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OFFICIAL REPORT
(HANSARD)

Tuesday, April 8, 1997

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

This issue contains the latest listing of Officers of the Senate, the Ministry, Senators and Members of the Senate and Joint Committees.

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THE SENATE

Tuesday, April 8, 1997

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

Prayers.

[*Translation*]

NEW SENATOR

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

INTRODUCTION

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

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

Hon. Lucie Pépin, of Shawinigan, Quebec, introduced between Hon. Joyce Fairbairn and Hon. Léonce Mercier.

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

Hon. Joyce Fairbairn (Leader of the Government): Honourable Senators, it is a pleasure to welcome in our midst a new senator, Hon. Lucie Pépin.

[*English*]

Senator Pépin represents the district of Shawinegan, which has been so ably represented for so many years by our retired colleague the Honourable Maurice Riel, to whom we said goodbye just before the Easter break. Senator Pépin has exalted shoes to fill. However, we know that she is more than capable and that she will do so enthusiastically.

•(1410)

She brings to her new position a wealth of experience. No newcomer to the political arena, she was elected to the House of Commons in 1984 to serve the citizens of Outremont and, in more recent years, Senator Pépin has participated in the Royal Commission on Electoral Reform and Party Financing, some of whose recommendations will be reflected in the election, whenever it may come.

Senator Pépin brings to this place as well a particular understanding and compassion for issues of health, women, children and their well-being, as well as an active understanding of our parole and criminal justice system. From 1979 to 1981, Senator Pépin served as vice-president of the Canadian Advisory Council on the Status of Women, and, more recently, she was appointed to the Appeal Division of the National Parole Board.

[*Translation*]

Speaking on behalf of your new colleagues, I welcome you most cordially in our midst. These are exciting times, and we are delighted to be able to count on your dynamic contribution.

[*English*]

We look forward to working with you, Senator Pépin, as you have much to offer your colleagues on both sides of the house. Welcome.

[*Translation*]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, it is a pleasure to join my colleagues on this side of the Chamber in extending a most cordial welcome to Senator Pépin. It is most reassuring that the senator who will take the place of our former colleague Maurice Riel is also from Montreal and prepared to defend the interests of that great city.

[*English*]

It is essential that the definition of "regional representative" always include urban as well as rural areas. I have no doubt that, with her background, including, or perhaps I should say despite being a member of the House of Commons for one term, Senator Pépin will more than adequately represent Montreal's concerns, both in her caucus and in this chamber. I wish her well as she assumes her new responsibilities.

Hon. Erminie J. Cohen: Honourable senators, I want to welcome our new colleague and indicate that it is nice to have her aboard. I did not realize that she had been appointed. Our roads have crossed many times because of our similar interests, and I look forward to working with her in many of the areas and concerns that we all share as Canadian women and members of families.

SENATOR'S STATEMENT

IN PRAISE OF BREVITY

Hon. Philippe Deane Gigantès: Honourable senators, I have written another speech in praise of brevity, but, for the sake of brevity, I shall not deliver it.

[*Translation*]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

ANNUAL REPORT OF COMMISSIONER TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the 26th annual report of the Commissioner of Official Languages for the calendar year 1996.

COMMITTEE OF SELECTION

FIFTH REPORT PRESENTED AND ADOPTED

Hon. Jacques Hébert, Chairman of the Committee of Selection, presented the following report:

Tuesday, April 8, 1997

The Committee of Selection has the honour to present its

FIFTH REPORT

Pursuant to Rule 85(1)(*b*), your Committee presents the list of senators it has designated to form the Special Committee of the Senate on the Canadian Airborne Regiment in Somalia.

Honourable senators Balfour, Bryden, De Bané, *Fairbairn (or Graham), Grafstein, *Lynch-Staunton (or Kinsella, acting), Murray, Phillips and Rompkey.

**Ex officio* member

Respectfully submitted,

JACQUES HÉBERT
Chairman

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

Senator Hébert: Honourable senators, with leave of the Senate and notwithstanding Rule 58(1)(*g*), I move that this report be now adopted.

Motion agreed to and report adopted.

[*English*]

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, April 9, 1997 at 1:30 p.m.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS 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 4:00 p.m. today, Tuesday, April 8, 1997, at 3:15 p.m. tomorrow, Wednesday, April 9, and at 3:30 p.m. Thursday, April 10 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.

CAPE BRETON DEVELOPMENT CORPORATION

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND DATE FOR FINAL REPORT

Hon. Bill Rompkey: Honourable senators, I give notice that on Wednesday next, April 9, 1997, I shall move:

That notwithstanding the Order of the Senate adopted on March 6, 1997, the Special Committee of the Senate on the Cape Breton Development Corporation which was authorized to examine and report upon the Annual Report, Corporate Plan and progress reports of the Cape Breton Development Corporation and related matters, be empowered to present its final report no later than April 30, 1997 and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until May 7, 1997; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

TRANSPORT AND COMMUNICATIONS

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

Hon. J. Michael Forrestall: Honourable senators, I give notice that on Wednesday next, April 9, 1997, I shall move:

That the Standing Senate Committee on Transport and Communications have power to sit during sittings of the Senate for the duration of its study of Bill C-32, An Act to amend the Copyright Act, and that rule 95(4) be suspended in relation thereto.

•(1420)

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE FOR FINAL REPORT ON STUDY ON THE PRESENT STATE AND FUTURE OF FORESTRY IN CANADA

Hon. Doris M. Anderson: Honourable senators, I give notice that on Wednesday next, April 9, I shall move:

That, notwithstanding the Order of the Senate adopted on Thursday, May 16, 1996, the Standing Senate Committee on Agriculture and Forestry, which was authorized to examine the present state and the future of forestry in Canada, be empowered to present its final report no later than Monday, June 30, 1997.

NATIONAL DEFENCE

SOMALIA INQUIRY—RESOLUTION CONCERNING RULING OF FEDERAL COURT JUSTICE

Hon. Anne C. Cools: Honourable senators, pursuant to rules 56(1) and 58(1)(*i*), I give notice that I shall move:

Whereas the Senate deemed it expedient to inquire into and be concerned with this matter connected with the good government of Canada and the conduct of this part of the public business, and was desirous of examining the Somalia affair in continuance and completion of the Royal Commission of Inquiry into the Deployment of Canadian Forces to Somalia, the Senate desirous of solemn inquiry into these grievous matters by Senate resolution on March 20, 1997 ordered and constituted a Special Senate Committee to investigate the Somalia affair to satisfy the public's concern for judicious examination, and to authorize those persons unheard by the Commission of Inquiry to be heard by the Special Senate Committee; and further, that this resolution ordered its Senate Committee to call specified witnesses including one John Dixon to testify before it; and

Whereas on March 25 and 26, 1997, long after the Senate had passed its resolution, Madam Justice Sandra Simpson of the Federal Court of Canada heard an application brought by John Dixon asking that court to rule in respect of Orders in Council PC 1995-442, PC 1995-1273, PC 1996-959, and PC 1997-174 regarding Defence Minister Douglas Young's three extensions of time and his actions declining the Somalia Royal Commission of Inquiry yet another extension and yet another postponement of the Commission's report date; and further, that Madam Justice Simpson ruled on the same application and hearing on March 27, 1997; and

Whereas the issues and subject matter in Mr. Dixon's application to the Federal Court of Canada ruled on by Madam Justice Simpson are not matters for judicial determination, but rather are political matters and thus for political determination by the politics of responsible government, of which the Senate Committee's inquiry is such a political and parliamentary determination; and further, that Madam Justice Simpson took jurisdiction without common law, statutory or constitutional authority and ruled on this application, is by itself a political act and an interference; and further, that the Federal Court of Canada and its judges have no jurisdiction or superintendence over the Senate of Canada or Senate proceedings; and further, that regarding the Senate's and Parliament's privileges, the courts and judges of Canada are directed by constitutional comity, by the Constitution Act, and by the Parliament of Canada Act, that "The privileges, immunities and powers...shall, in all courts in Canada, and by and before all judges, be taken notice of judicially."; and "...it is not necessary to plead them..."

Whereas as the Upper Chamber of Parliament, the ancient and undoubted High Court of Parliament, the Grand Inquest of the Nation, the Senate of Canada deplores judicial law making, judicial vanity, judicial mischief, curial government, and any and all judicial excesses, particularly judicial political activism in the spheres of public policy decision-making in Cabinet's lawful exercise of its powers by responsible ministers of the Crown, and in the Senate's exercise of its constitutional privileges and powers to conduct inquiries and to safeguard the public interest in good government; therefore,

Be it resolved that the Senate of Canada uphold its constitutional conventions of judicial independence and constitutional comity, and assert its own privileges and powers to conduct its own inquiry without judicial interference or attempts at judicial government; and further, that the Senate declares Madam Justice Sandra Simpson's actions, orders and judgment of March 27, 1997, subsequent to and in disregard of the Senate's own resolution on March 20, 1997 superseding the Commission of Inquiry's reference and assuming the subject matter, were an unlawful and undue political interference in Senate proceedings and Senate functions;

and further, that the Senate expresses its just displeasure at Madam Justice Simpson's ruling and her failure to take judicial notice of the Senate's Orders and Committee of Inquiry and declares her ruling to be a breach of the Senate's privileges and declares that the judicial person, Madam Justice Sandra Simpson, is in contempt of Parliament.

QUESTION PERIOD

NATIONAL DEFENCE

REPORT OF MINISTER TO PRIME MINISTER ON PRESENT STATE OF CANADA'S ARMED FORCES—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. Will the minister admit to honourable senators that the recent report to the Prime Minister by the Minister of National Defence is nothing more than a confirmation of the status quo and, as such, fails to address the serious command, control and morale problems afflicting the Canadian military?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I do not agree with my honourable friend. The Minister of National Defence had considerable breadth in his report to the Prime Minister. While affirming the structure of the forces, he, indeed, will be working hard to deal with some of the difficult areas with which I think my honourable friend would wish him to deal. This is not a superficial report; it is a substantial one. The Minister of National Defence will get on with this task as quickly as he can, in the areas not requiring legislative action. Anything that does, of course, require such action, will be put off until another time, should events intervene.

Senator Oliver: Honourable senators, in the report to the Prime Minister, the Minister of National Defence stated:

> The Chief of Defence Staff enjoys unfettered access to the Minister and, when matters warrant, to the Prime Minister. He attends Cabinet at the Prime Minister's invitation whenever important military issues are discussed.

Will the Leader of the Government in the Senate tell this chamber whether she has participated in, or is aware of, a cabinet meeting where the Chief of Defence Staff was present?

Senator Fairbairn: Honourable senators, I cannot discuss the inner workings of cabinet. However, it is a long-time practice that, when issues of concern to any minister and his department are discussed, representatives from that department are available for part of that discussion. That is a long-standing practice in government.

Senator Oliver: Does the minister have any independent recollection of whether or not the Chief of Staff did appear, and if so, when he appeared?

Senator Fairbairn: Honourable senators, my honourable friend's question is awkward. I am bound by oath not to discuss the activities of cabinet. I would prefer to fall back on my previous answer that, on occasions where advice is required, officials do attend cabinet.

•(1430)

PRIVY COUNCIL OFFICE

COMPARATIVE SIZE OF PRIME MINISTER'S STAFF—GOVERNMENT POSITION

Hon. Fernand Roberge: Honourable senators, prior to the last election, the Prime Minister promised to reduce the size of staff in ministers' offices. We are told, without proof, that this tactic has saved $10 million. We will never know if these figures are real, or if the spending that used to be charged to the minister is now charged to the department instead.

A few weeks ago, I asked the government leader to explain why the number of people working in the Prime Minister's office had climbed to 85 this year from 79 in 1994-95. The minister replied that, in 1994, the Prime Minister's office was not yet fully staffed.

I have looked back at historical staffing levels and found that, in 1992-93, which was the last full year of the Progressive Conservative government, 82 people were on staff in the Prime Minister's office. That is three less than there are today.

I again ask the question: Why has this Prime Minister chosen to have a larger staff than his predecessor, despite what he has previously said?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I will refer that question, as I have before, to those who can best answer it. I believe the record will indicate that the Prime Minister has been extremely prudent in the size of his staff.

[*Translation*]

EMPLOYMENT INSURANCE

SIZE OF SURPLUS IN FUND—GOVERNMENT POSITION

Hon. Jean-Maurice Simard: Honourable senators, my question is on the employment insurance fund. I have examined a government document that gives some worrisome facts and figures. My question is as follows.

[*English*]

Honourable senators, in January of this year, the government took in $2 billion or more in unemployment insurance contributions, but paid out only $1.4 billion. That means the government overcharged Canadians by nearly $600 million in January alone. This situation has continued, year in and year out, for about three years, with the government padding the surplus in the Employment Insurance Fund at the expense of the many unemployed Canadians who should be helped by this fund.

Will the Leader of the Government give us an indication as to how large the surplus in this fund will be permitted to grow? Does the government plan to continue this misuse of the Employment Insurance Fund indefinitely?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I do not agree with my honourable friend's description of the government's use of the employment insurance money as "misuse." Indeed, increasing efforts are being made — and have been made — to use the Employment Insurance Fund in the most effective way possible for those who need it most.

Senator Simard: Then the government can mislead people?

Senator Fairbairn: In response to my honourable friend, I will endeavour to find a figure for him on the size of any reserves.

HUMAN RESOURCES DEVELOPMENT

PROSPECTIVE INFRASTRUCTURE PROJECTS
FOR NEW BRUNSWICK—GOVERNMENT POSITION

Hon. Jean-Maurice Simard: Honourable senators, as a preamble to my second question, I visited Restigouche in Madawaska County, the new riding, on the weekend. I will testify and relay this information: I have never seen such anger displayed, as I witnessed last weekend, at the McKenna government or at the Chrétien government.

Senator Bryden: Will you keep on visiting, because that is the best news I have had.

Senator Simard: May I continue uninterrupted, Senator Bryden?

Senator Bryden: You keep visiting that riding as often as you possibly can. That is the best news I have had this week.

Senator Simard: Is this interjection being charged against my time?

The Hon. the Speaker: Order, please. The Honourable Senator Simard has the floor.

Senator Simard: Last Saturday morning, the day of the convention, it was interesting to read the comments made by Premier McKenna. Apparently, Premier McKenna is baffled by the loss last month of over 4,000 jobs in New Brunswick. According to all the records for the last ten months, New Brunswick is the only province in Canada to have lost jobs. For ten consecutive months, New Brunswick has lost jobs. It holds the record. Premier McKenna should not be baffled; he should be ashamed of his politics.

We heard Senator Fairbairn say that she would take notice of my questions. I hope she will get back to Canadians and to the Senate with an answer in the near future. In addition to recycling the infrastructure program, as has been announced, in the same fashion as has been established in the last four years, will the government announce specific programs that will give some hope for employment in the Restigouche and Madawaska areas, and in all of Canada, for that matter?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, in addition to my response to the earlier question, I will also seek to relay particulars of the measures that the government has taken in extending the infrastructure program.

Announcements have been made this year of significant investment in projects and programs for young people. The new EI reform plan also has active measures, in particular for those people in parts of the country where employment is difficult.

I will include with the answer to the previous question a list of the efforts, the programs and the projects that this government has put in place in an endeavour to do the best that it can, and in the direction in which my friend would want it to go. These measures are obviously not perfect. Obviously, unemployment remains one of the most difficult economic problems, if not the most difficult economic problem in this country. Certainly in the area from which my honourable friend hales, employment is of enormous concern, and this government is very conscious of that. I will do my best to obtain for my honourable friend the information that he seeks.

[*Translation*]

FOREIGN AFFAIRS

COST OF RECENT POLL ON PERCEPTION OF CANADA
ABROAD—GOVERNMENT POSITION

Hon. Thérèse Lavoie-Roux: Honourable senators, my question is directed to the Leader of the Government in the Senate. Would she confirm or deny a report we heard on the weekend, or several days previous, that the government spent between $200,000 and $250,000 on a survey to determine how certain countries perceive Canada?

•(1440)

[*English*]

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I understand that the government was invited, as were other sectors, to contribute to a survey that was being conducted by the Angus Reid company on Canada in the World. The government made that contribution.

Senator Lynch-Staunton: How much?

[*Translation*]

Senator Lavoie-Roux: How can you justify spending that amount of money for this purpose, at a time when we hear that women and children are living in extreme poverty? If the private sector wants to spend that kind of money, that is their business. We are responsible for taxpayers' money. In the present situation, there is no justification whatsoever for spending taxpayers' money in this way.

[*English*]

Senator Fairbairn: Honourable senators, my honourable friend is, of course, entitled to her opinion of the survey. It is not the first time such surveys have been conducted. Through these surveys, the government receives quite valuable information on economic and trade activities around the world. They have been done in the past.

[*Translation*]

Senator Lavoie-Roux: Honourable senators, the Leader of the Government in the Senate gave me the explanations she was prepared to give. The fact remains that, as far as I know, we did not get any useful economic data out of this — and, besides, there are other ways we can get this information.

I feel I must criticize this kind of spending when at least one child out of five lives below the poverty line in this country, and the same ratio applies to families. If this is government policy, it is even worse. Does the government intend to review this policy so as to spend taxpayers's money more sensibly?

[*English*]

Senator Fairbairn: Honourable senators, my honourable friend may recall that in the last budget child poverty was identified as one of the critical social issues in this country. The government began, through the national child benefit, to address this issue in what we hope will be an effective and long-term way.

The last time the study to which my honourable friend has referred was done was in 1992. I am told that valuable information helpful to the government was brought forward from that study as well. In this recent study, the Foreign Affairs Department chose to contribute again, along with, as I say, other segments in the country.

I take my honourable friend's point. She can be assured that the issue that is of the greatest concern to her is of enormous concern to the government and will be treated as such, as evidenced in the last budget.

[*Translation*]

Senator Lavoie-Roux: Honourable senators, it makes no difference that a similar survey was conducted in 1992 under the Conservative government. If that same government had done so today, I would have protested just the same.

It is true that, in its last budget, the government mentioned a plan for dealing with child poverty. However, that does not justify cutbacks in health care, education and federal transfers to the provinces. They think they can spend this kind of money to improve the government's image. I cannot go along with this lack of judgment in the way the government uses public funds.

[*English*]

Senator Fairbairn: Honourable senators, I certainly respect the honourable senator's right to hold particular views about this study. I would draw to her attention that, in the last budget, we invested some $850 million, in cooperation with the provinces, to try to find a better way of dealing with women and children in poverty in this country.

There is little else I can say to my honourable friend about this study. It was not entered into frivolously. Its purpose was to gather helpful information to plan the economic, trade and cultural initiatives that would best suit Canada in developing its programs, in the hope of accelerating the growth of jobs and gaining economic stability in this country.

I do not share my honourable friend's concerns, but I appreciate them.

HUMAN RIGHTS

COMPENSATION TO CANADIANS FOR PAST INJUSTICES—
GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, the War Measures Act was first used during World War I to intern over 8,000 men, 5,000 of whom were Ukrainians, and to declare 88,000 persons as enemy aliens. The Ukrainian Canadian Congress, on behalf of the Ukrainian community, has been attempting to obtain redress for non-pecuniary losses occasioned by that internment and other state-inflicted injuries.

In June of 1993, the then Leader of the Opposition, the Right Honourable Jean Chrétien, wrote to the Ukrainian Canadian Congress, stating that the Liberal Party understood their concern. He said that they supported their efforts to secure the redress of Ukrainian-Canadians' claims arising from their internment and loss of freedoms during the First World War and internment war period, and he assured them that they would continue to monitor the situation closely and to seek to ensure that the government honours its promise. He indicated that, as Leader of the Opposition, he appreciated the time they took to write and to bring their concerns to his attention.

My question, therefore, is: Do the Prime Minister and the Liberal Party of Canada intend to keep their promise of redress to the Ukrainian-Canadian community?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I will take my honourable friend's question and seek information as to where that particular issue stands.

HUMAN RESOURCES DEVELOPMENT

LEVEL OF UNEMPLOYMENT—RECORD ON JOB CREATION—
REQUEST FOR ANSWER

Hon. Terry Stratton: Honourable senators, I should like to refer to a question I asked over a month ago as to the reason why unemployment remains as high as it is. The Leader of the Government had said that she would get back to me in short order. I had hoped that a response would be coming fairly quickly, but it appears, despite the two-week break, that it is not forthcoming.

When will the Leader of the Government in the Senate inform the Canadian public as to why the unemployment rate remains as high as it is?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I can tell my honourable friend that his questions have stimulated a great many questions on my part. Information has been put together. I had hoped that we would have his answer ready for tabling today. I regret it is not, but I have asked that it be provided as soon as possible, and I hope we will get it to Senator Stratton this week.

It is an interesting and complex question that involves differences in systems between two countries, but work has definitely been done on his inquiries and I am very optimistic, Senator Stratton, that I will have that response for you soon.

LEVEL OF YOUTH UNEMPLOYMENT—REQUEST FOR UPDATE

Hon. Terry Stratton: Honourable senators, the latest statistics are out, and I congratulate the government on reducing the unemployment rate from 9.7 to 9.3 per cent. However, it is still breaking all records as being the highest unemployment rate for the longest period of time since the Depression.

In particular, youth unemployment is stuck at over 16 per cent. Those aged 18 to 24 are losing out on jobs. This is our future we are discussing. Can the Leader of the Government not get a response for these young people to offer them some hope, instead of just putting the issue off time and again?

Is the government merely waiting for an election call in the hope that we will forget about it, or will we receive an answer before April 27?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I am sure the honourable senator knows we have not simply been putting this issue off, waiting for some magic moment. We have proposed a variety of forward-looking programs that will give young people hope and assistance, particularly in the transition from education to the workplace. Many of these programs are already in effect or being put into effect.

•(1450)

Honourable senators, there is no question that these statistics are profoundly troubling. As my honourable friend indicated, they have continued to be stuck, as he put it, for a period of time. I suggest to him that time did not begin in the fall of 1993. Young people have been in a very vulnerable position for a number of years. Indeed, they are the focus of activity, not just at this level of government but at other levels of government and in the private sector as well.

Honourable senators, in the equation of young people in the workplace, we also must focus on the kinds of skills and education they are bringing with them. This is one of the major barriers that have been repeatedly raised by employers. They have jobs, but their skills do not meet the job requirements. This is one of the areas where governments and businesses can help. We are getting on with it, and I hope that we will have the support of my honourable friend in our efforts. The government and the private sector see the role of young people in the workplace as a very significant problem, not just for today but for the future of our country.

EFFORTS OF GOVERNMENT TO REDUCE LEVEL OF POVERTY—GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, by way of supplementary to the question of poverty raised by Senator Lavoie-Roux, "Poverty Profile 1995," a report from the National Council of Welfare, states:

> The poverty statistics for 1995 turned out to be shockingly high. Increases in poverty among families pushed the overall poverty rate to 17.4 per cent and the number of poor Canadians to a 16-year high of nearly 5.1 million. The number of poor Canadians was higher in 1995 than it was during the depths of the last two recessions.

That is a damning indictment on your government. If you are doing so much and trying so hard, why does this keep hitting you in the teeth year after year?

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I would suggest that this predicament hits us all in the teeth. Again, this situation has not developed in three years. It has become almost a part of our system in Canada, and it must be eradicated. We in the government are working on programs to assist those most hurt by their economic situation. However, I must remind my friend that one of the most fundamental ways to assist people in poverty is, first, to bring economic stability to this country, which has occurred in the last three-and-a-half years with a year-by-year reduction in the deficit, a reduction in interest rates, and an increase in all of the other statistics that lay the groundwork for a strong economy. Unfortunately, the indicator that has not been cut is in the area of jobs.

I remind my honourable friend that he began his questioning mentioning, without much enthusiasm, that we had seen in Canada a reduction in the unemployment figure from 9.7 per cent to 9.3 per cent, a horrendously high figure. However, I should tell my honourable friend that there has been progress in this country in even the last month, although it is not enough.

Honourable senators, we are not moving backwards; we are moving forward. We have moved significantly in three years, and I hope that we will see some production from those economic fundamentals that are in place. Private-sector forecasters are telling us that there will be an increase in job creation that will, again, not mitigate the statistics my honourable friend introduces, but will significantly reduce them.

Senator Stratton: Honourable senators, may I suggest that having the unemployment rate drop from 9.7 per cent to 9.3 per cent is not something to be proud of. There are still 1.4 million Canadians unemployed. When a statistic like this comes out year after year and the unemployment figures move up and up, you cannot be doing things right.

Senator Fairbairn: Honourable senators, I challenge the suggestion of my honourable friend that I take any pride in the reduction from 9.7 per cent to 9.3 per cent. However, I remind my honourable friend that we are moving that wretched statistic in a downward direction, which is of significance particularly to the 61,000 Canadians who found jobs in the last month.

My honourable friend can wave that orange book around as much as he wishes, but I want to tell him that he does not have ownership of the concern over this issue. Every single person on this side of the chamber has an equal if not greater concern, and our government is working to alleviate these conditions as responsibly and as quickly as it can.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. B. Alasdair Graham (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on September 26, 1996, by the Honourable Senator Lavoie-Roux regarding literacy, an OECD international survey and standards among francophones outside Quebec; a response to a question raised in the Senate on September 25 and October 1, 1996, by the Honourable Senator Comeau regarding EI and changes to the system by way of regulation; a response to a question raised in the Senate on October 31, 1996, by the Honourable Senator Di Nino regarding the failure of a federal judge to order the deportation of a drug dealer; a response to a question raised in the Senate on October 26, 1996, by the Honourable Senator Oliver concerning the resignation of the board of directors of Canadian Airlines International and the application of the recommendation of the Banking Committee; a response to a question raised in the Senate on December 12, 1996, by the Honourable Senator Cogger regarding the plutonium MOX fuel initiative; and a response to a question raised in the Senate on March 19, 1997, by the Honourable Senator DeWare regarding a special joint committee on custody and access.

LITERACY

OECD INTERNATIONAL SURVEY—STANDARDS AMONG FRANCOPHONES OUTSIDE QUEBEC—GOVERNMENT POSITION

(Response to question raised by Hon. Thérèse Lavoie-Roux on September 26, 1996)

The Government of Canada supports literacy through the National Literacy Secretariat (NLS). Since its creation in 1988, the NLS has developed many partnership initiatives with provinces and territories, national and local organizations to assist the Francophone community in addressing literacy issues.

The NLS acts as a catalyst and a facilitator in addressing literacy issues in the Francophone community. The NLS has developed a network of partners within the Francophone community which is contributing to increasing literacy skills levels in this community. Its interventions have had a major impact in attracting financial investments from other partners to address literacy issues among the Francophone community.

The NLS provides ongoing support to national, regional and local Francophone literacy organizations. In fiscal year 1995-96, the NLS provided approximately $6.2 million to Francophone literacy organizations. This amount represents approximately 25 per cent of the total NLS Grants and Contribution yearly budget.

This amount includes $3 million allocated under a federal-provincial agreement with Quebec to provide assistance to school boards, community-based literacy groups and special provincial projects.

In addition, other non-Francophone national literacy organizations funded by the NLS, such as Frontier College, Laubach Literacy of Canada, ABC Canada, et cetera, also incorporate into their programming activities for the Francophone community across the country.

In September 1996, Statistics Canada, in cooperation with the NLS, published the Canadian report of the first International Adult Literacy Survey. This report includes reference to literacy skills levels among the Francophone community.

Examples of Francophone projects funded by the NLS in 1996-97:

• *La Fédération canadienne pour l'alphabétisation en français (FCAF)*

The FCAF is a national organization whose objectives are to promote literacy in the French language in Canada and to establish a network among Francophone literacy organizations across the country. The FCAF received annual funding of $283,500 in 1996-97 for the following activities: planning, coordination, communication and promotion. The FCAF also coordinated promotional activities and projects related to family literacy, access to the electronic highway and distance education. The FCAF received special funding to pilot a family literacy public awareness campaign in the Francophone community. In total, $216,500 of project funding was provided to support these additional activities.

• *Collège de l'Acadie — Nova Scotia — Fédération acadienne de la Nouvelle-Écosse*

To adapt and test a literacy and entrepreneurship program for Acadian fishers and plant workers. Activities include the review and adaptation of 10 training modules, training the trainers and testing the modules with TAGS affected people. ($67,800)

• *Centre d'alphabétisation de Prescott — Ontario*

The Centre d'alphabétisation de Prescott, in partnership with la Cité Collégiale, will implement the second phase of a professional literacy practitioner training program to be offered through the college system in Ontario. ($43,000)

• *Centre franco-ontarien de ressources en alphabétisation (Centre FORA) — Ontario*

The Centre FORA is a provincial organization which acts as a clearinghouse for Francophone literacy materials. They are also responsible for the publication and distribution of newly created Francophone literacy materials. ($125,000)

• *Regroupement des groupes Francophones d'alphabétisation populaire de l'Ontario*

The Regroupement des groupes Francophones d'alphabétisation populaire de l'Ontario is the umbrella organization for Francophone community literacy groups in Ontario. They received funding this year to pilot the use of video conferencing for their annual general meeting, develop a three year training strategy for Francophone practitioners and provide training to the boards of directors of their member groups on how to operate effective literacy programs. ($74,000)

• *Alpha Ontario*

Alpha Ontario is the provincial literacy resource centre which provides services to the English, French and Native literacy community in Ontario. This year Alpha Ontario received funding to maintain the regional and mini-collections and information services, develop a range of electronic services to support adult literacy, develop a provincial technology strategy, develop a training plan and develop new referral guidelines for resource centre users. ($228,475)

• *Centre éducatif communautaire de l'Alberta — Alberta — Faculté Saint-Jean*

The Faculté Saint-Jean, in partnership with the Francophone literacy groups from the four western provinces and the two territories, will develop and pilot a family literacy program model. ($31,735)

• *La Société éducative de l'Île-du-Prince-Édouard*

The Société éducative de l'Île-du-Prince-Édouard will develop and implement a preventative, community education program in collaboration with various Acadian and Francophone partners interested in literacy in PEI. The network of computerized learning stations will offer a wide range of literacy learning alternatives to adult learners and to at-risk youth. The project will be supervised by a steering committee, and the organization will conduct an evaluation of the project. ($44,000)

• *Section française des troubles d'apprentissage de l'Île-du-Prince-Édouard (Centre d'éducation Évangeline)*

The Centre d'éducation Évangeline will develop a computerized literacy information centre for literacy practitioners and others interested in improving their literacy levels in French. The centre will assist literacy providers to better address the needs of French learners by making French literacy materials available, including computer-based literacy materials, and will provide a valuable resource for the whole community. A working committee composed of parents, schools, the Collège de l'Acadie, the PEI Literacy Alliance, the Club de Tutorat, and others will oversee the development, pilot testing and evaluation of the centre. ($7,500)

PRIVATE SECTOR PARTNERSHIPS

Private sector partnerships have proved to be difficult to develop in minority language communities, especially in rural and remote areas. It is somewhat easier in large urban areas such as Ottawa and Toronto. Even so, very few Francophone literacy groups have been successful, with the exception of the Magie des Lettres inVanier, the group referred to by the Honourable Senator Jean-Robert Gauthier.

A more successful approach for Francophone literacy groups has been the development of partnerships with local employers in exchange for contributions in kind. For example, the Centre d'alphabétisation de Prescott has successfully set up a workplace literacy initiative with Ivaco in Hawkesbury. Ivaco makes personnel available to promote workplace literacy to its employees and helps the CAP organize workplace literacy initiatives, taking employees' work schedules into account. The City of Hawkesbury then contributed space to the CAP to hold a workplace literacy training program.

Similarly, in Dubreuilleville in northern Ontario, Le Carrefour des mots has established a working relationship with Dubreuil Forest Products which have contributed space for this literacy program in return for the chance to refer their employees for literacy training when required.

EMPLOYMENT INSURANCE

CHANGES TO SYSTEM BY WAY OF REGULATION—
REQUEST FOR DETAILS OF CONSULTATIONS

(Response to question raised by Hon. Gerald J. Comeau on September 25 and October 1, 1996)

Information on the proposed changes to the fishing regulations has been widely distributed. When Bill C-12 received Royal Assent in early July, an Information Paper was sent to more than 150 industry representatives, MPs and others. Industry representatives were given briefings when they were requested. Upon tabling of the Regulations in the House on September 19, industry, MPs and others were again sent letters and information about the forthcoming regulations.

A list of the organizations which were provided with the Information Paper was provided to the Senate Committee on Social Affairs, Science and Technology on November 28, 1996.

Many of the changes to the fishing regulations resulted from the recommendations of The Task Force on Incomes and Adjustments in the Atlantic Fishery (Cashin Task Force) which released its report in November, 1993, following 2 years of study. Changes introduced by regulation are mainly positive for fishers. They include an earnings-based qualification requirement rather than one based on hours or weeks; a longer window during which a maximum of 26 weeks of benefits may be received; an earlier and flexible start date for the qualifying period in keeping with the flexible start dates of the benefit periods; and less complicated procedures for administration. These changes came into effect on January 5, 1997.

Since the inception of the program in 1957, rules governing unemployment insurance benefits for fishers have resembled, as closely as possible, those for regular claimants.However, because of the nature of the fishing industry and because we are dealing with self-employed workers, some special rules are required. Authority to make these special rules is found in section 153 of the Employment Insurance Act (formerly section 130 of the Unemployment Insurance Act).

In keeping with the intent to make the employment benefits program for self-employed fishers as similar as possible to that for other workers, the key changes affecting fishers were included in Bill C-12. The main provisions in Bill C-12 that apply to self-employed fishers are the declining benefit rate based on previous weeks of benefits i.e. the intensity provision, and the clawback provisions. The application to fishers ensures treatment which is equitable for seasonal workers in all industries. In fact, self-employed fishers, on average, have higher benefit rates than regular claimants ($380 compared to $273) and would be less affected by a reduction in the benefit rate due to application of the intensity provision.

IMMIGRATION

FAILURE OF FEDERAL JUDGE TO ORDER DEPORTATION
OF DRUG DEALER—GOVERNMENT POSITION

(Response to question raised by Hon. Consiglio Di Nino on October 31, 1996)

The Senate's recommendations were considered and the Minister of Citizenship and Immigration provided comments on each of these in a letter dated September 1995. The Department will continue its efforts to protect the Canadian public by, among other things, removing from Canada dangerous individuals, while respecting the principles of natural justice.

The government maintains the view that C-44 is fair. Clients and their Counsel are provided the opportunity to present information and documents to support the position that clients are not a danger to the public. A number of cases have been challenged in the Federal Court pre-dating Justice Reed's decision. Until recently, the Federal Court has consistently held that there is no obligation on the Minister to provide reasons, and that the process is fair. There would be significant implications for the efficiency of the process if written reasons were required in these cases.

In response to the case cited, the Department filed an appeal on the 4th of November, 1996. These developments are very recent and since action is pending before the Court of Appeal it would be inappropriate to comment further.

CORPORATE GOVERNANCE

RESIGNATION OF BOARD OF DIRECTORS OF CANADIAN AIRLINES
INTERNATIONAL—APPLICATION OF RECOMMENDATION OF
BANKING COMMITTEE—GOVERNMENT POSITION

(Response to question raised by Hon. Donald H. Oliver on November 26, 1996)

The recommendation to amend the *Canada Business Corporations Act* (CBCA), to add a due diligence defence was made in the Standing Senate Committee on Banking, Trade and Commerce Committee's Report on Corporate Governance, which was tabled in the Senate on August 29, 1996.

Directors' liability is indeed a major issue. One important way to address this problem is to provide directors with a due diligence defence whereby they would not be liable if they exercised the degree of care, diligence, and skill that a reasonably prudent person would have exercised in similar circumstances. In this respect, Industry Canada has issued a discussion paper proposing amendments to the CBCA

to protect directors where they act with reasonable care by, among other reforms, adding a due diligence defence. The Banking Committee conducted further consultations on this issue and also came to this conclusion.

However, the due diligence amendment is only one of many issues studied as part of CBCA Phase II reform. Over 200 changes, many involving very complex and often inter-related issues, are being considered. Together, these 200 improvements will form a comprehensive package of amendments, the first major modernization of the CBCA in almost 20 years. The government is hoping to bring about this far-reaching reform within the coming year.

It should be noted, however, that Canadian Airlines is incorporated under Alberta legislation and is not subject to the CBCA.

THE ENVIRONMENT

PROPOSED IMPORTATION OF EXCESS PLUTONIUM FROM THE UNITED STATES AND ELSEWHERE—GOVERNMENT POSITION

(Response to question raised by Hon. Michel Cogger on December 12, 1996)

The possible use of plutonium in a CANDU reactor does not represent a new policy. There is no Canadian Government policy that prevents the use of plutonium in the nuclear fuel supplied to a Canadian reactor. However, up until now, there has been no economic incentive for those using the CANDU fuel cycle to use such a fuel.

At the Moscow Summit on Nuclear Safety and Security of April, 1996, the Prime Minister, the Right Honourable Jean Chrétien, announced that Canada had agreed in principle to the concept of using MOX fuel in Canadian-based CANDU reactors. The support in principle does not entail a new policy nor does it mean approval of a program allowing the use of MOX fuel in Canadian-based reactors. The support in principle has enabled studies by Atomic Energy of Canada Limited and Ontario Hydro on the CANDU MOX option to go ahead.

The first suggestion of using a mixed plutonium and uranium oxide (MOX) fuel in a Canadian reactor came from 1993 studies conducted by the U.S. National Academy of Sciences in collaboration with Atomic Energy of Canada Limited when assessing the most effective options for the disposition of surplus weapons plutonium. These studies concluded that the CANDU reactor had the potential to use MOX fuel in a safe and effectively secure manner.

After further assessments by the U.S. Department of Energy in collaboration with AECL and Ontario Hydro the CANDU option continued to be seen as an attractive possibility. In response to an American request, the Canadian Government considered the non-proliferation benefits that could be achieved were worthy of further study and in the spring of 1996 agreed in principle to the possible use of MOX fuel in the Ontario Hydro Bruce reactors. Included in the conditions of this agreement were that:

1) any project using MOX fuel would be required to satisfy all licensing,environmental assessment and public review requirements of federal and provincial policies and legislation and

2) project implementation would be on a commercial basis and would not require financing from the federal government or incur any federal government costs or liabilities.

The lead Departments of the Government who are involved in the development of this issue are the Department of Foreign Affairs and International Trade concerning the international aspects and Natural Resources Canada concerning the domestic scene.

In the event that the CANDU option is selected for implementation and has federal and provincial government agreement, prior to commitment and implementation, the proposed project would still have to meet all the requirements of applicable federal and provincial policies and legislation such as the Atomic Energy Control Act and the Canadian Environmental Assessment Act.Any project would be subject to the full assessment and licensing approvals of relevant federal and provincial safety, health and environment regulatory authorities. The approvals processes include provisions for public input. It is expected to take several years before a final decision can be made.

The Canadian government was advised of the work being carried out by the U.S. National Academy of Sciences and the Department of Energy in collaboration with AECL and Ontario Hydro in 1994 and an intergovernmental bilateral ad hoc group was formed in 1994 to exchange information on the general development of the American program. The U.S. Government requested a position from the Canadian Government on the issue in 1995 and after consideration of the non-proliferation benefits that could be achieved with this initiative the Canadian Government agreed in principle in the spring 1996 to explore the use of MOX fuel using surplus weapons plutonium and to continue with studies and tests. This was the basis of the announcement by the Prime Minister at the Moscow Nuclear Safety and Security Summit in April 1996.

Spent MOX fuel would be similar, though not identical, to spent natural uranium fuel. In fact, over 15% less fuel would be generated if MOX fuel were used instead of natural uranium fuel. In the end, then, less fuel would be spent from MOX than there would by burning the same amount of natural uranium and there would not be any additional hazard from a radiological or security standpoint.

JUSTICE

SPECIAL JOINT COMMITTEE ON CUSTODY AND ACCESS—TIMETABLE FOR IMPLEMENTATION

(Response to question raised by Hon. Mabel M. DeWare on March 19, 1997)

The Honourable Minister of Justice indicated that the government would present a motion during this term of Parliament to establish a joint House and Senate parliamentary review of custody and access. The government fully intends to meet its commitment to table such a motion during this session of Parliament. This motion will indeed be tabled sometime in the coming weeks.

[*Translation*]

ORDERS OF THE DAY

COPYRIGHT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Leave having been given to proceed to item no. 2.

Hon. Philippe Deane Gigantès moved second reading of Bill C-32, to amend the Copyright Act.

He said: Honourable senators, the Canadian cultural sector employs approximately 900,000 Canadian men and women and contributes some $29 billion to the national economy. I am certain that the entire Canadian population is proud of the success of the cultural industry in recent years.

It is the duty of the Canadian government to work toward ensuring the viability and continuing development of this sector. Its success depends on numerous factors, one of which is the renewal of a framework for copyright protection.

Bill C-32, to amend the Copyright Act, is one of the government's efforts to that end. This long-awaited bill marks an important milestone in the review of the Canadian copyright system.

Honourable senators, although a copyright act is mainly focused on protecting creators' rights, this bill was created with a view to striking a balance between the rights of creators and those of users. This balance has been attained as the result of many consultations with the various stakeholders and of the amendments made by the House of Commons, particularly the members of the House of Commons Standing Committee on Canadian Heritage.

The challenge faced by the government in drafting Bill C-32 consisted in satisfying the various, often conflicting, interests of copyright holders and those who use their works. In my opinion, the government was very successful in striking that balance.

Honourable senators, allow me to briefly explain the scope of this bill. The key aspects of Bill C-32 are the rights of performers and sound recording makers, private copying, the exceptions applicable to not-for-profit educational facilities, libraries, archives and persons with perceptual disabilities, as well as the arrangements for protecting the rights of book distributors on the Canadian market.

[*English*]

All these people receive absolutely nothing when the recordings they have created or helped to create are broadcast on the radio or performed in public. In other words, radio stations do not pay royalties to performers and producers when their recordings are broadcast or performed in public.

The introduction in Bill C-32 of performers' and producers' rights seeks to redress this long-standing inequity and bring our legislation into line with those of 52 other countries throughout the world. However, the broadcasters have protested. They have said, first, that they are not so much using musical recordings as promoting them. Granted, there is a certain give and take between the two industries, but when Canadians turn on the radio at any given time of the day or night, it is the musical content in which they are most interested.

[*Translation*]

Honourable senators, sound recordings are at the very heart of commercial radio. They are the reason many radio stations exist. That is why there should be a system of compensation that takes that into account, and that is what the bill will make possible.

Radio broadcasters are also saying that they do not have sufficient financial resources to absorb these new costs. The bill takes that into consideration.

[*English*]

The royalties for the performers' and the producers' rights will be based on advertising revenue. The performers' and producers' rights provision stipulates that, for any radio station, the first $1.25 million of annual advertising revenues is subject to a nominal, fixed fee of $100. That is $100 out of $1.25 million. That amounts to a virtual exemption for approximately 65 per cent of all Canadian private radio stations — that is, those stations that earn revenues of less than $1.25 million. Consequently, the smaller, more vulnerable stations are protected.

Of course, the more prosperous stations, those whose annual advertising revenues exceed $1.5 million, will have to pay more than the token $100 in royalties. The legislation has been sensitive to their situation as well. The royalty will be applied only to the portion of annual advertising revenues in excess of $1.25 million. Moreover, the levy will be gradually phased in over three years.

The way in which the performers and producers royalties are being introduced will have the effect of sheltering 53 per cent of all regular advertising revenue in Canada.

[*Translation*]

Radio broadcasters also complained that the original version of Bill C-32 did not make an exception for ephemeral recordings. An ephemeral recording is a temporary copy made of the performance of a musical work for later broadcast. At the present time, honourable senators, any reproduction, even an ephemeral one, is protected by copyright, which means that copyright holders can ask to be compensated for such reproductions. During House of Commons hearings, radio broadcasters pointed out that an exception was needed for ephemeral recordings in order to facilitate broadcasting operations. In response, the Standing Committee on Canadian Heritage decided to introduce a limited exception for ephemeral recordings for broadcasters. This exception will be governed by the following two conditions: it will be possible to hold the recording without authorization or payment for a maximum period of 30 days, and the exception will no longer apply if there is a collective society representing the authors that is able to grant general licences.

In addition, the government proposed an exception to facilitate transfer to an alternative medium. Under this exception, a copy of a sound recording may be transferred to an alternative format, such as a compact disk or a computer hard drive. In order to facilitate broadcasting operations, this exception is governed by the same conditions as those applying to ephemeral recordings, that is 30 days.

These considerations show just how sensitive the government has been to radio broadcasters. That having been said, the government must also be sensitive to the needs of our cultural workers, who are among the lowest paid professionals in the country. Remember that: the lowest paid professionals in the country.

One provision in the bill that has often been mentioned in the media is the one concerning royalties on blank audio tapes. Some people have grumbled about another tax being slapped on Canadians. However, they are mistaken, honourable senators. This is not a tax, because the government will not get one cent of it, nor will it set the amount. The proposed regime is intended to compensate copyright holders for unauthorized reproduction of their works, particularly their musical works, because private copying is common practice. The problem is that it is technically very easy to copy music, and the temptation to do so is therefore great. Many people have tape recorders and they are easy to use. The tapes are inexpensive and available everywhere, and copying can be done at home away from prying eyes. Making a single copy may seem insignificant, but, when all is said and done, this practice is costing the music industry as a whole, that is composers and lyricists, performers, musicians and producers, hundreds of millions of dollars.

[*English*]

In view of the impracticability of enforcing copyright on private copy, Bill C-32 goes right to the material source: the blank tape itself. Private copying is mainly what blank tapes are for. Millions of blank tapes are sold in Canada each year. Most are used by consumers to copy sound recordings. The new levy will be applied at the point of import or manufacture of blank audio tapes and cassettes in Canada, and will not be paid to the government, or to some other public agency. It will be paid to the individuals who have been losing out on private copy; namely the composers, lyricists, performers and producers of the recordings themselves.

[*Translation*]

The fourth major element of the bill is the introduction of exceptions to the Copyright Act accorded certain types of users in the public interest. While the law aims first and foremost to protect the rights of creators, it must also take public interest into account. By introducing a number of specific exceptions, Bill C-32 attempts to strike a certain balance between the rights of creators and the particular needs of certain users to access protected works.

•(1510)

These exceptions are of no benefit to the ordinary consumer, but are intended primarily to benefit non-profit institutions, libraries and persons with perceptual disabilities. They apply to use in the classroom, for example, by making it possible to reproduce radio or television current events programs and use them for teaching purposes for a period of one year and to set up class tests and prepare exams. They also provide for the braille transcription of a work when no other version is commercially available.

I have no hesitation in saying, honourable senators, that these exceptions are fair, reasonable and appropriate. They do not unreasonably infringe upon copyright, but meet the basic needs of user groups. Nor do the so-called parallel importation provisions of Bill C-32 represent any threat to free trade.

[*English*]

Honourable senators, the provisions we are proposing are about protecting rights duly negotiated and paid for. The problem is this: Canadian publishers and distributors negotiate agreements with authors or rights owners for the privilege of obtaining an exclusive right to distribute their works in the Canadian market. Sometimes, however, booksellers and institutional purchasers do an end-run around the exclusive Canadian distributor and import books from a cross-border distributor.

This is another area in which we are striking a balance. The distributors should be able to gain the full benefit of their distribution agreements, but if they fail to provide an acceptable level of service for a particular order, customers will be entitled to import these titles from foreign sources.

As *The Globe and Mail* has pointed out to those who object to the bill's provisions, the modified Copyright Act would merely give Canadian book publishers the power to enforce legally binding contracts. Let us be clear. No one is in any way being shut out of the Canadian market. The parallel importation regime is not intended to limit free trade in books. This is about respecting rights that were duly negotiated in a free market-place.

During the hearings of the House of Commons Standing Committee on Canadian Heritage, members of Parliament were sensitized to the fact that the bill's parallel importation provision did not include used books. They were made aware that the widespread importation of used textbooks could prove to be a serious problem in the future. For this reason, the standing committee amended Bill C-32 to grant the government regulation-making power with respect to the importation of used textbooks.

Some stakeholders, including university students, have criticized this amendment on the ground that it would raise the price of books. This is not true. It is not the government's intention to prevent the importation of used textbooks, and as drafted, the bill does not prohibit the importation of used textbooks. The bill provides a safeguard should the importation of used textbooks become a problem and undermine the ability of publishers to invest in and publish new Canadian titles for the post-secondary market.

Should this happen, regulations would have to be developed to make the parallel importation regime applicable to the used textbook market. If this were the case, the government would consult all interested parties before any regulations were made. Any regulations would, of course, be designed with a broader public interest in mind.

Copyright, honourable senators, is about two things. It is, first, about upholding the property rights of authors and creators and, second, about securing sound underpinnings for Canadian cultural policies. I can only assume that all senators, as well as all Canadians, adhere to these two fundamental principles.

[*Translation*]

Bill C-32 modernizes the Copyright Act. Its adoption will make it possible to create a structural framework that supports the creators and the cultural industries, particularly through the introduction of levies on copies for private use and rights for performers and producers of sound recordings.

With Bill C-32, the creative spirits in our cultural industries will receive fair compensation for their work and should see an increase in their annual incomes.

With the adoption of Bill C-32, the government will finally be able to address important copyright issues relating to the new technologies and the information highway. In addition, Bill C-32 will reinforce the cultural industries' sovereignty and national identity.

In conclusion, I believe that this is a balanced and fair bill. While it may not suit anyone perfectly, everyone will acknowledge the merits and the fairness of the compromises it contains.

[*English*]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, when, in April of 1996, one year ago, the Minister of Canadian Heritage, the Honourable Sheila Copps, introduced Bill C-32, the Honourable John Manley, Minister of Industry, wrote that the bill would achieve a fair balance between the rights of those who create works and the needs of those who use them. Since that time, when the Minister of Industry felt that the original Bill C-32 struck a fair balance between the writer and the needs of the educational institution and the researcher, there have been a large number of amendments.

Does Senator Gigantès disagree with Mr. Manley, who made his comments before Bill C-32 received all these amendments, or does he agree with the amendments reflected in the bill as passed by the House of Commons?

Senator Gigantès: Honourable senators, Minister Manley, being the intelligent and reasonable man he is, welcomed those amendments because, for anyone who writes, another pair of eyes is always a help. Senator Doyle could explain that to you, Senator Kinsella. Therefore, the bill as now presented is, in the government's view, an improvement on the first version.

Senator Kinsella: Does the honourable senator agree that part of the issue around copyright is striking a proper balance between the rights of the creator and the needs of the user?

Senator Gigantès: Yes, sir, I do.

On motion of Senator Kinsella, for Senator Grimard, debate adjourned.

CANADA-CHILE FREE TRADE AGREEMENT IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Pierre De Bané moved the second reading of Bill C-81, to implement the Canada-Chile Free Trade Agreement and related agreements.

He said: Honourable senators, I am happy to introduce at second reading Bill C-81 which follows through on Canada's commitment to implement the free trade agreement with Chile. As you know, there is unanimous support for this bill in the House of Commons. MPs from all parties have made it clear that they consider free trade with Chile to be a positive move that will create opportunities for Canadian businesses in all regions of the country. I sincerely hope that members of this house feel the same way, because the government believes that the trade deal with Chile is another important step in developing our global markets.

•(1520)

The Canada-Chile interim bilateral agreement will provide a bridge to full NAFTA accession for Chile and will demonstrate Canada's leadership role in the free trade area of the Americas.

The Canada-Chile Free Trade Agreement is an interim agreement modelled on and consistent with many NAFTA provisions which will ensure improved, more secure and preferential access and guarantees for Canadian exporters and investors until NAFTA access becomes a reality.

The bilateral agreement is a step toward fulfilling Canada's broader trade policy objective of promoting the NAFTA as a model for hemispheric trade liberalization.

Chile has the most stable and fastest growing economy in Latin America. Over the last decade, economic growth has averaged 7 per cent per year. Canadian companies will have a competitive advantage over their U.S. competitors.

Canadian companies have in place, or are planning, over $7 billion Canadian in investment in Chile in such areas as mining, energy distribution, telecommunications and other sectors in which Canadian companies are strong. Without an agreement, Canadian exporters to Chile have a competitive disadvantage relative to exporters from Latin America.

The agreement is also an important stepping-stone to promoting Canadian interests in neighbouring markets and Latin America generally.

[*Translation*]

Members of this house have heard me on other occasions expound on the importance of trade as an instrument of prosperity for Canadians. It is a message that bears repeating today. Exports got us out of the recession in 1982 and the early 1990s. Exports are the engine of the current growth of the Canadian economy.

[*English*]

Trade now accounts for one out of every three jobs in this country. Trade constitutes fully 40 per cent of our entire GDP. In fact, Canada is more dependent upon trade to produce jobs and economic growth than any other developed country in the world. That dependence is not something to be feared, but something that must be understood.

[*Translation*]

We must realize that a country that is so dependent on trade is in an excellent position to take advantage of trade liberalization throughout the world. As we see it, globalization is something that should be encouraged, and Canada is playing a leading role in this respect.

Second, we must realize that considering its relatively limited domestic market, Canada must find markets abroad if we are to create enviable opportunities for our children and for future generations.

Third, we must realize that Canada, like any other country, really has no choice but to participate in opening up new markets. In the new global economy, finding new markets is not a fad, but a matter of economic survival.

[*English*]

Honourable senators, any country that does not place trade and export development at the centre of its economic planning is courting stagnation and decline. That is why, since coming to office, this government has pursued a comprehensive and coherent policy for international trade. We have placed it at the heart of our economic policy. That focus is the right one for growth, the right one for jobs, and the right one for Canada.

We understand the vital importance of trade to our nation's future. That is why we want to see more of our companies selling their goods and services abroad, and why we have set the goal of doubling the number of Canadian companies exporting by the year 2000. That is why we are working hard for freer trade on all fronts: bilaterally with free trade agreements like this one; multilaterally through the World Trade Organization; and regionally through fora such as the Asia-Pacific Economic Cooperation. Canada, as honourable senators know, will be the host of APEC in Vancouver next November.

Canadian exporters' and investors' overall access to Chilean markets will now be better than that of our competitors in the United States, the European Union, Mexico, Argentina or Brazil. Chile could be our gateway into the expanding markets of Latin America.

The agreement provides significant protection for Canadian investors in Chile, with guarantees that are unprecedented outside NAFTA. Canada has been an active proponent of Chile's accession to NAFTA. Currently, NAFTA talks are on hold because the U.S. administration has been unable to obtain fast-track negotiating authority from Congress.

The Canada-Chile agreement is an interim measure that will smooth the way for full NAFTA accession. It is designed to be folded into NAFTA when Chile becomes a member later, or to stand on its own should NAFTA accession not be possible.

[*Translation*]

Those are our immediate goals. In the longer term, we see the Canada-Chile agreement as a first step towards developing closer political and economic ties with Latin America as a whole.

The Canada-Chile Agreement is modelled on NAFTA but is not a carbon copy. We would like to think that in some respects, this bilateral agreement between our two countries is even better than NAFTA. For instance, the provisions on anti-dumping and rules of origin are more comprehensive than in NAFTA.

Of course the most important aspect of this agreement is exemption from customs duties. The Canada-Chile Agreement will immediately allow duty-free entry of most industrial goods, which means 90 per cent of Canadian exports, and will eliminate within 5 years the 11 per cent import duty applying to practically all goods.

[*English*]

The agreement also provides clear and straightforward rules of origin. These rules are modelled after those in NAFTA but are more flexible, particularly with respect to manufactured goods.

The Canada-Chile Free Trade Agreement requires a lower percentage of the content of a manufactured good to be produced inside the two countries than is the case under NAFTA. The rules for agricultural and forest products, however, are the same as those contained in NAFTA.

The NAFTA rules of origin are applied to textiles and apparel, plastics and footwear, and high regional content percentages are required.

The Canada-Chile accord forbids the use of anti-dumping measures between Canada and Chile against each other's exports within six years or upon the elimination of the product's tariff, whichever occurs first. This had been a long-standing objective of the Canadian government. NAFTA, on the other hand, allows anti-dumping in countervailing duty cases to be pursued.

[*Translation*]

The agreement provides for a gradual transition from exemption to final elimination of import duties in both countries for each individual commodity or after six years at the latest.

This period of transition will give us the time we need to assess the impact of the exemption on a variety of sectors and review how it works. Producers will have access to special measures so as to respond quickly and appropriately to sudden increases in imports. This is a very important issue for us, honourable senators. Since NAFTA came into force, Canada has been trying to get the United States and Mexico to agree that NAFTA partners should not levy countervailing duties on goods from the other parties. We hope this agreement with Chile will set an example.

Canada and Chile share the position that, in the long term, there is no place for anti-dumping measures in a free trade context.

[*English*]

The Canada-Chile Free Trade Agreement does establish a committee on trade, the purpose of which is twofold: to act as a forum for consultations about the accord's subsidies disciplines; and to work toward limiting the need for countervailing duties in the future. To resolve any disputes that might arise under the agreement, both sides have agreed to be governed by a dispute-settlement mechanism patterned on the NAFTA.

As honourable senators know, NAFTA has meant greater security for Canadian investments abroad. Virtually all trade in North America now takes place in accordance with the clear and well-established rules of NAFTA and the WTO.

Chile's economic performance has made it a priority for further trade and investment links. Many foreign investors compare the Chilean economy to the more dynamic economies of Asia.

[*Translation*]

Chile has the most stable and fastest growing economy in the region. During the past decade, annual economic growth, as I said earlier, exceeded 7 per cent.

Market oriented policies in Chile have promoted its entrepreneurial spirit and increased the vigour of the private sector. In 1995, Chile had a budget surplus that represented 2.6 per cent of GDP, while its foreign debt was only 10 per cent of GDP.

[*English*]

With low unemployment, falling inflation, and increasing wages, Chile has clearly established its credentials as a desirable trade and investment partner.

[*Translation*]

We are witnessing a global economic revolution. International trade continues to expand as agreements are concluded and barriers to trade are eliminated. Markets are opening their doors, and the free movement of goods, services and ideas is irreversible.

[*English*]

I urge members of this house to support the Canada-Chile Free Trade Agreement. It is a good deal for both nations, in keeping with the main objectives of Canadian foreign and economic policy, and it gives us important advantages in a very competitive world.

Thank you, honourable senators.

On motion of Senator Andreychuk, debate adjourned.

MANGANESE-BASED FUEL ADDITIVES BILL

THIRD READING—MOTION FOR ALLOTMENT OF TIME FOR DEBATE ADOPTED ON DIVISION

Hon. B. Alasdair Graham (Deputy Leader of the Government), pursuant to notice of March 18, 1997, moved:

> That, pursuant to rule 39, not more than six hours of debate be allotted to the consideration of the motion by the Honourable Senator Kenny for third reading of Bill C-29, An Act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese-based substances;
>
> That when debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and

That any recorded vote or votes on the said questions shall be taken in accordance with the provisions of rule 39(4).

POINT OF ORDER

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. There is a requirement that notice be given prior to a time allocation motion being placed before the chamber.

Honourable senators will recall that, on March 18, Senator Stanbury, in his capacity as Acting Deputy Leader of the Government and on behalf of Senator Graham, gave notice of a motion for closure. The assumption would be that that guillotine is being introduced because either no progress is being made on this proposed legislation or there is great urgency. The notice of motion appeared on the Orders of the Day for March 19. Therefore, all members of the chamber have had notice that this time allocation motion would be brought to their attention, debated, and a vote or a decision taken on it.

However, today is April 8, 21 days later. I would argue that a new notice of motion should be tabled in this chamber. Honourable senators, notice is given to members of this chamber so that they may know what business will be dealt with in this house and be prepared to deal with it.

My concern is that a government could introduce a bill, give it first reading, give notice of a time allocation motion and at any time thereafter — days, months or even a year — revert to that notice of motion and argue that, having given notice six months ago, it could proceed.

As honourable senators know, once a motion for time allocation has been agreed to, there can be only six hours of debate on the issue. No chamber should be expected to function with such uncertainty as to when the guillotine will drop. I would argue that there is a clear expectation, when notice is given for closure, that the house will deal with that matter within a reasonable period of time.

•(1540)

Typically, a reasonable period of time would be the following day, because if honourable senators look at the very clear wording of rule 39(1), it states that:

> Such motion —

— meaning a motion that time allocation is being sought —

> — shall be placed on the Orders of the Day under "Government Motions" for the next sitting day.

It seems to me that the preposition "for" used in the phrase "for the next sitting day" can clearly encompass the expectation that the matter of time allocation will be addressed that next day. That is a plausible reading of that last sentence, and the application of the preposition "for."

Honourable senators, the consequences of having a time allocation motion sitting on the Orders of the Day with no time line places us in the impossible situation of virtually living with uncertainty and under a guillotine that might fall at any time.

I was not able to find a clear reference to the matter in the procedural literature, but I raise it because I think it is a matter that should concern all honourable senators on both sides. A guillotine could hang at each stage of the proceedings simply by the government's giving notice of time allocation when it has first reading. That is surely not what time allocation was intended to be, and I do not think we can conduct our business in a parliamentary fashion with that kind of interpretation.

In my opinion, if the government wishes to bring the guillotine in on this matter, the proper course of action would be to give notice today and debate the issue tomorrow.

Senator Berntson: In fact, it defies logic.

Senator Graham: Honourable senators, Senator Kinsella is quite right in suggesting that we should be able to plan our days and weeks. On this side, we have been more than accommodating in providing notice as to whether a particular item might be debated, and at what stage it might be considered.

When Senator Kinsella suggests that a matter be placed on the Orders of the Day for consideration the next day, according to rules that were introduced by members of the now opposition in 1991, it is up to the government to call those orders as it sees fit.

There has been much discussion between the leadership on the other side and the leadership on this side as to when we might dispose of this matter. Indeed, without divulging any confidences, I suspect that the Acting Deputy Leader of the Opposition and myself had reached the conclusion that, indeed, this time allocation motion, notice of which had been given, would be acted upon today. It was felt that we should provide all honourable senators with an opportunity to enjoy the Easter break, as members of the other place have had the opportunity to do. Others, of course, were sitting on committees, and others were travelling on special government business in a time when they might assume — and they would have assumed correctly — that we would be in adjournment.

When notice of the motion was given more than two weeks ago, I still hoped that some accommodation could be reached on the final disposition of Bill C-29.

Senator Berntson: That is the contradiction, because there is no impasse.

Senator Graham: In fact, there have been further discussions. Unfortunately, they have not proven to be fruitful. That is regrettable.

Senator Lynch-Staunton: You were premature.

Senator Graham: Much effort has been extended on both sides of the chamber in an attempt to reach an accommodation. However, at times, notwithstanding best intentions and attempts to compromise, it is not possible to reach an accommodation that will please everyone. That is the situation in which we find ourselves today. I do not know what the advantage would be in delaying this discussion until tomorrow.

Bill C-29 has received thorough examination in both chambers. For the record, this bill was first introduced in the House of Commons on May 19, 1995, as Bill C-94, where it was debated over many months. The House of Commons Standing Committee on the Environment and Sustainable Development heard from 29 witnesses over six meetings.

In the Senate, Bill C-29 was introduced on December 12, 1996, and the Standing Senate Committee on Energy, the Environment and Natural Resources heard from another 59 witnesses, received 46 written submissions and spent over 31 hours examining the details and the implications of the MMT bill. It presented its report to this chamber on March 4 of this year, and since then we have had the bill before us for third reading debate.

Honourable senators, in view of these facts, I believe we can all agree that this legislation has been given very careful consideration both in this chamber and in the other place. Ample time has been spent on the study of the bill. All the arguments have been put forward, and witnesses have been given the opportunity to present their views. Our role as legislators is to examine and either accept, amend or reject legislation, once it has been thoroughly examined.

Senator Berntson: That is a key point.

Senator Graham: We feel on this side that all of us have had time to analyse and assess the bill and have it come to a vote with full knowledge of its purposes and its consequences. I am moving this motion and urging honourable senators on all sides to adopt it in order that the Senate might move to a final vote on Bill C-29. The purpose of my motion is not to stifle debate; there has been plenty of time for that, but rather to bring consideration of this important piece of legislation to a timely conclusion.

In our view, honourable senators, we have studied, debated and considered. It is now time for us to decide whether Bill C-29 will be allowed to come into law.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am afraid the Deputy Leader of the Government misses the point completely. The point is not whether we have debated Bill C-29, how many days and hours have been spent studying the bill, or how many witnesses have been called to testify. The point is this: How should the closure motion be used? We feel that the government has misused it in extending it by four sitting days.

When you give notice of closure, you alert the chamber that the government, for whatever reason, feels that debate should come to an end, and that a certain time is allocated to move to a final vote. In this chamber, since we have used closure, notice has been given on day one, and debate on the notice of motion begins on day two. In order that all members are alerted, a time frame is specified by the rules within which the debate will come to an end.

In this case, Notice of Motion was given on March 18. We expected debate to start on the notice on March 19. However, the matter was not called. We expected it to be called on March 20, but it was not. When we came back today, we had every reason to believe that it would not be called today, either.

•(1550)

I would suggest that Your Honour rule in favour of a proper notice of closure being given, and that the notice given today be ruled out of order since it does not respect the rule which stipulates that the motion should be put "the next sitting day." If the deputy leader wishes to reintroduce a similar motion today, we will proceed to debate it tomorrow.

It may sound technical and dry, but if we allow this to go through, it will mean, as Senator Kinsella has suggested, that the government — at any time, even before debate starts — can not only claim that it has been unable to reach an understanding with the other side but can also put a notice of motion on closure aside until it chooses to deal with it. That completely strays from the purpose of a procedure that has already been abused by the other side and would now be extraordinarily abused if we were to follow this procedure.

Hon. John B. Stewart: Honourable senators, Senator Kinsella has called our attention particularly to the final sentence of rule 39(1), which states, in part:

> Such motion shall be placed on the Orders of the Day under "Government Motions" for the next sitting day.

That is a pretty clear sentence. My understanding is that, in fact, the motion was put down on the Orders of the Day under "Government Motions" for the next sitting day.

The question then arises: Is the government obliged to call a motion on the next sitting day? My understanding is that the almost immemorial practice of this place is that it is not. The government, under the rules that prevail, has the right to determine the order in which the items listed as "Orders of the Day" shall be called.

If the proposition of the Leader of the Opposition in the Senate is taken seriously, then any item listed under "Government Motions" would have to be called and dealt with on the next sitting day.

Senator Kenny: That is bizarre.

Senator Stewart: As Senator Kenny says, "That is bizarre."

It may well be that Senator Lynch-Staunton has a point when he says that notice of motion for a time allocation should not be given except on the day before the motion is to be moved. In that case, what is necessary is a change in the rules. Perhaps Senator Kinsella would care to propose — after notice, of course — a motion to refer the standing order to the Standing Committee on Privileges, Standing Rules and Orders. As long as the rule is left as it is, we are obliged to follow it, interpreting it in accordance with our standard practice.

Some Hon. Senators: Hear, hear!

SPEAKER'S RULING

The Hon. the Speaker: If no other honourable senators wish to speak, I would thank those who have spoken.

I was following the rules while the discussion was going on. I must agree with what the Honourable Senator Kinsella says, namely, that rule 39(1) states that:

> Such motion shall be placed on the Orders of the Day under "Government Motions" for the next sitting day.

On checking the *Journals of the Senate* for the next day, which was March 19 and 20, the motion did appear on the Orders of the Day under "Government Motions". It was called and postponed until the next sitting.

Rule 27(1) clearly states that:

> Government business shall be called and considered in such sequence as the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate shall determine.

That leaves the complete responsibility in the hands of the Leader of the Government in the Senate, or in the hands of the Deputy Leader of the Government, to call or not to call an item and in whatever order.

I therefore find that, as far as the present rules are concerned, the procedure that has been followed is proper, and the point of order is not valid.

It may well be that honourable senators think that the rule should be changed. As I work with the rules, I find many changes that are necessary in my view. However, it is not within my responsibility to do so. Under the present rules, I find that the procedure is proper and the debate can continue.

Honourable senators, it is moved by the Honourable Senator Graham, seconded by the Honourable Senator Corbin:

> That, pursuant to Rule 39, not more than six hours of debate be allotted to the consideration of the motion by the Honourable Senator Kenny for third reading of Bill C-29, An Act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese-based substances;
>
> That when debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and
>
> That any recorded vote or votes on the said questions shall be taken in accordance with the provisions of rule 39(4).

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are opposed please say "Nay?"

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "Yeas" have it.

Motion agreed to, on division.

CANADIAN VOLUNTEER SERVICE MEDAL FOR UNITED NATIONS PEACEKEEPING BILL

SECOND READING

Hon. Bill Rompkey moved the second reading of Bill C-300, respecting the establishment and award of a Canadian Peacekeeping Service Medal for Canadians who have served with an international peacekeeping mission.

He said: Honourable senators, I will be relatively brief because I believe this measure will find support on both sides of the house. It is recognition, perhaps long overdue, for those Canadians who have served in peacekeeping operations since the first one was undertaken. We have served with distinction in every peacekeeping operation.

Before I begin, let me pay tribute to a friend of mine, Colonel Jack Frazer, who brought this forward in the House of Commons. It is useful to recognize parliamentary service to Canada as well as military service.

Jack Frazer is from British Columbia. He represents the riding of Saanich-Gulf Islands in the House of Commons and has done so with distinction on behalf of the Reform Party. He has served in the Royal Canadian Air Force. He retired with the rank of colonel. Mr. Frazer served for 16 years abroad. He was a fighter pilot, a member of the Golden Hawks aerobatic team, and he served in our international headquarters in the U.S.A. and in Norway. He holds the Order of Military Merit and the Meritorious Service Cross.

I got to know him, honourable senators, on the Special Joint Committee for the Review of Defence Policy. He became not only a respected colleague but also a friend. When I go to British Columbia, I can call Jack Frazer and we can talk not simply as parliamentarians, but as friends.

•(1600)

I want to pay tribute to him. We need more people like Jack Frazer in public life. He has the 3 Ds, in my opinion; that is, dedication, determination, and diligence. Those are useful and appropriate hallmarks for Canadian parliamentarians. I served with him on the House of Commons Standing Committee on National Defence and Veterans Affairs and on the Special Joint Committee for the Review of Defence Policy. As we all know, when you travel outside this chamber and outside this country, you get to know people as individuals.

Going to the substance of the bill, I want to quote excerpts from Mr. Frazer's speech in the House of Commons to put what he said on the record here. He said, in part:

> Mr. Speaker, Bill C-300 provides for a Canadian peacekeeping service medal to be awarded to Canadians who have participated in peacekeeping, peacemaking, peace enforcement or humanitarian assistance missions which have been sanctioned by the Government of Canada.
>
> ... these would be accurately described under the umbrella term international stabilization missions. They do not always have identified direct connection or impact on Canada but Canadians, as compassionate citizens of the world and as international traders, recognize the need and propriety of the involvement of Canadians in these places to better the lot or improve the situation for people who find themselves in these trouble spots.
>
> The Canadians who respond to these calls willingly forgo the comfort of home, the companionship of family and the opportunity to train and better their qualifications, to often place themselves in uncomfortable, dangerous situations.
>
> In so doing they have brought great honour and pride to Canada, including the award of the Nobel Peace Prize to those who served the UN prior to September 1988. Some 150 of them have paid the supreme sacrifice and many more carry the wounds and disabilities that resulted from their participation in those activities.
>
> In the past their contributions have sometimes been recognized by the United Nations and other organizations, but until now there has been no way for Canada to provide individual recognition of the honour and pride they have brought to Canada. Today true Canadian recognition for their individual service in the cause of international stabilization, past, present and future, is one step closer to becoming reality.

He then goes on to trace the contribution that individuals and organizations have made to this bill. He says that it has benefited from enlightened and thoughtful input from members of the house, from interested Canadians across the country, and from the Canadian Armed Forces.

He continues:

> As a result... with the exception of specifically recognizing those who won the Nobel Peace Prize, it now gives Canada the ability to acknowledge those military, constabulary, medical and other Canadians who have given themselves to help others.
>
> For Bill C-300 to have reached report stage and third reading today is an exemplary display of what can be achieved when members of all parties see the worth of a measure and set out to see it proclaimed into law.

Those are excerpts from Jack Frazer's speech, honourable senators. They are worthwhile to underline. I know that Senator Forrestall is very supportive of this measure, and I acknowledge the importance of that, given his experience and background in the field of defence and security. I am sure he will agree with me that this acknowledges not only those people who serve in the armed forces but in the RCMP, for example. In Bosnia, we had members of the Department of National Revenue and Customs and Excise officers as well as police officers. Canadians from a number of different institutions have given exemplary service overseas since the 1940s and the 1950s.

It was a Canadian who recommended that we do this sort of peacekeeping. I need not remind anyone in this chamber that it was Prime Minister Lester B. Pearson who won the Nobel Peace Prize for his work during the Suez crisis of 1956.

He is indeed the father of the concept of peacekeeping, and he advocated defining the rules of engagement for UN forces. We are acknowledging today a special recognition for special Canadians. I need not say more, and I hope I can leave it at that.

I do, however, want to put on the record two letters that underline the kind of support there is for this initiative. These are requests from special groups. The first reads as follows:

> We, The Canadian Peacekeeping Veterans Association (CPVA) were the technical advisors behind this Act. In fact we were the ones who have lobbied MP's to support this issue since 1993 and hence with our help, four private members bills and our evidence to the SCONDVA report...have kept it in the forefront of Veterans Affairs.
>
> The Medal itself is an excellent platform for the Canadian recognition of *Peacekeeping — Peace Enhancement and Peace Restoration*. It is highly favoured by Military Peacekeepers, Royal Canadian Mounted Police Peacekeeping Veterans and will for the first time recognize those Canadians — who put their lives on the line in the danger zone — in the service of peace.

The writer of this letter points out one individual in particular, a civilian pilot named John Camphuis, who died in Macedonia while transporting military peacekeepers to their posts. The letter continues:

> His sacrifice and the dedication and hardships of those other Canadians who left their homes to try and make peace — will be recognized by Canada.

That letter is from James P. MacMillan-Murphy, CD — obviously a Cape Bretoner — National President and Founder of CPVA.

I want to put on the record another letter, which reads as follows:

> I am writing on behalf of the Canadian Association of Veterans in United Nations Peacekeeping and requesting your support of Bill C-300. This bill proposes the awarding of a medal on behalf of the Canadian people in recognition of the peacekeeping contributions made by both serving and retired members of the Canadian Forces and the Royal Canadian Mounted Police.
>
> The United Nations has recognized the contributions and sacrifices of Canadians by awarding medals for the theaters

in which they served. The Netherlands, Italy, Ireland, New Zealand, Greece, Ghana, Spain, Finland, Poland and the United States have given special recognition to their citizens who have honourably served on United Nations Peacekeeping missions. Bill C-300 would officially recognize Canadians who served as peacekeepers with Peacekeeping missions. In September of 1988, Canadian men and women serving under the United Nations flag again brought recognition and honour to Canada in the form of the Nobel Peace Prize.

That letter is from the National President of the Canadian Association of Veterans in United Nations Peacekeeping.

Honourable senators, there is no need to say more. This is an important bill and an important gesture. This is an important medal. I believe that it has the support of all Canadians, and I hope that it has the support of all senators.

Hon. J. Michael Forrestall: Honourable senators, I join Senator Rompkey in saying a few words this afternoon on this matter. As Senator Rompkey said, the bill was introduced in the other place by Jack Frazer, a very distinguished former military member, who is currently a member of Parliament from the province of British Columbia. The bill will establish and award a Canadian peacekeeping service medal to those Canadians who have served with an international peacekeeping mission.

I pause to reflect on Senator Rompkey's words. It is not only military people, but people from the other avenues of life he mentioned — the RCMP, Customs officers and many others — who will be honoured

Honourables senators, if we do not accomplish much else in these last weeks before the election, by supporting this legislation we will be secure in the knowledge that, at the very least, long overdue recognition will be given to a very deserving group of Canadians. I speak, of course, of the thousands of men and women who have contributed to the cause of international peace through various peacekeeping missions around the world.

•(1610)

I should like to say a word of appreciation to Jack Frazer. I first met the member for Saanich-Gulf Islands in 1994, when we, together with Senator Rompkey, sat on the Special Joint Committee for the Review of Defence Policy, a useful and worthwhile exercise, one for which I wish we could find an ongoing purpose and role.

Mr. Frazer and I also travelled to Myanmar recently as members of the Veterans Affairs delegation that had the privilege to attend the ceremonial services for the remains of the six Canadian Second World War airmen recovered in the Burmese jungle in December 1996. I do not think I have ever experienced a more emotional moment as the eight crewmen of KN 563, an RCAF Dakota C-47 aircraft that went missing on the morning of June 21, 1945, were laid to rest with the fullest of military honours. The dignity that was afforded them was what they deserved and was most fitting for Canada to extend.

Mr. Frazer had a distinguished military career in the Canadian Armed Forces. I know that he was deeply moved by those services and will be pleased if we, this afternoon in this chamber, take the final step to bring to fruition and completion this movement in which he not only participated but was aided and abetted by dozens of members of Parliament, as well as by some in this chamber.

I mentioned the Special Joint Committee for the Review of Defence Policy and this pilgrimage to demonstrate the commitment that the member for Saanich-Gulf Islands has made to the defence community during his tenure here in Ottawa. It is with some regret that I have learned that he has decided not to run again. His contribution to defence matters will be greatly missed. He brought a level head, a steady hand and a well-trained mind to our peacekeeping deliberations.

The importance of this peacekeeping medal cannot be overstated. The Canadian Peacekeeping Veterans Association was the organization that brought the issue forward. Many senators will be aware that two private members' bills were introduced in the last Parliament in support of this initiative; however, time ran out before either bill could make it through the House of Commons.

There was also a precedent set for this recognition in June of 1991, when the government of the day passed a bill that awarded Canadian military personnel who participated in the Korean War with a Canadian Volunteer Service Medal for Korea. This award was given in addition to the UN medal received by the Korean veterans, as well as a medal that is shared with Great Britain, Australia, New Zealand and others.

In awarding its peacekeepers national medals, Canada will not be alone, as Senator Rompkey has pointed out. A number of other countries, including the Netherlands, Belgium, Ireland and the United States award national medals for peacekeeping. If anything, the awarding of a distinctive Canadian medal is long overdue. Our peacekeepers have distinguished themselves around the world in the various missions in which they have participated, such as those in Zaire and Bosnia, to name but two.

Currently, any peacekeeper who serves on a mission is issued a medal by the United Nations that is later declared to be a Canadian medal by our Governor General. I do not want to go back 20 or 25 years and recall how we have reached this point. Suffice it to say that the authority to do this is now well embedded. It is well within our competence to strike the law and to issue the medal, as we as Canadians and as the Parliament of Canada deem fit. That is the way it should be.

There will be some concern that this medal does not come as, historically, such recognitions have, from the Queen herself. Nevertheless, the posture of Canada today in its maturity as a nation does not detract from the honour of the medal itself. Indeed, quite the opposite is true.

Although there is a great deal of pride in receiving such a medal, many Canadians felt there was something lacking in that the medal was not unique. Bill C-300 provides this recognition.

More important, recipients of the peacekeeping medal will not be limited to members of the Canadian forces. As Senator Rompkey has pointed out, members of the RCMP and other Canadians who qualify will be included.

Canadians participated in their first peacekeeping mission in 1949 with the United Nations military observer group in India

and Pakistan. It was with this mission that Canada suffered its first peacekeeping casualty when Brigadier H.H. Angle, DSO ED was killed on July 17, 1950. There were missions in the Middle East involving the Suez crisis; in Cyprus; and, more recently, missions to Bosnia, Haiti, Rwanda and Zaire.

I join with Senator Rompkey in recalling the role played by the late Prime Minister Lester B. Pearson in the establishment of peacekeeping as a vital and ongoing part of Canada's tradition and military presence.

As Canadians, we have come to recognize the great service our peacekeepers have given to the world, often with tragic consequences. According to the Canadian Peacekeeping Veterans Association, 150 have died. Only God knows how many have come home suffering the trauma of the experience of peacekeeping-peacemaking. It is difficult for some of our young men and women who have participated in missions far from their homes in what could be described as "war." Reserve military personnel who, upon completion of their tour of duty returned home, were likely to return to their jobs immediately. They had no comfort. They had no debriefing. There was no one to hold out a hand to these men and women. It is to their great tribute that they returned to their communities and their places of work without complaint and went on to lead useful lives.

Many have volunteered to return and again be part of our peacekeeping efforts. We should be concerned that they have proper follow-up and attention paid to them when they come home, particularly those who witness some of the atrocities to which operations of this nature give rise.

We must never forget those brave individuals who made the ultimate sacrifice in the name of peace. To honour those who have lost their lives, the Peacekeeping Veterans Association has designated August 9 as Canadian Peacekeeping Veterans Day in recognition of the nine Canadians who were killed on that day in 1974, when a Canadian Armed Forces Buffalo aircraft was shot down in the Middle East. My province of Nova Scotia has joined in this proclamation, as have New Brunswick, Manitoba and Alberta. I would hope that the rest of Canada's provinces will find an opportunity to do so before August.

•(1620)

Just a short distance from this place stands the Sussex Street monument honouring Canadian peacekeepers. It is a fitting tribute to them, but, unfortunately, many veterans will never have an opportunity to travel to Ottawa to see this monument for themselves. It is in part for this reason that the medal being proposed in Bill C-300 is even more important. It provides all peacekeepers with a concrete symbol of the contribution they have made and recognition by Canadians in general of their courage and valour.

The thousands of Canadian men and women who risked their lives for peace must never be taken for granted. They are great Canadians and deserve this Canadian peacekeeping service medal. I look forward to the bill moving quickly through committee, returning to the chamber for third reading and returning to the House of Commons. I urge all honourable senators to join with Senator Rompkey and me to give this bill swift passage.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Rompkey, bill referred to the Subcommittee on Veterans Affairs of the Standing Senate Committee on Social Affairs, Science and Technology.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the twenty-second report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-10, to amend the Criminal Code (criminal organization), presented in the Senate on March 13, 1997.

Hon. Sharon Carstairs, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, moved the adoption of the report.

She said: Honourable senators, I rise today to move the adoption of the report of the Standing Committee on Legal and Constitutional Affairs concerning Bill S-10, to amend the Criminal Code with regard to criminal organization.

Bill S-10 received second reading on December 10, 1996 and was referred to the Standing Senate Committee on Legal and Constitutional Affairs. The committee reviewed the bill on March 5, 1997. At that time, Senator Roberge, who sponsored the bill, appeared before the committee and presented his evidence.

The intent of Bill S-10 is to amend the Criminal Code of Canada by adding the definition of the notion of criminal organization. This bill would mean that everyone who, without lawful excuse, lives wholly or in part on any property or gains advantage from a criminal organization would be guilty of an indictable offence and liable, under conviction, to a term of imprisonment of not less than one year and not more than 10 years. A person convicted of this indictable offence would not be eligible for parole until three-quarters of the sentence had been served. The bill is designed to provide a new tool for Canadian police forces and courts to use in dealing with the issue of organized crime.

I would like to thank Senator Roberge for bringing this bill forward. Recent events in Montreal have demonstrated the growing importance of this issue. Furthermore, I congratulate Senator Roberge for his initiative in introducing a bill such as this in the Senate, as it has provided an opportunity to inform senators of the serious problem facing society in dealing with the issue of organized crime.

In fact, in his appearance before the committee Senator Roberge indicated that this was part of his reasoning in bringing Bill S-10 forward. He indicated that he would like the committee to give the widest possible mandate to investigate organized crime.

In his testimony, Senator Roberge stated that the Senate should hold a commission of inquiry into organized crime. Senator Roberge stated that this would give the Canadian people the chance to listen in a commission of inquiry to what these people have to say, representatives from the Department of Justice, lawyers and a variety of witnesses. People from other countries could be brought and we could listen to how they are fighting this problem and thereby develop an insight into how we could create appropriate and proper legislation.

The advantage of conducting a special study, as Senator Roberge's comments reflect, is that the information uncovered could assist in understanding not only the phenomenon of organized crime, but also how we could effectively deal with it. At present, we do not have the answers to all these questions in Canada, or indeed even many of them.

Honourable senators, the issues raised by Bill S-10 are definitely worthy of attention. Senator Roberge thinks that an in-depth study into the broader issues of organized crime in Canada is needed. Given this, the difficulty in dealing with Bill S-10 is that the committee's study would be limited to the scope of the bill, which would not result in the kind of in-depth study needed to determine what the solution might be. To that end, the committee recommends that the bill not be proceeded with at this time. Senator Roberge, in his appearance before the committee, expressed that the aim of sponsoring Bill S-10 was to get the attention of the Senate. He stated that he introduced the bill to get our attention. He has achieved that goal, and we thank him for it.

Honourable senators, it is clear that even Senator Roberge is uncertain as to whether Bill S-10 is the best solution to the problem of organized crime in Canada. However, a study would result in concrete answers to what has been tried in other countries and what should be done in Canada. Therefore, I wish to close by stating that any senator can move a motion for a special study, and I specifically encourage Senator Roberge to pursue this issue, as interest has been expressed by a number of senators on both sides of the house.

On motion of Senator Lynch-Staunton, debate adjourned.

ENGLISH HEALTH CARE SERVICES IN THE PROVINCE OF QUEBEC

INQUIRY—DEBATE ADJOURNED

Hon. Dalia Wood rose pursuant to notice of February 11, 1997:

> That she will call the attention of the Senate to English health care services in the Province of Quebec.

She said: Honourable senators, I rise in this chamber today as an English-speaking Quebecer. Within the framework of this inquiry, I wish to relate to you a viewpoint that, to my mind, has not been sufficiently expressed in political circles of late.

It seems, honourable senators, that certain barriers are being put in place in the province of Quebec. These potential barriers must be exposed before they become reality for many English-speaking Quebecers. As with most issues within Quebec, the issue of health care is being mixed with the issue of language and culture. Honourable senators, the acquired rights of English-speaking Quebecers are at stake. Someone must be their voice and speak on their behalf.

When I became a senator, I embraced my mandate and stated my desire to work for the benefit of future generations of Canadians. In speaking to this inquiry, and in bringing this matter to the attention of the Senate, I am not only fulfilling my personal senatorial mandate but also one of the mandates of the Senate, which is to be the voice of minorities and to protect minority rights.

Unfortunately, honourable senators, I am not prepared to speak fully on the subject at this time. Owing to the importance I attribute to the subject, I will require more time to fully prepare my remarks. I therefore move that the debate be adjourned.

•(1630)

On motion of Senator Wood, debate adjourned.

MANGANESE-BASED FUEL ADDITIVES

REQUEST FOR ATTENDANCE OF MINISTER OF INTERNATIONAL TRADE BEFORE ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition), for Senator Buchanan and pursuant to notice of February 19, 1997, moved:

That the Senate request that the Minister for International Trade accept the invitation of the Standing Senate Committee on Energy, the Environment and Natural Resources to appear and give evidence relating to Canada's international trade obligations and their effects on Bill C-29, to regulate interprovincial trade in and the importation for commercial purposes of certain manganese-based substances, with particular reference to the Minister's letter of February 23, 1996 to the Minister of the Environment in which he said: "An import prohibition on MMT would be inconsistent with Canada's obligations under WTO and the NAFTA: (1) it would constitute an impermissible prohibition on imports, particularly if domestic production, sale or use is not similarly prohibited; and (2) it could not be justified on health or environmental grounds, given current scientific evidence."

Motion agreed to.

The Senate adjourned until Wednesday, April 9, 1997, at 1:30 p.m.

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Tuesday, April 8, 1997

ORDERS OF THE DAY