



CANADA

# Debates of the Senate

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2nd SESSION

•

35th PARLIAMENT

•

VOLUME 135

•

NUMBER 36

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OFFICIAL REPORT  
(HANSARD)

Wednesday, September 25, 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.)

*Debates: Victoria Building, Room 407, Tel. 996-0397*

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Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and  
Government Services Canada, Ottawa K1A 0S9, at \$1.75 per copy or \$158 per year.

Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Wednesday, September 25, 1996

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

Prayers

[*Translation*]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before proceeding with Senators' Statements, I call your attention to the presence in our gallery of some distinguished visitors: Mr. Jean-Pierre Charbonneau, the Speaker of the Quebec National Assembly as well as chairman of the Parliamentary Conference of the Americas, which Quebec is preparing in conjunction with the other parliaments. Mr. Charbonneau is accompanied by two members of the Quebec National Assembly, the Honourable John Ciaccia, Member for Mont-Royal, and Mr. Joseph Facal, Member for Fabre.

[*English*]

## THE SENATE

### INTRODUCTION OF PAGES

**The Hon. the Speaker:** Honourable senators, I would also like to introduce the pages to you. As I am sure you have noticed, there are a number of new faces. There has been a change in our program. They will be doing more work vis-à-vis committees, and so on. There will be a larger number of pages, and for the first time, at the beginning of the week, we had a formal swearing in of the pages.

I would now like to introduce them to you, honourable senators. First, our new chief page is Gregory Doiron, who was here last year. Gregory hails from Saint John, New Brunswick, and is currently pursuing a social sciences degree with a double major in political science and communications. He hopes to work in public relations and would like to get involved in foreign affairs.

Andrew Barnsley is a returning page who is currently studying psychology and film at Carleton University. He is originally from Lethbridge, Alberta, but now calls Fredericton, New Brunswick, home. His future aspirations include entering the Canadian television industry.

Leigh Lampert, who is also a returning page, was born and raised in Moncton, New Brunswick. He is in his second year of studies at the University of Ottawa in the Faculty of Arts. He is looking forward to a career in medicine or law, and possibly politics as well.

[*Translation*]

Honourable senators, there are other new pages you have not yet met. The first of these is Andrew Barden of Quebec City, the son of two professors of microbiology at Laval University. He has decided to continue his studies in economics and political science at the University of Ottawa, and plans to continue in this field with a specialization in the mining and oil industries, and the importance these two key industries hold in the Canadian economy.

Next, we have Catherine Isabelle Larrivée from Cap-Rouge, Quebec. She has been studying at the University of Ottawa since January 1995, and is finishing up her bachelor's degree in social sciences, specializing in economics and with a concentration in international policy and public administration. She plans to study medicine in order to become a surgeon.

[*English*]

• (1340)

Elizabeth Sharp was born in Fredericton, New Brunswick, and graduated with honours from École Sainte-Anne in Fredericton. She is presently studying psychology at the University of Ottawa. Elizabeth spent a year as an exchange student in Mexico and since then has taken a keen interest in foreign affairs.

[*Translation*]

Next, honourable senators, we have Jeffrey Alexandre Sisk. He was born in Quebec City, but moved to Fredericton, New Brunswick, where he completed his primary and secondary schooling. He is now in second year economics at the University of Ottawa, and his favourite subjects are finance and international development.

Michel Thériault, a name well known in the Senate, is from Bouctouche, New Brunswick, and attended Clément-Cormier Secondary School there. He is currently in second year at the University of Ottawa in political science and public management. After graduation, Michel hopes to pursue a career in public administration.

[*English*]

Vicky Wong is from Riverview, New Brunswick. Vicky graduated with honours from Riverview High School and is currently enrolled at the University of Ottawa. She is working in human kinetics and plans to apply to medical school. She hopes to have a career as a paediatric oncologist.

Honourable senators, those are your pages for the time being. Further pages will be added during the course of the session.

**THE LATE HONOURABLE H. CARL GOLDENBERG,  
O.C., O.B.E., Q.C., L.L.D.**

TRIBUTES

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

Honourable senators, it is with a great sense of sadness today that I rise to pay tribute to the late Carl Goldenberg, who passed away on July 22 in Toronto. Canada has lost one of its most outstanding citizens and this place a distinguished former colleague who many of us will remember with great admiration and affection.

Although I did not arrive in the Senate until after his retirement, I knew Mr. Goldenberg well, and greatly valued his wise counsel for a number of years. He was particularly patient and understanding with young people at the beginnings of their careers, and I was very much in that stage when I first met him. He was known and respected by Canada's leaders in many fields throughout his private and public career.

[Translation]

Honourable senators, Carl Goldenberg was a Canadian patriot par excellence. He adored his country, and was an ardent defender of the place of his beloved Quebec within Canada.

[English]

From his appointment in 1971 to his retirement from this place in 1982, Carl Goldenberg accomplished what many of us could only hope to achieve in a series of lifetimes. As well as being a constitutional advisor to three prime ministers, Mr. Goldenberg participated vigorously in 20 Royal Commissions and led numerous boards and special inquiries. In this place, he was the chairman of the Standing Senate Committee on Legal and Constitutional Affairs and a vigorous member of the Senate-House of Commons committee on the Constitution of Canada, which at that point he co-chaired.

Carl Goldenberg is probably best known to Canadians for his work as an arbitrator in major labour management disputes, a role for which he won the respect of both sides for his fairness and integrity. Stories of his arbitration decisions are legion. He helped to settle disputes at every level of our society, from construction work in British Columbia to maritime shipping and transportation conflicts across Canada and internationally. He carried out his work, not in a combative way, not in a manner of intimidation, but with firm persuasion, with thoughtfulness and with respect.

Honourable senators, Carl Goldenberg was active in Canada's war effort when he was appointed to Canada's war organization in 1940, where he served with characteristic distinction in a number of key posts and for which he was awarded the Order of the British Empire for service to this country. His father, a Romanian immigrant, instilled in his son a passion for political

life, an ethic for hard work and a keen eye for compromise and conciliation. Those early lessons would see the junior Goldenberg rise to the top of his profession of law. They would also enable him to be trusted implicitly by those who had the occasion to work with him.

After he retired from this place, Carl Goldenberg did not fade away into gentle obscurity. On the contrary, he moved right back into the work he loved and was active for many more years. He was, honourable senators, an amazing man. He was a steadfast friend to many. He was a wonderful husband and father. His influence will be felt for many years to come.

The death of Carl Goldenberg is a second sadness for his family who, in recent years, lost their beloved daughter, Ann. We in this place offer our sympathy and our best wishes to his wife Shirley, his son-in-law Mel Bergman, and to his grandchildren Stanley and Jenny, and to a good friend of mine, his son Eddie, of whom Carl was so very proud. I am sure that all of this family are sustained by those special memories of a truly fine gentleman.

[Translation]

**Hon. Gérald-A. Beaudoin:** Honourable senators, I wish to pay tribute today to an outstanding legal scholar who passed away in July.

Carl Goldenberg studied law at McGill University, in Montreal, graduating with the highest honours.

A distinguished lawyer, he enjoyed success after success as an arbitrator and a mediator. Labour relations was one of his favourite fields. He has settled countless disputes and problems. It was second nature to him. He was certainly one of our greatest experts in labour law. He worked in the field.

A courteous, reserved and civilized man, he became Prime Minister Trudeau's constitutional advisor in 1968. He formed a committee with Jean Beetz and Gérald Le Dain, both of whom were later appointed to the Supreme Court of Canada, heading the bill. I did some work for this committee. That is how I got to know Carl Goldenberg.

Appointed to the Senate on November 4, 1971, by Pierre Elliott Trudeau, he made his mark as the chair of the Senate Standing Committee on Legal and Constitutional Affairs. He also chaired another committee, which tabled a noted and noteworthy report on Senate reform in 1980.

He was a prized advisor on royal commissions. A renowned author and conciliator, he played a meaningful role in constitutional conferences.

He also lent his support to the establishment of the Quebec research centre for public law at the Université de Montréal, with Professor Jean Beetz as its first director, from 1961 to 1963. It is truly one of the most prestigious research centres in Canada.

[English]

• (1350)

Carl Goldenberg participated in the activities of the Canadian Bar Association. He was a first-class lawyer with one of the finest legal minds of this country and a well-known arbitrator. His career speaks volumes about the man.

[Translation]

Honourable senators, a great Canadian has departed, leaving behind him an achievement of which he can be justly proud: His son Edward is an advisor to Prime Minister Chrétien. I extend my deepest sympathies to his wife and children. This fine mind will be missed.

[English]

**Hon. Leo E. Kolber:** Honourable senators, Carl Goldenberg passed away in July of this year. Although I never had the privilege of knowing him very well, I had met him on numerous occasions. For a young man who thought that someday he might be able to contribute something to the public good, I could not have had a better model.

Carl Goldenberg was appointed to this body in November 1971 and retired in October 1982. Interestingly enough, there have been three Jewish senators from Quebec. The Honourable Lazarus Phillips was the first. He was succeeded by Carl Goldenberg, and I had the privilege of succeeding Senator Goldenberg.

If you looked up the late Senator Goldenberg in *Who's Who in Canada*, you would be awestruck, as you have heard, by the number of commissions, special arbitrations, directorships and academic medals from a whole variety of universities. However, what you will not find is what I perceive to be the true essence of the man.

His son Eddie, who has achieved considerable heights himself, delivered a eulogy to his father on July 24 of this year. He talked about a long and happy life, rich in family, rich in friends, and rich in accomplishments. He pointed out that it was a life to be celebrated without sadness, a life to be remembered with great joy and, above all, a life that can be taught to others. It was the life of a truly great Canadian and a life that can well serve as a model and an inspiration to family, friends and fellow citizens.

Eddie said that his sister Ann and he could not have had a better father, and I know that his wife, Shirley, to whom he was married for over 50 years, could not have had a better partner. His mother had told the children that, despite the sadness of his passing and the difficulties of the past few years, she would look back on happy memories and happy times.

Carl Goldenberg was able to instill in his grandchildren, Stanley and Jenny, the concept of public service, compassion for the underprivileged, and the building of a better country. The grandchildren knew that he was a very prominent Canadian and a highly accomplished individual but they knew him simply as "Grandpa," and that meant more to them than all his other accomplishments combined.

The late senator epitomized the story of so many Jews of European ancestry. He was born in Canada, but his parents were European immigrants who came here with nothing.

He was able to serve prime ministers from Mackenzie King to Pierre Elliott Trudeau to Jean Chrétien. He was one of the giants in public service. His son Eddie points out that his passing symbolizes the end of an era.

It was also pointed out that his legacy will take us into a new era and, although it is new, it will be based on his principles of liberalism and tolerance. He will be sadly missed by his family and friends. I know you will join me in saluting a great life.

**Hon. Richard J. Stanbury:** Honourable senators, Carl Goldenberg was a man of many parts. That has been amply demonstrated by the excellent tributes already paid to him here today. It was also made clear at the time of his death, in laudatory articles in *La Presse*, *The Gazette*, *The Toronto Star* and *The Globe and Mail*, as well as by the fulsome tribute issued by Prime Minister Jean Chrétien.

All those tributes have been punctuated with the words "brilliant, perceptive, eminent, respected, modest, unassuming, deeply committed to public service and to Canada," and many more adjectives describing a man of unusual talents, overflowing generosity, and winsome personality.

After all these tributes, you honourable senators who did not know Senator Goldenberg will be aware that here again was a senator of whom both the Senate of Canada and the people of Canada could be proud. Those of us who knew and worked with him are aware of how deep a chasm was created, first by his departure from the Senate and now by his death.

I had the privilege of sitting up in the back benches of the Senate with Senator Goldenberg after his appointment by Prime Minister Trudeau in 1971. We developed a warm friendship. We worked together on the Standing Senate Committee on Legal and Constitutional Affairs and on two special committees on the Constitution during the difficult days of the 1970s. My recollection of both his brilliance and his human understanding during those discussions is still precious to me.

I wish to repeat my condolences, already expressed, to his wonderful wife Shirley, to his son-in-law and grandchildren, and to Eddie, the son of whom he was most proud.

## SENATOR'S STATEMENT

### DEFENCE

#### STATEMENT OF PRIME MINISTER ON STATUS OF CHIEF OF STAFF AND MINISTER

**Hon. Gerry St. Germain:** Honourable senators, last week, in a response to questions regarding the Somalia inquiry, the Prime Minister of Canada insulted all Canadians by both attacking and placing blame on the rank and file in the military without awaiting the final findings of this inquiry.

Prime Minister Chrétien said:

If both the top brass and soldiers don't like Boyle and Canadian defence policies, then they should get out of the armed forces. We used to have 130 generals and we cut them by one-third.... Those who are still unhappy can go. Some will have to go anyway.

I fail to understand how the Prime Minister can give full support to both Mr. Collenette and Mr. Boyle and at the same time, throw a blanket of blame on all others in the military prior to receiving the final report of this inquiry. Like many other Canadians, I am disgusted that the Prime Minister of Canada would call into question the careers of so many in our military when it is obvious to everyone, but the Prime Minister, that accountability starts at the top. If anyone should go, it should be Defence Minister Collenette and General Boyle.

I realize that the closest Prime Minister Chrétien has come to military service is perhaps visiting a military base somewhere in the world or in Canada. Thus, he may not realize an important fact about the military, namely, that the men and women who serve in the military must have full confidence in their superiors, because often they are asked to put their lives at risk based on the directives from these superiors.

We have already heard from some respected retired major-generals such as Mackenzie, Addy and Vernon that they, along with many others, have lost confidence in Minister Collenette and General Boyle.

• (1400)

I cannot believe the audacity of the Prime Minister's response to this situation when he said that these brave men and women should simply quit if they do not have confidence in the leadership of the military.

Honourable senators, this is unacceptable behaviour on the part of a prime minister. I challenge the Prime Minister to state unequivocally that he believes the rank and file still have confidence in both General Boyle and Minister Collenette. If he cannot do that, then he must demonstrate leadership worthy of a prime minister and ask for the resignations of both these men. I know this may prove somewhat difficult for this Prime Minister, since he has yet to demonstrate either the courage or competence to lead on this issue, and many others.

I say to His Honour, a distinguished veteran and ex-serviceman, how can we let the incompetence of

Prime Minister Chrétien and Defence Minister Collenette destroy the dignity and honour of the greatest military organization in the world?

## QUESTION PERIOD

### CONFLICT OF INTEREST

#### INFLUENCE OF LOBBYISTS ON CABINET— DECISION-MAKING PROCESS

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate.

Page 94 of the infamous Red Book states:

Serious concerns have been raised in the minds of Canadians about some of their political representatives and some of the companies and individuals who lobby or otherwise seek to influence government decision-making. A Liberal government will move quickly and decisively in several ways to address these concerns about conflict of interest, influence peddling, and selling access.

A Department of National Defence document dated August 10, 1996 states that certain requirements must be met for the provision of advice to the minister, such as military communications experience, knowledge of the department's international operations, and in-depth knowledge of defence issues.

The document goes on to state, as was reported this morning in the *Ottawa Sun*, that they intended to award a \$50,000 contract to Thornley Fallis Communication Counsel to provide this service. The *Ottawa Sun* also reported that the contract was awarded after a personal pitch was made to the Minister of National Defence on behalf of this firm, which is headed up by the treasurer of the Liberal Party.

What short-term and long-term communications strategies will Mr. Thornley's firm be providing to the minister? Will it be to try to extract the minister and the Prime Minister from the communications quagmire in which they find themselves over the Somalia inquiry and their support of General Boyle? Will it be to extract the Prime Minister and the government from the helicopter fiasco, or will it be to assist another untendered Liberal contractee in dealing with the Greek veterans issue in the riding of Minister Collenette in Metro Toronto?

**Senator Taylor:** Perhaps to look into the Airbus affair.

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I am not in a position to answer the questions of my honourable friend today. I will transmit them, and return with a response.

**Senator LeBreton:** At the same time, perhaps the leader could ask whether it is the policy of the government to award contracts without tender to supporters of the government.

## CANADIAN RACE RELATIONS FOUNDATION

### PARTICULARS ON ESTABLISHMENT—REQUEST FOR UPDATE

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. It arises as a result of a response to a question I had on the Order Paper dated May 15, 1996 about the Canadian Race Relations Foundation. In that question, I asked when the Government of Canada would proclaim the statute establishing the Canadian Race Relations Foundation, when it would come into effect and when the government would announce the chair.

I had asked a previous question on this matter approximately one year ago. The response I received to my more recent question is identical, word for word, to the previous response.

Will the honourable Leader tell me what has happened in the last year? Why is the government delaying on this important question?

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I will, as quickly as possible, ascertain the timing on this matter, because I do believe there has been some progress made.

## EMPLOYMENT INSURANCE

### CHANGES TO SYSTEM BY WAY OF REGULATION— GOVERNMENT POSITION

**Hon. Gerald J. Comeau:** Honourable senators, my question is again on the issue I raised yesterday regarding changes to the Employment Insurance system by way of regulation rather than legislation. Would the minister commit to having those changes referred to a Senate committee in order that those who are affected may have an opportunity to debate those changes?

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, I should like to postpone responding to that question until I acquire all of the information I am seeking.

I have been reminded that this issue was discussed at the committee stage when the recent bill was being discussed. I believe that Senator Phillips and Senator Rompkey had a discussion on this matter at that time. The process in that case was well known, and has been followed by the government.

There was a recommendation in the report on that committee study that the regulations be tabled in the Senate. Currently, they have been tabled in the House of Commons and the process has been followed. However, I am seeking further information.

My honourable friend seemed to be suggesting yesterday that this was kind of a secret, and that nobody knew about it. In fact, the records of the Senate committee indicate that this issue was raised. The process was known, and it has been followed.

**Senator Comeau:** Honourable senators, I did not wish to convey the impression that people might not have known about

this matter. My impression was that the employment insurance of fishermen was unaffected by the changes made at that time. I assume that many of the fishermen in my region were under the same impression, and may not have been aware that the changes would be made by regulation. A conversation between Senator Phillips and Senator Rompkey may not have reached the fishermen in my region.

I only ask that if such changes are to be made through regulation, the fishermen be made aware of that fact, and if they so request, that they be given the opportunity to raise any concerns that they may have. If they have no concerns about the changes, so be it. However, if these people do have concerns, I would want them to have the opportunity to present them to us, as legislators.

**Senator Fairbairn:** Honourable senators, I will follow up on Senator Comeau's question today. I wish to emphasize that the process concerning these regulations was an open one. It was articulated and it has been followed.

• (1410)

I wish to make it clear that in no way whatsoever has the government attempted to subvert the opportunities and the dissemination of information indicating what is taking place, in terms of not just fishers but of others who work in seasonal industries who have been affected by changes to EI. I believe that was made quite clear. However, I will follow up on my honourable friend's comments. Certainly, the minister and the government have been scrupulous in following the procedure that is set out for them to follow.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. B. Alasdair Graham (Deputy Leader of the Government):** Honourable senators, I have two delayed answers to oral questions. I have a response to a question raised in the Senate on May 28, 1996 by Senator Oliver regarding the impact of the incident in Somalia on the Somali community in Canada. The second response is to a question raised in the Senate on June 11, 1996 by Senator Spivak regarding legislation on tobacco advertising.

## NATIONAL DEFENCE

### IMPACT OF INCIDENT IN SOMALIA ON COMMUNITY IN CANADA—GOVERNMENT POSITION

*(Response to question raised by Hon. Donald H. Oliver on May 28, 1996)*

From a Canadian Forces perspective, there has been no specific action taken with respect to the Somali community in Canada, nor are there plans to have members of the Canadian Forces meet with their leaders. The Canadian Forces is, however, cooperating fully with the Somalia Inquiry and has taken a number of measures to improve cross-cultural awareness and understanding.

## HEALTH

### DELAY IN INTRODUCING LEGISLATION ON TOBACCO ADVERTISING—GOVERNMENT POSITION

(Response to question raised by Hon. Mira Spivak on June 11, 1996)

The government released on December 11, 1995 the document "Tobacco Control: A Blueprint to Protect the Health of Canadians" which outlines proposed legislative measures designed to establish conditions and requirements under which tobacco would be manufactured, sold and marketed in Canada.

Since the release of the Blueprint, Health Canada received almost 2700 letters and submissions commenting on the proposed measures.

Officials have met with many interested parties to discuss further their briefs and their proposals. In addition to the international body of evidence, Health Canada has commissioned studies and research specific to Canada.

Health Canada officials are finalizing their analysis of all this information as well as reviewing the literature and international experience. They are preparing recommendations on the legislative and regulatory measures.

Legislating tobacco control is a very complex issue. The Minister of Health intends to table strong and comprehensive legislation as soon as possible.

The minister wants to make sure that any new legislation is effective and consistent with the Supreme Court decision and can withstand any Court challenge.

Commerce (*Corporate Governance*), deposited with the Clerk of the Senate on August 29, 1996.

**Hon. Michael Kirby:** Honourable senators, I rise to say a few words about the seventh report of the Standing Senate Committee on Banking, Trade and Commerce which was tabled with the Clerk in August. After my remarks, I should like to move the adoption of the report.

Over the course of August, a number of honourable senators may have read commentary in the financial press on the committee's report, specifically the *Report on Business* and the *Financial Post*.

By way of background, I should like to talk about the process developed by the committee in arriving at this report. It was a useful learning experience for members of the committee and one which we hope to repeat in the future.

Last year, in preparation for a set of changes to the Canada Business Corporations Act, the Minister of Industry, Mr. Manley, asked the committee if we would hold a series of hearings on corporate governance changes which ought to take place, or could conceivably take place, by way of amendment to the Canada Business Corporations Act. The government was not interested in the committee examining what I call the detailed legal technicalities of corporate governance but, rather, it wanted us to consult widely with senior executives across the country to get their views on what changes in corporate governance were desirable from the point of view of investors, shareholders and consumers. The government also wanted to know what would be practical from the point of view of people running businesses.

Accordingly, last June the committee held hearings in six cities across the country over the course of two weeks. We heard from some 50 witnesses, some of whom were chief executive officers or non-executive chairmen; all of whom were what I would call professional board members in the sense that they have served on the boards of a significant number of companies.

The evidence presented by those 50 witnesses was considered by the members of the Standing Senate Committee on Banking, Trade and Commerce, after which we produced a draft report. We sent that draft report back to the witnesses and said, "Here are our tentative conclusions and here is our rationale for reaching those conclusions." We asked witnesses and a number of public interest groups, such as trade associations, to give us their comments on the draft report. As a result, over the course of the summer we developed a set of recommendations which, I understand, are likely to be entirely incorporated into the amendments to the Canada Business Corporations Act. Honourable senators, I want to make two points about this report. The first is that we went out across the country and listened to business witnesses from west to east; that is, from Calgary to Halifax. This meant that we were able to hear from a number of private sector business executives, and investors from small-

## ORDERS OF THE DAY

### STANDARDS COUNCIL OF CANADA ACT

#### BILL TO AMEND—THIRD READING

**Hon. Michael J. Kirby** moved third reading of Bill C-4, to amend the Standards Council of Canada Act.

Motion agreed to and bill read third time and passed.

### BANKING, TRADE AND COMMERCE

#### INTERIM REPORT OF COMMITTEE ON STUDY OF CANADIAN FINANCIAL SYSTEM—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Banking, Trade and



and medium-size companies, which, historically, have found it difficult to come to Ottawa to testify before a committee. As many honourable senators know, the Canada Business Corporations Act is the governing statute for well over 100,000 businesses in Canada. It was very instructive for us to get out across the country on business issues that have such a broad base of interest.

The second interesting point about this set of hearings, hearings into a broad and currently fashionable business topic called corporate governance, is that other issues that people think ought to be explored were uncovered. In this particular case, we heard from the presidents or chief executive officers of four of the country's largest pension funds, so-called institutional investors. These are people who take other people's money, in this case pension funds, and invest them on behalf of pension holders.

Currently there is a growing uneasiness which exists in this country about the amount of money now being controlled by a relatively small number of pension and mutual funds, an uneasy sense about the accumulation of economic power in the hands of a small number of organizations. To put a numerical perspective on this situation, altogether there are less than 50 major mutual funds and large pension funds. There are less than 20 large mutual funds, and yet, cumulatively, they control more than two-thirds of the value of the stock on the Toronto Stock Exchange. This is a huge amount of economic power. Given these facts, the question which arose during our hearings was whether or not the governance of those institutions was, in fact, appropriate. Some of the pension fund CEOs who appeared as witnesses pointed out the need to change the governance regulations to bring them more in line with governance rules in general. One of the recommendations in the committee report was that we consider whether to hold separate hearings on the governance procedures affecting those two categories of institutional investors, namely, mutual funds and pension funds.

• (1420)

Following the tabling and release of the committee's report, there was a significant amount of positive comment. Interestingly enough, not only did the comments come from columnists, but also in the form of a positive editorial in *The Financial Post*. That editorial urged the committee to hold hearings on this topic.

Comments were also made by representatives of the Teachers' Pension Fund, which is the second largest pension fund in Canada. They urged the committee to hold hearings to clear the air and provide a full airing of the governance issues surrounding this segment of the Canadian business community and the Canadian economy.

Accordingly, honourable senators, the committee has agreed to hold such hearings. We are presently preparing a background paper which will be distributed to the committee. I know a number of honourable senators not on the committee who are interested in this issue. When it is prepared early in November, I will circulate it to all honourable senators. Most of February will be devoted to holding a series of public hearings investigating

the governance rules for institutional investors and whether or not the present rules ought to be changed.

Honourable senators, I wanted to make that point because the committee has learned that, if you have hearings that are widely based, and if you give witnesses reasonable latitude and do not force them to stick to narrow issues, you can often uncover something that people are concerned about. What came out of the governance hearings was the disquiet and unease which a number of people feel about the question of whether the governance rules for institutional investors that were appropriate in the 1960s are appropriate for the 1990s and particularly the early 2000s.

All committees should encourage witnesses to raise related issues. This committee now has plans to conduct a useful set of hearings as a result of the latitude we gave our witnesses.

Honourable senators, I think you can expect to see the recommendations in the report that pertain to the Canada Business Corporations Act, in the revised act when it is presented to the Senate at some point later this year.

Today I wanted to tell you about the report and the instructive process that brought it about.

Honourable senators, I move the adoption of the report.

On motion of Senator Kelleher, debate adjourned.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Internal Economy, Budgets and Administration (appointment of Law Clerk).

**Hon. Colin Kenny**, Chairman of the Standing Committee on Internal Economy, Budgets and Administration, moved the adoption of the report.

He said: Honourable senators, it is my pleasure to recommend to the Senate that Mr. Mark Audcent be appointed the Law Clerk and Parliamentary Counsel. Briefly, the position of Law Clerk and Parliamentary Counsel exists to provide legal and constitutional advice to the Senate and its committees.

Mr. Audcent joined the Senate in 1982 as Assistant Law Clerk, and worked in that capacity until the retirement of Mr. Raymond du Plessis in May of this year. Since that time, Mr. Audcent has been our acting Law Clerk. The Internal Economy Committee believes that Mr. Audcent possesses the broad knowledge of constitutional law, is very familiar with the customs, privileges and usage of Parliament as they relate to the legislative process and is knowledgeable of the roles respecting the interpretation of statutes and the main issues facing the Senate today. Mr. Audcent also possesses corporate memory, which can only be acquired over time.

Mr. Audcent received his Bachelor of Law degree from the University of Ottawa in 1975 and is a member of the Law Society of Alberta.

The Senate Internal Economy Committee has full confidence in his ability, and recommends that he be appointed to this position based on the excellence of his performance and the review of his qualifications.

**Hon. Joyce Fairbairn (Leader of the Government):** Honourable senators, in adopting this report, we would officially welcome Mark Audcent as our new Law Clerk and Parliamentary Counsel to the Senate of Canada. We know him well from the work he has done as assistant to Mr. Raymond du Plessis, who retired earlier this year and is up in our gallery today. I would simply say to Mr. Audcent that not only does he have a distinguished legal “precedent” to follow, but he has very large dancing shoes to fill as well.

Mr. Audcent received, as we heard from Senator Kenny, his Bachelor of Laws magna cum laude from the University of Ottawa in 1975. He is also a member in good standing of the Alberta Law Society, a very positive recommendation in my non-biased opinion. He has taught abroad in France, as well as here in Ontario and Saskatchewan. Among all of his official duties, he still finds time to be involved in community and parliamentary affairs as a volunteer.

Honourable senators, the appointment of this gentleman is good for the Senate. Since joining us in 1982, he has come to know our system, our needs, our foibles. Mr. Audcent has served us capably with great professionalism, and I want him to know that we in this place have great confidence in his abilities and those of his office. We wish him well with his new challenge.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I am very pleased on behalf of those on this side to support this most welcome motion made by the Chairman of the Internal Economy Committee.

• (1430)

Any one of us who has dealt with Mark Audcent has been struck by his legal knowledge, his ability to help in analyzing a bill and, on our side, drafting amendments to bring about improvements to it, while at the same time always being available to the other side for any advice on the same piece of legislation. He has an uncanny ability of being very neutral and non-partisan in a role which, at times can be very difficult, since he is sometimes serving two sides simultaneously on the same issue. However, he performs, as his predecessor did, with the utmost non-partisanship and confidentiality, which is one of the great qualities which must be brought to his responsibilities.

Ray du Plessis set a high standard. I know that not only will Mark reach that standard, but also that Ray will be the first one

to applaud when he exceeds it. Congratulations, Mark, and all the very best.

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, I would like to fully subscribe to the eloquent words Senators Fairbairn and Lynch-Staunton have had to say on Senator Kenny's report. I have already worked with the new law clerk and can vouch for his being eminently qualified. I have seen him in action and know that he is characterized by not only what Senator Lynch-Staunton has mentioned — his courtesy, civility, and discretion — but also by an understanding that he is there to serve all the senators. He clearly realizes that, while there may be only three independents, they are as important as all of the other senators. I have greatly appreciated him in the past, and I know that appreciation will continue in the future.

I would like to take this opportunity to once again pay tribute to his competent predecessor, Mr. du Plessis, and to thank him for his long and faithful service. Our best wishes to Mr. Audcent, and I would like his family and friends to know how pleased we are to have him.

You will outlast many of the senators, now, because yours is a life-long job. You will therefore be serving all of the senators for many years, and I thank you for that.

[*English*]

**The Hon. the Speaker:** Honourable senators, I should like to draw your attention to the fact that Mr. Audcent is sitting at the back of the gallery, and he is accompanied by his predecessor, Mr. Raymond du Plessis.

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

Motion agreed to and report adopted.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Internal Economy, Budgets and Administration (budget—committees), presented in the Senate on June 13, 1996.

**Hon. Colin Kenny,** Chairman, moved the adoption of the report.

Motion agreed to and report adopted.

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, before I proceed to Inquiries, I should like to point out that there has been an unfortunate error in the Orders of the Day for today. At page 4, you will see under Reports of Committee, No. 1, September 24, 1996, the consideration of the 13th Report of the Standing Senate Committee on Legal and Constitutional Affairs moved by the Honourable Senator Carstairs. This is actually an item of Government Business, not of Other Business, and it should actually appear on page 3 under Government Business, Reports of Committees. The correction will be made in tomorrow's Orders of the Day.

### BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET  
DURING SITTINGS OF THE SENATE

**Hon. Michael Kirby, Chairman,** pursuant to notice of September 24, 1996, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have the power to sit at two o'clock, Tuesday, October 1st, 1996, at two o'clock, Wednesday, October 2nd 1996 and at two o'clock Thursday, October 3rd 1996, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

**Some Hon. Senators:** Explain.

**Senator Kirby:** Honourable senators, I would be glad to explain.

The schedule was worked out by our steering committee, which consists of two of us, Senator Angus and myself. Over three days of hearings we will be hearing from some 40 witnesses. The hearings are on the government's discussion paper on the reform of financial institutions that was released last June.

Rather than hold hearings in the summer, the committee agreed that we would hold an intensive set of hearings as soon as the Senate returned after the summer break. Senator Angus and I met in July, and again in August, to agree on the witnesses and the timing for these hearings.

The reason for pursuing this procedure in such a compressed time frame is that the Bank Act, the Insurance Companies Act and the Trust Act all have sunset clauses which cause them to expire on March 31, 1997. The discussion paper, or white paper, as it has sometimes been called in the press, deals with proposed or potential changes, or ideas for changes or potential changes to these acts, and the government needs to have the input of these witnesses before the end of October. We agreed to give it to them before the end of October so that our changes could be included, presented to Parliament and the amendments to the

forementioned legislation passed before March 31 of next year. That is the reason for the compressed time frame.

The committee decided it would rather go for three or four solid days, morning, noon and night, when the Senate was sitting, rather than doing it at a slower pace when the Senate was not sitting. That explains the timetable.

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

Motion agreed to.

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, we have reached the end of the Order Paper. As all honourable senators are aware, yesterday a motion was passed to hear the Chairman of the Council of the Federal Assembly of the Russian Federation, a distinguished gentleman who is prepared to address us. This event was scheduled for three o'clock, so I propose that the Senate adjourn now at pleasure. We will then ring the bells in order to have all the senators return. I encourage you to return to hear this distinguished and important gentleman in the Russian parliamentary system.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I raised this matter earlier; I am still waiting for the *Debates of the Senate* in French. I will not rise on a question of privilege today. There may have been a problem. I agree that problems do occur, but they always occur on the same side. I have the *Debates of the Senate* in English —

[English]

I need *Debates of the Senate* in French in order to give them to some people who have been waiting since almost the time that I received the debates in English. I hear that they are not even printed in French. I will be gentle today, but I should like to know what is happening within the system.

[Translation]

**The Hon. the Speaker:** Honourable senators, your message has been received. The fact is that yesterday's *Debates of the Senate* is not currently available in French. We are reviewing the matter. We do not know whether it is a computer or a translation problem. I do not know where the problem lies, but I can assure you that we will have a copy of the *Debates* in French tomorrow. It is an unfortunate inconvenience.

**Senator Prud'homme:** Honourable senators, perhaps some of you will think about my proposal before tomorrow. If there are problems like this in the future, both versions should be distributed at the same time. So if the French version comes out before the English one is ready — which I would find very surprising in this system — we should wait until the English version is ready before distributing both versions, and vice-versa.

This is becoming unpleasant. I realize that some may think that we work very well in English, but when one is looking for the exact wording, when one wants to know exactly what one said the day before — especially in my case, as I sometimes do not prepare long speeches and I want to be certain that what I said is reported correctly — I like to read the *Debates of the Senate*, in case I need to make corrections.

I will not make a big deal out of this today as I do not want to turn the system against me. I simply want to point out the problem as nicely as possible. However, there is a limit. If it is a matter of budget cuts, we will see. I will complain to the Internal Economy Committee. If such is the case, they will be held responsible rather than the Chair and certainly not our officers, who seem as surprised as I am. I do not want to lay blame in the wrong place. If I am told what happened by tomorrow, I will not raise the matter.

**The Hon. the Speaker:** Honourable senators, I understand your position very well. We will make sure that, from now on, all proceedings are published in both official languages at the same time.

As for the explanation, I hope we will have it by tomorrow.

[English]

Honourable senators, the Senate will adjourn during pleasure, and return at 3:00 p.m. to hear Chairman Stroyev. I encourage all of you to attend.

The Senate adjourned during pleasure.

• (1500)

**YEGOR STROYEV, CHAIRMAN, FEDERATION  
COUNCIL OF THE FEDERAL ASSEMBLY OF THE  
RUSSIAN FEDERATION**

ADDRESS TO MEMBERS OF THE SENATE

**The Hon. the Speaker:** Mr. Chairman Stroyev, I welcome you on behalf of all members of the Senate.

This is indeed an historic day for the Senate of Canada. It is the first time that a Speaker of a foreign Parliament has spoken in this chamber. We are honoured that you have accepted our invitation to be a guest of the Senate of Canada during your trip to our country. We are also honoured that you have chosen Canada for your first visit outside of Russia since taking up the very important position of Chairman of the Federation Council. This emphasizes the friendship that exists between our two countries and between our two Parliaments.

For my honourable colleagues in the Senate who may not know all the details of the background of Chairman Stroyev, may I say briefly that he has a distinguished career in the field of agriculture, in which he has worked throughout his life. He has a doctorate in economics. From a Canadian standpoint, he has had a particular interest in that he was very much involved in the early Canadian wheat sales to Russia, which were of such importance in particular to Western Canada.

In addition to his career, in the field of agriculture, Chairman Stroyev has also had a political career. He was a deputy for the Oreĭ Oblast from which he comes, just to the south of Moscow in the great plains of that area, a very rich farming community. In fact, the area is known as the “Black Earth country,” somewhat like what we have in Western Canada. As the elected member for that region, he was a member of the Supreme Soviet.

Last year when Honourable Senators Berntson, Stanbury and I were in Russia as the guests of the Federation Council of Russia, the composition of the new Federation Council was unsettled. It was settled after our departure, and it is now representative of the regions, the various oblasts.

Chairman Stroyev was elected to this Federation Council in December of 1995. In January of 1996, he was elected the chairman of that council, which is the equivalent of our Canadian Senate. Thus he now holds a most important and high position in the Russian system of Parliament and the Russian government system.

It is now my pleasure to ask Chairman Stroyev to address us.

[Editor's Note: The Chairman spoke in Russian; following is a translation.]

[Translation]

**Mr. Yegor Stroyev, Chairman, Federation Council of the Federal Assembly of the Russian Federation:** Mr. Speaker, dear colleagues, honourable senators.

I want to thank you for inviting me to address this important assembly. It is a great honour for me to be the first to represent the Russian Parliament before the Senate of Canada.

The history of relations between Russia and Canada shows no major conflicts, a rare achievement in this unsettled world. Our shared assets include the stability of our relations and our mutual sympathy, respect and liking. That is why we are here with you today, ready to launch a direct dialogue between parliaments. You will find us to be open and responsible partners.

During these two days, we have had the pleasure of meeting with the Speaker of the Senate, the Chief Justice of the Supreme Court, numerous senators and other government representatives.

On behalf of the Parliament of Russia and of all Russians, I am delighted to greet you and, through you, the people of Canada.

We have become better acquainted. We are almost members of one family. For that, I thank you.

This is the first time I have visited your beautiful country. During my short stay so far, I have been struck by how much Russia and Canada resemble one another. Endless open spaces, rich and varied natural resources, people with greatness of heart. It is not an accident that Canada has become the home of hundreds of thousands of people who can trace their ancestors from Russia.

Shoulder to shoulder, we lived through the years of the Second World War. We will never forget your contribution, your sacrifices on the altar of our joint victory.

And in the future we must remain allies — if we must be adversaries, let it be only in the arena!

For generations we have known that it was the Canadians who taught us what good hockey is. Thank you for your instruction. It did not take long for the world to see that you had trained gifted pupils, strong partners and healthy competition.

Currently Russia is attempting to absorb the forgotten principles of the market economy and the establishment of a democratic state. We are pressing ahead, following the example of those with experience, including the Canadians.

I am sure that, just as we learned to play your game, we will learn to emulate your institutions, and everyone will benefit.

Our conversations have renewed our conviction that a strong and united Russia, economically prosperous and politically stable, is essential to ensure peace, balance and progress throughout the world. It is to that kind of Russia that you can look for an important partner and a real friend.

Honourable senators, the first free presidential elections held this summer in Russia proved that the people of our country have unequivocally chosen the road their development will take. The policies of radical reform were victorious.

The people have overcome and done away with stereotypes of the past. Now what looms over us is the problem of finding a way out of the current crisis. For this, Russia needs the strength of law and order. Crime and corruption must be brought under control. Conditions must be created that encourage economic expansion and improvements in the standard of living.

The Council of the Federation, Upper House of the Russian Parliament, has an important role to play.

Under the Russian Constitution, the Council of the Federation is made up of the leaders of legislative and executive institutions in all 89 states of the Russian Federation. The Upper House has all the powers it needs to solve problems at the very centre of our country. We have with us the governors of St. Petersburg, of Orenburg, of a region of the Caucasus, and the representative of the Duma. The Upper House is where interests are reconciled when issues of principle involving the national life are raised.

For example, central Russia is a region where the soil is fertile and the climate gentle. Population density is high, and both industry and agriculture are well developed. It is obvious that this region will have different development priorities from — for instance — Yakutia, where the climate is severe and agriculture is practically non-existent, but which has extraordinary mineral resources. It is not always easy to find a common denominator

for all of Russia's territories. However, the Council of the Federation works to reach the best possible solutions.

The vital factor is a shared viewpoint among the leaders of Russia's different regions. They know they are responsible for the sustainable development and stability of the country as a whole. This prevents dangerously short-sighted political trends from developing and encourages the creation of a strong legislative foundation that can ensure the transformation of the government and the society.

Lastly, it must be recognized that Russia's legislation has not yet achieved the necessary comprehensiveness and consistency. There are still internal contradictions that must be eliminated. Government policy is still shaped largely by the power of the executive and presidential orders. However, I believe that this situation is going to change, little by little. Our dominant concern is the need to create a system of basic laws designed to introduce some elements of certainty, security and faith in the future into the life of our government and society.

Another major problem is that posed by federalism in our country. In a Russia with so many different outlooks and aspects, federalism is a key element of the state structure. We are trying to bring about an optimal distribution of powers between the centre and the regions — one that, thanks to the hard work of all concerned, will enable the country as a whole to develop its potential. If this can be achieved, the state will grow strong and prosperous. We have carefully studied your country's experiences. We have also weighed world opinion, and this has led us to a solution to this fundamental problem.

Our gratitude goes out to Canada for the assistance it has offered the Russian Federation and its regions within the framework of the joint Russian-Canadian project on federalism and through cooperation. Canada's broad and varied experiences with federalism, the wise and active role played by its Parliament in strengthening the state's federal structures in your country, have been very helpful to us as we work to create an efficient model for a Russian federalism on the move. I believe we must pursue and expand our relations systematically in this area.

Today in Russia, as we are attempting to develop new methods, there are many obstacles in our path, if the truth be known.

Russia is not the only country which has had to deal with aggressive nationalism and with separatism that disguises itself as federalism. Separatism is destructive in the crisis we are experiencing.

Here we can cite the example of Chechnya. The blood-letting has stopped for the moment. The Federation Council is gratified by this and supports the efforts under way to ensure a lasting and tangible peace. It is our firm intention to resolve this problem solely by constitutional means.

This autumn and winter, more than half of the regions in Russia will be electing new government leaders. There will also be elections for representatives to the regional institutions. We will begin 1997 with the confidence of our citizens on our side, and this will enable us to be even more daring and productive in our activities in order to create a strong federal government.

Honourable senators, in giving this speech in the Canadian Parliament, I would be remiss if I did not mention some aspects of the progress in relations between Canada and Russia. I personally believe that there is a brilliant future for our relations.

Over the past five years, there have been nine meetings at the highest levels. We have become more active partners in the area of multilateral relations. In addition to our traditional cooperation within the framework of the UN and the OSCE, we are now working together in the expanded G-7, which began in Halifax with Canada's support and therefore has symbolic importance for us.

The Russian and Canadian points of view are essentially the same with regard to the strengthening of security in the Asia-Pacific area. There are many opportunities for joint projects under the Arctic Council. In fact, there is nothing to stop us from inviting it to our northern capital, St. Petersburg, and designating that city as the meeting place of the Arctic Council.

We have certain expectations regarding the results of the activities of the Russian-Canadian Intergovernmental Economic Commission. You are no doubt aware that the commission will be holding its second session in the near future.

At the same time, there will be a round table discussion among Russian and Canadian businessmen. We hope this will provide a new impetus to cooperation between our business communities.

We are particularly pleased with the strengthening of ties between the Russian regions and Canada: for instance, the relations between the district of Tyumen and Alberta, the district of Samara and Quebec, Yakutia and the Northwest Territories can all serve as examples to other areas. Over 48 joint projects have been created in St. Petersburg alone. Over 400 joint projects are already under way in Russia. Joint space and nuclear projects are being developed.

The list does not end there. I would say that the world today depends a great deal on Russia and on Canada.

It is a sign of our times to see Parliaments playing an ever more important role in the formulation of foreign policy. Frequently, initiatives taken by members of Parliament give rise to the establishment and implementation of cooperative mechanisms that could not be set up by governments.

Canada is the first country on the American continent that the delegation of the Federation Council has visited. I should like to point out that this was a deliberate decision.

Through the efforts of the Speaker of the Senate, Mr. Gildas Molgat, Senator Berntson and Senator Stanbury, Canada has made a major step forward in establishing a bridge for cooperation between the Canadian Senate and the Federal Council of the Russian Federal Assembly. We remember very clearly the speech the Speaker gave in the presence of Russian senators. His speech was replete with high principles and expressions of friendship.

The bridge is now open to two-way, productive traffic. The first tangible results have already been seen. The parliamentary agenda between Russia and Canada is one example. We must take the steps necessary to ensure that the traffic builds in volume and intensity.

We hope the Federation Council and the Senate of Canada will become forums where businesses, municipalities, leaders and politicians can describe their plans, concerns, misfortunes and successes.

As Mr. Gildas Molgat said in Moscow, the Senate was set up to be an institution that is above the day-to-day political passions. It must take the country's long-term interests into consideration.

It must make decisions after sober reflection and contemplation. You may rest assured that the Russian senators share this outlook.

Let us therefore remain faithful to our supreme duty in all that we do for the good of our respective countries, and in our efforts to ensure stability, development and order, from Vancouver to Vladivostok and throughout the world.

I thank you, honourable senators, for your kind attention. Thank you for your hospitality toward us and for the hospitality of the people of Canada. I end with the hope that we will see you again, dear colleagues, in the near future.

[English]

• (1520)

**The Hon. the Speaker:** Honourable senators, I thank you for your attendance in such large numbers.

The Senate has now concluded its work for the day.

The Senate adjourned until tomorrow at 2 p.m.

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