats do not understand the costs associated with running their own department. A couple of years ago, in the National Finance Committee, we had officials from Communications Canada before us. They did not understand even the idea of capitalization of equipment. They could not understand that if they are provided with all of this equipment for free, it is a cost associated with competition in the private sector.

The fourth reason had to do with risk. I will again quote from testimony:

> ...the risk involved in providing professional services is twofold: The usual type of risks encountered in the operation of any business and the very significant exposure which arises when providing professional services to the public.
>
> We architects are small business people, and we accept and attempt to manage the risks that we face as such. If we manage poorly, we are out of business. What is the comparable business risk for a government ministry when competing with us? The public purse is always available as a last resort.

Mr. Griffiths rejected the government's argument that the bill is good because it allows the private sector to tap the resources of the department, or to partner it in some fashion.

We heard also from Charles Brimley of the Canadian Council of Technicians and Technologies. He put it this way:

> The contention that there exists the possibility of Public Works and Government Services becoming a private sector partner is, in our opinion, flawed, since it implies that the government can partner on an equal basis with the private sector.

• (1410)

He went on to raise a sixth concern, that of professional accreditation, which surprised many of us on the committee. By engaging personnel who may not be accredited by professional bodies, the Department of Public Works may very well be offered services in a manner that offends provincial statutes. We did not know that engineers working for government departments find it unbearable to write a cheque to the Association of Consulting Engineers, or that they expected the government to pay. Therefore, most government engineers do not belong to the Association of Consulting Engineers. The architects who work for the government are not members of their professional association either.

In committee, Senator Stratton moved an amendment that would have addressed some of the concerns we heard. Government members on the committee, of course, voted down that amendment. Senator Stratton's amendment would have removed the words "or elsewhere" from clause 16, which would have stopped the government from competing with the private sector for government contracts.

In closing, honourable senators, I should like to draw to your attention why we do not trust the government in the way it has placed this bill before the Senate. The government simply does not understand what it is doing when it says that they are privatizing and contracting out. They say that because there is not enough work for government people to do in a particular department, they will contract them out because they want to be fair to the public sector employees. Of course, we all want to be fair. However, if there is no work to be done, there is no work to be done.

What they have been doing and what their policy will be over the next year is contracting out government services. In the national parks, we have a good example of that. The government is contracting out maintenance service in the national parks. They will be giving employees a five-year contract. All the overhead for this service company will be paid. Of course, in contracting out, this service company gets to compete with the people who are already in the maintenance business in the private sector. The private sector will now have to compete unfairly with contracted-out government people who have a five-year contract under which their overhead is totally covered. It is unfair that those people should have to go out of business so that the government people can stay in business. I do not think that arrangement is fair because it disturbs the marketplace. It is no wonder that all these engineers, architects and everyone affected by this bill believe that the government will compete with them in the private sector.

By adopting the amendment put forward by Senator Nolin we could establish some trust. However, the government refuses to do that, and I know why. They refuse to do so because they will have to compete in the private sector and because they are afraid of their own unions. They do not have the guts to do what has to be done. They would rather see a small architectural firm in Saskatoon or Winnipeg or an engineering firm in Edmonton fail so that they can keep their jobs here in Ottawa. I do not think that is fair.

Therefore, I ask all honourable senators to support this amendment.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will all those honourable senators against the motion in amendment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it. I declare the amendment lost.

Motion in amendment negatived, on division.

**The Hon. the Speaker:** Honourable senators, the question is now on the main motion for third reading of this bill. Is it your pleasure to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

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

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "yeas" have it. I declare the motion carried.

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

## AGREEMENT ON INTERNAL TRADE IMPLEMENTATION BILL

THIRD READING

**Hon. B. Alasdair Graham (Deputy Leader of the Government)** moved the third reading of Bill C-19, to implement the Agreement on Internal Trade.

**Hon. John B. Stewart:** Honourable senators, I have a point to raise concerning this bill. I ask honourable senators to look at two clauses of the bill. The first of those clauses is clause 11, which states:

> The Government of Canada shall pay its portion of the annual budget of the Secretariat referred to in Article 1603 of the Agreement, in accordance with Annex 1603.3 of the Agreement.

Next, I ask honourable senators to look at clause 14. The first part of that clause authorizes the Governor in Council to make certain appointments. It then states:

> A person appointed under subsection (1) may be paid such remuneration and expenses for their services as are fixed by the Governor in Council.

In committee, my eyes were attracted to those provisions. As a result, I asked the witness from the Department of Justice a question or two concerning them. I drew attention to clauses 11 and 14, and then I said:

> Am I correct in assuming that these are not statutory expenditures as distinct from expenditures which would be included in the annual estimate process?

Mr. Von Finckenstein of the Department of Justice replied:

> Section 11, once it is law, is a statutory expenditure.
>
> **Senator Stewart:** So it would not be included in the money to be voted?
>
> **Mr. Von Finckenstein:** No.

The exchange with regard to clause 14 was less specific. However, I assume that if I had pressed Mr. Von Finckenstein, he would have made the same reply, that is to say, the reply that these clauses confer full authority for the expenditures.

• (1420)

My mind went back to another bill, the one which set up ACOA. That bill contained a clause which said that the president shall be paid such remuneration as may be fixed by the Governor in Council. The Liberals took the position that those words did not appropriate the money to pay the salary. The matter came up at a meeting of the National Finance Committee on June 23, 1988. Senator MacEachen referred to the question of finances, and the witness had this to say:

> **Mr. McPhail:** I was speaking of the Estimates.
>
> **Senator MacEachen:** Yes, and your money comes from the Estimates, not this bill.
>
> **Mr. McPhail:** Yes.

I do not want to generalize too much because the process because may have varied over time, or even within the same time period. However, it is my understanding that there used to be two steps in the process of setting up a statutory expenditure as distinct from an expenditure to be included in annual supply votes. One would be a clause authorizing the government to pay remuneration expenses, et cetera. However, that clause would not appropriate the money; a second clause or a provision within a clause was needed by which the money would be appropriated. Thus the executive government would be granted the money with which to meet the obligations into which it had entered by reason of the appointments or the establishments it had made.

Honourable senators, it may be that Bill C-19 is following a good, legal model. Alternatively, the executive government may have drifted into the assumption that a clause which authorizes the appointment of a person and the payment of a salary to that person appropriates money.

We ought to know what is really going on here, because the total of the statutory expenditures tends to creep upward. Every one of these clauses, if they indeed appropriate money, push up the total of statutory expenditures and thus reduce the control of Parliament over the expenditure of public revenues.

I am not objecting to the motion but I am asking the Leader of the Government in the Senate to undertake to obtain an answer. Perhaps my question can be dealt with by the Department of Justice or by the Treasury Board. Perhaps it can be dealt with by the Privy Council Office. It may even be such a difficult question that all three will need to put their heads together. We should know whether or not a bill drafted in this way does indeed appropriate money.

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I would be pleased to take Senator Stewart's comments and recommendations to the various authorities as he has requested.

**The Hon. the Speaker:** Does any other honourable senator wish to speak on Bill C-19?

If not, it was moved by the Honourable Senator Graham, seconded by the Honourable Senator MacEachen, that the bill be read the third time now.

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

Motion agreed to and bill read third time and passed.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Internal Economy, Budgets and Administration (budget — Foreign Affairs) presented in the Senate on June 10, 1996.

**Hon. B. Alasdair Graham (Deputy Leader of the Government),** for Senator Kenny, moved the adoption of the report, as revised.

Motion agreed to and report adopted, as revised.

## POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming the debate on the inquiry of the Honourable Senator Bonnell, calling the attention of the Senate to the serious state of post-secondary education in Canada.—(*Honourable Senator Berntson*).

**The Hon. the Speaker:** Honourable Senator Berntson, this matter is standing in your name. Do you yield to the Honourable Senator Robichaud?

**Hon. Eric Arthur Berntson (Deputy Leader of the Opposition):** I so yield.

**Hon. Louis-J. Robichaud:** Honourable senators, I take great pleasure in rising to speak on behalf of Senator Bonnell's inquiry on the serious state of post-secondary education in Canada.

I have no hesitation whatsoever in supporting Senator Bonnell's five principles for higher education. I wholeheartedly agree that post-secondary education should be publicly funded, that it should be affordable and accessible to anyone who wishes it and is able to attend; that students should be guaranteed mobility from province to province; that our higher education system should be comprehensive, and that courses taken at one institution should be easily transferable or portable to any other school in the country. Those, I believe, are important principles with which to underpin Canada's post-secondary education policy.

I also do not think that it is possible to exaggerate the importance of our universities to Canada's economic well-being, cultural development and stability. It only takes a moment's reflection to appreciate the impact our universities have on Canadian society. The universities carry out a number of important tasks and activities: teaching, research and service. The teaching produces highly trained human resources through degree programs, as well as numerous non-credit offerings to enhance professional skills and satisfy personal interests in learning.

There are thousands and thousands of graduates present everywhere in Canada, and countless others who have benefitted from individual courses taught at the university or via television. As is well known, university graduates are less likely than anyone else to be unemployed or collecting social assistance. They are more likely to be earning large incomes, and therefore paying higher taxes.

• (1430)

If the past 50 years have taught us anything in public policy, it is that there is no better way to fight unemployment and to promote regional economic development than in investing in post-secondary education.

Basic research, for which Canada relies mainly on universities, also yields unpredictable results that become essential sources of more practical advances in understanding, and our applied research generates knowledge for the design of products, the development of policies, the evaluation of practices, and the prediction of outcomes. Virtually every major scientific and technological advance seen in the western world during the past 50 years can be traced back to a scholar or to a university department.

Service facilitates the resolution of problems, the analysis of programs and the improvement of conditions in our society by focusing university expertise on community issues. Looking back on my years as Premier of New Brunswick, I take a great deal of pride in what my colleagues and I were able to accomplish. High on our list of accomplishments were our decisions to reshape our colleges and universities in the province, and to establish the Université de Moncton.

A good number of people across Canada are applauding the economic miracle now taking shape in New Brunswick. There is no question that Frank McKenna's leadership, his vision and his dynamism go a long way towards explaining why the miracle has taken root. However, Premier McKenna will be the first to point to the presence and role of top-flight universities in his province as a key building block for his economic miracle.

Important developments are now taking place in the Fredericton area in computer science and engineering. If one takes a close look, one discovers that the presence of the University of New Brunswick looms large indeed in the developments. Mount Allison University and St. Thomas University have also made important contributions, not only to their immediate communities but also to their province, to Canada, and even to developing countries and to society in general.

Economic analysts are increasingly looking at the rise of Acadian entrepreneurship to see whether a magic formula exists which could be applied elsewhere. The magic formula is simple and obvious: l'Université de Moncton. Acadian entrepreneurs, virtually to a person, have told me that the Université de Moncton has given them the knowledge, the confidence and the skills to launch new economic activities and to manage them.

Let me explain in concrete terms the importance of the Université de Moncton to Acadian regions.

[*Translation*]

The university comprises three campuses, namely, the Centre universitaire de Moncton in Moncton itself, the Centre universitaire Saint-Louis-Maillet in Edmundston and the Centre universitaire de Shippagan in Shippagan. Each of these campuses is a vital factor in the development of its region.

Together, the three components provide over 1,300 persons regularly, with a total payroll of $52 million. With the expenditures of employees, students and visitors in the region and the purchases of goods and services in the province, the Université de Moncton produces an estimated $85 million in direct benefits. This is only the direct contribution. Money spent in each region has a multiplier effect in keeping the economy moving in terms of jobs and of revenues.

With the appropriate multiplier, we calculate that the three campuses produce $192 million for the province directly and indirectly. In terms of employment, they provide work for more than 3,000 people. The university's contribution is all the more important, because it continues year in and year out, thus creating a cumulative effect, which grows at the same rate as each campus.

The impact of this institution is more than just economic. Despite its brief existence, the Université de Moncton has produced more than 30,000 graduates in a wide variety of disciplines. It is a priceless and invaluable resource in the context of the new economy, which draws increasingly on human resources.

In fact, I think it is essentially due to the Université de Moncton that a strong and vibrant francophone community has emerged in New Brunswick. It would be no exaggeration to say that without the establishment of the Université de Moncton in 1963, Acadia would now be of interest only to historians and folklorists.

The Université de Moncton attracted young francophones from all over the province as well as from outside the province. They came from small and relatively unknown villages, such as Saint-Charles, Maisonnette, Saint-Jacques or Pubnico. Not only did they learn new things, but they also became aware of their Acadian identity. Goodbye to uncertainty about their heritage, their culture, their language and their ability to contribute to the development of their province and their country. They started to take control of their destiny with confidence and very few of them lived to regret it.

Today, our elementary and secondary schools, whether in urban centres or in rural areas, all have highly qualified teachers, most of whom graduated from the Université de Moncton. Many Acadians hold key positions in the federal and provincial public service, in large multinational corporations abroad, as well as in small and medium size businesses at home.

Others are active members of major national or provincial organizations like the Fédération des francophones hors Québec. Still others have entered into business ventures both nationally and internationally. An impressive number of successful Acadians were educated at the Université de Moncton.

In a relatively short time, we have seen this people in danger of extinction, lacking self-confidence and the skills required to survive in the modern world, undergo drastic change.The Université de Moncton played a leading role in this respect, by literally achieving political, cultural and economic recognition for Acadians.

Anyone who is familiar with Acadian history knows what it means to Acadians, as the 21st century nears, to have a dynamic university constantly expanding and improving, forging a solid reputation for itself both nationally and internationally.

We note that, in addition to its official functions as a university, the Université de Moncton serves the community in many ways. Many of its activities in the areas of theatre, music, arts, sports, permanent education and lectures are open to the public. Its accessibility to local residents as well as to everyone in the province certainly helps to improve greatly the quality of life of the community it serves.

Finally, based on available data and statistics as well as on our knowledge of how market economies work, we can readily conclude that this university has a substantial and positive economic impact on the Moncton, Shippegan and Edmundston areas.

This economic impact is, however, a by-product of the university's activities. A university's role is not to make local residents benefit from its spending, but rather to enhance their quality of life through knowledge acquisition and propagation as well as culture and civilization preservation. On this score, the 30,000 or so graduates the Université de Moncton has produced since it was established have made a most significant contribution to achieving these goals.

[*English*]

Now you will understand why I support Senator Bonnell's motion of inquiry with a great deal of enthusiasm. Universities play a vital role on many fronts: cultural, economic and political. They explain new developments in my province, and also why Canada is quickly establishing itself as a leader in new knowledge industries.

• (1440)

The Government of Canada has an important role to play in supporting our universities. If it does not play such a role, the price to pay will be prohibitive for business, for jobs, for the pursuit of new knowledge and, ultimately, for Canada.

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

**The Hon. the Speaker:** Is it agreed, honourable senators, that the motion remain standing in the name of Honourable Senator Berntson?

**Hon. Senators:** Agreed.

On motion of Senator Berntson, debate adjourned.

## CRIMINAL CODE OF CANADA

SECTION 43—INQUIRY—DEBATE ADJOURNED

**Hon. Sharon Carstairs** rose pursuant to notice of Wednesday, June 5, 1996:

> That she will call the attention of the Senate to section 43 of the Criminal Code of Canada.

She said: Honourable senators, section 43 of the Criminal Code of Canada reads as follows:

> Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or a child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

I think every single member of this chamber has seen a child being given a slap by a parent. Many of us have watched classmates being strapped in front of us, or at least we felt that gut-wrenching feeling knowing what was in store for them when they were sent to the office. Some of us, I am sure, have experienced a sense of injustice when we knew that the wrong child was being sent to the office or, indeed, that the wrong child was being punished, or that the punishment was far too severe for the offence.

Some of you perhaps did not even know that this section of the Criminal Code still existed; or if you did, perhaps you have considered it routine over the years. I wonder how many of you have considered the judgments of the court based on this particular section of our Criminal Code.

Honourable senators, let me tell you about a case in Manitoba. A Manitoba father kicked his child down the stairs, pulled a clump of hair out of the child's head, and the police were called. The police laid a charge. The father was convicted of assault, and that conviction was appealed. The appeal court judge ruling said that the father was not guilty of assault because of section 43 of the Criminal Code. His major reason was "After all, the father had removed his shoe and had only kicked the child down the stairs with his stocking foot." He then went on to say that the punishment was "mild compared to the discipline I received in my home."

Consider also the case of the Prince Edward Island mother who chained her teenage daughter to prevent her from leaving the house. According to a CBC radio report, the police declined to lay the charge because they felt that the mother's conduct would be considered "reasonable" under section 43 of the Criminal Code.

There is also the case of a British Columbia teacher who hit a 13-year-old boy on the head with a hammer. The teacher was acquitted of assault in 1993 on the basis of section 43.

Honourable senators, I could go on to tell you more of the horror stories of abusive behaviour towards children which has gone unpunished because the use of force towards a child is condoned by our Criminal Code — the document which presumably sets out acceptable norms of behaviour in our society.

Of course, corporal punishment was once the norm for criminal infractions as well, but as a society, we decided that we should move away from that model and that we should no longer whip criminals. Why? Because we found that it did not work. We also considered it to be inhumane. However, presumably, somehow or other, we still think it works with children, or that it is somehow or other humane when it is used towards a child.

There has been a great deal of research done on corporal punishment and its effect, and most of it is harmful. Studies show that corporal punishment leads to injury and death of children. It contributes to the level of violence and aggression in our society; it contributes to juvenile delinquency; and, above all, it normalizes violence as a way of resolving conflict.

• (1450)

Honourable senators, there is a very fine line between discipline and abuse. D.A. Wolfe, in his book *Child Abuse: Implications for Child Development and Psychopathology*, states:

> ...child abuse can be viewed in terms of the degree to which a parent uses negative, inappropriate control strategies with his or her child.

Honourable senators, in 1989, Canada became a signatory to the United Nations Convention on the Rights of the Child. Prior to the 1989 convention, under international law a child was an object to be given care and protection. The convention altered this perception by recognizing the child's rights as an individual person. It recognized their right to freedom of expression, to association, to assembly, and of religion and of privacy. Canada has come under international scrutiny and criticism since 1989 for failing to repeal section 43 of the Criminal Code, which is viewed as being a contravention of the UN convention.

Honourable senators, the repeal of section 43 is likely to meet with opposition from some parents who fear that they will be criminalized for disciplining their child. Alternatives to criminalization would need to be developed. Accompanied by educational measures to acquaint parents with the new law and with alternative discipline techniques to corporal punishment, the repeal of section 43 could be effectively accomplished.

Sweden, Denmark, Finland, Austria and Norway have all abolished corporal punishment, but perhaps the most inspiring example for us as Canadians is that of Sweden. Corporal punishment of children was repealed in Sweden in 1979, and it was accompanied at the same time by the introduction of a widespread educational program. The purpose of the Swedish ban on corporal punishment was to recognize that children are autonomous individuals who are entitled to the very same protection against physical punishment or violence that adults take for granted.

Honourable senators, the Swedish law was never intended to criminalize parents. In fact, the amendment was made to the Parent's Code, and it carries no penalties. Punishment for infraction of the law remains within the arena of the Penal Code and is administered only in cases of clear assault. The law was intended as a guideline for parents to follow and, most important, as a means of changing attitudes towards the use of force in child rearing. Its purpose is to educate rather than to punish parents.

At the time of the legislative changes in Sweden, a series of national surveys was conducted to assess levels of support for corporal punishment. Respondents were asked in each survey whether they thought that corporal punishment was sometimes necessary in child rearing. Between 1965 and 1968, the percentage who thought that it was necessary declined from 53 per cent to 42 per cent. By 1971, this percentage had declined even further to 35 per cent. By 1994, only 11 per cent of Swedes supported the use of corporal punishment in child rearing. Concurrently, between 1965 and 1971, the proportion of Swedes who believe that children should be raised without the use of corporal punishment increased from 35 per cent to 60 per cent.

The Swedish Children's Rights Commission strongly recommended that a public education campaign accompany the passage of the law, and a massive campaign was funded by the Department of Justice. This was the most comprehensive and expensive public education campaign in Swedish government history. A 16-page colour pamphlet explaining the reasons for the

law and providing alternatives to corporal punishment was given to every household in Sweden with a young child. The pamphlets were also distributed through medical offices and child care centres, and translated into all immigrant languages. Further, for two months, information about the law was printed on milk cartons to ensure that it was present at family mealtimes when parents and children could discuss the issue together.

As a result of this campaign, by 1981, just two years after the passage of the law, 99 per cent of Swedish people knew about the law, a level of knowledge unmatched in any other study about law in any other industrialized society. The long-term success of this law is largely attributable to the education efforts that continue today.

As the Children's Rights Commission Report was the shortest commission report ever printed in Swedish history, it is used in schools to teach children how a law is made. The legislation also appears in the ninth grade lesson plan on child development. The law is discussed with new parents during their initial visits to health clinics, and emphasized in parent education classes which are available to all expectant parents. Such measures provide information about the law directly to children and parents and reinforce its preventative function.

As I said earlier, a national survey carried out in 1994 reveals that only 11 per cent of Swedes now support the use of corporal punishment. Swedes are increasingly choosing child-rearing methods that do not involve the use of physical force. In the Swedish culture, the rejection of physical punishment as a child rearing option has become the norm.

One of the most obvious effects of the law has been that social welfare authorities can now intervene much earlier into troubled families. The clarity of the law has eliminated unresolved debates and disputes about what does and does not constitute abuse, and provides child welfare personnel with unambiguous guidelines. The absence of sanctions for parental transgression provides opportunities to alter parents' behaviour through support and education, rather than intervention after a child has been harmed. Honourable senators, Sweden has set an international example in this area.

This is not a new issue in Canada. In 1976, the report of the House of Commons Standing Committee on Health, Welfare and Social Affairs entitled "Child Abuse and Neglect" recommended review of section 43. In 1980, the report of the Standing Senate Committee on Health, Welfare and Science entitled "Child at Risk" recommended a review of section 43. In 1981, the report of the House of Commons Standing Committee on Health and Welfare and Social Affairs entitled "National Agenda for Action" recommended the immediate repeal of section 43. In 1984, the Badgley Commission report recommended review of the Criminal Code in this area. In 1989, Canada signed the United Nations Conventions on the Rights of the Child and recognized the child's right as an individual person and the right to freedom of expression, association, assembly, religion and privacy. These are but a few of the reports which have recommended that section 43 be reviewed and repealed.

Honourable senators, it is time to review section 43 and our attitudes towards it. I would ask honourable senators how we can condone the corporal punishment of our children, whom we repeatedly say are our most precious resource, when we have recognized that violence for adults is unacceptable? We now espouse laws that say there should be zero tolerance for spousal abuse. I believe we all support that. We have removed corporal punishment from most of our schools. We have removed corporal punishment for our prisoners. Why have we kept it for our children?

Honourable senators, it is time to consider the repeal of section 43 of the Criminal Code of Canada and the establishment of an education program based on the Swedish model that would aid parents in finding alternative disciplines for their child; disciplines that do not include corporal punishment.

On motion of Senator Cools, debate adjourned.

• (1500)

## PRECINCTS OF PARLIAMENT

### ROOM 160-S DESIGNATED AS ABORIGINAL PEOPLES ROOM

**Hon. Orville H. Phillips,** pursuant to notice of Wednesday, June 5, 1996, moved:

> That the Senate committee room 160-S be designated the "Aboriginal Peoples Room" in honour and recognition of the contribution of aboriginal peoples to Canada.

He said: Honourable senators, in May 1993, I made a motion to the effect that Room 256-S be named the Aboriginal Peoples Room. We selected that room because of its motif. The motion was amended and the subject-matter was referred the Senate Standing Committee on Aboriginal Peoples. Unfortunately, with the dissolution of Parliament, this subject fell through the cracks. This spring, in the season of regeneration, the subject has been revived. I hope that it will soon be blooming.

When I moved my motion, I pointed out that the Commonwealth Room, which used to be the smoking room of the House of Commons, recognizes our connection with the anglophone community. What used to be the smoking room of the Senate has now been renamed la Salon de la Francophonie in honour and recognition of our connection with the francophone community, not only in Canada, but throughout the world.

On a visit to New Zealand, I was given a tour of the New Zealand Parliament. I was very pleased to see that they had a Maori room. They are very proud of this room which contains a history of Maori leaders who served in the New Zealand Parliament. I was surprised at the number of Maoris who had served in the New Zealand cabinet long before we had an aboriginal in the Canadian cabinet.

Honourable senators, we have a new Senate committee room ready for opening. I think it would be most appropriate to honour and recognize our aboriginal people by naming this committee room the Aboriginal Peoples Room.

I wish to point out to my aboriginal friends in the chamber that the francophones and the anglophones got a second-hand room. You are getting a brand new room. I hope that you will take the opportunity to decorate it with your art work, and that it will serve as a reminder to generations to come of the contribution aboriginal people have made to this nation.

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

**Hon. Willie Adams:** Honourable senators, I am not really in favour of this motion because Room 160-S is in what I call the basement, which is not much of a tourist attraction. Tourists come here every day to visit the House of Commons and the Senate, which are on the second floor. They come through the main entrance and go up the stairway to the second floor. To get to this room, you must go down the stairs to the basement. As I said, I do not think this is very attractive to tourists.

I preferred the original motion to name Room 256-S the Aboriginal Peoples Room. That is the room in which the Committee on Aboriginal Peoples used to meet.

I do not know who designed this new room or what it will look like. Does it have an aboriginal design? The decor of Room 256-S makes it appropriate to be named the Aboriginal Peoples Room.

I looked for the room yesterday and I could not even find it. I think it is still blocked off for construction. I would at least like to have a chance to see what it looks like before it is named.

Aboriginals lived in this country a long time before Europeans came here, and I do not like being relegated to the basement. Perhaps after I see the room, I will be able to accept the motion.

**Hon. Len Marchand:** Honourable senators, I seconded Senator Phillips' motion. I did not know that my good friend Senator Adams would speak. I know his feelings and I used to share them. That is one of the reasons I supported the original motion to name Room 256-S the Aboriginal Peoples Room.

Canadians know the history of our people well. We are used to being in the back of the bus or in the basement, rather than in a prominent place.

I have had a good look at the new room and its design. I do not want to be at loggerheads with my good friend Senator Adams. However, I think it is reasonable that he be satisfied. Perhaps we should wait a while before passing this motion. Senator Adams will then be satisfied that this is a good place, and that the new room will not be in the basement. In fact, it is on the main floor. It will be at the main entrance to the Parliament Buildings. It will be one of the best committee rooms on the Hill.

• (1510)

I want to assure Senator Phillips and all of my colleagues that all of the aboriginal peoples, the Inuit, the Métis and the Indians, can work together to make this room one of the finest on the Hill. There is art work from around the country among our peoples which is second to none. We will ensure that that room embodies that art and, we shall hope, depicts some of our real history. We can and will do that.

I was talking to the Minister of Indian Affairs a week ago about places on Parliament Hill that depict the aboriginal peoples. He said, "Gosh, there is nothing around here." That is true. There is very little aboriginal art on Parliament Hill.

If honourable senators look to their left as they enter the Commonwealth Room, they will see an argillite carving of a totem pole done by Rufus Moody in 1967. It was presented to Parliament by the Minister of Indian Affairs of the day, the Honourable Arthur Laing. It is still one of the largest argillite totem poles ever carved. It is a beauty. On the other side of the room, you will see a big Inuit carving. It was also presented to Parliament by the Honourable Arthur Laing.

I hope we can sort out this situation to the satisfaction of Senator Adams and everyone else, and move as quickly as possible with this motion. I know there is a great deal of good feeling about the establishment of this room. I think we must move while the branding iron is hot. Let us get going and get it done.

**Hon. Colin Kenny:** Honourable senators, I am pleased to have an opportunity to speak briefly on this subject. The Internal Economy Committee considered this subject briefly. We started a consultation process as to what the appropriate name for the room should be. However, the Senate is a far better venue in which to consult senators. There is an opportunity for everyone here in the course of this discussion to express their views.

I should like to endorse the remarks that have just been made. It would be helpful if a decision could be made sooner rather than later on this subject, simply because the planning involved to get this room organized could be expedited if its title were selected. The theme and the look of the room could then be made appropriate to its designation.

I am comfortable that this debate has overtaken our consultation process. No one could say that they were not consulted inasmuch as we have had this discussion here in the chamber. If the Senate feels comfortable with referring to the room as the "Aboriginal Peoples Room" in future, I think that is terrific. That will give the people who are working on the design of the room a better opportunity to proceed in a timely fashion to complete it.

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to endorse the remarks of Senators Phillips and Marchand. June 21 is designated Aboriginal Peoples Day in recognition of their role and place in Canadian history and in today's society. Therefore, it is important that the Senate also send a signal of how important we believe the aboriginal peoples are in our communities. This also sends a signal to the Aboriginal Peoples Committee that we, as parliamentarians, intend to take our responsibilities toward and with the aboriginal people seriously.

With respect to the comments of Senator Adams, I have never taken the precincts of Parliament to be any different, and in particular the floors of this building, whether it be the first, the second or the fifth floor. I know that from time to time some senators have discussions about sizes of offices and placement of offices. However, I hope that we can respect the entire precincts of Parliament.

While I was a member of the Internal Economy Committee, Senator Kenny convinced me that this room would become one of the significant meeting rooms. Perhaps by designating it the Aboriginal Peoples Room we will make it a significant meeting room. It may be the room in which all committees will want to meet.

I hope that we can move as quickly as possible on this motion in order to send a clear signal of support to the aboriginal peoples, something which I think is very important to them at this time.

**Hon. John G. Bryden:** Honourable senators, I had the opportunity to have some discussions with Senators Marchand and Adams, as well as with my colleagues on this side. I totally support this motion. The only point I wish to make is that if we go ahead with this measure, I hope we do it in a first-class manner.

Senators Adams, Watt and Marchand should look at the design. They should be given the opportunity to make some comments on it. In this way, not only will we be proud of having this Aboriginal Peoples Room as part of the Hill, it will be something of which they will be proud because they are part of the Hill. They will also be proud of it when Keewatin people and Micmac people, for example, come to visit.

I would even give up fixing the carpet in the Senate if it would make a difference to doing this right.

**Hon. Walter P. Twinn:** Honourable senators, I wish to express my gratitude for the great honour you have allowed us in having a special room. I believe I speak for all honourable senators when I say this. When I get there, I hope I will receive a triple majority.

**Hon. Anne C. Cools:** Honourable senators, I too wish to support this initiative with a very strenuous expression of approval. I should like to thank Senator Phillips for advancing this initiative and for bringing it before us.

I am told that either the Parliament of Australia or New Zealand has a room dedicated to aboriginal peoples. I think it is fitting, and timely, that Canada's Parliament have a room dedicated to the same.

I also echo Senator Bryden's concerns that the room be fittingly and tastefully decorated in a style reflective of the aboriginal peoples of this country. I heartily support this motion.

**Senator Phillips:** Honourable senators —

**The Hon. the Speaker:** Honourable senators, I must advise the Senate that if the Honourable Senator Phillips speaks now, his speech will have the effect of closing the debate on this motion.

**Senator Phillips:** I thank the honourable senators who have supported this motion. To my honourable colleague Senator Adams, I point out that the room will not be in the basement. If you do not believe me, I will take you down and show you the basement. You will find that there is a considerable difference.

Honourable senators, I should like this motion voted on today, if possible, because June 21, which is the beginning of summer, has been designated Aboriginal Peoples Day. I thought it would be most fitting if, on that day, we could have a ceremony naming the room the Aboriginal Peoples Room. Therefore, honourable senators, I would ask you to support the motion today.

Motion agreed to.

## THE ESTIMATES, 1995-96

BUDGET MATERIAL RECEIVED DURING PREVIOUS SESSION REFERRED TO NATIONAL FINANCE COMMITTEE

**Hon. David Tkachuk,** pursuant to notice of Thursday, June 6, 1996, moved:

> That the papers and evidence received and taken by the Standing Senate Committee on National Finance during its review of the Main Estimates 1995-96, in the First Session of the Thirty-fifth Parliament, be referred to the Committee.

Motion agreed to.

## THE SPECIAL SENATE COMMITTEE ON THE CAPE BRETON DEVELOPMENT CORPORATION

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

**Hon. B. Alasdair Graham (Deputy Leader of the Government),** for Senator Rompkey, pursuant to notice of June 10, 1996, moved:

> That, notwithstanding the Order of the Senate adopted on June 6, 1996, the Special Committee of the Senate on the Cape Breton Development Corporation be authorized to present its final report no later than June 28, 1996, and that the Committee retain all powers necessary to disseminate and publicize its final report until July 6, 1996; and
>
> That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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## Wednesday, June 12, 1996