



Debates of the Senate

1st SESSION

•

36th PARLIAMENT

•

VOLUME 137

•

NUMBER 7

OFFICIAL REPORT
(HANSARD)

Wednesday, October 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.

CONTENTS

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

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

Published by the Senate

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

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

THE SENATE

Wednesday, October 8, 1997

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

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, it is my pleasure this afternoon to bid welcome on behalf of the Senate to volunteers who worked in the Saguenay and Manitoba floods. All Canadians owe them a great debt of gratitude. As a Manitoban, of course, I say a special “thank you” to all of them.

Honourable senators, I present to you the volunteers of the Saguenay and Manitoba floods. I know some honourable senators will wish to say something. I remind you that our guests must be in the House of Commons very shortly to be received there, so I ask that the comments be brief, please.

SENATORS' STATEMENTS

FLOODING IN MANITOBA AND QUEBEC

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, on behalf of all senators in this chamber, I thank the thousands of volunteers and representatives of the military who gave of their time, their effort, their compassion and, all too often, their money to the floods both in the Saguenay, and one year later, in Manitoba.

Honourable senators, the floods were different. As a reflection of the geography of this great nation, one flood involved buildings being washed over precipices; the other a slow, ever-increasing body of water. However, the reaction of the people was identical. Volunteers from all walks of life came from their homes in Manitoba and across the country to help in Manitoba, and people throughout the Province of Quebec and from the rest of Canada went to the Saguenay to be of help to the people of that region. They were proud days for Canada when, once again, we bonded together in a spirit of cooperation and help.

Thank you on behalf of Manitobans. Thank you on behalf of Canadians for having been there when we needed you the most.

• (1410)

Hon. Terry Stratton: Honourable senators, last week in this chamber, I thanked individuals and groups of Canadians. I thanked Canadians as a whole for helping in the Red River flood, and now I must modify that to thank Canadians for helping in the Saguenay.

As you may or may not be aware, I live in the Red River valley. We had to dike. We had a dike that protected 27 homes. We were fine because our dike was fairly substantial. By the way, three other senators in this chamber were also affected by that flood.

I wish to pay particular thanks to the Canadian Armed Forces. I was there manning a dike patrol. We patrolled our dike 24 hours a day, but, without the armed forces, we would not have survived. You did a remarkable thing. In the eyes of Manitobans and in the eyes of Canadians, that was one of your finest hours.

On behalf of all Canadians, “thank you” volunteers, and “thank you” Canadian Armed Forces.

The Hon. the Speaker: Honourable senators, I know many other senators would like to speak. However, I promised that I would release our guests to be in the House of Commons by 2:15 p.m.

[*Translation*]

Senator Lavoie-Roux, this will have to be very short. We had agreed that only one senator from either side would be heard.

Hon. Thérèse Lavoie-Roux: Honourable senators, how thrilled I am to be in the same room as the volunteers who assisted the people of the Saguenay during the flooding. I wish to thank them for the extraordinary efforts they contributed at the time of the Saguenay floods. I had an opportunity to visit the region last August. I went as far as Ferland and Boileau, as far as Lac Ha! Ha!, which was completely drained at the time of the Saguenay disaster.

These events were a tremendous upheaval for local people, both personally and collectively. I have many relatives in that part of Quebec, and some of them were victims of the disaster, particularly those in La Baie. Special attention must be drawn to the combined efforts of the Government of Quebec and the federal government — the military personnel from CFB Bagotville in particular.

Very often, however, help has to be pulled out before the work is over, so my thanks must go also to the volunteers of Saguenay and Lac-Saint-Jean who did the rest. I thank you all.

The Hon. the Speaker: I am sure that all of the senators would like to say something, but that is impossible.

[*English*]

Thank you very much. We now release you to go to the House of Commons.

FISHERIES AND OCEANS

PROMISED RETRAINING FUNDS FOR BRITISH COLUMBIA FISHERS—CLARIFICATION OF FIGURES

Hon. Pat Carney: Honourable senators, I wish to clarify a figure that I used in this chamber on the estimated cost for industry retraining in the West Coast fishery. The figure was queried by Senator Graham in his response to my question. He noted that I made reference earlier to the figure of \$500 million for estimated retraining funds for British Columbia fishers displaced by the government's Mifflin policy, and he wondered from where I derived the figure.

I have information from the Community Fisheries Development Centre in British Columbia, which is the agency — Senator Graham, I will give you this material so you do not have to write it down — responsible for correlating the demands up and down the coast. They tell me that the figure of \$500 million, which had been put on the table, has been scaled back to just under \$400 million. The scaling back is a result of reducing weekly rates of pay or income assistance from \$500 a week per participant to \$413 a week per participant, which is the maximum currently allowable under employment insurance regulations. I will give you the leader these figures, who had wondered where the figures came from.

I also wish to point out that the Minister of Fisheries stated last week in Victoria that \$20 million had been made available to the fishers on the coast. That is a slight variance from the \$30 million that Senator Graham mentioned yesterday.

I will draft a written question asking exactly where this money came from and where it went, because we now have two ministers of the Crown with two different sets of figures, and the Community Fisheries Development Centre saying something else.

Honourable senators, I am sure you understand that we do not want to replicate on the West Coast the mistakes of the TAGS program, which has not served its purpose on the Atlantic Coast.

The central issue between the two coasts is that there are jobs on the West Coast. There is all the work arising out of the rehabilitation of salmon streams. There is the work in the rehabilitation of clear-cut areas. There are many watershed management jobs. Those jobs exist for the workforce when the training funds are available.

I wished to put on the record that, in answer to Senator Graham's query, the source of the figures is the Community Fisheries Development Centre. I would like to work with the government in clarifying exactly what the requirements are for the B.C. fishers. Perhaps, in that way, we can get them off welfare, off these make-work interim programs, and into training programs and the productive workforce of a dynamic province.

ATLANTIC REGION ENTREPRENEUR OF THE YEAR AWARDS

Hon. Catherine Callbeck: Honourable senators, tomorrow evening I will have the pleasure of joining 400 people in Halifax at the Atlantic Region Entrepreneur of the Year Awards. This is one of five events held across the country under the sponsorship of Ernst & Young and fellow sponsors who recognize and encourage entrepreneurial growth and excellence. This program is now in its fourth year, and already many Canadian business people, including over 100 Atlantic entrepreneurs, have been honoured in their own regions as well as nationally and internationally. The Entrepreneur of the Year program continues to grow.

This year, I had the privilege of serving on the Atlantic region's judging panel and I was quite impressed by the quality of the nominations. It was both challenging and interesting to select the finalists and award recipients. Twenty-two finalists were selected, and they represent \$400 million in sales annually in Atlantic Canada and employ over 3,800 people. Their businesses range from aquaculture to music, metal engineering to skiing. Awards will be presented to seven of these fine individuals.

We are fortunate to have the Ernst & Young Entrepreneur of the Year Program to encourage and to support our entrepreneurial sector in our economic community.

[*Translation*]

THE HONOURABLE FRANK J. MCKENNA

TRIBUTE ON RETIREMENT AS PREMIER OF NEW BRUNSWICK

Hon. Louis J. Robichaud: Honourable senators, last week one of New Brunswick's finest citizens submitted his resignation as Justice of the Supreme Court of Canada. I am referring to the Honourable Mr. Justice Gerard La Forest. Yesterday, another of New Brunswick's finest citizens resigned as well.

Premier Frank McKenna wanted to honour the last of his commitments: to serve 10 years.

[*English*]

Frank McKenna became an icon in New Brunswick, where he is as well known as anyone ever was. Under difficult circumstances, he assumed the premiership of the province in 1987. He was re-elected twice, and, in my opinion, could have been re-elected for a fourth term had he chosen to run. However, he preferred to keep his promise and withdraw from public office. The province and, indeed, all of Canada will miss him.

I never had an opportunity to work with him, but I know he was a talented and tireless worker, always at his office early in the morning and never fearful of burning the midnight oil. I will not at this time go through a long and descriptive list of all his accomplishments; however, I must say —

Senator St. Germain: Meech Lake!

Senator Robichaud (Acadia): However, I must say without hesitation, and without interruption I hope, that he was the number one force for Canadian unity. He was the main architect of the Calgary formula.

• (1420)

Senator St. Germain: He killed Meech Lake!

Senator Robichaud (Acadia): He built many more things than he killed. If he killed anything, it was flies, and his heart was not in it.

[Translation]

It was at his instigation that bilingualism was entrenched in the Constitution and that New Brunswick became officially bilingual, the only province in Canada to do so.

Frank McKenna was a defender of minorities, despite what certain members of the opposition, including Senator St. Germain, might say.

Yesterday, Frank McKenna confided to me on the phone that he liked his job a lot, but would not change his decision to honour his last promise for anything. He added that we will be able to golf together more often in the future.

I send my best wishes to him, his wife Julie and their children.

[English]

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

FAILURE TO GRANT LICENCE FOR LAST REMAINING FM
FREQUENCY TO MULTICULTURAL STATION IN TORONTO

Hon. Donald H. Oliver: Honourable senators, I rise to call to your attention the decision of the CRTC to refuse to grant a licence to Milestone Radio in Toronto. This decision has produced a very serious crisis in Metro's minority communities because they are being denied a voice that must be heard if this country is going to do more than pay lip service to equality. I am referring specifically to the decision of the CRTC to award the last available FM frequency, 99.1, to the CBC.

This decision has denied Metro's minority communities a chance to have a station that played their brand of urban music and which could have promoted black culture and young, black musicians. This was an unfortunate decision, but we all know the fix was in long before the hearings were held. It is now apparent that Milestone Radio never had a chance. Those hearings were a sham that allowed the CBC to use taxpayers' money to bully and force out a potential rival. Yes, honourable senators, the fix was in. As Peter Goddard of *The Toronto Star* noted:

The timing of the announcement was arrogant, coming almost a year to the day after Sheila Copps gave the CRTC its 1996 marching orders to reserve 99.1 for the Mother Corp.

Already guilty of gutting the CBC budget, this was obviously the Heritage Minister's way of trying to say that she was sorry for the damage she had done.

However, that is not all, honourable senators. The CRTC ignored its own guidelines that state that the basic CBC service should be on the AM band. In addition, the CRTC ignored Parliament's 1991 amendment to the broadcasting policy objectives which specifically refer to the need to recognize the evolving "multicultural and multiracial nature of Canadian society."

Furthermore, the arguments put forward by the CBC are deceptive and designed to mislead the public into believing that it is serving their best interests when, in reality, it is bullying Toronto's multicultural communities. The CBC claims that it needs the frequency to reach more young Canadians. This is wrong. By its own admission, it caters to listeners over age 50 and has indicated its programming will not change. The CBC argues that it cannot reach a 6.0 market share without that frequency. Wrong again. It did so this past spring with its existing stations. There was no real need to steal the 99.1 frequency.

How on earth could the CRTC then turn around and award this frequency to the CBC? Some might speculate that it was because three of the five CRTC members are former CBC employees.

Now we hear that the CBC is offering a compromise. Supposedly the CBC is offering 93.5 to Milestone Radio. Considering that 93.5 is located in Peterborough, one needs little imagination to see how this would not be any help to Metro Toronto's black community.

I ask all honourable senators to do everything possible to persuade this government to recognize the importance of this decision to the multicultural community. It is now up to the cabinet to tell the Heritage Minister that her meddling was not helpful but, in fact, was very hurtful.

Honourable senators, I ask you to work together to reverse this shameful decision of the CRTC.

IMPORTANCE OF BRIDGES TO NATIONAL UNITY

THOUGHTS ON VISIT TO CONFEDERATION BRIDGE, P.E.I.

Hon. Raymond J. Perrault: Honourable senators, a few weeks ago I had the opportunity to visit the maritime provinces. This wonderful, historic area of Canada should be visited by every Canadian. It serves to inspire a greater appreciation of Confederation and national unity.

In the process, I drove across the new Confederation Bridge to Prince Edward Island. It was a great experience. The bridge constitutes a magnificent tribute to Canadian building and construction skills. After travelling over the Confederation Bridge and visiting the new sea link in Denmark, made possible because of that nation's incredible deep-water construction techniques, the various levels of government in Canada and/or the private sector should consider the construction of a link between Vancouver Island and the British Columbia mainland. This project is a feasible one which would be very beneficial to the West Coast and to all of Canada. In a sense, it would help to complete Confederation.

In another way, at this critical time in the history of Canada, we need more bridges in Canada — bridges of tolerance and understanding between the regions of Canada and the people who live there.

We need more members of the Canadian building crew and fewer members of the separatist wrecking gang — more people to help to calm troubled waters rather than stir them up. In this regard, we as members of this great historical chamber have a special responsibility to work for national unity because one of our roles is to represent the regions.

To listen to some commentators these days and to read some angry accounts in the media, one would assume that British Columbia is made up of vast throngs of angry separatists. That is utter, irresponsible, headline-grabbing nonsense. Inevitably, from time to time, we have differences with Ottawa — all regions do. Indeed, many British Columbians have disagreements as well with their provincial government but that is the nature of Canada and democracy. Most of the time this process constitutes a healthy tension.

No region is perfectly satisfied with all aspects of Confederation, but the overwhelming majority of British Columbians along with other Canadians are happy to be reminded regularly by the United Nations that we live in the best country on the face of the globe. Let us keep it that way. We need more bridges and more builders and fewer wreckers.

BUSINESS OF THE SENATE

TIME LIMITATION OF SENATORS' STATEMENTS

The Hon. the Speaker: Honourable senators, I regret to inform the Senate that while I have a number of senators who wish to make statements, the time period has passed. Would it be agreeable that those whose names I have on my list be first for tomorrow?

Hon. Senators: Agreed.

ROUTINE PROCEEDINGS

THE ESTIMATES, 1997-98

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 1998, with the exception of Parliament Vote 10 and Privy Council Vote 25.

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

Hon. Marcel Prud'homme: No.

The Hon. the Speaker: Very well. Then this matter will be dealt with at the next sitting.

NOTICE OF MOTION TO REFER VOTE 25 TO THE STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f) I move:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25 of the Estimates for the fiscal year ending March 31, 1998; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Marcel Prud'homme: No.

The Hon. the Speaker: Then we will deal with this matter as well at the next sitting.

• (1430)

NOTICE OF MOTION TO REFER VOTE 10 TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 1998; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Marcel Prud'homme: No.

The Hon. the Speaker: Very well. This matter will be considered at the next sitting.

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS OFFICIAL LANGUAGES

NOTICE OF MOTION TO ACQUAINT THE HOUSE OF COMMONS OF THE APPOINTMENT OF SENATORS TO STANDING JOINT COMMITTEES

Hon. Sharon Carstairs: Honourable senators, with leave of the Senate and not with standing 58(1)(j), I move:

That a Message be sent to the House of Commons to acquaint that House of the names of the Honourable Senators appointed to serve on the Standing Joint Committee on the Library of Parliament; the Standing Joint Committee for the Scrutiny of Regulations; and the Standing Joint Committee on Official Languages.

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

Hon. Marcel Prud'homme: No.

The Hon. the Speaker: This matter will be considered at the next sitting.

CANADA SHIPPING ACT

BILL TO AMEND—FIRST READING

Hon. Sharon Carstairs, (Deputy Leader of the Government): Honourable senators, I have the honour to present Bill S-4, to amend the Canada Shipping Act (maritime liability).

Bill read first time.

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Tuesday next, October 14, 1997.

QUESTION PERIOD

NATIONAL DEFENCE

AGING OF MULTI-PURPOSE MARITIME AIRCRAFT FLEET— AWARDING OF CONTRACTS UNDER AURORA LIFE EXTENSION PROGRAM—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, the Aurora aircraft based in Comox, British Columbia and Greenwood, Nova Scotia, are key in mineral and fisheries rights enforcement, search and rescue, environmental protection, surveillance, peace-keeping and multi-purpose military operations. Canada's 18-year-old Aurora maritime aircraft fleet requires an immediate overhaul so that it can remain effective well into the next century. The Aurora Life Extension Program must be directed to Nova Scotia and to its growing aerospace industry located at Kelly Lake, near Halifax International Airport.

Honourable senators, only 100 kilometres away from Kelly Lake, Greenwood, Nova Scotia, is the master place of the Aurora, and Canada maintains the expensive training and diagnostic systems for this import aircraft's repair and maintenance. Presently, 12 to 15 per cent of our aerospace industry revenue comes from maintaining and repairing the largely Greenwood-based Aurora.

Nova Scotia has a proven and competent aerospace industry with expertise in the area of maritime aviation. It possesses the latest technology, and can produce at a lower cost because it has lower cost overheads. The aerospace industry already employs up to 2,000 people and generates up to \$250 million per year. However, the government has taken few steps to encourage this vital industry.

Has the Leader of the Government in the Senate, Nova Scotia's minister in the Chrétien cabinet, gone to the Prime Minister yet and asked that team Nova Scotia receive the ALEP contract?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer is a very definite "Yes" not only to the Prime Minister but also to other colleagues in government. I fully endorse what has been said by the Honourable Senator Forrestall. Hopefully, it will add further ammunition to the representations that I have already made.

Senator Forrestall: It is with great delight that I rise in my place to thank the Leader of the Government for a very direct response. This will be very welcome news at home.

INTERGOVERNMENTAL AFFAIRS

STATUS OF PARTNERSHIP ON SOCIAL PROGRAMS WITH GOVERNMENT OF ONTARIO

Hon. Norman K. Atkins: My question is to the Leader of the Government in the Senate. Many provinces are troubled by the "partnership" that the federal government means to establish with the provincial governments on youth employment, home care, pharmacare and child poverty, and just exactly what that means. Ontario's Minister of Intergovernmental Affairs, Dianne Cunningham, has said that her reading of the government's "partnership" approach needs to be "nipped in the bud" until some real consultation happens.

My question is: What attempts at partnership has the Chrétien government made with the Government of Ontario?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that is a specific question that I will have to ask my honourable colleagues most concerned, specific in the sense that it relates to one particular province.

My understanding is that the government has been attempting to establish partnerships with all the provinces concerned. However, since the honourable senator has singled out one specific province, I will obtain a specific answer in that regard.

Senator Atkins: Honourable senators, I have a supplementary question. What will the new elements of the partnership be? Will they be made unilaterally?

Senator Graham: I would hope that if it is in the form of a partnership they would not be made unilaterally but in partnership and cooperation with other provinces that are concerned.

HEALTH

SETTING UP OF NEW BLOOD SYSTEM TO AWAIT KREVER COMMISSION REPORT ON SAFETY OF BLOOD SUPPLY— GOVERNMENT POSITION

Hon. Richard J. Doyle: Honourable senators, my question today is for the Leader of the Government in the Senate and concerns the report being submitted to the government by Mr. Justice Horace Krever, who has been examining the Canadian blood supply.

In the four years of his inquiry, much of it conducted under the watchful eyes of 25 groups granted intervenor status, a number of questions have been asked in this chamber. Most recently, inquiries from this side have sought assurance that the governments involved would not undertake reform of the blood supply system until the public had been made aware of the contents of the Krever report, which represents a \$15-million investment in making certain that processes and procedures that will eventually cost 3,000 Canadians their lives are replaced by a donor service that is reliable and transparent.

• (1440)

On February 13, 1997, the Leader of the Government in the Senate told us:

...the health ministers across this country, after coming together, have been working for the last little while on planning for a new national blood system, and that they have indeed directed their officials to continue to do the necessary planning for that new national authority to operate.

My understanding is that this is being done in an effort to respond very quickly to Judge Krever's report...which certainly our Minister of National Health and Welfare is looking forward to receiving at the end of April.

Honourable senators, that statement from Senator Fairbairn was quoted with great pleasure on the part of the intervenors, who have not always been reassured by their contacts with either the government or the Red Cross.

Of course, the Krever report did not come down in April. It was delayed by the efforts of the Red Cross and two pharmaceutical companies to prevent Judge Krever from making findings of misconduct. Late last month, the court decreed that such a limitation would make the report pointless.

Will the government reassure us that it will not act in setting up the new blood system to replace the Red Cross until it has studied Judge Krever's report, now due on November 21, 1997?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I could not give an unequivocal positive answer, but what the honourable senator is saying seems perfectly logical. I know that there have been many discussions between the new Minister of National Health and Welfare, Mr. Rock, and his provincial counterparts on this very important subject.

I commend the Honourable Senator Doyle for having raised this important matter on many occasions with my predecessor Senator Fairbairn. The record will show that he indeed has expressed concern on a number of occasions.

Now that we have a new minister, allow me to consult with that minister, and give him the advice of Senator Doyle as well as my own.

Senator Doyle: My supplementary question has to do with the continuing interest of the intervenor groups, many of whom chose not to accept their most recent invitation to confer with the health minister.

Are these victims of tainted blood and survivors of those who have died of AIDS and hepatitis still on the agenda of the government?

Senator Graham: I would presume so, but I would have to confirm that for my honourable friend.

[Translation]

FISHERIES AND OCEANS

ATLANTIC GROUND FISH STRATEGY—
COMMENTS OF THE AUDITOR GENERAL

Hon. Gérard J. Comeau: Honourable senators, my question is for the Leader of the Government. I would like to congratulate him on his new appointment, as I have not yet had the opportunity to do so. This is a very important position for the government, given the results of the last election, as well as for our fellow citizens in Atlantic Canada.

The minister is, no doubt, aware of the Auditor General's statement that the TAGS program is a total failure.

The strategy, which was aimed at restructuring, has not met its objectives in the least. The government has even abandoned its commitment to provide support over five years to the fishers who were expecting that support. Can the minister advise us when the Minister of Fisheries and Oceans will accept the conclusions in the Auditor General's report, and when he will announce a national policy which will enable Canada to have viable fisheries?

[English]

Hon. B. Alasdair Graham (Leader of the Government): My honourable friend is somewhat of an expert on the fishery, as he was chairman of the Fisheries Committee in the last Parliament as well as being a champion of the fishermen of our area throughout his career in this chamber, as well in the other place.

As has been announced, the TAGS program will end in May of 1998. As the honourable senator knows, a review has been announced by the responsible minister. That person is now in place and the review will be undertaken in the coming weeks. We are hopeful that a report will be made before the year is out.

[Translation]

Senator Comeau: I am very pleased to hear that the report by the commission studying this matter will be tabled by the end of May. Can we expect a new program to be put in place on May 1, so that we may announce it to our fellow citizens in Nova Scotia and the rest of Atlantic Canada?

[English]

Senator Graham: For the moment, it has been made clear by the government that the TAGS program will end as of May 1998. As to any replacement program, we will wait for the review to be done.

TRANSPORT

FAILURE OF CRTC TO GRANT LICENCE FOR LAST REMAINING FM
FREQUENCY TO MULTICULTURAL STATION IN TORONTO—
POSSIBILITY OF REVERSAL OF DECISION—
GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. The CRTC recently made a disastrous decision to award the last FM frequency in Metro Toronto to the CBC. That decision has been appealed to the cabinet.

Will the government now admit that the statements made by the Minister of Heritage that she wanted this frequency reserved for the CBC had an influence on what the CRTC decided? Will they now do what is right and reverse that decision?

Hon. B. Alasdair Graham (Leader of the Government): I know that the honourable senator understands that it would be inappropriate for me to comment on discussions that are ongoing in cabinet. However, I can assure the honourable senator that his representations will be taken into account, and will be taken directly by me to the appropriate minister; that is, Minister Copps.

Senator Oliver: Could the minister advise whether it has been brought to the attention of the cabinet that three of the five decision-makers on the CRTC were formerly CBC employees?

Senator Graham: I am not aware of that, but it certainly will be in the public record as of now.

FOREIGN AFFAIRS

ALLEGATIONS BY AMBASSADOR OF CORRUPTION IN MEXICO—
GOVERNMENT POSITION

Hon. Edward M. Lawson: Honourable senators, my question for the Leader of the Government in the Senate is with respect to our recent ambassador to Mexico, Marc Perron, who made allegations of corruption in Mexico. I do not know on what basis he would make such outrageous allegations.

He said that the support of Mexico in fighting drugs is a joke. When the U.S. Drug Enforcement Agency sent four police officers on a major drug bust, all four were killed, not by the drug dealers but by the Mexico police who were on the payroll of the drug dealers. I suppose one might consider that corruption.

When the workers of an American company, established in Mexico, tried to organize themselves and form a legitimate free trade union, instead of the usual company union or government-controlled union, all four leaders of the workers' group were killed by the Mexican authorities. I suppose one might think that that is corruption.

Last year, the police commissioner of Mexico City called a meeting of police officers to deal with alleged corruption in the police force. Fourteen policemen arrived for the meeting driving stolen cars. One might think that that is corruption.

My all-time favourite is Raoul, the brother of the former president. He worked as a public servant and was paid about 70,000 pesos a year. When they grabbed him at the New York airport because he had \$70,000 U.S. in cash in his pocket, his explanation was that he had just cashed his paycheque.

• (1450)

This man was a good public servant who had kind of a bent towards savings. With his 70,000 pesos per year, he had managed to accumulate 6 villas, 14 farms, and he was on his way to visit two of his savings accounts: one in Europe, where he had managed to save \$20 million, and one in Switzerland, where he had managed to save \$90 million. I suppose some might consider that to be somewhat corrupt.

He is now in jail, being held as the alleged major conspirator in the assassination of the chosen successor for his brother, the former president. The former president came to hide here in Canada. When word got out about his brother, I believe he went into hiding in Ireland. He does not dare go back to Mexico because he might be assassinated. I think there are some who might consider that as some type of corruption.

I understand the former ambassador has been recalled to Canada by his own choice because he cannot continue to function. I want assurance from the responsible minister or the government that this outstanding public servant, the former ambassador, will not be disciplined for telling the truth about the sordid corruption in Mexico.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Lawson's comments will make interesting reading for many people in many parts of the world. I do not know anything about the bank accounts or the amount of money of which he speaks. It is a pity — and this is on a lighter note, although the situation must be taken seriously — that those deposits were not made in Cape Breton.

Ambassador Perron's remarks were inappropriate as a diplomat, as a public representative of Canada, and his request to return to Ottawa has been granted. He made the request. Canada-Mexico relations have not been affected. In fact, President Zedillo and the Prime Minister discussed this matter in a telephone call only last Friday.

With respect to any disciplinary measures, I leave that to the appropriate officials.

FOREIGN RELATIONS

MISUSE OF CANADIAN PASSPORTS BY ISRAELI AGENTS—
POSSIBILITY OF APOLOGY—RETURN OF AMBASSADOR—
GOVERNMENT POSITION

Hon. Marcel Prud'homme: Honourable senators, I am glad that the prime ministers have spoken to each other. My question is about another prime minister.

[Translation]

Honourable senators, has the Prime Minister of Canada received an official apology from the Prime Minister of Israel over the fraudulent use of passports, which will long tarnish Canada's reputation?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that any official apology has been received by our Prime Minister from the Prime Minister of Israel.

[Translation]

Senator Prud'homme: Can the minister assure us that he will ask the Prime Minister of Canada that the current Canadian ambassador to Israel not return so long as this matter of fraudulent passports is not settled?

Honourable senators, the more answers we hear in response to questions from the press, the more we follow current events in Jordanian and Israeli newspapers, the more clouded the question becomes. At the moment, there are more questions than answers.

Could the minister assure us that he will pass on to the Prime Minister my wish that the current ambassador not return to Israel, as confirmed by the Minister of Foreign Affairs, Mr. Axworthy, who said that the Canadian ambassador would most certainly not return to Israel so long as the minister remained dissatisfied with the answers he received.

Parliament will probably not sit next week, and the disinformation campaigns have already begun. Again, as we read in yesterday's *Ottawa Citizen*, suddenly —

[English]

— out of nowhere, the RCMP is informing us that two people with "Arabic names" will be sued for the fraudulent use of passports. There have been inquiries about that matter since last May. I repeat again, the trial may not take place until next April.

It is very strange that, at this time and out of nowhere, this other issue arises to divert our attention away from the real issue, that is, the abuse to which Canadian passports have been subjected.

Senator Graham: Honourable senators, it is my understanding that Canada's ambassador to Israel will not return until the Prime Minister and Minister Axworthy are satisfied that things are in order with respect to that most recent incident.

JUSTICE

SALE OF AIRBUS AIRCRAFT TO AIR CANADA—SETTLEMENT IN LIBEL ACTION TO FORMER PRIME MINISTER— GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, I have a somewhat curious matter to bring to your attention.

In going through today's "Quorum," I see many items from today's newspapers that reflect the issues of the day. However, one of the most significant issues of the day, which was brought to the attention of the public in the headline at the top of today's *Globe and Mail* does not appear in the "Quorum." Yet, I see in "Quorum" that a French version of the same story was reprinted from *La Presse*. The headline in *The Globe and Mail* states, "RCMP to pay Mulroney \$2-million."

Why was this story missed? *The Globe and Mail* is Canada's national newspaper. It goes out across the country. Why was this story not reprinted in "Quorum?"

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that is an interesting question, the answer to which I do not know. I say that because I do not even know who puts "Quorum" together.

The honourable senator has prompted a point of interest. I will be happy to find out for my colleague. I do not know if I can influence the editorial judgment of those who put "Quorum" together.

Senator Stratton: Honourable senators, I thank the Leader of the Government for his response. I appreciate it.

I should also like to ask the Leader of the Government why he thinks that the Prime Minister and the former minister of Justice, Mr. Rock, are paying this \$2 million to the former prime minister.

Senator Graham: Honourable senators, I understood that that was part of the agreement. The amount of the final settlement was determined by former Quebec chief justice Mr. Gold after receiving submissions from all parties concerned. The settlement amount of \$2 million plus, as the honourable senator knows since he read *The Globe and Mail* so carefully this morning, will go to pay for legal fees, translation costs and, indeed, public relations costs, all of which Mr. Gold found to be incurred reasonably by Mr. Mulroney.

According to the terms of the settlement agreement, Mr. Gold's ruling is final. It is binding. The government is respecting that ruling. The RCMP will pay for the costs within its approved budget, without having any adverse impact on core policing functions. I do not know what else I can say. It was part of the agreement.

Senator Stratton: Honourable senators, the truth of the matter is that the former minister of Justice made a statement to the media that the former prime minister has not been found guilty, but neither is he innocent. If that is the case, why has the Prime

Minister not asked for the resignation of the former minister of Justice?

• (1500)

This money is not being paid to Brian Mulroney. It is being used to cover his legal costs, et cetera. Not one nickel of it goes to former prime minister Brian Mulroney. Not one nickel! He is still \$40,000 short, honourable senators.

I say to you that if the former minister of Justice, Mr. Allan Rock, can stand in front of the media and make a statement like that about an award of over \$2 million, I think he should resign.

SALE OF AIRBUS AIRCRAFT TO AIR CANADA—SETTLEMENT IN LIBEL ACTION TO FORMER PRIME MINISTER— INVESTIGATION AND IDENTIFICATION OF AGENCY AT FAULT—GOVERNMENT POSITION

Hon. David Tkachuk: Honourable senators, before I follow up on that subject, I would say this: I know that Senator Graham is new to his job, but perhaps when Senator Oliver asked his question about overturning a ruling of the CRTC, it would have been more helpful of Senator Graham had directed Senator Oliver to call Mr. Chrétien at Power Corporation. They seem to be very good there at overturning rulings of the CRTC, and perhaps they could help out that radio station.

I turn again to the settlement payment announced yesterday by the Government of Canada. Interestingly enough, the press release refers to the government as "the RCMP." At least the government has therefore admitted that they have made a mistake — a \$2-million-plus mistake.

There were a lot of players in this game: There was the RCMP; there were the prosecutors at the Department of Justice; there was the Deputy Minister, as well as his associates in the Department of Justice; there was the minister himself; there was the Privy Council Office; there was the PMO, and there was the cabinet.

I want to know — and I am sure the Canadian people want to know, since the cheque has been written — who among these people are responsible for making the mistake?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the RCMP is writing the cheque. You can draw your own conclusions.

Senator Tkachuk: If the RCMP is writing the cheque, then you are saying that they are responsible. If the RCMP is responsible — since they are the ones who apologized — but who in the RCMP is responsible? Has the commissioner resigned? Has anyone been fired? You cannot have people responsible for a \$2-million mistake and not even have anyone chastized. However, I will take your word for it and I will draw my own conclusion. I think all senators on this side will agree that because of what you have said, the RCMP is responsible — even though you did not quite say that. It is hard for a Liberal to say things like that.

In any event, I want to know who in the RCMP is responsible, and I want to know what action will be taken by the government to make those individuals pay for the mistakes that they have made.

Senator Graham: My understanding is that there is an ongoing internal investigation in the RCMP. Presumably the findings of that investigation will be made known at the appropriate time.

BUSINESS OF THE SENATE

EXTENSION OF QUESTION PERIOD

The Hon. the Speaker: Honourable senators, the time for Question Period is over.

Hon. Gerry St. Germain: I would ask for leave to extend the time, Your Honour.

The Hon. the Speaker: Senator St. Germain, I am sorry, but I have a problem regarding Question Period. If you go back and read the transcripts, you will find that a number of speeches were made. If there were questions rather than speeches, we would have time for more questions. However, the time for Question Period is already five minutes over.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on a point of order, a senator has the right to ask leave to either revert to a previous item or to extend a present item, or to jump up and adjourn it immediately. Senator St. Germain is asking for leave to extend Question Period, and His Honour the Speaker does not have the authority to refuse his right to ask for leave.

The Hon. the Speaker: Is leave granted to extend Question Period?

Hon. Senators: Yes.

JUSTICE

SALE OF AIRBUS AIRCRAFT TO AIR CANADA—SETTLEMENT IN LIBEL ACTION TO FORMER PRIME MINISTER—CENSURE OF RCMP OFFICER INVOLVED—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, my question is on the same topic as that raised by Senators Stratton and Tkachuk.

As I walked to the Senate today, I was approached outside the building by a member of the RCMP Association. They have been forced to create a defence fund for one of their lower-ranking officers who is being investigated in regard to this Airbus situation.

How did the government, the PMO, the PCO, the cabinet, the Prime Minister and Minister Rock manage to get the RCMP to

assume the responsibility and all of the blame when it was a meeting between Minister Rock and Stevie Cameron, or Susan Delacourt, or someone else in the media which allegedly triggered this whole initiative? Are we saying now that anyone at the top can do what they want and it will be fed down to someone at the bottom of the ladder, who will then be held responsible and who will need to establish a defence fund to defend themselves, while the government does not even defend the institutions that they are supposed to be administering? Is that the way it goes?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator St. Germain obviously knows more about this matter than I do, and he is free to draw his own conclusions.

Senator St. Germain: Honourable senators, I do not think that a minister of the Crown, who sits in cabinet, should be telling the rest of the country to draw their own conclusions because he does not have the information. That is irresponsibility on the part of the cabinet, and of this particular cabinet minister.

GOVERNMENT CONTRACTS IN QUEBEC—ALLEGATIONS OF KICKBACKS TO LIBERAL PARTY FUND-RAISERS— GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, I have another question to ask of the Leader of the Government in the Senate. Is the RCMP presently investigating the toll-gating that has allegedly taken place in the Province of Quebec with kickbacks to their fund-raisers?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer to the last question is in the affirmative. I understand that there is an investigation ongoing at the present time.

BUSINESS OF THE SENATE

TIME LIMITATIONS ON SENATORS' STATEMENTS AND QUESTION PERIOD—POINT OF ORDER

Hon. Marcel Prud'homme: Honourable senators, what I like about the British parliamentary system is the strength of the precedent. Earlier today — and I am trying to be helpful for the future and hopefully helpful to you, Your Honour — the Speaker said at the end of Senators' Statements that, with permission, those who were not recognized today he will recognize first tomorrow.

This, to me, is quite a dangerous precedent. If there were 25 senators who wished to speak today during Senators' Statements, then I can imagine the embarrassment that the Speaker might find himself in at the next session. First, he would need to go through the list to see if those senators were present in order to be given priority. Second, how could one recognize that a senator's statement might be very important and relevant on one day, but might not be so important or relevant next week?

I would kindly suggest that, yes, tomorrow, the Speaker may recognize those who were not recognized today, as he has indicated — and I abide by that — but that he might reserve judgment as to the precedent which could be created in the future by such an action.

I was glad to be joined today by an independent member. That means the independents will participate more and more until a third one will also do likewise. However, we are reminded not only that there are certain limits to the time for questions but also for Senators' Statements. You know my custom; I talk until I am told to sit down, or until I see that His Honour is impatient and stands up; then I sit down. That is the duty of the Speaker, and I recognize his authority to tell us if, and when, the time is up.

However, on that question of the precedent, I would hope, Your Honour, to be helpful to you for the future by saying that this should not become de rigueur.

The Hon. the Speaker: I thank Senator Prud'homme for raising the point of order. He has made a valid point. However, what I did was to ask the for the Senate's permission to do this. As happened a moment ago, on the matter of Question Period, when leave was granted to extend, I simply asked the senators if they wished to do so, but I think the point you raise is valid.

• (1510)

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I just want to make a couple of points with reference to the point of order raised by Senator Prud'homme, and to call the attention of all honourable senators to rule 22(6) which provides that

Senators making interventions during this time —

meaning at the time for Senators' Statements

— shall be limited to speaking once for no more than three minutes;

However, there are exceptional circumstances, and the exceptional circumstances are provided for in this very rule, for it continues by stating:

...however, a Senator may seek leave to extend his or her remarks.

Honourable senators, that is a very important part of that rule. When the senator has gone beyond his or her three minutes, it is his or her right to request an extension of that time. That request has to be put to the entire chamber, and either the senators request to extend the time will be granted, or it will not.

If the senator has asked leave to extend the time and it is granted, it is important for us to note what has been granted. That is provided for in rule 22(7). That senator could literally take up the rest of the time for Senators' Statements. As we all know, the time for Senators' Statements is 15 minutes, so one senator could get up and, if we granted him or her leave to continue beyond

three minutes, that senator could use up all the time, which would, of course, be unfair to the rest of the house.

We appreciate the Speaker's attempt to try to manage this situation, but sometimes there is a caucus interest on one side of the chamber or the other, and there is a provision for the whip on either side to make an intervention. I refer honourable senators to rule 22(8), because that section provides that:

At any time during the time provided for consideration of "Senators' Statements," either Whip may approach the Speaker and request that the time provided for the item be extended...

In other words, it is within the mandate of the two whips to approach the Speaker to request an extension of that 15 minutes, for any reasons that either side might have, and that is a decision that, again, has to be put to the assembly here to decide.

I think it is important that we are all mindful that it is the senators who are in charge of our conduct in this chamber, and that the Speaker's role is to help us along the way. The rules are quite clear, but from time to time perhaps we are less than attentive to those rules.

The Hon. the Speaker: I am sorry, Honourable Senator Kinsella, when a point of order is raised, I should listen to all who wish to make a point. I did not see you rise. That is the reason I made my comments. Thank you for your comments.

[Translation]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADOPTION OF ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forest, seconded by the Honourable Senator Mercier, for an Address to His Excellency the Governor General in reply to his speech at the Opening of the First Session of the Thirty-sixth Parliament.—(3rd day of resuming debate)

Hon. Marie-P. Poulin: Honourable senators, many years hence, when historians think back to the end of the 20th century and the beginning of the 21st, they may wonder what values marked this transition.

Future scholars of Canada's history will certainly look at the issues that concerned us, at how we handled the key ones, such as the unity issue, and at how we steered our course among the difficult economic, social, and cultural options open to us.

When that time comes, these decisions will already belong to history and to our generations, who will have lived with the consequences of this 36th Parliament.

The Leader of the Government in the Senate, the Honourable Al Graham, reminded us yesterday, and I quote:

Our ancestors sought peace, prosperity, and, above all, freedom.

That is why, if we want Canada to continue to prosper in the 21st century, the decisions awaiting us over the next four years are vital to the vigour and prosperity of this great and beautiful country.

It is my wish, and yours too, I am sure, that this Parliament go down in history as having emphasized what we have in common, whatever our differences.

The Speech from the Throne very clearly paves the way for this, through its equitable and balanced approach to governance. When we look at many other countries, we can rightly say that equity and balance are the foundations on which Canada has built during the 130 years of its history.

The sacrifices made by Canadians in recent years, while the Liberal government was putting the country's finances in order, prepared the way for a stronger Canada, a Canada ready to embrace the future with renewed optimism and a new vision.

The Throne Speech quickly points out that we must ensure that no one is left behind as we plan for the future.

This is as it should be. It is a fair and reasonable objective. Nobody will be shunted aside in the name of progress and Canada will become even stronger and more united as a result.

The government has come up with a balanced strategy that will, on the one hand, open up opportunities for our young people, and on the other, ensure the security and comfort of our seniors.

In addition, the government is seeking a harmonious balance between the needs of young people and seniors, and job creation and economic growth policies.

I would like to list some of the measures the government intends to take to ensure this equity and balance.

[English]

Let us turn our thoughts to younger Canadians. In Canada, during this Thirty-sixth Parliament, a variety of programs are being planned or implemented that demonstrate this country's commitment to its children: significant increases in contributions to the Child Tax Credit plan; the National Child Benefit System in cooperation with provincial and federal governments; a National Children's Agenda; the Head Start Program for

Aboriginal Children; improvements in financial incentives through the Canada Student Loans Program to widen access to post-secondary education.

The non-governmental sectors have joined the government's efforts with a wide range of initiatives that include internship programs, enhanced funding of student summer placement, a mentoring program, expanded community-based programs for youth with low education and skills, Career Edge and the Corporate Council of Youth in the Economy.

Honourable senators will recall that the Prime Minister has now proposed a Millennium Fund of some \$100 million for post-secondary education.

• (1520)

We all remember the old Chinese proverb that says, "If you plan for a year, plant a seed. If you plan for 10 years, plant a tree. If for a hundred years, educate the people."

Let us now turn our thoughts to older Canadians. While quality care and a good health system are of concern to all Canadians, seniors understandably could be troubled by changes to health and social programs. The Speech from the Throne reassures Canadians of the government's commitment to a publicly administered, comprehensive health care system that provides universal access to high quality care anywhere in the country. By guaranteeing annual cash payments of \$12.5 billion to the provinces and territories for health and social programs, the government is assuaging any fears that these programs may be gutted. The government is looking at initial additional initiatives such as developing a national plan for better access to medically necessary drugs, helping provinces innovate in primary care, home care and community care, the new seniors benefit to ensure the public pension plan remains sustainable and, of course, building safer communities.

Now, let us remind ourselves of the bottom line: It would not be possible to pay for all these programs without an equally balanced approach to financial management. Here, a number of factors have combined to set the stage for economic growth, jobs and prosperity. First, the government has brought spending under control; second, it is committed to a balanced budget no later than fiscal year 1998-99; third, it is attempting to lower the rate of inflation; fourth, interest rates are at their lowest in three decades; and, fifth, there are record sales of goods and services abroad. These factors bode well for Canada as the government marshals the country's talent, resources, technology and institutions to compete in the knowledge-based economy of the 21st century.

Working in partnership with provincial governments and the private sector, with universities and with other research establishments, Canada can and will continue to take on the world in aerospace, biopharmaceuticals, biotechnology, agriculture, fisheries and technology such as environmental information and telecommunications.

[Translation]

Honourable senators, as His Excellency the Governor General of Canada stated in his Speech from the Throne, and I quote:

The Government is committed to following this balanced approach of social investment and prudent financial management as it leads Canada toward renewed and lasting economic health and increased social cohesion.

We still have enormous potential as a nation, and our diversity is the conduct for our dreams and aspirations to a productive future for all Canadians.

With your support, honourable senators, I trust we shall succeed.

[English]

Hon. M. Lorne Bonnell: Honourable senators, I rise today for what will more than likely be my last address in reply to a Speech from the Throne.

Senator Carney: Say it is not true!

Senator Bonnell: In less than three months I will wind up my 26-year career in the Parliament of Canada which, combined with my 21-year career in the legislature of my native province, brings me to a total of 47 years representing the people, my province and my country.

Hon. Senators: Hear, hear!

Senator Bonnell: Having experienced 18 federal speeches from the Throne and 21 provincial speeches from the Throne, I have participated in a total of 39 debates on addresses in reply to Speeches from the Throne. I have participated in eight federal elections and six provincial elections. I have served under nine different prime ministers and six different premiers, nine different governors general and nine different lieutenant governors and two monarchs, namely, King George VI and Queen Elizabeth II.

It has been an enjoyable and memorable time, but I still believe there is much to contribute to this chamber, to my province, Prince Edward Island, and to Canada before my mandatory retirement date which is not too far away.

I am pleased to say that this has been one of the most optimistic and forward-looking Throne speeches in the past decade. No senator can be more excited than I am to see the strong emphasis placed on youth, knowledge, education and innovation.

Hon. Senators: Hear, hear!

Senator Bonnell: It is very obvious that the government has been hearing the same messages as those presented to our own Subcommittee on Post-secondary Education in the last Parliament.

I am sure the members of our former subcommittee would support me when I say that the most common themes expressed in our hearings were the importance of a solid post-secondary education and lifelong learning, better access to education through student assistance and lower debt burdens, and placing a higher priority on research and development, all of which are reflected in the Speech from the Throne.

Honourable senators, the Speech from the Throne outlines an ongoing commitment by our government to support higher education and research and development. Measures adopted in the 1997 Budget will increase support for post-secondary education by \$137 million in 1998-99 and \$275 million annually when the budget changes are fully implemented. The budget provided assistance to students and their families to cope with the rising cost of post-secondary education; to students facing higher debt loads after graduation; and to parents saving for their children's education.

These initiatives built upon the \$80-million increase in direct federal tax assistance for post-secondary education provided in the 1996 budget.

More specifically, the amount used to access the education tax credit was increased immediately to \$150 per month from \$100, and to \$200 per month for 1998 and subsequent years. The tuition tax credit was extended to mandatory fees set by post-secondary institutions to cover the costs of education.

The 1997 budget extended from 18 months to 30 months the period of time during which students are allowed to defer making payments on their Canada Student Loans. Combined with the initial six months after graduation when no payments are required, students now have up to three years of help in dealing with their loans. As well, annual contribution limits to RESPs, registered education savings plans, were doubled to \$4,000, providing major incentives for increased savings for education.

Our government also established the Canada Foundation for Innovation. Funded through an up-front investment by the federal government of \$800 million, it will provide an annual average of \$180 million over five years to help renew research infrastructure at Canadian post-secondary institutions and associated research hospitals.

Furthermore, honourable senators, never before has post-secondary education played such a prominent role in a federal election campaign. Each of the main political parties running candidates in more than one province included higher education in their published platforms.

• (1530)

From student loans to R&D and federal transfers, each party made commitments to ensure that Canadians would be better able to meet the challenges of the future. Liberal promises included raising the cash floor on the Canada Health and Social Transfer to \$12.5 billion in 1998-99; providing permanent funding for the network of Centres of Excellence at the level of

[Senator Poulin]

\$47 million a year; and expanding assistance to students with dependants by providing grants of up to \$3,000 per year to assist them with the cost of education.

The 1997 budget initiatives and our campaign platform were warmly received within the higher education community and were recognized as a revitalized commitment by our government to continue to have a strong federal role in Canadian post-secondary education.

Indeed, throughout the months of testimony and study by the Subcommittee on Post-Secondary Education, almost every witness expressed the need to maintain a strong federal presence in higher education, whether in the form of transfer payments, funding research and development, student financial assistance or pressing international issues. Their conclusion is that the federal government has a coordinating and cooperating role to play if we, as a nation, are to face the demands of the 21st century.

The Speech from the Throne and the Prime Minister's Address in reply outlined our government's commitments. The Prime Minister said:

...we believe government in the 21st century must be an efficient, effective partner that makes wise and strategic investments in areas that really count for the future prosperity of our country. One of these areas is knowledge and learning... There can be no better role for government than to help young Canadians prepare for the knowledge based society of the next century.

More specifically, and most important, the Speech from the Throne identified the reduction of the barriers to accessing education and the easing of student assistance debt burdens as two major priorities for this mandate. These priorities will be carried out by further changes to the Canada Student Loans Program, increased assistance for students with dependants, and new scholarships to encourage excellence and to help low- and moderate-income Canadians attend university or college.

The Prime Minister provided some of the details of these new scholarships, citing the Canada Millennium Endowment Fund as another one-time investment in learning and knowledge, similar to the Canadian Foundation for Innovation. The Endowment Fund will provide thousands of scholarships each year, beginning in the year 2000. It will be at arm's length from the government; it will reward academic excellence and will target low- and moderate-income Canadians to help them attend universities and colleges.

The Prime Minister has said that the government will work closely with appropriate partners to help in the actual design of the fund. I am sure the partners within the Canadian higher education community will have much to say. I can assure you, honourable senators, that this is a very vocal constituency.

Perhaps I, too, can offer some of my advice to the government and the Prime Minister on this most important project for the millennium. Until the formal announcement is made by the Minister of Finance next month, we will be unsure of exactly how large the contribution will be to the Endowment Fund.

Speculation puts the investment at between \$1 billion and \$2.5 billion. The interest generated would then assist 10,000 to 50,000 Canadian students on an annual basis. Indeed, the more students the Endowment Fund can aid, the better. Federal assistance through the Canada Student Loans Program in 1995-96 totalled \$1.3 billion, and this figure does not include loans provided by the provinces. It is obvious to me — and it was obvious to our subcommittee — that the federal government must find the best way to help those students who are most in need.

The Prime Minister also said that the Endowment Fund will reward excellence. Some may interpret that to mean that there will be a merit component to the millennium scholarships. To quote from the report of our subcommittee:

...helping to ensure the continuing excellence of post-secondary institutions must become a priority.

Honourable senators, nothing can aid in the continuing excellence of our universities and colleges more than ensuring that our best and brightest students are recognized for their academic achievements, and nothing can promote and encourage the excellence expected of our students better than a new national scholarship for the 21st century.

The policy debate which the higher education community may face, however, is balancing financial need and rewarding excellence. In my opinion, it is often very difficult to accomplish these two goals with the same policy tool because students in need — or any Canadian in need — have added stress. As our subcommittee was told, while attending classes they must usually take on one or two part-time jobs, or even a full-time job, just to make ends meet. They do not necessarily eat properly and, if living at home, may have to care for a younger brother or sister. The stress of being a student in financial need, of worrying about how you will pay the next tuition, affects your school work.

Honourable senators, please do not see this as an excuse, but rather view these as the added challenges faced by some students every year as they complete assignments and write exams.

What happens if you add the stress of attaining a hypothetical B+ average to these challenges? What if the student in need only receives a B? Then he or she cannot go to college next fall if their \$2,000 millennium scholarship falls through. A B grade is a very good university or college average, but it is lower than the hypothetical B+ needed to qualify for the millennium scholarship. How many B- average students in need will there be in the year 2000? I believe that there will be too many.

That is the policy problem with linking need and merit. Too many high-needs university and college students, still performing at a level of excellence, still doing their best, will not qualify for the award.

Instead, honourable senators, I propose two options for the design of the new Canada Millennium Endowment Fund. The first would be to place the emphasis for the scholarship requirements solely on a needs basis. The moneys would be distributed to those university and college students who need it most, reducing their debt loads and giving them access to

post-secondary education. The scholarship would reduce the number of high-needs dropouts, promote excellence and lower stress levels, and ensure that every academically qualified student uses their new skills and abilities in our growing economy.

Last year's Student Assistance Reform Initiative proposed by a coalition of seven partners in the higher education community recommended creating such an award for high-needs first-year students. They said:

Evidence from the U.S. shows that reducing the debt burden for first-year students from low-income backgrounds significantly increases school retention.

The second option is to have two funds: one for merit and one for need. The merit-based scholarships would still target low- and moderate-income Canadians, helping them attend university or college. The strictly needs-based award, or bursary, would promote and encourage excellence in another way: ensuring all Canadians have an opportunity to prove themselves in a post-secondary institution.

• (1540)

I realize that splitting the available funds into two categories may weaken the impact intended for the award. However, I doubt it. Instead, it could only strengthen this government's commitment to ensuring access to higher education, lowering debt loads and promoting excellence. I am sure these and other opinions will be presented to the government by the higher education community in the months to come, as the parameters of the endowment fund are fleshed out.

Honourable senators, I know that with the proper policies, objectives and the right type of design, the Canadian Millennium Endowment Fund will be truly a forward-looking initiative that will leave a lasting and living legacy of our commitment to the future of Canada.

One of the great, lasting themes of the Speech from the Throne is that of partnership, and the Millennium Scholarship Endowment Fund is a fine example of that cooperative spirit. In fact, would it not be an even more meaningful legacy if average Canadians, small businesses and large corporations were able to contribute directly to the endowment fund, demonstrating not just the government's commitment but our nation's commitment to be the best, and to the support of the best in the 21st century?

Later today, honourable senators, I will speak to my motion for a special committee to finish our study on post-secondary education. I hope you will listen then, as you do now, and understand how important our work is for the future of Canadian higher education and for the future of our country.

My time in this chamber may be coming to a close, but that will not stop me from ensuring that this country embarks upon the future it deserves.

Hon. Landon Pearson: Honourable senators, I should like to add my voice today to those of my colleagues who have already spoken so eloquently in the Address in reply to the Speech from

the Throne, and who have brought various aspects of that speech to our attention. While I support each and every one of the themes outlined in the text of the speech, especially the one concerned with "building a stronger Canada," my own brief observations will focus on the section that refers specifically to children.

Honourable senators can imagine how delighted I was on listening to the speech to discover the prominent place that children had been given on the national agenda. My concern now is that we understand why investing in children is so important to the well-being of our country because, when we do, then I am sure that not only will we support the commitments to children made in the Speech from the Throne, but we will also be prepared to push well beyond them so that, in the new millennium, no child in Canada will be left behind.

Normally, as my honourable colleagues know, I address issues related to children from the point of view of their rights as described in the United Nations Convention on the Rights of the Child. Today, however, I should like to adopt a more economic perspective.

In his fine speech yesterday, Senator Graham referred to Canada's social capital as our most powerful resource, describing it as "the problem-solving capability that comes from shared experience." Social capital is a relatively new phrase to me, but I like it. Over the years, I have come to understand that the economic health of a nation depends to a great extent on finding the proper balance among the various categories of capital that a country has at its disposal, and social capital is just as important as material and infrastructure capital.

Social capital is not the same as human capital. For some time, we have recognized the value of human capital. We have poured resources into its creation, building it up, ensuring that most individuals in our population are now healthier and better educated than they ever were before. Generally speaking, less attention has been paid to our social capital, to our norms, our institutions, our networks, our organizations, our traditions and attitudes that, all together, create or destroy social cohesion. When economic policies fail to take into account their impact on social capital — which historically has often been the case — and diminish the bonds of trust that hold people and communities together, then that nation or jurisdiction fails to thrive.

During my years in the former Soviet Union, I learned that, in a community, no matter how strong its material base or how educated its population, its economic development cannot be sustained when its social capital has been depleted. Without positive relationships in personal, community and institutional contexts, the shared values and the widely accepted democratic processes that all together make up social capital, no real progress can ever be made.

This is why I am so happy about the themes in the Speech from the Throne, most of which I believe can be seen as contributing to our social capital. This is particularly true of the promised investment in children. Families emerging from poverty with the help of the Canada Child Tax Benefit will be more nurturing environments for children. The strategies to be agreed upon by the federal, provincial and territorial

governments in the National Children's Agenda should strengthen communities, making them safer and more supportive. The centres of excellence for children will deepen our understanding of children's development and well-being, including the important role of their social environments.

The expansion of the successful community-based Aboriginal Head Start program on to reserves will ensure a better start for all aboriginal children. Measuring and monitoring the readiness of children to learn will engage more and more partners in early childhood education.

The knowledge and information infrastructure which will soon be accessible to all children — and how they love it — will connect them to one another across the country, and exchanges among young Canadians will enhance our sense of mutual trust.

Honourable senators, I know that many children have problems that neither this Speech from the Throne — nor indeed any other — will ever resolve. However, I am very encouraged by the direction this speech has taken. The challenge now is to ensure that we stay the course, so that our investment in children will pay off for them as well as for us.

On motion of Senator Kinsella, debate adjourned.

[*Translation*]

QUEBEC

LINGUISTIC SCHOOL BOARDS—AMENDMENT TO SECTION 93 OF CONSTITUTION—ESTABLISHMENT OF SPECIAL JOINT COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Graham, P.C., seconded by the Honourable Senator Adams,

That the Senate do unite with the House of Commons in the appointment of a Special Joint Committee of the Senate and the House of Commons to study matters related to the proposed resolution respecting a proposed Amendment to Section 93 of the Constitution Act, 1867 concerning the Quebec school system;

That seven Members of the Senate and sixteen Members of the House of Commons be members of the Committee;

That the Committee be directed to consult broadly and review such information as it deems appropriate with respect to this issue;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee have the power to report from time to time, to send for persons, papers, and records, and to print

such papers and evidence as may be ordered by the Committee;

That the Committee have the power to retain the services of expert, professional technical and clerical staff;

That the quorum of the Committee be twelve members whenever a vote, resolution or other decision is taken, so long as both Houses are represented, and that the Joint Chairpersons be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present, so long as both Houses are represented;

That the Committee be empowered to appoint, from among its members, such sub-committees as may be deemed advisable, and to delegate to such sub-committees all or any of its powers except the power to report to the Senate and the House of Commons;

That the Committee be empowered to authorize television and radio broadcasting of any or all of its proceedings;

That the Committee make its final report no later than November 7, 1997;

That, notwithstanding usual practices, if the House or the Senate are not sitting when the final report of the Committee is completed, the report may be deposited with the Clerk of the House which is not sitting, or the Clerks of both Houses if neither House is then sitting, and the report shall thereupon be deemed to have been presented in that House, or both Houses, as the case may be; and

That a Message be sent to the Senate to acquaint that House accordingly.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, having read the words of the minister responsible for sponsoring this motion in the House of Commons, and having listened to Senator Hébert yesterday, we must question the lack of importance the government attaches to the striking of a joint committee and the mandate it wishes to confer upon that committee. Its key spokespersons, in fact, insist that the government is totally in agreement with the request from the Quebec National Assembly. One has only to read the House of Commons Hansard for October 1 to realize just how firmly, enthusiastically even, the government was in favour of the request from Quebec. That enthusiasm was echoed here yesterday, although the government is moved to hold hearings for some rather disquieting reasons. In short, these hearings are not meant to clarify, and to openly and without prejudice analyze the bill entrusted to the proposed committee — the traditional role of a committee. On the contrary, the government accepts the creation of a committee for the following reasons, and I quote Senator Hébert:

...do we not have a duty, as parliamentarians, to inform dissenters of the scope of the proposed amendment and to try to convince them that it is well founded...

I would stress the closing words of this quotation from Senator Hébert, speaking for the government:

...to try to convince them...

Referring to the dissenters, he adds:

...to convince them that it is well founded...

As luck would have it, I rose yesterday to denounce the gradual erosion of Parliament's role that has taken place for many years now. I did not expect that cry of alarm to be confirmed to such an extent that this government would be openly prepared to restrict the role of parliamentarians to convincing any opposition to come on side with a government measure.

[*English*]

Not to be misunderstood, Senator Hébert was equally categorical in English when he stated, as recorded in yesterday's Hansard:

Accordingly, the hearings hope to clarify the debate and enable us to convince those who have doubts about the merits of this amendment.

To limit the role of a parliamentarian to being a propagandist for the government on any issue, but particularly on an issue as important as a constitutional amendment, must be the ultimate in the disdain which any government can show towards members of Parliament and their oath of office. It is also a gross insult to those who oppose the amendment, and who expect, with reason, a fair and open hearing before a parliamentary committee.

[*Translation*]

If we believe the reasons underlying the establishment of a joint committee which were put forward by Senator Hébert, it seems clear that the dice are loaded, that the report is already being prepared and that all opposition to the proposed amendment, however valid it may be, is doomed to failure.

And what about Senator Hébert's argument in favour of the amendment, and I quote:

Even the Bloc Québécois is not opposed.

Who would have believed that a federal government would cite the support of a political party that is bent on destroying Canada as we know it and that does not recognize Canada's Constitution as an argument in favour of amending this same Constitution.

Has the federal government's usual inconsistent treatment of Quebec reached such a point of no return?

I would like to remind you, honourable senators, that one of the whereas clauses of the resolution unanimously passed by the Quebec National Assembly provides clearly that the amendment sought should in no way be construed as recognition of the Constitution Act, 1982, which was passed without its consent.

It is all very well to say the Supreme Court has considered the matter and decided that the Constitution in fact does apply to Quebec. Nevertheless, the National Assembly does not recognize it and intends to maintain this position, despite the finding of the Supreme Court. We already know the reaction of the Government of Quebec and the Bloc Québécois on any decision the Court may hand down in the coming year in response to the three questions put to it by the Government of Canada: the Supreme Court cannot thwart the will of the people of Quebec.

This is important to remember, because one of the main arguments in support of the amendment is that section 23 of the Canadian Charter of Rights and Freedoms, which guarantees the right to instruction in the language of the minority, may always be cited.

What they do not say, however, is that not only does Quebec snap its fingers at the Charter, but much of section 23 does not apply to Quebec, as confirmed in section 59 of the same Charter.

I would point out too that the relevance of the amending formula described in section 43 is not a foregone conclusion in the case before us. In fact, Parliament is being called on to exempt a province from the conditions imposed by section 93, without exempting the other provinces to whom these same conditions apply.

When a section of the Constitution subject to amendment involves more than one province, should not each province have a say? It is vital the government, which has no hesitation in turning to the Supreme Court for answers everyone else already has, ask the Court as well to indicate the appropriate amending formula in this case. Otherwise, I predict legal proceedings of a similar nature by other interested parties, which could delay a final decision for an indeterminate period of time.

[*English*]

Asking the committee to report no later than November 7 is completely unacceptable. Can any amendment to our Constitution — in this case one intended to remove rights which have existed for over 130 years — be properly examined and its implications understood in less than three weeks? Of course not. By the way, when Senator Hébert was asked by Senator Lavoie-Roux about the November 7 date, he replied:

[*Translation*]

This date was negotiated by the two governments in question... and it corresponds to the time frame the Government of Quebec is pressuring us to respect.

[English]

This date, said Senator Hébert, was negotiated by the two governments in question, and it corresponds to the time frame the Government of Quebec is pressing us to respect.

So there you have it, honourable senators. The Bloc is in favour; the Parti Québécois has set a deadline, so let us all fall into line because the Government of Canada has so ordered.

Amending a constitution is more than a convenient understanding between two governments. It is a solemn and usually irrevocable act in which Parliament has an extraordinary responsibility which none has the right to short-circuit, much less take away. Senator Hébert, on behalf of the government, has also rejected hearings in Quebec. Let the witnesses come to Ottawa, he says, and we will pay their expenses. Does he not realize that all witnesses are not high-priced lawyers; that the education of one's children is a highly personal matter involving many who cannot afford the time away from their responsibilities at home or at work?

The House of Commons, it will be remembered, rammed through the Term 17 resolution without significant debate or any hearings. Fortunately, the Senate insisted on both, including hearings in Ottawa and St. John's. This led to amendments to the Term 17 resolution which, when sent back to the House, were rejected. I am convinced that, had they been accepted, a second resolution would not have been necessary. The Government of Newfoundland, however, decided to amend its school system even contrary to the original resolution, with the result that we all know.

The way this government is trying to rush this resolution through may well lead it to suffer a similar fate. Should this happen, the Liberal government alone will have to justify not having been more cautious before arriving at this present stage.

Finally, whatever the nature of the proposed joint committee's hearings and recommendations, the Senate can not be bound by their efforts; it has its own responsibilities in matters of this nature. Those responsibilities can in no way be compromised by its participation on a joint committee.

Many honourable senators will recall that during the debate on a request to participate in a joint committee to examine the Meech Lake accord, colleagues opposite emphasized the distinct, separate and autonomous role in the amending process which is incumbent upon the Senate. In fact, the Senate did go into Committee of the Whole to study that accord and came to its own conclusions, as our Speaker will certainly recall.

In other words, should we agree to participate in this joint committee, it in no way absolves us from deciding to complete and — without being presumptuous — even to improve on the efforts of the joint committee.

[Translation]

Hon. Gérald A. Beaudoin: Honourable senators, Quebec is seeking the consent of the Senate and of the House of Commons

to amend section 93 of the Constitution Act, 1867. The purpose of Quebec's amendment is to end the application, in that province, of subsections (1) to (4) of section 93 on denominational rights.

The denominational rights guaranteed by section 93 of the Constitution Act, 1867 apply to only six provinces: Ontario, Quebec, New Brunswick, Nova Scotia, British Columbia and Prince Edward Island.

And even then, there are variations from one province to another, because the rights are protected with reference to the rights existing at the time of Confederation.

The other provinces have special provisions in lieu of section 93. For example, in the case of Newfoundland, term 17 of the Terms of Union of Newfoundland with Canada was recently amended and is coming back before us. The amendment was passed bilaterally.

I would like to say a few words here about the amending formula, which applies, in my opinion, in the case of Quebec. In order to amend the denominational rights set out in section 93, section 43 of the Constitution Act, 1982 must be applied. Section 93 contains two parts.

Section 93 gives the provinces exclusive jurisdiction in matters of education. For this to be amended, the agreement of seven provinces representing 50 per cent of the population would be required. That is not the question before us, and if it were, the amending formula would be 7/50 and would apply, with the possibility for a province to opt out.

What is before us is the amendment regarding denominational guarantees. I agree that section 43 applies. But the amendment can be bilateral, trilateral or multilateral. In my opinion, this argument must be settled before we can go any further.

Let us look at the wording of section 43:

[English]

• (1600)

An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including

a) any alteration to boundaries between provinces, and

b) any amendment to any provision that relates to the use of the English or the French language within a province.

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

[Translation]

In French, the text, which is also official, reads as follows:

Les dispositions de la Constitution du Canada applicables à certaines provinces seulement ne peuvent être modifiées que par proclamation du Gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, et de la Chambre des communes et de l'Assemblée législative de chaque province concernée. Le présent article s'applique notamment:

a) aux changements du tracé des frontières interprovinciales;

b) aux modifications des dispositions relatives à l'usage du français ou de l'anglais dans une province.

The French is not as clear as the English. It refers to the province concerned, and lawyers can claim that Ontario, mentioned in section 93, is concerned.

On the other hand, the English version of section 43 is clear: the consent of the province the amendment applies to is required. In the case before us, however, the amendment sought by Quebec does not apply only to Quebec.

We may therefore conclude that Ontario's consent is not necessary and Ontario's denominational rights will not be amended, repealed or otherwise affected by the present amendment.

[English]

Section 93(2) of the Constitution Act 1867 reads as follows:

All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

Some people say that Quebec and Ontario are interlaced in that wording. However, others say — and in my opinion I think they are right — the rights of the separate schools in Ontario are extended to Quebec. However, if Quebec, by a constitutional amendment is willing to change that, with the consent of the Senate and the House of Commons, it does not change the situation at all in Ontario; it changes the situation in Quebec. Thus we may conclude that a bilateral amendment is possible.

[Translation]

According to one principle of interpretation, a clear version is preferable to an ambiguous one, and what must be looked at is the intention of the constituent. I believe that, in 1867, the desire was to protect Catholic schools in Ontario and Protestant schools in Quebec. That appears to me to be very clear.

We must conclude, therefore, that what we have here is a bilateral amendment, particularly since Quebec's choice takes absolutely nothing away from the Province of Ontario.

In closing, I would like to refer to a passage from a Supreme Court decision concerning the 1993 Education Act, which states as follows:

The constituent was quite wise in not limiting the structures, for these must, in fact, be modifiable in order to adapt to the changing social and economic conditions of society.

The present political context differs greatly from that of 1867, particularly, but not exclusively, in Quebec, which 30 years ago saw the start of a Quiet Revolution that is not over yet.

Faced with a constitutional amendment, we must examine its purpose, take history into account and, after careful consideration, if the amendment is necessary and there is a broad consensus, pass it.

In conclusion, I think it important that these matters be examined, and our leader has raised others, because there are other legal points that come up. These must therefore be examined more closely in committee, and the experts consulted if necessary.

I would therefore agree to this committee, but I doubt that we have enough time to examine these nonetheless rather important matters.

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I thank both Senator Beaudoin and Senator Lynch-Staunton for their contribution to this debate this afternoon and of course to my colleague for his contribution yesterday. Senator Beaudoin has raised some very interesting constitutional questions which must be addressed in any public hearing process, particularly as to whether section 43 is the appropriate section of the Constitution by which to bring forth this amendment. It is the proposed means by which this amendment is being brought forward, but we must hear from alternative points of view as to whether it is indeed the correct way to proceed. As usual, his knowledge of the Constitution aids —

• (1610)

Hon. Marcel Prud'homme: Honourable senators, may I interrupt? I am confused. Is the honourable senator making comments, answering questions or making her speech?

Senator Carstairs: I am making a speech.

Senator Prud'homme: That was not indicated to us. Thank you.

Senator Carstairs: Thank you.

Senator Beaudoin has raised this issue, and we are very grateful that he sits in this chamber to give us his expertise on the Constitution. I learned a great deal from him when we sat together on the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Lynch-Staunton also raised what I think is an extremely important point. What we are dealing with in this particular motion is whether the Senate will agree to form with the House of Commons a joint committee. That is the essence of the particular motion before us. He has therefore stated very clearly — and I do not have the exact words, but I quote him, I hope, in context — that that does not prevent us from going forward. That is correct. We are very much the masters or mistresses of our own fate, and that is why I stood the main motion yesterday and why I will continue to stand it while the joint committee, if we have agreed to a joint committee, continues its deliberation on this particular matter. Then we will begin debate and discussion on the motion in amendment, and at that point we as a chamber will decide how we will proceed.

Honourable senators, there is one other piece of information that I should like to bring to the chamber this afternoon. I think that our study of Term 17, raised earlier by Senator Lynch-Staunton, was a most valuable contribution to the debate and study of that constitutional amendment in that the House of Commons did not debate it at length and held no public hearings. We did hold those public hearings. We began that process on June 13, 1996, and we tabled our report on July 17, 1996. We met in that period of time for 14 meetings spread over nine days. We had some difficulties in that we ran into a number of holidays. We had St-Jean-Baptiste Day, Canada Day, even a local holiday in St. John's, Newfoundland with which to contend. However, we did manage to complete an intensive study of the constitutional amendment, even though we had only a very short period of time in which to do so.

It is my hope that we can have that same kind of intensive study in this joint committee, and that we can indeed complete that study by November 7, in the same way that we did with respect to the amendment on Term 17. However, we must continue to bear in mind, as Senator Lynch-Staunton said so eloquently, that we are still capable at any time of going forward.

Hon. John Lynch-Staunton (Leader of the Opposition): May I ask the deputy leader for clarification and comment on her remarks? I am interested to hear that —

The Hon. the Speaker: Is the honourable senator asking a question?

Senator Lynch-Staunton: Yes, a question of Senator Carstairs. I am interested to hear that she, too, would like clarification on whether section 43 is applicable in this case and would hope that the committee could hear varied opinion on it. That by itself is acceptable except that all we would hear is varied opinion. Some would say “yes,” some would say “no.” Quite a few would say “yes” and quite a few would say, “We do not know.” We would not get a definitive statement. That kind of definitive opinion we can only get from the Supreme Court of Canada. I would have thought that the government would have

received that answer immediately so that we would not have to worry about a basic aspect of the whole process, that is whether we are using the right amending formula.

It is true that the Standing Senate Committee on Legal and Constitutional Affairs, which Senator Carstairs so ably chaired, was able to hold hearings in that short period of time and to report within the deadline set by the Senate, but that deadline was set by the Senate. The agenda of the committee was set by the Senate. The hearings were determined by the Senate. Here we are having imposed upon us a deadline, without knowing the nature of the work of the committee, the witnesses we would like to hear, even who is composing the committee on this side, who the co-chairs are, who the staff are. We are being asked to make a leap of faith which I at this stage find hard to make. We are having imposed upon us this deadline not so much by the government itself but by the Bloc Québécois and the Parti Québécois.

The Hon. the Speaker: Honourable senator, is this a question?

Senator Lynch-Staunton: I am allowed comments too, am I not, not just questions, as part of the rebuttal and clarification process?

The Hon. the Speaker: You have spoken on the motion, honourable senator.

Senator Lynch-Staunton: Then my question is: Can Senator Carstairs indicate to us why the date of November 7 is so important and why it is unchangeable? If I continue, I will get into more comments so I had better stop there.

Senator Carstairs: Senator Lynch-Staunton, in fact, asked several questions. It is the choice of this side that Senators Grafstein, Pépin, Robichaud (*Saint-Louis-de-Kent*), and Wood be members of the committee representing this side of the chamber. I have had some discussion with Senator Kinsella, but I would think he might like to put his own names forward from the other side.

As to the question regarding the date of November 7, it is true that the first aspect of this motion was introduced in the House of Commons. That is the date by which they have asked us to join with them to complete the study, which we would do jointly. If is therefore up to us to determine whether or not we accept that date.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I can think of no more serious a matter to come before this chamber or, indeed, before the other place than a matter that deals with the Constitution of Canada, and this is exactly what is before us in this matter. We are not dealing with a municipal by-law that can be changed at whim. The experience of about a year ago in dealing with the constitutional amendment affecting the denominational schools in Newfoundland and Labrador was regrettable, yet lo and behold, we will have another one dealing with the same subject before us in the not too distant future.

Many are concerned with constitutional amendments arriving so rapidly that we are losing sight of the seriousness of a constitutional amendment. The Constitution is not an ordinary statute; it is very special law and very fundamental law. After all, honourable senators, the Constitution defines the power relationship between the people and their governments, whether, in our Confederation, it is their government at the provincial level or at the federal level. The Constitution is the law that defines the relationship between the rights of the citizens and the jurisdiction of our governments.

In this matter before us, honourable senators, it seems to me that we have to consider at least three of the institutions that serve to help to protect and promote the rights of our people.

• (1620)

The Constitution defines the power relationship in part through defining those rights that belong to the people and those rights, if you like, that belong to the state or to government. It also states the institutions that are available to help to ensure respect for those limits.

The institutions available in our system are three. There is the judiciary, and the Honourable Senator Lynch-Staunton has made reference to the courts in regard to this matter. As an institution, the courts play a tremendously important and critical role in the promotion and the protection of our rights. If there are questions — such as those raised here as to the nature of the rights that will be modified by this provision and whether we should be confined at the front end by way of a reference, the court is the institution in our system to answer them and, in so doing, to protect those rights.

There are two other institutions in our democratic parliamentary system. The second one is the institution of the legislature which, honourable senators, includes this house. The legislative assemblies, the Parliament of Canada, are major institutions in the protection and promotion of the rights of Canadians. Therefore, it is a serious matter when we deal with issues of the rights of the citizens and the rights of government as laid down in the Constitution. When we are dealing with such matters, we must be as scrupulous, as careful and as expert in our analysis as the members who sit on the bench of the other institution. We must take our work seriously and conduct ourselves carefully because we are not dealing with municipal by-law.

The third institution for the protection and promotion of rights of Canadians are the people themselves, whether the people be expressing their institutionalized protection and promotion of rights through non-governmental organizations or through the exercise of the ballot. We saw the use of referenda in Newfoundland, not once but twice. There are several schools of thought as to whether that is a useful means of assessing or evaluating the interest of the people as expressed by the people. I know there are various schools of thought on that. However, we

must listen to the people. That brings me, honourable senators, to the motion and the detail of the motion that is before this house.

I am alluding to the fact that, in the third last paragraph of the motion, we have the statement that the committee make its final report no later than November 7, 1997. It is my understanding that the committee would not travel to the Province of Quebec to hold hearings to hear from the people. I think that is wrong for the following reasons.

If you believe, as I believe, that not only the courts and our legislative bodies but also the people are one of the three important institutions — the people being an important institution in the discerning, defining and protecting of our rights — then one must hear the people and one must go to hear the people.

In this particular case, we heard from our colleague, Senator Beaudoin, who drew our attention to a very interesting question with reference to the application and the impact of this resolution as it relates not only to the Province of Quebec but to whether there is an interest that affects the Province of Ontario. Of course, I am looking at article 93 of the Constitution. We have application to the Province of Ontario and the Province of Quebec with regard to the separate or the dissenting schools.

Historians can explain to us the circumstances of 130 years ago and the Constitutional compact that was reached. There are different schools of thought as to the application of the political dynamics of that time to our day. Nevertheless, there is a number of serious questions as to whether or not the situation affecting the separate schools or the denominational schools, the confessional schools in Ontario, might be affected by a change to the rights in section 93 as they affect the schools in Quebec. It seems to me that that would lead one to the conclusion that the committee should travel not only to Quebec but also to parts of Ontario in order to have a full assessment and to hear from the people on this critical matter.

Honourable senators, there is the matter of the detail that I support completely the establishment of the joint committee. I am sympathetic to the resolution as it appears at face value. However, I have a number of technical questions which need to be answered when dealing with something as fundamental as this kind of constitutional change.

Honourable senators, I invite you to take your day diaries and calendars and look at the time line. A serious constitutional matter is being assessed by not a single house committee. We know sometimes how complex our work can become when a Senate committee is dealing with something, but here we are talking about a joint committee of two Houses addressing something as important and fundamental as a constitutional change. Look at your calendars. I do not know when this motion will be through this house — whether it will be this week or subsequently — but I do know there is a statutory holiday next Monday. Fortunately, my calendar says “Thanksgiving Day, Canada.” Some of you may read “Columbus Day” in yours. At

any rate, Monday is a holiday by any measure. If the committee is formed, it will have perhaps part of next week. There is then the week of the twentieth and the week of the twenty seventh. That is approximately 15 days. The committee is to be composed of approximately 16 members of Parliament and seven senators. That is a big committee. That, in itself, speaks to the issue of time. The legal questions raised speak to the issue that we should travel not only to Quebec but to parts of Ontario. The committee must make its final report no later than November 7, but the drafting of that report and its translation will require four or five days. That brings you back to the end of this month.

• (1630)

Honourable senators, notwithstanding the astuteness of all parliamentarians, and the great sense of assiduousness, a good job on something as serious as this cannot be done in such a short period of time. We would do a great disservice to the people of Quebec and Ontario, indeed, the people of Canada if we bound ourselves as members of this joint committee to an exercise that would be limited by such a short time frame. That serious work could not be completed.

Hon. Jerahmiel S. Grafstein: Perhaps Senator Kinsella can assist me. There seems to be inconsistency between him as deputy leader and Senator Beaudoin as to the question of the Senate's role with respect to giving its view on a constitutional matter.

I thought it was well accepted in this chamber that senators may have an independent view to pass on constitutional matters, separate and distinct from the people, the House of Commons, and/or the judiciary. Therefore, why is it necessary to deal with the judicial question before senators, either in the joint committee itself or here, can come to their conclusions as to whether or not it is a constitutional problem? I certainly have not come to any particular premature view. I listened to Senator Beaudoin and Senator Lynch-Staunton with great interest. There appears to be an inconsistency.

Are honourable senators on the other side suggesting in any way, shape or form that we as senators are pre-empted from dealing with a constitutional matter, whether or not the court intervenes?

Senator Kinsella: Honourable senators, Senator Grafstein has provided us with a good opportunity to clarify. The question is how does section 43 of the Constitution apply. It is a matter of interpreting section 43, and that is the role of the court.

In my reference to the role of the courts, of the people and of Parliament — the legislative bodies, including legislative assemblies, the Senate and the House of Commons — I was stating that all three institutions have a role to play in the protection and promotion of the rights of the people. The distinction between the general and the specific issue of the applicability of section 43, is a specific matter that falls within the interpretative responsibilities of the courts.

Senator Grafstein: I understand Senator Kinsella to be suggesting that there is no problem with the Senate dealing with procedural and timing matters. There is no problem with the Senate going forward as part of a joint committee to determine whether or not the issues are constitutional, and then leaving to the courts the issue as to whether there should be a reference or other alternative.

What I am suggesting, in the form of a question, is that nothing should prevent the committee from going forward to determine its view as to constitutional propriety of the matters before it as they relate to the resolution.

Senator Kinsella: In response to Senator Grafstein, it would be better public administration and governance, particularly when one had the time line available, if the government were to deal with the question of all the amending formulas that are available. Are we sure this is the right one? That is something the governments could have done by way of reference to the court during the summer months. That is the point to be made there.

The Hon. the Speaker: Honourable senators, I see Senator Beaudoin wishes to speak.

Senator Beaudoin: Your Honour, the honourable senator referred to me. May I answer that?

The Hon. the Speaker: The *Rules of the Senate of Canada* do not provide for that, but if it is the wish of the Senate, we can oblige.

Is leave granted?

Hon. Senators: Agreed.

Senator Beaudoin: Honourable senators, I did not advocate that we make a reference to the Supreme Court. I know that the government may do that and some people may suggest that. Obviously, this chamber is a legislative chamber. We interpret the Constitution and we do what we want within the limits of the Constitution. However, we have that power. Whether we should refer the case to the Supreme Court prior to making an amendment, while it is possible, it is another thing. Senator Lynch-Staunton referred to that possibility. However, the Senate also has the possibility to say, "Okay, we will hear a few lawyers on that thesis and some others on the other thesis." We must take our responsibility, and I never denied that.

Hon. Dalia Wood: Honourable senators, I rise to speak to the motion to strike a committee of the Senate and the House of Commons to study the Constitutional resolution modifying section 93 of the Constitution Act, 1867.

I must confess I have serious concerns regarding this Constitutional amendment, concerns that I will be sharing with you throughout our study of this proposed amendment. As a senator from the Province of Quebec, any and all changes that will have an impact on the minority rights within that province

and within Canada are of interest to me. I feel it is my duty to ensure that all those who wish to be heard on this matter will have a moment of our attention. If that is not possible, I will bring their concerns to senators' ears myself.

The amendment of our Constitution and of the minority rights it protects is always a serious matter as other groups whose rights are currently protected by our Constitution may also be affected by the change. That is why thorough committee examination of such a request for amendment is so important.

The committee that will hear testimony and examine the said resolution in depth will have much work to do in its quest to ensure that the passage of this resolution does not weaken the position of minority rights in Canada and in particular, in Quebec. The Government of Quebec has given us assurances. Its representatives in the House of Commons, the Bloc Québécois, have also given us assurances. Finally, the Minister of Intergovernmental Affairs has given his stamp of approval to the amendment. However, I encourage members of the committee not to rely on these assurances. The committee must make the determination of fact for itself. It must be thorough and vigilant in its examination of the resolution and its impact on future generations of Canadians. The main assurances being given by the Government of Quebec, the Bloc Québécois and Minister Dion are as follows: "Do not worry," we are told. "There is a consensus in Quebec regarding linguistic school boards. Do not worry," we are told, "minorities will be protected." Let us briefly examine these assurances.

One of the most important tasks the committee will undertake is that of determining if there is consensus for the resolution for the Province of Quebec. This will be difficult because public hearings on the resolution were not conducted at the provincial level. The people of Quebec have not yet been given a chance to express their agreement or disagreement with the amendment proposal. We are told, however, that there is a consensus in the province. The Government of Quebec has stated that consensus in favour of linguistic school boards has existed for 20 to 30 years, that there was no need to consult the people of Quebec because they have been consulted various times on the issues of linguistic school boards. A resolution asking for the withdrawal of Quebec from section 93 of the Constitution Act, 1867 was adopted in the National Assembly on April 15, 1997.

According to section 43 of the Constitution Act, 1982, the amendment formula chosen by the Government of Quebec, a similar resolution must also be passed in the Senate and the House of Commons. So on October 1, 1997, the motion that is now before us was debated in the House of Commons. When moving the motion, the Minister of Intergovernmental Affairs spoke of the same consensus the Government of Quebec mentioned. I quote Mr. Dion:

Throughout the consultations and reports that have marked the past 30 years, a consensus has emerged on the need to reorganize school structures along linguistic, rather than denominational lines. That consensus was confirmed during the Estate General on Education in 1996, which verified that Catholic and Protestant Quebeckers, anglophones and francophones alike, wanted to establish linguistic school boards.

The consensus on the existence of a consensus continued with Bloc member of Parliament, Réal Ménard's statements, the first Bloc Québécois member to speak on the motion in the House of Commons. He said:

Why has a referendum on this issue not been held in Quebec in the past 15 years?...The reason...is...that the main stakeholders in education, regardless of their sympathies, have expressed exceptionally clear support for dividing school boards by language.

• (1640)

The committee must confirm the existence of this support independently. In doing so, it should hear from the residents of Quebec, the very people who will be affected by the change; but that is not the committee's only concern on the issue of consensus.

The committee will also have to determine if the consensus existing in Quebec is applicable to the situation at hand. The consensus which is cited by the Government of Quebec, the Minister of Intergovernmental Affairs and the Bloc Québécois may not be the consensus we should be seeking. Every one of the quotations above mentions a consensus regarding the establishment of linguistic school boards. However, that is not the issue before us, honourable senators. The resolution does not involve linguistic school boards. It will enable the easy implementation of linguistic school boards, but that is not its main thrust. The resolution that we will be dealing with will effectively remove the constitutional protection that denominational schools and the citizens of Quebec now enjoy. The resolution is removing constitutional protections. That is a completely different issue.

During the 30-some years of consultations on Quebec education, was the possibility of removing constitutional protections ever truly discussed? If the question of removing section 93 never came up when the people of Quebec were consulted about changing the educational system, the consensus developed around these consultations is of no use to us now. What we want to know is if the people of Quebec are ready to give up their constitutional rights.

Bloc MP Réal Ménard, when speaking on this motion in the House of Commons on October 1, 1997, said:

...in Quebec, we have had a consensus on this issue since 1982; the Conseil supérieur de l'éducation and the Assemblée des évêques are in favour of the proposed change. When the Assemblée des évêques makes a pronouncement on an issue, it usually does so solemnly.

The Assembly of Quebec Bishops might very well be in favour of the establishment of linguistic school boards, so that the parents of Quebec's children might have a choice of secular or denominational education. They might even be ready to relinquish some control over the school boards, in acknowledgement of the secularization of Quebec society. However, I doubt that the bishops would be in favour of giving up the historical, constitutional protections that Catholic and Protestant parents have enjoyed since 1867. This is not the only instance where previously expressed support for linguistic school boards may not necessarily be equivalent to support for the resolution.

Minister Dion, in his statements in the House of Commons, mentioned the Estates General on Education of 1996. The Estates General gave its support to the establishment of linguistic school boards. However, in a dissident opinion written by Gary Caldwell, support for denominational schools was also expressed. Mr. Caldwell wrote as follows concerning the briefs submitted to the Estates General that mentioned the issue of denomination. He wrote:

According to our analysis, 57 per cent to 63 per cent of the briefs, depending on whether ambiguous and indifferent points of view are included, were in favour of denominational schools.

It appears that support of one issue, that of linguistic school boards, does not necessarily mean support of the other, that of abolishing section 93 denominational rights. This is the type of confusion that the committee must work to clarify.

I have one last point to make on the issue of consensus. Bloc MP Réal Ménard, during his House of Commons speech, stated as follows:

The Quebec National Assembly adopted the resolution unanimously... We all know how difficult this is to achieve... Let us rejoice on the Quebec National Assembly's unanimous stance on the establishment of linguistic school boards.

Honourable senators, the existence of a political consensus does not necessarily point to a consensus on the ground. As politicians, we understand that deals are made, that other considerations sometimes come into play when negotiations are under way.

An April 22, 1997 Montreal *Gazette* article entitled, "Dion Tables Amendment," quoted Mr. Gary Caldwell, the author of the dissenting opinion in the Estates General on Education's final report. He is quoted as having said:

The consensus the Quebec government speaks of is a consensus that has been fabricated in the political class — it does not correspond to the concerns of the population,

I myself am aware of many individuals and groups who are not in favour of the resolution as it now stands. I will mention the Coalition pour la confessionnalité scolaire, for instance. This coalition regroups approximately 18 organizations and groups. At last count, I am told that this coalition represents as many as 685,000 people. That is not a sign of consensus within the Province of Quebec. I am sure that this coalition is not the only source of dissent within the province. The committee will be hearing from many organizations, groups and individuals that have similar concerns.

The other assurance we have received from the Government of Quebec, Minister Dion and the Bloc Québécois concerns minority rights. They tell us not to worry, that minorities will be protected. They offer assurances regarding the right to denominational education and the right to education in the language of the minority. I will comment briefly on both these assurances.

Supporters of the resolution state that even if the relevant constitutional protections are removed from the Constitution Act, 1867, the right to denominational schools is protected in Quebec's Charter of Human Rights and Freedoms. Section 41 of this statute states:

Parents or the persons acting in their stead have a right to require that, in the public educational establishments, their children receive a religious or moral education in conformity with their convictions, within the framework of the curricula provided for by law.

The nature of this protection does not calm the fears of those opposed to the change, and for good reason. In its letter to me dated September 1997, the Coalition pour la confessionnalité scolaire stated, quote:

In our opinion and that of several constitutional experts we have consulted, amending section 93 practically eliminates the denominational guarantees contained in Quebec's 1988 Education Act so that, in the future, such guarantees will depend on the will of the provincial government in power. Even the Quebec Charter, which recognizes certain religious rights of parents, can be amended by the National Assembly.

Honourable senators, they have a point. We recognize that certain minority rights in the Constitution put them beyond the reach of the majority. The resolution before us removes the constitutional protection granted religious groups regarding education in order to replace them with what is called "protection" in regular statutes, which may be easily amended.

Even Quebec's Charter of Rights and Freedoms can be amended by a simple majority in the National Assembly. I myself, as a member of a minority, understand that the will of the majority — or even the goodwill of governments — is not to be counted upon.

One must only look at the broken promises made to the English-speaking community in Quebec, a minority in that province, to realize that the PQ government cannot be trusted to protect minority rights within the Province of Quebec. The treatment of the English-speaking community at the hands of the Government of Quebec speaks volumes on this issue. Premier Bouchard made a speech to the English-speaking community of Quebec at the Centaur Theatre in Montreal on March 11, 1996. In this speech, the Premier of Quebec stated the following:

Both the Anglo community and the individuals who make it up have rights, they have institutions, dignity, and strength that the Government of Quebec will protect and preserve.

Unfortunately, the respect for English-speaking Quebecers stops at the gate of rhetoric. Let us examine only one aspect of life in Quebec for English-speaking Quebecers, that of health care. This is an illustration of how easily the exercise of a right, even if it is recognized in legislation, can be frustrated by government action or by government inaction.

Honourable senators will remember that I have spoken on the issue of minority health care in the Province of Quebec before, on April 17, 1997 to be precise. In that speech, I explained that section 15 of Quebec's Health and Social Services Act entitles English-speaking Quebecers to receive health services and social services in the English language. However, this right is tempered by the fact that such services must be provided for by access plans, which are prepared by the local health boards. The individuals who sit on these boards actually manage services on the ground. They know the level of services that are needed in the region. The federal government enters the health care game at this point. There is an agreement between the Government of Quebec and Ottawa whereby both pay a sum into a fund, which goes toward paying the salaries of coordinators who participate with the regional boards in the elaboration of access programs. They also act as liaisons between the English-speaking community, the health institutions and the regional boards, and ensure that the access programs are properly implemented and that services are being provided to English-speaking Quebecers who request them. The access plans they help to elaborate are then reviewed and approved by the Government of Quebec.

For two years now, the English-speaking community in Quebec has been waiting for new access plans. There have been many changes in the health care system in Quebec and, because of these changes, many of the institutions now servicing the English-speaking community, such as community health care

clinics, are not covered in the old access plans. This essentially means that English services are not guaranteed in those institutions. The approval of the new access plans was seriously delayed when Lucien Bouchard's cabinet decided that the proposed access plans required that too many institutions become bilingual. I cannot understand anything becoming "too bilingual."

Bouchard's cabinet had also asked the Office de la langue française to get involved and to review the access plans. We all know what the Office de la langue française usually thinks of anything that is contaminated by the English language.

Do honourable senators see how easily a right can be frustrated? Not only are the plans not being processed in a timely and responsible fashion, but the Government of Quebec is planning to amend the guidelines used to draw up the access plans. This is not a good sign. The Office de la Langue Française has also been actively seeking to fulfill its mandate at hospitals giving English services.

As an example, the Montreal *Gazette* reported on September 16, 1997 that La Providence hospital in Magog was told to take down English signs.

These signs were mostly directional in nature and were printed on small sheets of paper. The hospital does not have the bilingual status that would allow English signs to be posted, even if this hospital is now accommodating a larger English-speaking population because of the closure of the Sherbrooke hospital.

Honourable senators, how can we expect a government who frustrates the exercise of a right as basic as that of receiving health care in English, a legislated right no less, to provide for minority rights? What is to show that the Government of Quebec will not tamper with the denominational rights of Catholic and Protestant parents and their children?

The Hon. the Speaker: I regret to interrupt the honourable senator, but her 15 minutes has expired. Is leave granted for Senator Wood to continue?

Hon. Senators: Agreed.

Senator Wood: There is only the word of the provincial legislature. Is that word strong enough to replace constitutional guarantees? In my opinion, honourable senators, it is not.

I wish to end by speaking of the rights of English-speaking Quebecers to control their own school boards. It has been stated many times that this resolution has nothing to do with the rights of the English-speaking minority. However, the issue has been addressed in the debate on this motion in the other house and I expect the committee will also be studying the question.

We are told that their educational rights are protected under section 23 of the Canadian Charter of Rights and Freedoms. That is true to a certain extent, but we must not forget that section 23 does not apply in its entirety in the Province of Quebec. The good will of the Quebec legislature was expressed in this regard, but only after the political consensus was put into jeopardy by the Quebec Liberal Party. The resolution would not have been adopted unanimously if this sentence had not been included in the Preamble of the Government of Quebec's Resolution:

AND WHEREAS the National Assembly of Quebec has reaffirmed the established rights of the English-speaking community of Quebec, specifically the right, in accordance with the law of Quebec, of members of that community to have their children receive their instruction in English language educational facilities that are under the management and control of that community and are financed through public funds...

Do honourable senators remember the preamble that was offered to the Parti Quebecois when the Meech Lake accord was being considered? What did they say about having the uniqueness of their province put into the preamble? It was not worth the paper it was written on, they said, and I think the same applies to this preamble.

Premier Bouchard, in his Centaur Theatre speech stated:

...I believe I have a responsibility to reaffirm our solemn commitment to preserve the rights of the anglophone community, now and in a sovereign Quebec. Control over schools, colleges and universities, access to the courts and government in English, availability of health and social services in English, public broadcasting in English. If there is a will to do so in the anglophone community, before the next referendum we can see how they should be entrenched in the constitution of a sovereign Quebec. That, to my mind, is the very best insurance policy.

Honourable senators, promises and good will only go so far. The Bouchard government has proven time and time again that their promises to minority groups are not often honoured, and that their good will can fluctuate, depending which way the wind is blowing on that particular day. I am not prepared to put the protection of minority rights into their hands. If, in the words of Lucien Bouchard, the "very best insurance policy" is constitutional entrenchment, I cannot imagine why he and his government would want to substitute constitutional protection with lesser legislative protections.

Honourable senators, the whole process of educational reforms in Quebec is shrouded in a veil of urgency. As you may know, honourable senators, the laws of Quebec are already changing in anticipation of the passage of the resolutions of the Senate and the House of Commons authorizing the amendment of the Constitution.

The provisional school boards that this legislation provides for are to meet for the first time this week. The school commissioners who will sit on the provisional school boards were elected to run the current school boards — not to be responsible for the reorganization of Quebec's school system. Even they have concerns with the time limits within which they are being asked to work.

On October 6, 1997, the *Montreal Gazette* ran an article entitled: "Councils in rush to set up linguistic boards — School commissioners say they're concerned that they have little time to consult with parents."

The article reported:

"What happened is that the provisional councils have a lot of authority and power and can make important decisions without consulting," said Marcus Tabachnick, chairman of the Lakeshore School Board and a member of the provisional council for the western English school board for Montreal Island.

"It's awful — that that's why this process should have taken a couple of years."

Honourable senators, I concur with the comments made by Mr. Tabachnick. They can also be applied to our situation. The Senate and the House of Commons also have a lot of authority and power and can make important decisions without consulting. I also agree that we are being rushed into making very important changes, changes that may potentially affect Canadians across this country.

This amendment to the Constitution poses many interesting questions that must be answered before the resolutions are passed: What kind of precedent are we creating? Are we using the proper amending formula? Should majority rule be allowed to erode recognized and protected minority rights? Such in-depth analysis cannot be completed in the short time prescribed by the motion before us.

The motion provides for the report to be tabled in both houses by no later than November 7, 1997. Even if the committee were struck today, it only leaves us approximately 20 days, and that is including weekends. It will be impossible to hear all those who wish to testify before the committee and prepare a meaningful report in such a short period of time.

My office has already received many requests from interested persons and groups wishing to appear as witnesses before the committee. Also, the proposed deadline of November 7, 1997 does not leave much time for groups to prepare their oral testimony and their written briefs. All who wish to be heard should be given an opportunity to make a contribution to this debate.

MOTION IN AMENDMENT

Hon. Dalia Wood: Honourable senators, the interests of democracy would not be well served by the quick study of such an important question. That is why, honourable senators, I move:

That the motion be amended by deleting

a) paragraph 10 thereof and substituting the following:

“That the Committee make its final report no later than December 31, 1997,” and

b) paragraph 12 thereof and substituting the following:

“That a Message be sent to the House of Commons to acquaint that House accordingly and to request that the Commons concur in the amendments made by the Senate extending the reporting date of the Committee to December 31, 1997.”

I ask honourable senators for their support of this amendment.

On motion of Senator Cools, debate adjourned.

MARITIME HELICOPTER PROCUREMENT

INQUIRY

Hon. J. Michael Forrestall rose pursuant to notice of October 1, 1997:

That he will call the attention of the Senate to the Maritime helicopter issue.

He said: I rise, honourable senators, on what is just about the fourth anniversary of the reckless cancellation of the EH-101 project. That project covered the helicopters that would have replaced our ship-borne helicopters.

After years of planning, proposals, and research and development by Canada's military, this government scrapped the EH-101 program and robbed the Canadian navy of the very tools that the navy requires in order to do its job effectively and to its full potential — modern maritime helicopters.

The brave and highly professional members of the Canadian Forces — a national institution — have been operating Sea Kings for more than 30 years and have no choice but to continue to operate them for another 10 years before there is any relief, due solely to partisan electioneering.

• (1700)

Honourable senators, this decision to scrap the EH-101 was pure politics and nothing more. Canada's defence is the first

responsibility of government, but the Liberal government shirked that responsibility. In Professor Desmond Morton's report to the Prime Minister on the state of the Canadian forces he stated with regard to the cancellation of the EH-101 —

The Hon. the Speaker: Honourable senators, could conversations be conducted outside the chamber so we may hear.

Senator Forrestall: Your Honour, I cannot hear a word.

Desmond Morton stated with regard to the cancellation of the EH-101 that “ignorance and opportunism were the villains in this story.”

Honourable senators, never have truer words been spoken by one of the Liberal government's own hand-picked defence experts. “Ignorance and opportunism” describe this government's approach to the defence of this country.

Honourable senators, in the forward to *Jane's Fighting Ships 1996-97*, one of the most respected defence publications in the world, the editor stated that among NATO navies, no issue was more tainted with bureaucratic procrastination than the Sea King replacement. NATO, the Canadian Forces and Canadian taxpayers have suffered from this government's negligence and political opportunism — opportunism, I might add, at the expense of the Canadian Armed Forces.

By official estimates, cancelling the EH-101 program cost this country's taxpayers \$480 million. However, recent estimates appearing in *The Toronto Star* placed the cost at \$764 million — almost \$1 billion spent for nothing. That figure of \$764 million in cancellation fees does not even begin to come close to the second- and third-tier costs of this government's irresponsible actions.

How many jobs were lost when this program was cancelled? How many small contractors closed up their shops? How much money was lost in terms of the tax base? How many millions of dollars have been lost in never realized Canadian royalties on every EH-101? We would have derived extensive royalties — over 10 per cent — on every copy that was sold anywhere in the world. We would have had most of our fleet for free — ironically. Without a doubt, honourable senators, when these costs are figured into the equation, the costs of the cancellation of the EH-101 are well over \$1 billion. It is plain and simple negligence and complete irresponsibility.

Honourable senators, for the moment let us take as correct *The Toronto Star's* figure of \$764 million spent by the government to cancel the EH-101. I think it is a conservative estimate. Let us add this to the cost associated with maintaining the Sea King fleet. In 1993, I and other honourable senators who were members of the Special Joint Committee on Canada's Defence Policy received estimates, in 1993 dollars, of the costs associated

with maintaining the Sea King fleet for another 10 years. Until the phase-in of a new helicopter, now estimated in the year 2007, the cost of maintaining the Sea King fleet is \$600 million — maintaining a 30-year-old helicopter. Let me tell you that is not an easy job. Much, if not all, of the major maintenance work is done near my home in Dartmouth by highly dedicated specialists at CFB Shearwater and at the airport. No job is more challenging, and no group can do a better job in maintaining these ancient and ageing helicopters than the Sea King maintenance crews themselves.

Let us do a little more arithmetic. We are at \$764 million spent on cancellation fees, plus \$600 million spent on maintaining the existing Sea King fleet, for a grand total of \$1.3 billion spent by this government — and still no helicopters. In order to get new helicopters, one must add a minimum of \$2.2 billion to this cost. Then one must add to that a quarter of a billion dollars to maintain the ageing Labrador fleet, our basic, primary, search and rescue helicopters, which also have to be replaced and which would have been replaced by now by the EH-101. Add a further \$600 million in projected costs for the Labrador search and rescue helicopter replacement program, whatever the new one is going to be, and you get a grand total of \$4.3 billion to replace the existing Labrador and Sea King fleets — \$4.3 billion in Liberal arithmetic.

Honourable senators, that is a lot of money, and what do we have to show for it? Not one helicopter — not one new, safe, dependable, reliable machine.

The entire EH-101 program at its height would have cost only \$4.3 billion. As we said publicly, and the government could have said publicly — and they were urged to — “Let us buy those fine motors, let us take the sophisticated and expensive anti-submarine warfare carriers out of it. Let us take that out, and look at what the cost would have been then.” Did they do that? No. How much money has this government saved in replacing the Sea King? Nothing. What has the government done for the navy? Precious little except give them one of the finest warships in the world half undressed. It does not have a helicopter. It is like playing pool with a wet noodle or the like.

Senators, I have not included the estimates on second- and third-tier costs associated with the boondoggle. If I did, it would probably push the total cost to well over \$5 billion. So much for arithmetic. We can add this fiasco to the other electioneering mistakes the Liberals made, such as Pearson airport. Are there any here who do not remember that? Are there any here who do not remember the Airbus incident?

Damn the torpedoes and full steam astern: That is this government's motto when it comes to National Defence. Make no mistake, we are astern because the Canadian Forces are still flying Sea Kings and Labradors with a replacement in sight and rumoured once again to be the EH-101 by another name, the Cormorant. Why? We have known we were going to buy the

machine. It is the only safe piece of equipment out there to buy. Why? There never was a better alternative, never one more capable of doing the tasks that have been assigned to it by the professionals who would be using it. We need a helicopter that can hover at 8,000 or 10,000 or 12,000 feet in the Rockies on one engine. We need a helicopter that can go 400 or 500 miles off the coast and back. That is what we need. You have to be able to do that in the night and in inclement weather. You have to be able to do it when you have a dew point that would scare the heck out of birds for fear of icing their wings.

We wanted to buy the EH-101 because it was safe. It made the working station of young men and women in the forces safe. In his advice to the Prime Minister, Dr. Morton stated, “the news is out that under a different name, the EH-101 helicopters are coming, because there never was a better alternative.” Now even the Liberals acknowledge that. We notice that three Quebec Liberal MPs have come on side and are supporting it. Why? Because there is no better alternative.

Let us look at the options. The Cormorant is the most operationally effective option. That is the EH-101. The Sikorsky Maple Hawk is a proven naval helicopter, but lacks cabin space for both mission systems and survivors rescued at sea. The Eurocopter Cougar II is not a proven naval helicopter and ranges well below the EH-101 in capability. The Eurocopter NH-90 is still under development.

• (1710)

Lastly, the Sikorsky S-92, a newer, larger version of the Maple Hawk, is a long way from being an off-the-shelf helicopter, which leaves us right back where we started from: with the EH-101 or the Cormorant. Indeed, based upon all the costs associated with the cancellation of the EH-101 order, the maintenance of the existing helicopter fleets, the fact that this program will cost no less than the original EH-101, why not save time and further controversy and announce the order now? Not next April or two years from now, but right now.

Honourable senators, the Canadian navy has waited too long for these force multipliers to be operational on their destroyer and frigate decks. The helicopters are key to our new ships' operational effectiveness. I am certain that all those present remember a rescue at sea in the recent past where a brave Sea King crew rescued a group of stranded sailors whose lives were in peril. Those brave crew members were recently decorated for their selfless gallantry, and people are alive today because they do their jobs regardless of what equipment is given to them to do it. In reality, it is not a rare instance in the lives of our service men and women that they should risk life and limb for others.

Additionally, it is not a rare instance to see a frigate or destroyer pull into harbour with an unreliable Sea King parked on the deck, unable to fly off because of a mechanical problem. This is a fact. We will have to live with it. These are 30-year-old

helicopters. What would the government say if a ship were in distress at sea, and the nearest destroyer or frigate were not in a position to rescue the ship's crew because the Sea King was inoperable? Honourable senators, this situation could occur. As time marches on, the likelihood of it happening grows, and it will grow to our embarrassment.

The Canadian taxpayers spent billions of dollars on 16 of the most effective surface ships afloat anywhere in the world, and they will never reach their full potential until they receive a modern maritime helicopter, something like the EH-101. By not buying an effective helicopter, this government is condemning our ships and our crews to second place, and condemning Canadian industry to second place. We can send ships manufactured by Saint John's Shipbuilding around the world on tour — as this government has done — hoping to promote a brilliant example of what Canadian industry can do, and has done, and not one will be purchased. Why? Because they have an ancient and venerable Sea King perched on their deck.

It is like trying to play pool, as I said a while ago, with a wet spaghetti noodle rather than with a pool cue. Right now, Saint John's Shipbuilding sits virtually empty, awaiting orders, and with many employees out of work. Why do we not get on with it? Why do we not bite the bullet and muster up our fortitude? If we are to buy it at some point, why be afraid of Boeing? Muster your fortitude and stand up. Announce that you will buy the EH-101, and get on with it, please.

The Hon. the Speaker: If no other honourable senator wishes to speak, this inquiry is considered debated.

POST-SECONDARY EDUCATION

MOTION TO REINSTATE SPECIAL SUBCOMMITTEE,
AS AMENDED, ADOPTED

Hon. M. Lorne Bonnell, pursuant to notice of October 2, 1997, moved:

That a Special Committee of the Senate be appointed to continue the inquiry on the serious state of post-secondary education in Canada;

That, while respecting provincial constitutional responsibilities, the Committee be authorized to examine and report upon the state of post-secondary education in Canada, including the review of:

- a) the national, regional, provincial and local goals of the Canadian post-secondary education system;
- b) the social, cultural, economic and political importance of post-secondary education to Canada;

c) the roles of the federal, provincial and territorial governments;

d) the ability of Canadian universities and colleges to respond to the new, emerging educational marketplace including the changing curriculum and new technologies, distance, continuing and cooperative education, and adult and part-time education; and

e) the Canada Student Loans Program and the different provincial and territorial student financial assistance programs as well as the growing concern over student indebtedness;

and to identify areas of greater cooperation between all levels of government, the private sector and educational institutions;

That the papers and evidence received and taken on the subject and the work accomplished by the Subcommittee on Post-Secondary Education of the Standing Senate Committee on Social Affairs, Science and Technology during the Second Session of the Thirty-fifth Parliament be referred to the Committee;

That the Special Committee comprise seven members and that three members constitute a quorum;

That the Committee have the power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee submit its final report no later than December 11, 1997, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until December 31, 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.

He said: Honourable senators, rather than make a big speech and hold everyone up — I know it is getting late — I should like to suspend my speech and ask that the motion be adopted as read, and, with unanimous consent, to make one substantial amendment to my motion as follows.

The amendment concerns the section which begins:

That the Special Committee comprise seven members

I should like to amend that section to read:

That, notwithstanding rule 85(1)(b), the Special Committee comprise seven members, namely the Honourable Senators Andreychuk, Bonnell, Forest, Lavoie-Roux, Losier-Cool and Perrault, with a seventh member to be named at a later date, and that three members constitute a quorum;

That amendment to that section of the motion should be added with unanimous consent.

The Hon. the Speaker: Honourable senators, are there any questions regarding the amendment that Honourable Senator

Bonnell requests? Is there unanimous consent to the amendment to the original motion as requested?

Hon. Senators: Agreed.

The Hon. the Speaker: We are then back to the original motion with the amendment as proposed by Honourable Senator Bonnell.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, October 9, 1997, at 2 p.m.

CONTENTS

Wednesday, October 8, 1997

	PAGE		PAGE
Visitors in the Gallery		Canada Shipping Act (Bill S-4)	
The Hon. the Speaker	98	Bill to Amend—First Reading. Senator Carstairs	102
<hr/>			
SENATORS' STATEMENTS		QUESTION PERIOD	
Flooding in Manitoba and Quebec		National Defence	
Senator Carstairs	98	Aging of Multi-Purpose Maritime Aircraft Fleet—Awarding of	
Senator Stratton	98	Contracts under Aurora Life Extension Program—	
Senator Lavoie-Roux	98	Government Position. Senator Forrestall	102
Fisheries and Oceans		Senator Graham	102
Promised Retraining Funds for British Columbia Fishers—		Intergovernmental Affairs	
Clarification of Figures. Senator Carney	99	Status of Partnership on Social Programs with	
Atlantic Region Entrepreneur of the Year Awards		Government of Ontario. Senator Atkins	103
Senator Callbeck	99	Senator Graham	103
The Honourable Frank J. McKenna		Health	
Tribute on Retirement as Premier of New Brunswick.		Setting up of New Blood System to Await Krever Commission	
Senator Robichaud	99	Report on Safety of Blood Supply—Government Position.	
Canadian Radio-Television and Telecommunications Commission		Senator Doyle	103
Failure to Grant Licence for Last Remaining FM Frequency to		Senator Graham	103
Multicultural Station in Toronto. Senator Oliver	100	Fisheries and Oceans	
Importance of Bridges to National Unity		Atlantic Groundfish Strategy—Comments of the Auditor General.	
Thoughts on Visit to Confederation Bridge, P.E.I.		Senator Comeau	104
Senator Perrault	100	Senator Graham	104
Business of the Senate		Transport	
Time Limitation of Senators' Statements.		Failure of CRTC to Grant Licence for Last Remaining FM	
The Hon. the Speaker	101	Frequency to Multicultural Station in Toronto—Possibility of	
ROUTINE PROCEEDINGS		Reversal of Decision—Government Position. Senator Oliver .	104
The Estimates, 1997-98		Senator Graham	104
Notice of Motion to Authorize National Finance Committee		Foreign Affairs	
to Study Main Estimates. Senator Carstairs	101	Allegations by Ambassador of Corruption in Mexico—	
Senator Prud'homme	101	Government Position. Senator Lawson	104
Notice of Motion to Refer Vote 25 to the Standing Joint		Senator Graham	105
Committee on Official Languages. Senator Carstairs	101	Foreign Relations	
Senator Prud'homme	101	Misuse of Canadian Passports by Israeli Agents—Possibility of	
Notice of Motion to Refer Vote 10 to the Standing Joint		Apology—Return of Ambassador—Government Position.	
Committee on the Library of Parliament. Senator Carstairs ...	101	Senator Prud'homme	105
Senator Prud'homme	102	Senator Graham	105
Library of Parliament		Justice	
Scrutiny of Regulations		Sale of Airbus Aircraft to Air Canada—Settlement in Libel Action	
Official Languages		to Former Prime Minister—Government Position.	
Notice of Motion to Acquaint the House of Commons		Senator Stratton	106
of the Appointment of Senators to Standing Joint Committees.		Senator Graham	106
Senator Carstairs	102	Sale of Airbus Aircraft to Air Canada—Settlement in Libel Action to	
Senator Prud'homme	102	Former Prime Minister—Investigation and Identification of	
		Agency at Fault—Government Position. Senator Tkachuk ...	106
		Senator Graham	106
		Business of the Senate	
		Extension of Question Period. The Hon. the Speaker	107
		Senator St. Germain	107

	PAGE		PAGE
Senator Lynch-Staunton	107	Senator Bonnell	110
Justice		Senator Pearson	112
Sale of Airbus Aircraft to Air Canada—Settlement in Libel Action to Former Prime Minister—Censure of RCMP Officer Involved—Government Position.		Quebec	
Senator St. Germain	107	Linguistic School Boards—Amendment to Section 93 of Constitution—Establishment of Special Joint Committee— Debate Continued. Senator Lynch-Staunton	113
Senator Graham	107	Senator Beaudoin	115
Government Contracts in Quebec—Allegations of Kickbacks to Liberal Party Fund-Raisers—Government Position.		Senator Carstairs	116
Senator St. Germain	107	Senator Prud'homme	116
Senator Graham	107	Senator Kinsella	117
Business of the Senate		Senator Grafstein	119
Time Limitations on Senators' Statements and Question Period— Point of Order. Senator Prud'homme	107	Senator Wood	119
The Hon. the Speaker	108	Motion in Amendment. Senator Wood	124
Senator Kinsella	108	Maritime Helicopter Procurement	
		Inquiry. Senator Forestall	124
ORDERS OF THE DAY		Post-Secondary Education	
Speech from the Throne		Motion to Reinstate Special Subcommittee, as Amended, Adopted. Senator Bonnell	126
Motion for Adoption of Address in Reply—Debate Continued.		Appendix	i
Senator Poulin	108		



If undelivered, return COVER ONLY to:
Canada Communication Group — Publishing
Ottawa, Canada K1A 0S9