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OFFICIAL REPORT
(HANSARD)

Tuesday, December 10, 1996

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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

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THE SENATE

Tuesday, December 10, 1996

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

Prayers.

THE LATE HONOURABLE CYRIL B. SHERWOOD

ANNOUNCEMENT

The Hon. the Speaker: Honourable senators, I regret to inform you that we have received a telephone call advising us that our former colleague Cyril Sherwood has passed away. We do not as yet have any further details, but we will circulate them to honourable senators as soon as we receive them.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a distinguished visitor. We are honoured to have with us today Mr. Victor Musiyaka, the Deputy Speaker of the Parliament of Ukraine.

Welcome to the Senate of Canada, sir.

SENATORS' STATEMENTS

WORLD HUMAN RIGHTS DAY

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, this is an extremely important day in the history of our modern world, as we celebrate World Human Rights Day. It is particularly significant because many of the rights we enjoy today, and which are guaranteed in international law, were not available to us until fairly recently.

The International Declaration of Human Rights was adopted by the United Nations General Assembly in 1948, just three years after the end of the Second World War, and the first World Human Rights Day was celebrated on December 10, 1950. However, the myriad of covenants governing the protection of human rights took a full 18 years to be ratified. The reasons for that delay are complex, not the least of which was defining the various rights and determining which rights were so fundamental that they should be included. There was also the task of striking a balance between international concern over human rights violations and the reluctance of member states to commit themselves to legally binding international review.

The principles of equality and non-discrimination which govern the UN declaration and its covenants are to be enjoyed by all persons without discrimination on the basis of race, sex, language, religion, political affiliation or property, birth or other status. Civil, political, economic, social and cultural rights also include a wide range of protections, from the right to freedom of expression to the right to work.

We are, however, mindful every day of areas in the world where repression and suppression of freedom remain unabated. We also understand that the protection of rights is an evolving process. This is particularly true as we advance in the technological age. We must continue to be ever vigilant to protect and promote rights.

I think all senators will approve, and indeed support, a more recent development: that the rights of the child have become paramount, not just in Canada but around the world, as we read the horror stories about child labour. Indeed, it is a young Canadian boy who has helped focus the world's attention on this problem: Craig Kielburger.

We have witnessed many astounding human rights successes in recent years, from the abolition of Apartheid in South Africa — a giant step forward for the world on the question of eliminating discrimination on the basis of race — to the end of the Cold War, which saw the dismantling of the Berlin wall. The Fourth World Conference on Women in Beijing, China, in 1995 adopted many resolutions to protect the rights of women in a number of areas, resolutions that have already been acted upon in many countries. However, notwithstanding our progress in many areas, we must never be complacent on human rights. We must pledge to be vigilant in protecting human rights, not only on this day, but on every single day in an increasingly challenging world. We must do so constantly through bilateral and multilateral diplomacy and assistance to governments throughout our world in building democratic institutions.

• (1410)

[*Translation*]

OFFICIAL REPORT

COMPLAINT CONCERNING TRANSLATION

Hon. Maurice Riel: Honourable senators, in a speech which I gave on December 3, I believe that there was a small error in translation. What I wanted to say, and what I said in French was:

> Plus riches sommes-nous de posséder deux langues et plus riches encore d'en parler trois — comme le propose une résolution adoptée au dernier congrès péquiste et comme le veut une loi française récente —
>
> (We are all the richer for speaking two languages, and even more for speaking three — as proposed at the last PQ convention and in a recent French law.)

The emphasis in the English version is wrong, not that I would say it is faulty, but it is poorly constructed. It seems to say that the Parti Québécois resolution and the French law recommend that only one language be taught, which is not accurate.

I would, therefore, ask your permission to replace this text with what I have just said. It is an amendment of substance, I believe, and I have taken the opportunity today to make a few corrections in style and punctuation.

[*English*]

COMMUNICATIONS

BUDGET CUTS AFFECTING RADIO CANADA INTERNATIONAL

Hon. Finlay MacDonald: Honourable senators, on June 6, 1991, five and a half years ago, I spoke to the Conservative government caucus. At that time, I said:

> Canada's voice to the world, Radio Canada International, has been affected by a crippling reduction in its operating budget. As a government, we have given the impression that we have saved the international radio service, but I feel I must now raise the question, at what price?
>
> While every other G-7 country is increasing its funding of international broadcasting, why is Canada cutting back on its international service? Why have we decided to almost completely gut our most prominent and efficient method of presenting Canada to the rest of the world?
>
> Radio Canada International was a service that fulfilled the goals of this government and our country. It guaranteed Canada a voice on the world stage to explain itself and its policies to a world audience.
>
> For 46 years, honourable senators, RCI has built a reputation second to none. With meagre resources and little fanfare, RCI attracted more than 16 million listeners with honest, balanced journalism.
>
> What is the impact of our deficit cutting on Radio Canada International?
>
> A budget of $20 million has been reduced to $13.5 million. RCI has been forced to eliminate seven foreign language services.
>
> RCI programs that promoted Canadian trade and tourism are no longer produced. The loss just to our tourism industry could outweigh the saving of $7 million we have achieved here; not to mention the impact it will have on our commerce, on politics and on world image.
>
> As well, how do we respond to a shocked international community, including the 16 member associations of the International Council of Canadian Studies, who question whether Canada is still interested in talking to the world?
>
> It was the view of the council, in a letter dated June 11, 1991, an organization composed of 16 national and multinational associations of Canadian studies throughout the world, that the work accomplished by Radio Canada International is extremely valuable and important for the international image of Canada. Furthermore, reducing drastically the programming of RCI at a time when Canadian studies around the world is undergoing an unprecedented expansion is most distressing and discouraging for all involved in Canadian studies. For many of the professors involved in the teaching of Canada around the world, RCI programming is a critical source of information and, as such, it should be preserved.
>
> On May 26, 1991, Radio Moscow told the world that the RCI situation was tantamount to "the silencing of Canada".

The Hon. the Speaker: Honourable senators, I regret to interrupt the Honourable Senator MacDonald, but his time has expired.

Honourable senators, is leave granted to allow him to continue?

Hon. Senators: Agreed.

Senator MacDonald: Thank you, honourable senators. I will continue reading the remarks I made in 1991 to the Conservative government caucus.

> The best we can say is, at least we saved our frequencies.
>
> I must congratulate Mr. Clark for finding the $13 million from the Priorities Reserve. Apparently the government had no real alternative. It just could not kill Canada's voice to the world. That would have been unconscionable.

Again, honourable senators, that was five and a half years ago.

Honourable senators, at 4:45 p.m. last Friday, the unconscionable happened. The CBC gave notice that, after 51 years, Radio Canada International will cease to exist. The frequencies will no longer be ours. They cannot be retrieved. The voice of Canada will be no more. So much for the government response to the recommendations of the Special Joint Committee of the Senate and House of Commons on Canadian Foreign Policy, co-chaired by Senators Gauthier and MacEachen.

On February 7, 1995, the government replied:

> Indeed, by portraying Canada and Canadian values abroad, RCI can play an important role in promoting international peace and understanding. Dialogue and compromise; promoting democracy: human rights, economic and social justice; caring for the environment; safeguarding peace; and respect for diversity are values which RCI is eminently well-placed to project abroad.
>
> Moreover, RCI and other free media have an important role to play in ensuring truth, transparency and justice through the interplay of free and diverse sources of information.

Is it not now an appropriate question to ask: What right has Canada, particularly on behalf of the peoples of the world, to have a voice in diplomatic and indeed extra-diplomatic circles unless it shoulders part of the burden required to give these people access to a Canadian broadcast service which they otherwise would not have? At its lowest, killing RCI is totally inconsistent with Canada's role as international mediator, peacekeeper and observer of human rights.

However, I am still puzzled. What did the Minister of Foreign Affairs, the Honourable Lloyd Axworthy, mean when he spoke to a group last Friday, the same Black Friday, when he said:

> ... as a middle power with limited military might, Canada is ideally suited to exercising power internationally through persuasion and coalition building. In these circumstances there is a clear and pressing need to reconsider two aspects of our foreign policy.

Mr. Axworthy continued:

> How do we present ourselves to the outside world in the information age; and, how do we use new information technology as a tool to achieve our foreign policy goals?
>
> The strategic use of information has become a key foreign policy tool; our foreign policy and programmes should reflect this fact.

• (1420)

May we take hope from his words? Will he include RCI? The Canadian Broadcasting Corporation is merely its administrative home. The priorities for an international radio service come from the Minister of Foreign Affairs.

[*Translation*]

WORLD HUMAN RIGHTS DAY

Hon. Marcel Prud'homme: Honourable senators, the Leader of the Government reminded us that today, December 10, is World Human Rights Day.

I always thought, as I have told you many times, that when we talk about human rights, we believe in universality and make no exceptions.

I have always had the greatest respect for people who, when they talk about human rights, do not exclude anyone in mentioning the most troubled areas of our planet.

On this memorable day proclaimed by the United Nations, I again would like to raise a very controversial subject, honourable senators: the situation of the Palestinian people.

I always wondered why all the great champions of human rights are silent on the truly dire circumstances of the Palestinian people, deprived of their land, their water and their dignity.

Today is certainly another opportunity to remind honourable senators of the terrible situation that exists in Palestine, at a time when we will probably reward a man who refuses peace by signing a free trade agreement with his country. I think that is very strange indeed.

[*English*]

Recently, an honourable senator commented to me on this phenomenon. In the Senate, we can talk about every subject in the world. We can talk about religion or sports. However, as soon as I rise to my feet in the Senate to speak about matters pertaining to the Palestinians, people turn away. From scholars to politicians, they turn away and start talking about business, or sports, or hockey.

I have never turned my head away, because I believe that if you passionately believe in human rights, you make no exception. You believe in the universality of such a concept. Further, if you make no exception, then from time to time you should not hesitate to stand up and remind people of the sad situation over there, which may lead to a new war that will not help a state that we all want to protect.

Hon. Noël A. Kinsella: Honourable senators, it was appropriate that the Leader of the Government in the Senate and my colleague would draw to our attention the question of human rights on this World Human Rights Day.

As the Leader of the Government of the Senate has pointed out, it was on December 10, 1948, at a meeting in Paris, that the United Nations General Assembly proclaimed the Universal Declaration of Human Rights. This means that, in a year or so, the world community will be celebrating the 50th anniversary of what became known as the Magna Carta of human rights. It is important that the Government of Canada, perhaps through the Department of Canadian Heritage, will soon announce its plan in order to give leadership to Canada's participation in this historical anniversary. It is important that Canada use the occasion of the 50th anniversary of the Universal Declaration of Human Rights to promote among all Canadians the shared value of human rights which marks our Canadian citizenship.

It will be important for the Government of Canada to convene, in early 1997, a federal-provincial-territorial meeting of ministers who have responsibility for human rights in Canada, in order to put together a pan-Canadian program of action for the promotion of all human rights.

It is also appropriate, on World Human Rights Day, that we should give some focus to the human rights record — or our human rights report card — for the year that has just passed. One of the items that we can underscore on that report card on the record of Canada under the present government, for example, is the long overdue appointment of the members of the Canadian Race Relations Foundation, provided for under the Canadian Race Relations Foundation Act of 1989. The government would receive an approbation from me for having done that. The decision of the government not to reintroduce the Pearson airport bill, which would have denied access by the parties to the courts, would also receive a passing grade in the report card.

However, increasing trade with Indonesia, despite that regime's flagrant violations of basic political and cultural rights, would receive a failing grade. Indeed, the abrogation of the constitutionally entrenched minority rights of the Pentecostal, the Seventh-day Adventist and the Roman Catholic communities in Newfoundland would also receive a failing grade. Refusing to challenge Chinese president Jiang Zemin's assertion that China is a democracy would receive a failing grade, as would refusing to acknowledge or mention any of the political prisoners and detainees of the Chinese government in a meeting with the Chinese president.

The Hon. the Speaker: Honourable senators, I regret to inform Senator Kinsella that his time has expired. I regret to inform honourable senators that the 15-minute period for Senator's Statements has also expired.

Is there leave for Senator Kinsella to conclude his statement?

Hon. Senators: Agreed.

Senator Kinsella: In the report card of this government on its record on human rights during the year that has just passed, in my opinion the imposition of trade sanctions on the renegade government of Nigeria for its disregard for the rights of its citizens should receive a passing grade. Likewise, the commissioning of a study on child labour in developing countries, and the viability in Canada of the "rug mark" system, certifying that carpets are not made by indentured labour or by child labour, should receive an A-plus for that initiative of the government.

However, for losing sight of Canada's former trade policy objectives and the delinking, for all intents and purposes, of human rights and trade, the government would earn a D-minus mark; for allowing the export of once-restricted military and strategic goods to developing countries whose governments violate the human rights of their citizens and have seen recent armed conflict, this government should receive a failing grade.

However, for amending the Canadian Human Rights Act to include sexual orientation as a prohibited ground of discrimination, the government should receive a passing grade, although some might say that perhaps a D should be awarded for delaying that amendment for so long.

For performing the Shawinigan soft-shoe shuffle — that is, going through the motions of raising the matter of human rights with leaders from the Asia-Pacific region — the government would receive a failing grade. The claiming of credit respecting the humanitarian crisis of epic proportions in Zaire and Rwanda would also cause a failing grade to be granted.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to recognize a distinguished visitor in the gallery. With us today is Mr. Alex Morrison, President of the Lester B. Pearson International Peacekeeping Centre.

• (1430)

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

FOURTH REPORT OF STANDING JOINT COMMITTEE PRESENTED AND PRINTED AS APPENDIX

Hon. P. Derek Lewis: Honourable senators, I have the honour to present the fourth report of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, which deals with the budget of the committee. I ask that the report be printed as an appendix to the *Journals of the Senate* of this day.

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

Hon. Senators: Agreed.

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

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

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

ADJOURNMENT

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(*h*), I move:

> That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, December 11, 1996, at one thirty o'clock in the afternoon.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

INTERNATIONAL ASSEMBLY OF FRENCH-SPEAKING PARLIAMENTARIANS

TWENTY-SECOND SESSION HELD IN ANTANANARIVO, MADAGASCAR—REPORT TABLED

Hon. Thérèse Lavoie-Roux: Honourable senators, I have the honour to present, in both official languages, the report of the Canadian section of the International Assembly of French-Speaking Parliamentarians as well as the financial report concerning the 22nd regular session of the IAFSP, held in Antananarivo, Madagascar, from July 8 to July 10, 1996.

MEETING OF THE BUREAU HELD IN ANTANANARIVO, MADAGASCAR—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to present, in both official languages, the report of the Canadian section of the International Assembly of French-Speaking Parliamentarians as well as the financial report concerning the meeting of its executive, in Antananarivo, Madagascar, on July 6 and 8, 1996.

[*English*]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. John B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, 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 3:30 p.m. today, 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.

STATE OF FINANCIAL SYSTEM

NOTICE OF MOTION TO AUTHORIZE BANKING, TRADE AND COMMERCE COMMITTEE TO TRAVEL AND TO EXTEND DATE OF FINAL REPORT

Hon. Michael Kirby: Honourable senators, I give notice that on Wednesday next, December 11, 1996, I shall move:

> That, notwithstanding the order of reference adopted by the Senate on Thursday, March 21, 1996, the Standing Senate Committee on Banking, Trade and Commerce be authorized to extend the date for the presentation of its final report on the state of the financial system in Canada from December 12, 1996 to December 11, 1997;
>
> That the Committee be empowered to adjourn from place to place outside Canada for the purpose of pursuing its study; and
>
> That, notwithstanding usual practices, if the Senate is not sitting when the report is completed, the Committee be authorized to deposit it with the Clerk of the Senate, and that the said report shall thereupon be deemed to have been tabled in the Chamber.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Sharon Carstairs, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, with leave of the Senate and notwithstanding rule 58(1)(*a*), moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 4:00 p.m. today 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.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Mabel M. DeWare, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, with leave of the Senate and notwithstanding rule 58(1)(*a*), moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 4:00 p.m. today 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.

CRIMINAL CODE

EARLY PAROLE PROVISION—PRESENTATION OF PETITION

Hon. Dalia Wood: Honourable senators, it is an honour for me to rise to present a petition that shares the feelings and opinions of certain residents of the province of Alberta, who are mostly from the town of Okotoks. This is the town where 16-year-old Laurie Boyd was raped and murdered almost 15 years ago. These citizens have expressed opposition to section 745 of the Criminal Code of Canada, which, at the moment, they say, allows convicted murderers to apply for early parole. They wish this section of the Criminal Code to be repealed.

GOODS AND SERVICES TAX

REMOVAL OF TAX FROM READING MATERIAL—PRESENTATION OF PETITION

Hon. Consiglio Di Nino: Honourable senators, it is with great pleasure that I rise to present a petition on behalf of 793 Ontarians. The petition is addressed to the Senate of Canada and states:

> We the undersigned, believe that the application of the 7% GST to reading material is unfair and wrong. Education and literacy are critical to the development of our country, and a regressive tax on reading hampers that development.
>
> We urge the Senate to adopt Bill S-11, which would free reading from the burden of the GST. We urge all levels of government to demonstrate their commitment to education and literacy by eliminating sales taxes on reading materials. We ask Parliament to zero-rate books, magazines and newspapers under GST. We ask Parliament and provincial governments to zero-rate reading materials under the proposed harmonized sales tax. We ask the Prime Minister to carry out his party's repeated and unequivocal promise to remove federal sales tax from books, magazines and newspapers.

The petition contains the following quote:

> It is a violation of the concept of freedom of speech to tax the written word, to tax the ability of people to communicate with each other.

That quotation is from Newfoundland Premier Brian Tobin and was made in the House of Commons in December of 1990.

[*Translation*]

QUESTION PERIOD

COMMUNICATIONS

RADIO CANADA INTERNATIONAL—ANNOUNCEMENT OF CLOSING—REQUEST FOR RECONSIDERATION OF GOVERNMENT DECISION

Hon. Marcel Prud'homme: Honourable senators, earlier we heard Senator Finlay MacDonald make a special and pressing appeal to the government to reconsider its decision to permanently shut down Radio Canada International. There is no need to elaborate on the importance of this institution, on its history, and on what it represents for Canada.

• (1440)

I fail to see why we cannot find the necessary moneys out of the consolidated fund, at a time when we want to play an increasingly important role on the international scene, and when we rely on Team Canada in Africa, in Asia and everywhere else in the world.

[*English*]

At the same time, it seems to me that there is an inconsistency. On the one hand, we are trying to enhance the role of Canada internationally. On the other hand, we are closing this institution, which is not as costly as people may think. However, it creates a problem in terms of the international reputation of Canada.

Is it possible for the Leader of the Government to convey to the government the wish of some of us to re-examine this closure and to report back to the Senate? I feel there would be unanimity on this matter.

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I listened closely to Senator MacDonald's statement. Indeed, I will pass on the concerns and the suggestions of all honourable senators to my colleagues in cabinet. I will do my best to bring a response to this place.

Senator Prud'homme: Honourable senators, as an Independent senator, it is difficult for me to find a seconder. Perhaps, tomorrow, any senator who can find a seconder would agree to introducing a motion calling on the government to reconsider its position on this question.

RADIO CANADA INTERNATIONAL—ANNOUNCEMENT OF CLOSING—EFFECT ON COMMUNITY OF SACKVILLE, NEW BRUNSWICK—GOVERNMENT POSITION

Hon. John G. Bryden: Honourable senators, I have a supplementary question which I should like to address to the Leader of the Government in the Senate. Will she also ask her cabinet colleagues to find out what will happen to the facilities and the employees in the community of Sackville, New Brunswick, which is close to where I am from? I have not had any indication as to what will occur there. It would be helpful if we had that kind of information.

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I will endeavour to get that information, too. As I said to Senator Prud'homme, I will pass the honourable senators' concerns on to the government.

[*Translation*]

CANADIAN BROADCASTING CORPORATION— ARBITRARY ASSIGNMENT OF AIRTIME TO DIFFERENT POLITICAL EVENTS—GOVERNMENT POSITION

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. It is a supplemental concerning the French-language CBC, an institution for which I have, in some ways, a great deal of respect.

Last Sunday evening, I happened to be watching the news. Mr. Charest, the leader of the Progressive Conservative Party, a national party that got 14 or 15 per cent of the vote in the last election — we will get more next time — had spoken to an audience of 900 in Montreal. Radio-Canada used a full 30 seconds to explain his speech to us. Thirty seconds later, we learned that a scant 100 people in Joliette are meeting with Messrs Chevrette and Duhaime. This was a five-minute report. There were 75 people in the hall representing a regional party on the federal scene. A federal corporation gives us a three or four minute report on this, and we get about 30 seconds when the leader of our party is the one speaking.

I would like the Leader of the Government in the Senate to ask the Minister of Canadian Heritage to find out from the chairman of the CBC what his idea of equity is. It is a simple question of equity.

[*English*]

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I would be pleased to forward the request of Senator Bolduc to my cabinet colleagues.

RADIO CANADA INTERNATIONAL—DISPOSITION OF DISCONTINUED FREQUENCIES—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, while the Leader of the Government is seeking that information, would she carry the matter a step further and obtain some detailed information with respect to the future of the frequencies involved? Not only are these valuable in terms of dollars, they are invaluable in terms of the identification of Canada to the rest of the world. Perhaps she might be in a position to answer that question tomorrow.

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I cannot guarantee that I will be able to answer that question tomorrow. However, I will add the honourable senator's question to the list.

HUMAN RIGHTS

CORRELATION OF CANADIAN AID TO HUMAN RIGHTS RECORD AND MILITARY EXPENDITURES OF RECIPIENT COUNTRIES

Hon. Consiglio Di Nino: Honourable senators, in May 1993, in their foreign policy handbook the Liberals promised to seek effectively and in a transparent fashion to link aid allocation and human rights issues and the recipient country's military expenditures.

Is the Leader in the Government able to confirm that more than one half of the countries that have received Canadian foreign aid in the past two years spend more on military expenses as a percentage of gross domestic product than does Canada?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I cannot confirm that statistic. I will pass on Senator Di Nino's question for further information.

Senator Di Nino: Honourable senators, would the Leader of the Government also get for senators a report card concerning aid provided by the Government of Canada to different countries and on how the Liberal government is keeping its promise in this regard?

Senator Fairbairn: Honourable senators, I should like to ask the honourable senator a question of clarification. Is he requesting information on aid to every country or just to some specific countries?

Senator Di Nino: Honourable senators, I am asking about every country that receives aid that is tied to expenditures of a military nature. In effect, could the minister give us a report card on the promise made in 1993?

Senator Fairbairn: I will pass the question of my honourable friend along, honourable senators. I certainly do not expect to have an answer for him immediately.

AGRICULTURE

COMMODITY PRICE HIKES IMPAIRING PROFIT MARGINS OF PRAIRIE FARMERS—GOVERNMENT POSITION

Hon. Mira Spivak: Honourable senators, my question is directed to the Leader of the Government in the Senate, and concerns a matter of pressing concern to prairie farmers. It is about rapidly escalating farm input costs.

Statistics Canada has just confirmed what farmers know too well — grain sales are healthy but the net income of farmers is not. In fact, their profit margins shrank to 9 per cent last year. The main reason is huge price increases of up to 63 per cent in the price of propane and 50 per cent in the price of fertilizer. Industry Canada's Competition Bureau has called for an inquiry into unjustified price hikes for propane. There is a need for such an inquiry now, at a time when farmers need to dry grain and heat their homes. I suggest that the inquiry go further and look at all extreme price increases affecting farm operations.

Will the Leader of the Government in the Senate inquire whether the Ministers of Industry and Agriculture are prepared to consider establishing some commission of inquiry into what looks very much to some people like price gouging?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, the issue raised by my honourable friend is important to the agricultural community. I would be pleased to take her concerns to both ministers, in particular to the Minister of Agriculture. As well, I would be glad to forward her request regarding further information on the possibility of an inquiry.

DELAYED ANSWER TO ORAL QUESTION

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on October 29, 1996, by the Honourable Senator Comeau regarding the route for an offshore natural gas pipeline from Nova Scotia.

ENERGY

ROUTE FOR OFFSHORE NATURAL GAS PIPELINE FROM NOVA SCOTIA—INFLUENCE OF PRIME MINISTER ON NATIONAL ENERGY BOARD DECISION—GOVERNMENT POSITION

(Response to question raised by Hon. Gerald J. Comeau on October 29, 1996)

Former Minister Collenette offered his resignation to the Prime Minister, which was accepted, after the Minister sent a letter to the Immigration and Refugee Board on behalf of a constituent who had a case pending before the Board. This was a direct communication by a minister with a quasi-judicial tribunal, and it was a wholly appropriate response for the Minister to offer his resignation under these circumstances.

In the case of the Prime Minister's statements about the Sable Island pipeline, this was an entirely different type of situation. The Prime Minister has consistently stated that the National Energy Board will decide the route of the pipeline for Sable gas. The Prime Minister said "it's a decision of the National Energy Board. It's not a decision of the government" (CTV-TV News, October 27). He has also repeatedly stated that projects need to be economically viable to go forward.

The National Energy Board has jurisdiction over international and interprovincial pipelines. It is an independent, quasi-judicial regulatory body. The principles of fairness, equity and efficiency are applied to all proposed natural gas pipeline projects.

In a letter to the Halifax Chronicle, the Honourable Anne McLellan stated that "...the Government of Canada has no intention of interfering in the regulatory process in favour of one project or another and that, ultimately, market forces will determine which project will succeed" (September 18, 1996).

SPEAKER'S RULING

POINT OF ORDER RELATING TO RULE 49— CONSEQUENCES OF ORDERS STANDING IN THE NAME OF A SENATOR OVER AN EXTENDED PERIOD

The Hon. the Speaker: Honourable senators, before I call Orders of the Day, I should like to make a statement in response to a request from the Honourable Senator Lynch-Staunton.

• (1450)

On Wednesday, December 4, just before the Senate adjourned for the day, a question of procedure was raised by the Honourable Senator Lynch-Staunton concerning how Orders of the Day may be proceeded with. The senator asked about the practice relating to the disposition of items on the Order Paper that stand adjourned in the name of a senator over an extended period of time. Senator Lynch-Staunton also asked whether the practice of adjourning items could delay, or even prevent, a vote on them.

[*Translation*]

While I offered some preliminary comments, I also stated that I would look into the matter more closely and return to the Senate with my conclusions. The need to provide an explanation about this practice became apparent the next day, Thursday, December 5, when the adjourned debate on Bill S-13 standing in the name of Senator Lavoie-Roux was called and subsequently debated.

[*English*]

The adjournment of Order Paper items is governed by rule 49 of the *Rules of the Senate*. Rule 49(1), dealing with the disposition of non-government items, states:

> A motion to adjourn a debate on an item, other than an item of government business, shall be deemed to be a motion to postpone that debate to the day specified in the motion, or, if no day is specified, to the next sitting day. In either case, the said item shall stand on the *Order Paper* in the name of the Senator who moved the adjournment, or another Senator, if so indicated.

Rule 49(2), relating to the disposition of government items, states:

> A motion to adjourn the debate on any item of government business shall be deemed to be a motion to postpone that debate to the next sitting day. In this case, the item shall not stand on the Orders of the Day or the *Order Paper* in any Senator's name and may be called pursuant to rule 27(1).

[*Translation*]

Prior to 1991, there was no distinction between government business and other business. Any item adjourned would stand on the *Order Paper* in the name of the Senator moving the adjournment. Since 1991, however, this distinction has been a feature of our practice. And while there has been no apparent difficulty with the application of this rule with respect to government items, the situation with respect to non-government items is not as clear, as evidenced by the questions put to me by Senator Lynch-Staunton, December 4.

[*English*]

When an adjournment is proposed to the debate of an item other than government business and the motion carries, the item will stand on the Order Paper in the name of the senator who moved the adjournment, or the senator on whose behalf the adjournment was proposed. The name of the senator is indicated in parenthesis, and it merely identifies which senator moved the adjournment the last time the item was dealt with. It does not give that senator alone the right to decide if that item will be proceeded with, though it has sometimes appeared that way because of the courtesy usually extended by the Senate towards the senator who adjourned the item. This is apparent whenever a senator desires to speak on an adjourned item already standing in the name of another senator. This, of course, is precisely what happened on December 4 when Senator Lavoie-Roux indicated that she wanted to speak to the motion originally proposed by Senator Beaudoin. Senator Petten, in whose name the motion was last adjourned, agreed so long as the item would continue to stand in his name.

[*Translation*]

While this might suggest that the Senate requires Senator Petten's consent, the fact is that it does not. As rule 49 explains, when the item was last adjourned, it was adjourned either to a specified day or to the next sitting day and that day having arrived, the Senate can debate the item according to the order it has adopted. Usually, when a senator requests that the item again be stood, the Senate complies by its silence and the Senate proceeds to the next item. Should the Senate decide to debate the item, the senator who had adjourned it will usually be accorded the opportunity to speak first; otherwise any other senator will be recognized to speak.

[*English*]

If the item is debated and again adjourned, it can stand in the name of the senator who actually adjourned it that day or, if the Senate agrees, in the name of the senator who had previously adjourned it. To allow our practice to operate in any other way could create a situation where a senator who had adjourned the debate could continually adjourn an item until such time as rule 27(3) required that it be dropped from the Order Paper, or, as Senator Lynch-Staunton supposed, it could allow a senator to prevent any decision from being made. I do not believe that such an interpretation would be in the best interests of the Senate.

[*Translation*]

I thank the Honourable Senator Lynch-Staunton for having raised the question that allowed us to clarify the situation.

[*English*]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Lorna Milne moved third reading of Bill C-45, to amend the Criminal Code (judicial review of parole ineligibility) and another Act.

She said: Honourable senators, I am pleased to move third reading of Bill C-45, to amend the Criminal Code with respect to judicial review of parole ineligibility and another Act. I have already given a full overview of this bill at second reading, so I will only briefly summarize its provisions today.

This bill would amend section 745.6 of the Criminal Code, which provides for judicial review of the parole ineligibility period for life sentences for murder and high treason. The automatic sentence for a person convicted of first degree murder or high treason is life imprisonment without the possibility of parole before 25 years. The sentencing judge has no discretion in applying this sentence. Under section 745.6, an offender is not eligible to apply for the review of his or her parole ineligibility period until he or she has served at least 15 years of the sentence. The bill does not change this basic policy.

There are three elements to this bill: First, it eliminates the right to request judicial review application of parole ineligibility for all persons who commit multiple murders in the future, whether the murders are committed at the same time or not; second, the bill creates a screening mechanism whereby a judge of a superior court would conduct a paper review of the application to determine if there is a reasonable chance of success before the application is allowed to proceed to a full hearing. This would help ensure that only deserving cases get a hearing before a section 745.6 jury, and would save some families at least the pain of having to attend such hearings. Third, the bill would change the threshold from a two-thirds majority to a requirement that the jury be unanimous in granting relief.

I should like to take the time to give a full explanation of the unanimity requirement, because many feel it is too harsh. The jury is involved in three decisions: First, whether or not to reduce the period of ineligibility; second, by how much to reduce that period; and third, whether and when an unsuccessful applicant may re-apply for a review of the period. Only the decision on whether or not to grant a reduction requires unanimity. The dispositions on the amount of reduction on re-application will continue to require only a two-thirds majority.

Our committee's study of the bill was quite thorough. We heard from a variety of witnesses. Some, such as the families of victims, were not so much opposed to this bill as they were opposed to the very existence of section 745.6. No one would deny that the families of the victims suffer from having to endure this process. Having to relive the pain of attending court again after 15 years must be extremely difficult. In graphic terms, some of them drew this difficulty to our attention.

However, it is interesting to note that of the family members of victims that we heard from, some were opposed to the bill because it did not represent the outright repeal of the entire section 745.6. Others would have preferred the repeal of the section, but urged the Senate to pass this bill since it at least represents a tightening up of the process.

The most consistent element in the testimony of victims' families was the fact that all of them were surprised, and even shocked, to learn of the existence of section 745.6, even though it has been law since 1976. One of the witnesses described the pain of learning from a reporter on her answering machine that the killer of her daughter might be released after only 15 years in jail when she thought there was no possibility of his being released before 25 years. My heart went out to her as she spoke of this most horrible experience.

On this point, the committee found some common ground in a very divided debate. The report of the committee includes no amendments, but it does outline one important observation. When the family of a victim sit down with a prosecutor, they are told about such things as the viability of the case against the accused, what to expect at the trial, and the sentencing process; however, they are apparently not informed of section 745.6 of the Criminal Code. This possibility should come as a shock to families 15 years after they have put the courtroom behind them. They should be made aware. Including section 745.6 in the information given to victims at the time of trial will save them some suffering. Therefore, we have recommended that the Minister of Justice encourage his provincial counterparts to instruct Crown prosecutors to provide this information to the families of victims.

• (1500)

Other witnesses before the committee, such as the Elizabeth Fry Society and the John Howard Society, were opposed to the bill because they find it too harsh. Their main concern was that a truly deserving inmate, who is rehabilitated and ready to rejoin society, could be detained by the vote of a single juror, while 11 others might vote for parole. I share that concern.

This leads me to the testimony of Julian Roberts from the University of Ottawa and Patrick Healy of McGill University. Their testimony summarized my own feelings as I went through the committee process. I agree there should be a mechanism for early release. Although murder is the most heinous of crimes, not all cases are the same. There should be some room for the community to decide that an offender has paid his debt and is ready to re-enter society. When we look at the statistics, we see that the recidivism rate among lifers granted early parole is extremely low compared to the rate among offenders who are on statutory release for less serious crimes. The statistics indicate quite clearly that the system has been successful in identifying the cases of convicts who are ready to re-enter society. To that extent, I do not see the need to change the status quo.

However, the testimony of so many who want the repeal of section 745.6, and the public sentiment that our system of justice is sometimes too lenient gave me pause. In the final analysis, this bill responds to the most important concerns of the opponents of section 745.6. This bill will maintain public trust in our justice system while preserving an early release system that has proven successful in the past.

I want to paraphrase another comment of Mr. Roberts'. He criticized the notion that a majority of Canadians are opposed to section 745.6 and would support its repeal. He supported his position by asking this question: How is it that juries have been recommending reductions in ineligibility periods? These juries are generally comprised of members of the community in which the crime occurred. These people, or at least two-thirds of them, are agreeing that many of the cases that come before them are worthy of release. This is the same cross-section of the public that decries early release in public opinion polls. This ambivalence on the part of the public was also pointed out by departmental officials. They used the example of the focus groups who were told the details of a violent crime. On the basis of that information alone, they invariably said that the sentencing judge was too lenient. The same groups, when they read the entire case and all the evidence presented in court, usually found the same judge had been too harsh.

This situation presents a problem: How do we design a system that is fair, not cruel, and enjoys the support of the public? "Balance" is the key word here. I believe the Minister of Justice has found that balance. Again, I refer to Mr. Roberts' testimony. He agrees with the early release provision in section 745.6. He does not support some parts of the bill because he finds them too harsh. As Mr. Healy pointed out, he finds no evidence that the current system is a failure. However, Mr. Roberts recommends the passage of the bill because he believes that, in order to retain this sound policy, it is necessary to make the bill more palatable to the public. In this analysis, he agrees with Mr. Healy of McGill University, that while Bill C-45 will prevent the obviously undesirable cases from going to a jury, no truly deserving cases will be prevented from going forward.

Finally, let me deal with a notion raised in committee by the Attorney General of Ontario, the Honourable Charles Harnick. He suggested that the judge in the proposed screening process be replaced by the Minister of Justice of Canada. This might seem an attractive notion at first, but I would oppose that suggestion for two reasons. First, I am sure that no justice minister would want to be responsible for these provincial ministers, and in any event, he or she probably would not have the time to do so properly. If I were the Minister of Justice, I would be loathe to let any application go forward, because I would not want the criticism attached to such a decision. Second, and most important, there is an inherent conflict of interest in the proposal. We were given the example of a dangerous offender application, where the permission of the attorney general of a province must be obtained before proceeding. As Department of Justice officials so ably pointed out, this example is not helpful. For the dangerous offender application, a Crown attorney is essentially required to get permission from his boss to proceed. In the case of a parole ineligibility review, the applicant is not in the employ of the state. He or she should not need the state's permission to apply to the court. Indeed, such a notion undermines the very principles of our adversarial system. Why would the state bother to oppose an application on its merits in court if it could simply torpedo it before it was even uttered?

We cannot allow the government of the day to deprive the citizen of access to the court. I am not a lawyer, but I believe it is apparent, even to me, that this would not survive the constitutional challenge that would inevitably be brought against it.

Hon. Dalia Wood: Honourable senators, I rise today to speak to third reading of Bill C-45, a bill amending section 745 of the Criminal Code of Canada.

Issues of crime and punishment are never simple. As with all aspects of life within organized society, the resolution of such issues is achieved by balancing competing societal interests, both individual and collective. In our country, achieving such a balance is the responsibility of government, which consists of individuals duly elected to represent the interests of their constituents. Legislation is the product of the balancing of interests and forms the rules of acceptable conduct within our society.

The Criminal Code of Canada is a fine example of legislation as a product of the balancing of societal interests. It represents what society or its representatives term unacceptable conduct and it provides sanctions for such. Amendments to the Criminal Code usually reflect society's changing mood concerning the seriousness of offences over time and the limits to society's tolerance toward certain behaviour. Of note is the Criminal Code's complexity. The 1987 report of the Canadian Sentencing Commission referred to it as,

> ...a maze of provisions in which legal experts are found wandering and the Canadian citizen is completely lost.

This statement rings true with section 745.

Honourable senators, most Canadians did not know this section even existed before convicted murderers started using it. As we now know, this section was introduced as part of the package replacing the death penalty in 1976. Canadians agreed to accept a minimum sentence of 25 years imprisonment in exchange for the abolition of capital punishment. Section 745 shatters this compromise by introducing the possibility of shortening the period of ineligibility for parole.

I wish to draw the attention of honourable senators to the Auditor General's report dated November 1996, specifically to the audit of Correctional Service Canada and its role in the reintegration of offenders into society. I am aware that this audit has no direct bearing to section 745; however, permit me to draw certain inferences.

Section 745.3 of the Criminal Code sets forth the criteria to be considered upon hearing an inmate's section 745 application. Such criteria include the applicant's character, his or her conduct while incarcerated, the nature of the offence committed, victim impact statements and any other information the judge deems relevant. A considerable amount of information considered originates from Correctional Service Canada.

• (1510)

Honourable senators, the Auditor General's audit has uncovered serious problems within this agency. It appears that Correctional Service Canada has difficulty obtaining critical information — such as police reports, Crown briefs and judges' reasons for sentence — from official sources. The files provided by Correctional Service Canada to those making decisions requiring the reintegration of offenders into society are incomplete and therefore potentially flawed.

Honourable senators, to my shock and dismay, the Auditor General found that many reintegration decisions are made pursuant to information provided by the offender. The report states:

> When Correctional Service does not have enough information on the offender and the crime, the information comes from the offender — who may well minimize or deny the details and circumstances of his crime.

The report continues:

> ...the problem of information availability, and thus "over-reliance on the offender's version of the crime", was a contributing factor in a number of poor-quality release decisions.

Honourable senators, when we are dealing with murderers, errors in release decisions are completely unacceptable. In my opinion, and many Canadians are of like mind, society's interests are not being properly represented when release decisions are made. It seems that the inmate often has a distinct advantage in presenting his or her case to the releasing authorities. The interests of the victims' families are too often overlooked or too easily sacrificed. Of late, the Minister of Justice is more often seen protecting the rights of criminals than those of law-abiding Canadians.

Honourable senators, my point is that both the current section 745.6 and Bill C-45's attempt to amend that section fail to properly balance the competing interests at issue in this debate. The competing interests are those of the victims' families and those of inmates or "lifers."

The testimony on this issue before the Standing Senate Committee on Legal and Constitutional Affairs represents a microcosm of the forces at work in society. The committee heard from both sides, victims and inmates, as well as from academics and legislators. The testimony reveals much, especially the lack of consensus and the lack of support for this bill.

Honourable senators, I do not understand the genesis of Bill C-45. The Ministry of Justice must have conducted consultations. I wonder, then, why the only true support for the bill comes from government representatives. The academics accept the proposed legislation with reservations. Lifers, the Canadian Bar Association, and victims' families are all against Bill C-45. The reasons for their opposition illustrate the diametric positions of these groups concerning the correctional system and its goals.

The Canadian Bar Association, lifers and the organizations that support them are against Bill C-45 because, in their opinion, the current section 745 should stand unamended.

Mr. Brian Gough, a lifer and staff member of an organization entitled Project Lifeline, testified before the committee on November 21, 1996. He represented the view of lifers and their support organizations on the correctional system, saying:

> The purpose of the federal correctional system is to carry out the sentence of the court; but it is also incumbent upon the system to recognize the profound interpersonal and intrapersonal change that occurs in an offender's life. The system is required to punish offenders by taking from him or her our most precious right, the right to liberty. It is also paramount to make every effort to salvage that life and return the offender to the community as a law-abiding citizen...
>
> To deny a life a second chance ignores any semblance of fair and humane treatment and contravenes the very principles of a free and democratic society whose ethics reflect a Christian doctrine of redemption and forgiveness.

About Bill C-45 he stated:

> Changes to section 745 take away hope. When we as individuals or government take away hope from a person or persons, we demean ourselves as a society.

Finally, about those currently entitled to section 745 reviews, he said:

> ...lifers...are also Canadians. Despite the crime, they are still human beings with a hope for a better future. They have value to us all.

Honourable senators, to a certain extent these statements have merit. However, this is but one side of the debate. The interests of the victims' families were also represented at the committee hearings by what the Minister of Justice is said to have called, "the walking wounded" and "the victims' industry."

The majority of victims' families cannot support Bill C-45 because they are unable to accept anything less than section 745's total repeal.

Mrs. Darlene Boyd, whose 16-year-old daughter Laurie was viciously raped, stabbed 18 or 20 times, doused with gasoline and set on fire, appeared before the committee on November 21. She brought another dimension to the debate by speaking for her deceased daughter who had been so suddenly and brutally taken from her. About the position of the majority of the victims' families regarding Bill C-45 and the corrections system, she said:

> Our call for total repeal of 745 is not motivated by vengeance or a demand for retribution. On the contrary, it represents the original intent of the minimum sentence 25 years, and thus fully supports consistency in sentencing. It represents what a legal system should be based on — and that is truth.
>
> We must ask ourselves to define the word "punishment." When an individual brutally, with intent and premeditation, takes the life of one or more persons, there must be stable groundwork for punishment, a punishment to fit the crime committed. There must be accountability, and responsibility must be assured for their actions. This must not be confused with rehabilitation. No person falling into this category, I believe, can or will ever be rehabilitated to the point where reintegration into Canadian society is possible. Whether convicted of multiple, serial, or single murders, each offender should serve the full sentence imposed. We cannot categorize murder; the end result is the same — someone dies.

She continued rebutting the lifers' call for compassion and fairness, saying:

> I have read in previous briefs how every person should be treated with dignity, equality, fairness and compassion. No first degree murderer deserves any of the above. Jim Peters never gave our daughter, or the other young woman, any compassion as they pleaded for their lives. He never left them any dignity. As far as fairness, how does a 16-year-old girl defend herself against two grown men driven by perversion?

Mrs. Debbie Mahaffy's daughter, Leslie, was abducted, confined, bound and murdered by Paul Bernardo and Karla Homolka. Her desecrated body was found in cement blocks not far from the Mahaffy residence. Mrs. Mahaffy also testified before the committee on November 21. Her words are a stark reminder of the lifetime of pain and suffering that the victims' families must endure. She stated:

> I hope that no one in this government has ever heard their child's screams and cries of pain pleading, "Someone, please help me." Just minutes later, the blindfold that she has been forced to wear — or worn for days — is removed and she is killed. How dare you not listen and answer the screams, the terror and the pain of all victims and the cries of Canadians for your commitment to accountability and responsibility for the safety of all citizens of Canada?

Honourable senators, I believe that, with Bill C-45, we have failed in our duty as legislators to carefully balance the interests at issue in this debate. In recent years, since the patriation of the Constitution in 1982 and the birth of the Canadian Charter of Rights and Freedoms, the rights of the accused and the incarcerated have taken precedence over other considerations. We have forgotten the main objectives of the criminal justice system and the sentencing process — the punishment of those who have committed offences. The focus now seems to be shifting back towards the rights of the victims and their families.

Mr. David Tilson, parliamentary assistant to the Attorney General of Ontario, in his testimony before the committee on November 28 acknowledged this shift, stating:

> The people of Ontario are moved by revulsion at the crimes committed by those murderers now seeking compassion. They are moved by compassion for those victims who have suffered from those crimes. They have come to believe, as the government of Ontario believes, that we must refocus our system of justice so that it offers sympathy and support not to those who commit the heinous crimes but to those who are victimized by them.

He added:

> We should respond to the victims with compassion. We should respond to the criminals with justice.

Honourable senators, justice must be granted to those families who have been torn apart by the violent and abhorrent actions of certain individuals. We cannot allow such an imbalance of interests to shake Canadians' faith in our justice system. Their faith is already faltering. We cannot allow this to go unchecked. I share the opinion of the Honourable Mr. Charles Harnick, Attorney General of Ontario, who stated in his testimony before the committee on November 28:

> As a people, Canadians greatly respect the law. We accept the need for compromise and the idea that the middle ground is often the best way. There is no middle ground on Bill C-45, no middle ground for the amendments that you are considering which are designed to meet the most egregious failings of the original legislation. There is no public support for this legislation...

We are legislators. It is our responsibility and privilege to make the laws that serve our fellow citizens. We must discharge that responsibility properly. Our task is to govern for the benefit of society as a whole.

• (1520)

We cannot ignore the popular will. Laws that have no public support, laws that are universally despised are bad laws. They call the administration of justice into disrepute and they threaten the integrity of the justice system.

Politics has often been referred to as the art of compromise. If no compromise has been achieved, then politicians have failed in their inherent duty to society and to those interests they represent.

In my opinion, Bill C-45 is bad law. I believe that the interests of the accused are preserved by the trial process. Bill C-45 erodes our justice system by allowing a sentence duly handed down by a judge to be reviewed 15 years after the fact. Once the sentence is handed down, I submit that the rights of the victims' families to see murderers properly punished for their atrocities should take precedence.

The fact that only a few academics expressed support for the proposed legislation indicates that Canadians are not satisfied with the results of our deliberations. I refuse to amend an already unacceptable provision in a manner that does not adequately respond to the concerns of the Canadian population. I, therefore, cannot support this bill without amendment.

On motion of Senator Nolin, debate adjourned.

MANGANESE-BASED FUEL ADDITIVES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Colin Kenny moved the second reading of Bill C-29, to regulate interprovincial trade in and the importation for commercial purposes of certain manganese-based substances.

He said: Honourable senators, I am pleased to address the Senate at second reading of Bill C-29 to implement the Manganese-based Fuel Additives Act.

Most urban centres around the world suffer from poor air quality and major Canadian cities are no exception. Urban smog, a mixture of a wide range of pollutants, affects the health of urban dwellers and poses major economic burdens in terms of health care costs and lost productivity.

Successive governments have made clean air a priority. Automobile emissions are a major source of smog and the government has already introduced tougher standards for vehicle emissions for the 1998 model year, standards that will help bring cleaner air to our cities.

The MMT legislation before us today is another important building block in the structure we are erecting to prevent air pollution. It will not be the end of the campaign for cleaner air by any means. Even greater future efforts will be necessary and will be made.

When all these regulations and standards come into effect, Canadians will see the difference, smell the difference, and breathe the difference. In the years to come, government air quality initiatives will result in billions of dollars of health benefits to Canadians. They will help prevent the pain inflicted on the young and the elderly when bad-air days shroud our cities.

The bill before us is Bill C-29, the Manganese-based Fuels Additive bill. "MMT" is the common acronym for this fuel additive that is used to boost the octane rating of gasoline. MMT was first viewed as a replacement for lead in gasoline. In Canada, it has been in use since 1977. Lead was virtually phased out of all Canadian gasoline by 1990.

That phase-out has resulted in considerable improvements in urban air quality. Yet, today, almost every Canadian motorist uses MMT simply because Canadian refiners put it in gasoline. The exact amount of MMT may vary from one batch of gasoline to another. In general, premium grade gasoline contains higher MMT levels than regular grade gasoline.

Honourable senators should know that MMT has always been controversial. In 1978 it was prohibited from use in unleaded gasoline in the United States because it was suspected that MMT could damage emissions control equipment. MMT will certainly have no place in the higher-tech, cleaner fuels of the future.

Canada must now confront the problems caused by MMT, not because a new environmental threat has emerged, but because we have improved our ability to use technology to fight smog-causing emissions. Cleaning up our air involves using cleaner fuels but it also depends on the emergence of a new generation of cars and trucks that burn fuel more cleanly.

While research has continued on the products we put into our gas tanks, it has also continued on our hardware, the engines that burn the fuel and control the equipment that lowers emissions. Technological advances have steadily cut the harmful emissions coming out of our tailpipes. In fact, with the advent of national standards in the early 1970s, new vehicles sold today remove over 90 per cent of the most noxious tailpipe pollutants.

Now we have taken another major step forward with the introduction of sophisticated, on-board, diagnostic systems, systems that can help ensure that emissions control systems are working well. These systems can be of great benefit to environmental quality. They can monitor a vehicle's emissions controls and alert the driver to any malfunctions, which can then be serviced. When used properly, these diagnostic systems ensure that the cleaner burning engines of today and tomorrow operate as designed. They help warn drivers about proper maintenance needs, maintenance that is necessary for decreasing tailpipe emissions and improved fuel economy.

Honourable senators, this is technology that holds out great promise in our fight for cleaner air, but we cannot benefit as we should from the technology if it does not work or is prevented from doing its job properly. That is where the problems with MMT arise because the automobile industry warns us that gasoline containing MMT clogs or jams the operation of sophisticated, on-board, diagnostic systems.

Honourable senators, I am well aware that the story of MMT is a controversial one. There has been a lot of debate and a great number of scientific reports have been produced; but surely the most important consideration as we decide whether or not to continue the use of MMT is the health consideration; that is, its impact on human and environmental health. I put human and environmental health first for a reason. Any potential health threat is of prime concern for this government, and MMT is a fuel additive that has the potential to impair the operation of pollution-monitoring devices in automobiles. We rely on these devices to help us control smog-causing emissions and, as a consequence, protect the health of Canadians. We do not wish to take chances with the air that we breathe.

Transportation, in particular, the automobile, is the single leading source of air pollution. There are about 14 million cars and light trucks on Canada's roads, and each one produces over four tonnes of air pollutants every year.

• (1530)

What does that mean in practical terms? In 1994, the last year for which we have statistics, there were about 40 days when air quality was only moderate or poor in Toronto, Canada's largest city. Elevated air pollution levels are closely mirrored by health statistics and hospital admissions. On such days, asthmatics are at significantly higher risk, particularly asthmatic children, and infant children are the most vulnerable of all. They are particularly sensitive to air pollution. A full 15 per cent of infant respiratory admissions to hospital are associated with ozone sulfate pollution. In fact, a recent Ontario-based study showed that each day, from May to August, a full 5 per cent of all hospital respiratory admissions in Ontario were associated with ground level ozone.

As for the substance MMT itself, the government has received representations from a great many environmental organizations, parents of children with learning disabilities and the City of North York Public Health Department. All of these representations have advocated discontinuing MMT because its use reduces our margins of safety to an unacceptable degree.

We must ask ourselves the question: Can we afford to take a chance and gamble with the effectiveness of pollution monitoring devices? I think not. If we are going to err, we must err on the side of caution. That is the precautionary principle; that is what the precautionary principle is all about.

When 21 auto manufacturers state that MMT clogs their pollution monitoring components, we must listen to them. The manufacturers have told the government that MMT interferes with the on-board diagnostics systems that alert drivers to problems and pollution dangers. They have petitioned the government and warned us of their concerns. What is the point of pushing for new technology and new emissions standards if MMT-laced fuel will gum up the technology? Clearly, the government must respond, and it has responded with this legislation, which will effectively end the use of MMT in gasoline.

The Canadian Council of Ministers of the Environment recognized the importance of reducing vehicular air pollution in order to protect human health. The CCME agreed to the need for cleaner vehicles and fuels and issued a report calling for cleaner vehicles and fuels. That report states that fuels and emission control technology should be treated as related parts of an integrated management system for reducing motor vehicle emissions.

Bill C-29 is entirely consistent with the CCME approach. Moreover, the CCME has also pointed the way towards positive and progressive harmonization, as well as towards cleaner fuels. Bill C-29 is designed to complement efforts to achieve greater environmental harmonization and CCME policies aimed at encouraging the development of cleaner fuels.

It is the government's policy to encourage alternative fuels, renewable fuels, and cleaner fuels. A similar policy is espoused by the U.S. government. The argument is frequently made that Canada's MMT legislation should be in harmony with U.S. legislation. It makes good economic and trade sense that automobiles and trucks should be built with emission controls that work across the continent. It is, in this context as well, very clear that the trend towards cleaner fuels and the future is away from the additive MMT. In fact, at least 15 of the larger American petroleum companies have indicated that they do not intend to use MMT. The list contains almost every major petroleum producer, including Amoco, Anchor, Arco, BP, Chevron, Conoco, Exxon, Hess, Marathon, Mobile, Penzoil, Phillips, Shell, Sun, and Texaco.

The companies made their decision not to use MMT, despite a U.S. court ruling made on a procedural point that ordered the environmental protection agency to allow MMT to be marketed as a gasoline additive. Moreover, honourable senators, in the near future, about one-third of the gasoline market, including California, will be using reformulated gasoline in areas that suffer from severe air pollution.

Under the U.S. Clean Air Act, MMT is not permitted in reformulated gasoline, which can be expected to claim a growing share of the U.S. market as that country moves towards cleaner fuels in the coming years. In fact, the state of California, a recognized trend-setter in emission controls, already expressly prohibits the use of MMT additive in fuels, and that has been the case since 1977.

In other words, honourable senators, for a while yet, there will be both MMT laced and MMT-free fuels present in the North American market. However, the clear trend is away from MMT, particularly in the more progressive states.

Honourable senators, the debate over MMT has caused two key Canadian industrial sectors to face off, one against the other: the automotive manufacturers and the oil industry. Car makers insist that MMT harms their products, while the refiners say that eliminating MMT would increase their costs.

One segment of our population has largely been ignored by this debate — the Canadian consumer. The continued presence of MMT in fuel is likely to result in increased costs for consumers. As I have stated, on-board diagnostics could be gummed up by MMT. This bill will ensure that Canadian consumers have access to MMT-free fuels that will enable new emissions, monitoring, and control equipment to operate as they were intended to operate. Otherwise, consumers may be inconvenienced by unnecessary visits for vehicle maintenance and service. Additionally, any increase in warranty costs due to negative impacts on emission control systems will ultimately be borne by the Canadian consumer.

In fact, the Canadian Auto Dealers Association has already expressed such concerns about MMT in car warranties.

Finally, honourable senators, let us examine the claim of the refining industry that eliminating MMT would cause economic harm. A major study commissioned by the CCME concluded that the economic impact on Canada's refining industry of moving away from MMT would not be unduly harsh. That study estimated that the cost to refiners to remove MMT from all gasoline sold in Canada would total $115 million in capital expenditures, plus $15 million per year in added operating costs.

Yes, this will be added to the cost of gas. It would mean imposing operating costs of about 0.2 cents per litre, on average, for refiners; about $5 per year for the average motorist. Surely that is not an excessive amount. A motorist would recover it several times over by merely avoiding one visit to a mechanic to have a gummed-up sensing system repaired.

Significant benefits will result from reducing pollution from vehicular traffic. I am talking about the health benefits that Canadians would realize by winning the fight against air pollution and smog.

In 1994, a study commissioned by the Canadian environment ministers found that gains in health care benefits could total up to $31 billion over 23 years if cleaner fuels were used and more stringent vehicle emission standards were put in place.

We need to get MMT out of gasoline for reasons that go beyond economics. Canadians rightly believe that their government has a role to play in protecting human health and preserving environmental quality. By removing MMT from gasoline, Bill C-29 will help to do these things. It will also help to protect Canadian automotive technology and jobs as well as provide benefits to consumers.

• (1540)

For all the reasons I have mentioned in these remarks, human and environmental health, economic benefits, enhanced consumer protection and the trend towards greater harmonization in North America, we need this legislation. Therefore, we must pass this legislation under consideration today to ensure clean, breathable air for Canadians. I urge all in this chamber to give Bill C-29 speedy passage at second reading.

Hon. Eric Arthur Berntson (Deputy Leader of the Opposition): Honourable senators, might the honourable senator entertain a question?

Senator Kenny: Honourable senators, I would be glad to do so.

Senator Berntson: As one of the uninformed, may I ask the honourable senator to tell me what "MMT" is?

Senator Kenny: That is a tough question and it is unfair, honourable senators. I cannot even pronounce the full name the acronym represents.

Senator Taylor: Tell them it is a manganese derivative.

Senator Kenny: It certainly is that.

Hon. Noël A. Kinsella: Honourable senators, for the record, "MMT" stands for methylcyclopentadienyl manganese tricarbonyl. The French version is almost the same.

I would thank Senator Kenny for his speech.

My first question is this: What studies have been completed by the government to demonstrate that MMT-based fuels cause the newest emission control technologies, to which the honourable senator has referred, not to function?

Senator Kenny: Honourable senators, first, I want to congratulate Senator Kinsella on accomplishing the nearly impossible in pronouncing what MMT stands for. I believe he proved my point that it is almost unpronounceable.

I am advised, honourable senators, that the government has in its possession studies regarding the product. Upon learning this, I asked if they could be made available to us. The proper authorities will provide them to me. I will pass copies on to those who are interested.

Senator Kinsella: Senator Kenny made reference to the significant amount of lobbying that has gone on around this bill. All of us have been receiving a great deal of material from the various groups that have an interest in it. As Senator Kenny pointed out, two of the industrial giant sectors of our economy, that is, automotive manufacturers and the petroleum industry, have set themselves in opposition to one another and, thus, there has been intense lobbying. Is it fair to ask how much money has been involved in this lobbying effort by these industrial giants with the government or with parliamentarians?

Senator Kenny: Honourable senators, with respect, I do not believe I made any reference to lobbying whatsoever. However, I stand to be corrected.

Regarding the question, I do not have a clue as to how much money has been spent. I do not think any senator or legislator knows how much money is being spent by individual companies to impact on a piece of legislation. It is, perhaps, a fair question for to us ask in committee when people appear before us. We can ask how much they have spent on lobbying. I do not think it is reasonable to expect an individual senator or, in fact, the government to know how much money people in the private sector spend on matters such as this. It is information that is not available.

Senator Kinsella: At this stage in the examination by the Senate of this piece of legislation at second reading we are called upon to focus our attention on the principle of the bill. When I began to reflect upon the principle of this bill, I asked myself the question — and it is one which I will ask of the honourable senator: What public policy principles underlie this bill?

In his speech, Senator Kenny drew our attention to the issue of public health. I listened carefully in that regard. If the argument by the government is that Bill C-29 should be supported because it is necessary to prevent a public health problem and there is evidence to demonstrate that, which I trust the committee will ascertain, then why do we not have before us an amendment to public health statutes as opposed to this type of bill?

Senator Kenny: Honourable senators will notice that most of my remarks were directed to the impact MMT has on the diagnostic equipment of vehicles. I said little about whether MMT was a noxious substance or a substance that causes pollution by its very existence, although some might argue that it does. We are aware of studies that suggest that it does not.

The thrust of my argument, and the thrust of the bill, is that MMT gums up and stops the effective operation of the diagnostic equipment on vehicles, which, in turn, causes the pollution that injures health. We are saying that this damages the equipment that helps determine whether or not pollution prevention or pollution control equipment is working. If pollution control equipment is inoperable, there will be greater pollution. We will have dirtier air and the health of Canadians will be damaged.

Senator Kinsella: If the main argument of the government is the apprehension that MMT-based fuels gum up on-board detection devices, that leaves me with two questions. Is the honourable senator satisfied that the categorical evidence exists for that assumption?

When the bill is referred to committee, would the honourable senator agree that that question must be the subject of a focused analysis by the committee itself?

• (1550)

If, in the view of the honourable senator, that is the crux of the government's argument, then we must have the facts before us. In some of the literature I have been receiving, there are some arguments that say that it does and others that say that it does not.

As well, the honourable senator pointed out that the Canadian fleet is some 14 million vehicles. Am I correct in my understanding that these particular on-board detection devices that are supposedly being gummed up by the MMT-based fuels are on vehicles of 1994 vintage and more recent? Most of the older vehicles do not have that kind of device on board, so MMT-based fuel would not be a problem in terms of the on-board diagnostic devices.

Senator Kenny: Honourable senators, with your indulgence, I will reply to the questions.

With regard to the second question, the honourable senator is correct. We are talking about newer cars and what is leading into the future.

Regarding the first question, how scientific one wants to get is a judgment call, and it will depend on the view of each individual senator.

I remind this house that 21 vehicle manufacturers — not one, not two, not three, but 21 vehicle manufacturers — have said it will mess up their diagnostic equipment. I have also brought to the attention of this house that 19 major refiners have chosen on their own not to use this additive. I am not talking about small refiners. Honourable senators have heard me recite the list. Substantial companies have said, "We are not going to use MMT."

It is interesting that such a huge number of both refiners and auto manufacturers have concluded that there is a problem with MMT. There is really only one company, Ethylcorp, that has a direct interest in it and is pushing it. I will concede that there are some refineries in this country that are not equipped to handle it and that there are some costs associated with it. I made reference to that in my speech. However, there are many refineries that are equipped to produce gasoline with the appropriate octane without the benefit of MMT, and they are going ahead.

Senator Kinsella: Honourable senators, I heard a colleague say that this kind of debate could go on better in committee. As it came from behind me somewhere, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Roberge, seconded by the Honourable Senator Cohen, for the second reading of Bill S-10, to amend the Criminal Code (criminal organization).—(*Honourable Senator Losier-Cool*).

Hon. Eric Arthur Berntson (Deputy Leader of the Opposition): Honourable senators, following the adoption of the motion for second reading, I have been asked by Senator Roberge to move on his behalf that Bill S-10 be referred to the Senate committee on Legal and Constitutional Affairs.

The Hon. the Speaker: It was moved by Senator Roberge that this the bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

EXCISE TAX ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Beaudoin, for the second reading of Bill S-11, to amend the Excise Tax Act.—*(Honourable Senator Bosa).*

Hon. Peter Bosa: Honourable senators, the introduction by Senator Di Nino of Bill S-11 may be seen by some people as a serious attempt to remove the GST on the remaining books to which it still applies in order to advance the cause of literacy. However, when examined closely, this initiative is more about politics than about promoting literacy. It was Senator Di Nino's party, after all, that introduced this tax on all books in the first place. Now my honourable colleague and his party want to be seen as the champions in the fight to remove the tax on books, a tax they themselves were responsible for bringing down in the first place.

Senator Di Nino, and indeed all senators from his party, had the opportunity to vote for an amendment in 1990 to remove the GST from reading materials. They refused to do so, and now they want the Liberal government to undo what they did six years ago.

Senator Di Nino, in his speech on Bill S-11, said the PCs have been forthright and consistent on the matter for at least six years. My honourable friend will have some problem convincing Canadians that that is, in fact, the case. The case is that the current government has taken steps to reduce and remove the tax on books, which is consistent with its desire to improve literacy levels in this country and thereby help Canadians become better prepared to fully participate in the economy.

I do not think anyone disputes the fact that we have a problem when upwards of 42 per cent of Canadian adults have varying degrees of difficulty with basic reading and writing skills. The question is how do we promote literacy with the limited resources available, and resources are limited because, in addition to the GST, the former government also left behind an overwhelming deficit to pay off.

It is very clear evidence of the commitment of this government to encouraging literacy that, despite the deficit pressures, the Minister of Finance has announced a 100-per-cent rebate of the GST on all books purchased by public libraries, schools, universities, colleges, municipalities, charities, non-profit organizations, and front-line literacy groups. This includes all books distributed freely to students in elementary and secondary schools. It also includes books used by literacy groups to help train and tutor learners and to help in encouraging life-long learning. In other words, all the institutions and groups that buy books to help people learn will no longer pay any GST on their books.

The government also looked at an exemption for books purchased in university and college book stores. Unfortunately, it would have been impossible to administer it fairly or cost effectively. Not all books in these book stores are textbooks, and not all the purchasers are students. The government believes that the education credit is a much more effective way to help students with the known tuition costs of post-secondary education.

In fact, the government increased that credit by 25 per cent in the last budget to $100 per month. In addition, most students qualify for the $199 low-income GST rebate, which covers GST paid on up to $2,800 of taxable purchases. Those students living away from home also qualify for an additional $105 single supplement, which raises the credit to $304, which covers the GST paid on up to $4,300 of taxable purchases. Since most major student expenses, such as food, rent and tuition, are not taxable, most students do not pay any GST at all or, at most, a very small amount.

• (1600)

In addition to the increase in the education tax credit, recent initiatives to help support learning and education include an increase in the limits of the transfer of tuition and education credits to supporting parents or spouses who help pay for the education of students and an increase in the contributional limits for registered educational savings plans.

Also, in the harmonization of the GST with provincial sales taxes in three Atlantic provinces, the federal government has agreed to administer a point-of-sale rebate on the provincial component of the tax on books. In other words, book purchasers will not see any increase in the current prices they are paying as a result of the harmonization process.

The 100-per-cent GST rebate will also apply to the institutions and literacy groups of those provinces. Contrary to the reaction of Senator Di Nino, libraries, schools, literacy groups and others are very supportive of the increased rebate announced by the Minister of Finance. The Edmonton Catholic schools, for example, will save about $35,000 per year. Edmonton public schools will save about $74,000. The University of Alberta library will save about $200,000. Institutions and literacy groups across the country will save money. The Canadian School Board Association said they commend the federal government's measure to support literacy as reflected in today's announcement of a 100-per-cent GST rebate on books.

It seems to me, honourable senators, that Senator Di Nino should listen to what the people are saying about the Liberal government's efforts to reduce or eliminate the tax on books brought in by the previous government. If he did, he would see that we are on the right track. He should be commending and congratulating the government for a job well done rather than presenting legislation such as he has presented in Bill S-11.

On motion of Senator Berntson debate adjourned.

STATE OF THE ARTS IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Johnson, calling the attention of the Senate to the state of the arts in Canada.

Hon. Michael A. Meighen: Honourable senators, in returning to the question of the state of the arts in Canada, I would first declare an interest: I am president of the board of the Stratford Festival and whenever I refer to the festival in the remarks I am about to make, I hope that it will be understood that I do so, not to plead any special case, but rather to use the festival as an example — one with which I happen to be intimately familiar — of the larger community of cultural industries and institutions in this country.

I use the word "community" advisedly, for the cultural life of a country is not a random collection of isolated and unconnected enterprises all desperately struggling to triumph over one another. Rather, it is an organic whole in which each part sustains, supplies and inspires the other and in which competition benefits not only the consumer, by increasing the variety of choice, but also the competitors themselves by providing a direct challenge to the imagination, to rediscover, outdo and redefine what has gone before.

Senators Johnson and Gigantès have spoken eloquently about the economic benefits that cultural industries bring to any country that invests in them and about the central role that the arts play in creating a sense of nationhood. Can there be any doubt about the obvious truth of either of these points?

With regard to the first of these points, I cannot understand why so many people persist in thinking of the arts as a perpetually poor relative, never able to make ends meet, always looking for a handout. The truth is that the arts give back far more than they take. Artistic activity is also economic activity; it means enterprise and it means jobs. It provides the focus for a huge range of ancillary activities, such as hotels, bed and breakfast accommodations, restaurants — I could go on.

Let me point to the Stratford Festival, an artistic institution with an annual budget of close to $25 million, which is directly responsible for employing over 500 year-round residents and for bringing $100 million into its local economy each and every year. The festival received just under $2 million in operating grants from all governmental sources in 1996. This represents only 8 per cent of the operating budget. Yet estimated taxes generated for governments by all aspects of Stratford's operations amount to approximately $25 million. This is not a bad exchange.

Making art is an incredibly cost-effective industry, since so much of it is driven by love and dedication on the part of those who work in it. Arts organizations are thrifty and cooperative in what they do. They recycle, improvise and they draw on shared resources; they sustain each other in less tangible ways. The Shaw and Stratford Festivals, for example, are not just places where plays are performed; they are also training grounds where actors of all backgrounds can grapple with some of the most challenging texts in the English language and where young actors, directors and designers can work alongside the finest talents in the country, learning from them and being challenged and encouraged by them. The skills that theatre artists acquire, hone and refine in such environments have unrestricted application. Those artists go on to other jobs in other places, taking with them what they have learned to the benefit of the entire Canadian performing arts communities.

Here, then, fellow senators, is an economic activity that is a model of collaboration, cooperation and cost efficiency that brings economic rewards far in excess of the investment required to start and sustain it. This economic activity has no negative environmental impact and depends for its very survival on the cultivation of the qualities of vision, imagination and innovation. If only we could say the same for all of this country's industries and institutions.

I would also like to comment on Senator Johnson's remarks about the importance of a vibrant, varied and flourishing culture in defining a nation and in inspiring pride in its citizens. It is easy to overlook the pride Canadians take in the work of their artists. Thanks to my connection with Stratford, I am constantly reminded of that pride because I hear and read some of the expressions of it which are received by the theatre staff. A woman wrote the Stratford Festival organizers a note to say the production of *The Merchant of Venice*, a production of a difficult, controversial and for many people deeply painful play, had made her proud to be a Canadian.

[*Translation*]

Canadians are proud of their artistic heritage, which other countries admire and sometimes even envy. However, when we speak about culture in Canada, it is with a worried eye on our neighbours to the south, the influence of whose cultural products is felt just about everywhere in the world. Fearing that our modest cultural industries will lose out to those of the United States, which are on a more solid economic footing, we forget how much these same industrial conquerors admire and envy Canadian artistic output. It is therefore no mere geographic coincidence that 35 per cent of the public attending the Stratford festival comes from the United States.

[*English*]

This argument of national pride, of cultural identity, is perhaps an even more compelling one than that of economic good sense. John Ruskin, the great Victorian sage, once declared:

> Great nations write their autobiographies in three manuscripts — the book of their deeds, the book of their words and the book of their art.

Ruskin's own country at the time he penned these words was a major imperial power and a centre of commerce and industry, yet he still saw art as an essential component of greatness. As he put it in another memorable statement:

> Life without industry is guilt; industry without art is brutality.

[*Translation*]

My third argument overshadows the others in importance. Even if the arts did not produce any economic benefit to society, even if they did not instil this feeling of national pride, we would still view them as important, just as we do schools and hospitals. For the arts must constitute a fundamental obligation of any society, a key factor in the creation and continuity of any civilization. Art, in its highest expression, transports the imagination and reveals the sublime in humanity; it opens the heart and the mind to the human condition.

Perhaps I am too sentimental, but how does one define a society, a civilization? Is it not an agreement between individuals to establish and maintain principles of coexistence and cooperation based on mutual understanding, compassion and respect for each other? And how could this be accomplished without calling on imagination and intellect? How could this be done without opening up the heart and the mind?

• (1610)

[*English*]

Again, I will illustrate my point with reference to the Stratford Festival. Richard Monette, the festival's artistic director, recently received a letter from a grateful patron. Its author is a Unitarian minister who lives in Illinois:

> The work of a great play so shapes and sings the forms of human life as to dignify and cleanse them of all that in ordinary human experience appears to be random, nasty or brutish. The reason I like to visit the Stratford Festival annually is that its poetic cleansing is concrete, vivid, inventive and fresh in a way that even the most carefully staged ceremonies of religion seldom achieve.

In comparing the art of producing great theatre with more overtly spiritual mysteries, this gentleman has touched on a major point. In such a country as Canada, most of our material needs are met. Materially speaking, we are among the most privileged countries on the face of the earth. Yet there remains within us a longing for something we cannot always name, a search for significance, a need to believe in something beyond ourselves, something we can share with other human souls.

For the author of that letter, a minister of the church, art is as necessary a means of spiritual communion, a way of confronting and embracing the mysteries of life, as the faith he practices. He went on to say in his letter:

> Art and life continually fructify and confuse us. The best of the arts and the best of religion celebrate life while confessing its tragedies and its ultimate mysteries.

That word "celebrate" is crucial. Art is an affirmation of faith in humanity even when it confronts the darkest sides of that humanity. It tells us who we are and what we can be, both good and bad. It puts us at the very centre of things. Even at its darkest — in the great classical tragedies such as *Oedipus Rex* or *King Lear* or, in modern times, perhaps, in as apparently nihilistic a play as *Waiting for Godot* — art is an exhilaration and celebration of human potential. Great art is about the sharing of ultimate experiences: It is what endures from a civilization, long after its cities are ruined, its armies disbanded, its political institutions forgotten. It draws us together, consoles us, inspires us and fills us with enthusiasm for being human. It is a form of communion.

The cultivation of that kind of shared faith in humanity, that willingness to look honestly at who we are, no matter how uncomfortable or painful the truths may be, and at the same time to recognize and celebrate the magnificence of what we are capable of, is nothing less than the essential foundation of any civilization. Art is one of the fundamental ways in which we relate ourselves as individuals to the larger community. It is one of the tools with which we transform savagery into civilization, by which, in the words of the letter-writer already quoted, we "dignify and cleanse" human experience of that which is "random, nasty, or brutish." It is a fundamental human need.

How do we best supply that need? The free marketplace is the best mechanism that humanity has yet devised for meeting our material needs. By an evolutionary process of consumer selection, it gives us the best possible computers, cars and washing machines that our ingenuity is capable of producing. However, is it the best mechanism for meeting the needs of our imaginations, our hearts and our souls? Can it, alone and unaided, produce the best culture and the best civilization?

The evidence suggests that it cannot; that it can take us only so far along the road to greatness. To achieve the very best, to be a nation that will be remembered in the book of its art, we must be prepared to add the power of conscious will to the merely Darwinian struggle of the marketplace. We must insist on the highest standards, and we must be prepared as a society to pay for their fulfilment.

Honourable senators, I believe the artistic community as well as any other recognizes that we as Canadians are obligated to maintaining an objective of reducing and ultimately eliminating the deficit. I believe that most artists understand that no area of our society is, therefore, immune from reduction, not elimination, in government support. Every one must share in the sacrifices, but it is clearly not in our best interests that the artistic life of our country be allowed to deteriorate for the lack of financial support resulting from the unfortunate but necessary reduction in government support.

The answer surely lies in taking immediate steps to encourage a significant increase in private giving to all charitable sectors, education, health care, welfare, and the arts. Fortunately, the government has been presented with just such a proposal, which offers the opportunity of achieving significant incremental increases in charitable giving without a major reduction in government tax revenues.

Indeed, initial steps in this direction were taken by the Finance Minister in his budget of March 1996, however, while certainly helpful, these steps will not do the job. The additional changes that are required address the single most important reason why Americans, notwithstanding the fact that the incentives for cash donations in Canada are higher, contribute four times more per capita to registered charities than do Canadians. I refer to the tax treatment given to gifts of appreciated capital property, which is the primary reason for the fact that 95 per cent of donations to U.S. charities are contributed by only 5 per cent of the donors.

We must level the playing field and allow our leading not-for-profit organizations to build endowments. The only way this can be done in a fiscally responsible manner is through the implementation of a capital gains exemption on charitable gifts. This vital step has been urged upon the Minister of Finance by a broadly based coalition of charitable sector participants, community leaders, board members and the beneficiaries of their services. Supporting organizations include the Association of Universities and Colleges of Canada, representing their 88 member institutions, the Canadian Association of Gift Planners, 82 hospitals from every province, Canada's leading arts and cultural organizations, the United Way of Greater Toronto and several other cities across Canada from Halifax to Victoria. The list goes on.

Last March, the Finance Minister specifically recognized that more needed to be done to encourage charitable giving. A great many Canadians share his belief and urge him to complete the process by accepting this recommendation to exempt gifts of appreciated capital property from capital gains tax.

Honourable senators, encouraging charitable giving is one means of assisting the arts sector. Perhaps there are others. A study into the arts and cultural sector with a review of federal policy in this area is certainly needed. Our policies must be kept up to date with changing times, and a review has not taken place for many years now. I support Senator Johnson's idea of setting up a special committee of the Senate to examine and to analyze the problems facing the arts in Canada. We need to work on finding solutions that will assist this sector as we move into the 21st century.

Do we dare to do this, honourable senators? Are we willing to settle for the best that the marketplace can produce for us, or do we dare to demand, both from our artists and from the country to whose dreams they give voice, nothing short of greatness?

On motion of Senator Stratton, debate adjourned.

• (1620)

ADJUDICATION OF VETERANS' PENSIONS

MOTION TO AUTHORIZE SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TO STUDY EXPEDITION OF ADJUDICATION OF VETERANS' PENSIONS ADOPTED

Hon. M. Lorne Bonnell, Honourable senators, pursuant to notice of Wednesday, December 4, 1996, I move:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon implementation by the Department of Veterans Affairs of measures to expedite the adjudication of pensions; and
>
> That to this end the Subcommittee on Veterans Affairs be authorized to travel to the departmental headquarters in Charlottetown and take evidence; and
>
> That the Committee submit its report no later than June 30, 1997.

The Hon. the Speaker: There is apparently a problem, Senator Bonnell, in that the motion you have moved is different from the notice. The original notice of motion did not include in it the travel to the departmental headquarters in Charlottetown. The honourable senator will require a budget for that purpose.

Senator Bonnell: We will have to submit it, Your Honour.

The Hon. the Speaker: Honourable senators, could we agree for the moment not to include that part of the motion which deals with the travel to departmental headquarters and allow the honourable senator to make his speech at this time? The portion with respect to travel can be discussed at a later date.

Hon. Senators: Agreed.

Senator Bonnell: Honourable senators, since well before 1994 veterans and their organizations have been expressing extreme dissatisfaction with the long delays in the adjudication of pensions. With an average age of 73, they could not tolerate a process that, given the first level decision, took 18 to 20 months. If the decision were unfavourable, as too many were, it could take an additional two to three years to gain a resolution through the appeal process.

At the annual convention of the Legion in June of 1994, the Secretary of State for Veterans Affairs, the Honourable Lawrence MacAulay, promised that the government would make the system more efficient and responsive to the needs of clients. In particular, he stated that the government would take measures to cut the existing turn-around times for pension applicants and appeals almost in half.

The Subcommittee on Veterans Affairs of the Standing Senate Committee on Social Affairs, Science and Technology submitted its last major report, "Keeping Faith: Into the Future", in October of 1994. The second part of the report evaluated and made recommendations about the proposals of the government to change completely the process of adjudicating claims for disability pensions. This proposal, which came as Bill C-67, became law in June of last year.

Almost all the veterans' organizations, however, were unhappy with the proposal to concentrate responsibilities for the initial adjudication in the department, fearing it would lead to additional delay and that departmental officials would be vulnerable to pressure to hold the line on costs. They particularly feared elimination of access to lawyers of the Bureau of Pensions Advocates at this stage of the proceedings. As a result, when Bill C-67 was reported in June of 1995, the committee made a number of recommendations, including:

> That the Subcommittee on Veterans Affairs carefully monitor implementations of the new system of pension adjudication together with its regulations, administrative orders and the commitment made by the minister, and report within one year.

The subcommittee owes it to the veterans and their organizations to return to Charlottetown to examine the actual handling of pension applicants under the new system, now that the latter is at last up and running, and to question officials about whether turn-around times have been dramatically reduced and whether more veterans are being given the benefit of the doubt at the first level of adjudication.

To conduct this study the subcommittee will need to call the major veterans organizations before it to learn of their experience with the new system. Inevitably, they will raise other issues of concern at these meetings, issues that the subcommittee should have the power to investigate and include in its report.

Hon. Orville H. Phillips: Honourable senators, I appreciate very much the motion and the remarks of the Honourable Senator Bonnell.

The Honourable Senator Bonnell, while we cannot classify him as a veteran of World War II, has been very supportive of the veterans because of his training during World War II and his practice in general medicine. Therefore, I thank him for his motion.

In June 1995, the Senate subcommittee reported on its study of Bill C-67. If my memory serves me correctly, it was Senator Bonnell who made the motion in the subcommittee that we monitor the progress and the effects of Bill C-67.

At that time, honourable senators, I did not expect any difficulties because there was, within the committee, a feeling for certain amendments. However, the deputy minister came into the committee and made certain commitments on behalf of the Secretary of State for Veterans Affairs. When I think back on it, I often ask myself: Were we right in accepting those assurances? Should we not have held out for amendments? I look particularly at my friend Senator Graham, who was at that committee meeting. He remembers it, and he remembers thanking us. Do you remember that, my honourable friend?

Senator Graham: Yes.

• (1630)

Senator Phillips: I remember, because I appreciated it very much. However, I will not blame it on Senator Graham or anyone in particular. The committee was prepared to make certain amendments, but the government argued that if we delayed this bill and sent it back to the House of Commons from the Senate, we would lose time. Time was essential, honourable senators. I do not dispute the fact that time was essential.

The thing that I think moved us most was when the deputy minister who appeared before the committee presented a letter from the Secretary of State for Veterans Affairs, and he assured us that our concerns would be taken into consideration. I should like to put into the record, honourable senators, certain statements made by Mr. Nicholson, Deputy Minister of Veterans Affairs. This is found in the committee records. He said:

> Again, you have the commitment of myself as the deputy secretary in the department to come back and review our progress in this area.

Later on, he says:

> Our commitment is to go back to the committee and present our problems, along with our progress, and where necessary, we are not opposed to bringing forward clean-up legislation in an omnibus bill.

Honourable senators, I remember very well Mr. Nicholson's appearance. The committee was prepared to make amendments, and we accepted the letter from Mr. McAuley, the Secretary of State, and the assurance of Mr. Nicholson as deputy minister. As I say, looking back, I wonder about that.

When the session closed, Senator Bonnell and I made an appointment to visit DVA in Charlottetown and, as usual, we received a courteous reception, but we were also confronted with a number of charts. There were charts all over the place. "In September, we had so many applications, and in February we had so many." However, the charts were useless because they were designed not to give information, but to hide information. It is fine to say that in September we had 2,000 cases and in November we had 2,500, but what does that mean to veterans who are waiting for responses to their pension claims? Honourable senators, it does not mean a damn thing, and I say that with a great deal of vehemence because you are still forgetting the veterans.

As I say, Senator Bonnell and I visited in June. I went back in August, and I went back with the attitude of Mr. Cliff Chadderton, who is the President of the National Council of Veterans Associations. I went back with that attitude for one reason, honourable senators: In his testimony, he had said that his organization would be tracking this legislation. He pointed out that the DVA had spent millions on computers, and it should be easy to track the veterans' complaints.

However, at the DVA, I found that they were confused. Mr. Chadderton told them how to do it. If there is a complaint about arthritis, if there is a complaint about hearing, spinal disabilities, and so on, all you have to do is punch the information into the computer. The DVA were — and I think deliberately — saying they that they could not do that because some of them complained about two or three things. How do you put them in? It is very simple. You punch one, two, and three on the computer.

Honourable senators, after the June meeting, Senator Bonnell and I received charts and brochures galore. They were beautiful and expensive. I am sure the department spent more on brochures than they did on pension awards. Those brochures were indeed beautiful.

In August, there were only so many cases heard, and the demands were so high, but we improved in November. The figures were higher, but meaningless. Honourable senators, they were meaningless because they represented cases heard. In common with Senator Bonnell, I am interested in how many of the applicants received awards. It seems to me unimportant to know that a board has heard 1,000 adjudications if they make only 200 awards.

• (1640)

Honourable senators, that is unacceptable. I have attempted, along with Senator Bonnell, to get information. It should not be difficult to get information because of what was said at the last meeting of the Senate subcommittee when the deputy minister appeared. Senator Bonnell is shaking his head, he agrees with me. At times, I think we were suckers to accept the recommendation, but we did.

Honourable senators, at page 28, the deputy minister said that he was committed to coming back and reviewing progress in this area, and this may not be the only area. Then he went on to say that he was not opposed to bringing forward cleanup legislation in an omnibus bill. We have a commitment from the secretary of state and the deputy minister to review those situations.

Honourable senators, this session began in January last year and I will be damned if I know why, a year later, the Subcommittee on Veterans Affairs has not been formed. I am tempted to say it is the fault of the leadership.

If I said that, honourable senators, I would want to carry on from there. I would again point out that this session began in January. It is now December. It has taken a year, honourable senators, to get the subcommittee organized. There is either an interest in veterans affairs in the Senate — and it has been known for that interest — or it is a ploy among whips. I suggest that we get on and establish the Veterans Affairs Committee, so that it may continue to build on the reputation that it has always had among veterans, and we quit fooling around, giving excuses for not establishing the committee.

Honourable senators, without any authority, I have asked the Clerk to call an organizational meeting for tomorrow. I hope that the Deputy Leader of the Government will not interfere with what we are trying to accomplish. Do I have Senator Graham's assurance?

Senator Graham: Honourable senators would you like me to comment? You certainly do have my assurance, and perhaps I should add a comment after you have completed your remarks.

Senator Phillips: I do not expect you to agree with everything I say.

The Hon. the Speaker: Honourable Senator Phillips, I hesitate to interrupt you, but your 15-minute period is up.

Senator Phillips: Honourable senators, I would like more time, particularly in the matter dealing with veterans affairs. If the Senate wants to cut me off, I cannot do anything about it. I leave it to the rules. Your Honour, do I have unanimous consent to continue?

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Senator Phillips: Thank you very much, honourable senators. I must say, in response to the need to request leave to continue, that I had made notes which I thought would take up about 10 minutes, but I have a habit of making notes and then expanding on them. Obviously, Your Honour, I have exceeded the 10 minutes.

Honourable senators, I must take a moment to look over my notes and decide what I am going to speak about. I must say that I intend to digress from my notes.

During the hearings on Bill C-67, Mr. Chadderton on the National Council of Veterans Organizations said that if this bill passed, that organization would monitor the situation. The DVA has the computers.They have the information. I was impressed by that testimony. DVA has spent millions on computers. Mr. Chadderton told them how to do it and the DVA has taken the attitude that we should not do these things.

Senator Bonnell and I went to DVA headquarters in Charlottetown. As you know, we are both interested in veterans affairs. We got, as I say, these wondrous charts, but, honourable senators, we did not get any information. We asked about things such as: What percentage of hearing loss claims are made by veterans, and how many such claimants were awarded disability claims? No one could tell us. Their excuse was: They may have made a complaint on hearing loss plus something else, so we do not know how to calculate that figure. Honourable senators, after spending $25 million or $30 million on computers, surely to goodness someone can give us an answer to that question. I do not buy that argument.

• (1650)

At the National Council of Veterans Associations in Winnipeg, the minister and the deputy minister made a presentation and then they asked for questions. The first question was: What is your award rate? After a lot of stuttering and stammering, they decided that it was 30 per cent. Honourable senators, I am not sure that that is correct.

Honourable senators, I wanted to touch on the problems that veterans have in dealing with the appeal process. These problems were created by the passage of Bill C-67. A veteran gets an award from the adjudicator — a medical adjudication — for seven, eight, nine or 10 per cent and he is unhappy. He says, "My disability is worth more than that." He then takes it to the Veterans' Review and Appeal Board, and this has resulted in a backlog. In my mind, there is no doubt that the DVA is pushing those cases ahead of a special category, and those are the veterans who had appeals launched prior to the passage of Bill C-67. Consequently, I am receiving complaints from veterans that they have had their appeals before this Veterans' Review and Appeal Board for two and a half years and those appeals still have not, as yet, been heard. I think this matter should be investigated.

Honourable senators, I will refer briefly to a passage in Bill C-67 that gave the chairman of the Veterans' Review and Appeal Board the authority to rebuff a veteran who was dissatisfied or disappointed with the decision of the adjudicator, and the resulting pension award. It may have been 10 per cent. That veteran appeals to the Veterans' Review and Appeal Board. The chairman — and this is most unusual in legislation — has the authority to say to that veteran, "We will not hear you because your appeal is vexatious and frivolous." He has used that authority in over 100 cases. I do not think that is fair.

Honourable senators, I suggest that we get on with the formation of the Subcommittee on Veterans Affairs, because the department is presently drafting legislation to deal with the deficiencies in Bill C-67. Certain regulations are emanating from the department, and these regulations scare me far more than any legislation.

Honourable senators, I suggest that we support the motion and get on with the formation of the committee.

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, perhaps I could say a word on this matter, and also have the attention of Senator Phillips. I do not think anyone in this chamber has exhibited a greater interest or concern about the welfare of veterans than Senator Phillips. Indeed, I recall very well when I was chairman of the Standing Senate Committee on Social Affairs, Science and Technology and the Subcommittee on Veterans Affairs of that parent committee undertook a major study on veterans affairs. Both Senator Phillips and Senator Bonnell were valued members of that subcommittee under the chairmanship of Senator Marshall. Indeed, we travelled to Charlottetown, the headquarters for the Department of Veterans Affairs in Canada. I recall as well the assistance of Senator Phillips in passing Bill C-67.

I wish to make one point in particular: With respect to establishing a subcommittee, the parent committee is master in its own house, and it can establish a subcommittee. What Senator Phillips is suggesting today is news to me. He is suggesting, I believe, that there has not been support on this side for the establishment of such a subcommittee. That is not true. At no time have I heard a recommendation that such a subcommittee be established. Indeed, I presumed all along that the parent committee was taking its own good time; that in due course, and when they thought it feasible and necessary, the members of that committee would establish a veterans affairs subcommittee.

• (1700)

We wholeheartedly support the initiative put forward by Senator Bonnell, and now supported by Senator Phillips. As to when a meeting might be called to establish such a subcommittee, that would be in the hands of those responsible for the parent committee and the members of the committee itself.

I thank both Senator Bonnell and Senator Phillips for bringing these matters to the attention of the Senate. There are, I am sure, very legitimate concerns, as have been enunciated by Senator Phillips, Senator Bonnell and others. I am sure they will be addressed as the subcommittee carries out its deliberations.

Senator Phillips: Honourable senators, may I ask the Honourable Senator Graham a question? I have approached the chairman of the committee, the whips, and the leadership.

Senator Graham: You have not approached the leadership on this side.

Senator Phillips: Yes; that is why I am directing a question to the Deputy Leader of the Government. Finally, the Standing Senate Committee on Social Affairs, Science and Technology has come around to submitting the names of members for a subcommittee, which should consist of five members. We never got the full five. Then when we received the employment legislation, certain committee members were removed from the Standing Senate Committee on Social Affairs, Science and Technology who were also members of the Subcommittee on Veterans Affairs.

The Honourable Senator Graham knows very well that honourable senators cannot be members of a subcommittee unless they are members of the main committee. We ended up with two members: Senator Bonnell and myself. We were the only two who continued to express an interest in veterans affairs, but two members cannot constitute a quorum on even a subcommittee.

Senator Graham: Honourable senators, I do not want to get into a debate as to how members are nominated to a committee or, indeed, to use the words of Senator Phillips, removed, and I object to the use of that word in relation to the membership from this side on that committee. I am sure that the whip would give the assurance that no individual senator from this side was purposely removed from that committee for any particular reason, regardless of the legislation they happened to be dealing with. They may have been replaced because they could not attend a meeting, or a temporary substitution may have been made on their behalf, but the committee stands as originally nominated by the Committee of Selection at the beginning of the session of Parliament.

Senator Phillips: Honourable senators, I would like to refer to the comment made that no one was removed from that committee. I would like Honourable Senator Graham to check the membership. Will the honourable senator give me the commitment that he will check the membership? I would like to name the honourable senators who were removed, but I do not think that would be fair. Would the Honourable Senator Graham do me the favour of checking?

Senator Graham: I will.

Senator Phillips: Particularly during the study of certain pieces of legislation, a senator on the subcommittee from the Liberal side who was not happy was suddenly removed. As I said, it takes three senators to form a quorum and Senator Graham removed the third member from the committee.

Senator Graham: That is absolutely false. We did not remove anyone from any committee. We may have replaced someone temporarily because an honourable senator could not be present at a particular meeting. However, the word “removed” is absolutely false.

Senator Phillips: Honourable senators, I do not accept that the word is false. Is the honourable senator calling me a liar?

Senator Graham: No. I am quite prepared to review the original list of names that was submitted by the Committee of Selection to determine whom honourable senators would presently care to nominate for the purposes of carrying out —

The Hon. the Speaker: Honourable senators, this debate is not in order. Questions are in order, but not debate.

Senator Phillips: I have a question arising from the statement of the Honourable Senator Graham in which I feel he called me a liar.

Senator Graham: Never.

Senator Phillips: I am tempted to say that the same thing applies to you, but I will not do that, at least not publicly.

I would ask the Honourable Senator Graham to check in particular on the situation with respect to Senator Cools and Senator Rompkey. I understand that Senator Rompkey was quite willing to serve on the subcommittee, but he could not because he was suddenly removed from the membership of the Standing Senate Committee on Social Affairs, Science and Technology, and if you are not a member of that committee you cannot be a member of a subcommittee of that committee. I am sure that the Honourable Senator Graham understands that.

Need I explain it to him?

Senator Graham: No. May I have the permission of honourable senators to read into the record the names of the committees members?

The Hon. the Speaker: Are you answering a question, Senator Graham? We are getting involved in a debate which is really not in order. If you are answering a question, I will recognize you.

Senator Graham: I am answering a question to the extent that the suggestion has been made that Senator Cools and perhaps Senator Rompkey were removed from the membership of that committee. Senator Rompkey was replaced because he was doing work on other committees.

Senator Phillips: I do not dispute that they were not available.

Senator Graham: As Senator Phillips suggested earlier, I am quite happy to review the list of original members of that committee and determine which honourable senators would make the best contribution to the work of the proposed subcommittee.

Senator Phillips: Honourable senators, perhaps I am a sucker, but I will accept the statement of the Honourable Senator Graham.

The Hon. the Speaker: Honourable senators, if no other honourable senator wishes to speak, I will put the question:

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

Hon. Senators: Agreed.

Motion agreed to.

• (1710)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. B. Alasdair Graham (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(*a*), moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:15 p.m. on Wednesday, December 11, 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.

The Senate adjourned until Wednesday, December 11, 1996, at 1:30 p.m.

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Tuesday, December 10, 1996