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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, October 9, 1997

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before we proceed to Senators' Statements, I should like to draw your attention to our gallery and a distinguished group of four judges from the Constitutional Court of the Russian Federation. I wish to welcome them to the Senate on behalf of all the senators.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

CANADIAN MEDICAL ASSOCIATION

CONGRATULATIONS ON 130TH ANNIVERSARY

Hon. Stanley Haidasz: Honourable senators, on October 9, 1867, three months after the Royal Proclamation of the Confederation of Canada, 167 physicians from the then four provinces of Canada met in historic Quebec City to establish the Canadian Medical Association. The driving force behind this meeting and the acknowledged "father of the association" was Dr. William Marsden. The first president of the CMA was Sir Charles Tupper, a prominent physician and politician from Nova Scotia who later, in 1896, would serve as Prime Minister of Canada.

The president for the jubilee year was Dr. Judith Kazimirski, from Nova Scotia. On August 20, Dr. Victor Dirnfeld of Alberta became the new president.

Today the Canadian Medical Association celebrates its 130th anniversary, making it one of the oldest associations in this country. The CMA is the voice of organized medicine in Canada. Its mission is to provide leadership for physicians and to promote the highest standard of health care for Canadians.

Honourable senators, it is an honour for me as a physician in this chamber to announce this anniversary here. I hope that all honourable colleagues will join me in extending a profound

recognition, congratulations and our best wishes to the medical doctors of Canada and their association.

MAKING WAVES

NEW BRUNSWICK COALITION ON VIOLENCE AGAINST WOMEN

Hon. Erminie J. Cohen: Honourable senators, I rise with pleasure to inform honourable senators about an important and ground-breaking project in my home city of Saint John, New Brunswick.

"Making Waves" was conceived and implemented by the Ad Hoc Committee for Making Waves, which brought together several well-known New Brunswick organizations working to reduce violence against women and girls. They are the Sexual Assault Centre of Fredericton, the Saint John Women's Centre and the New Brunswick Coalition of Transition Houses/Emergency Shelters for Women.

This project uses an innovative approach to increase awareness of and address the serious and widespread problem of dating violence. Using the especially designed "Making Waves" manual, it trains high school students to speak to their peers on dating violence, healthy relationships and the cycle of violence. It offers young people the support and assistance they need to end abusive relationships. "Making Waves" is also effective. In just one year, honourable senators, through seminars, workshops and presentations, it has reached over 5,000 students, and the demand is increasing.

I was pleased to endorse this project on behalf of the ad hoc committee when it applied for federal funding to continue this important program and I was thrilled to learn it was recently awarded a \$50,000 grant by the Women's Program of Status of Women Canada. This new funding will enable the ad hoc committee to extend "Making Waves" to francophone high schools in partnership with les Dames de l'Acadie.

Honourable senators, I congratulate the government — in particular, Status of Women Canada and the Solicitor General's Department — for supporting a critical area which has long been neglected. I also commend the National Crime Prevention Council for recognizing this project as a model for crime prevention among young people and, above all, I salute the New Brunswick groups which turned "Making Waves" into a reality. I believe that projects such as this deserve the support of my colleagues in this chamber.

CHILD POVERTY IN NEW BRUNSWICK

Hon. Brenda M. Robertson: Honourable senators, it is fitting, during National Family Week, to draw your attention to the plight of children living in poor families in New Brunswick. I am encouraged by the government's recognition of the linkage between investing in the early years of child development and the country's future economic prosperity. I fully support measures at the federal and provincial government levels to improve the way governments work together to help children in poverty. I commend the Minister of Human Resources Development and his provincial counterparts on the work that they have begun to develop a national children's agenda to improve the well-being of Canada's children.

(1410)

Last week, the Minister of Human Resources Development said in the Throne Speech debate:

Money is only part of the answer. Children need a large investment of time and attention for healthy development. They grow up not just in a household but in a society. They need strong families and they need safe communities, good schools, good health care and opportunities to develop.

Honourable senators, the minister has clearly identified important elements to improving children's lives, but another key element, perhaps a critical element, is employment — good paying, steady work for their parents.

Forty-three thousand children live in poverty in my province. These children are poor because their parents are poor. Over 49,000 people are receiving employment insurance, and about 100,000 people file a claim every year. An additional 66,000 people are on social assistance, and according to figures released in September, in the past year New Brunswick has had by far the largest increase in unemployment in Canada with a net loss of over 3,000 jobs.

High unemployment, high dependence on EI and social assistance, average weekly earnings which in the past three years were up by only \$4.08 compared to \$26.62 nationally, and the lowest social assistance rates in the country are the real obstacles to providing many New Brunswick children with a good start in life.

Honourable senators, I fully support efforts to develop a National Children's Agenda, but I worry that that effort will fail the slower growth areas of Canada. I worry about the relevance to New Brunswick of efforts to improve children's lives without parallel efforts to improve the lives of their parents through the dignity of work.

Allow me to quote the lead editorial in the October 24 issue of the Fredericton *Daily Gleaner* on the Speech from the Throne:

If the government is serious about helping children who live in poverty, the best thing it could do for them is create the right environment for their mothers and fathers to find secure, meaningful work.

Honourable senators, I will return to a theme that I have raised many times in this chamber. Too often government policy-making is done in a vacuum. It is done in isolation, and does not reflect the multiplicity of pressures influencing society. Because of the interdependence of economic and social policy, as senators we must urge governments at both levels to understand that successfully tackling child poverty is a function of both reducing unemployment and enlightened social programming. To pursue a piecemeal approach to helping improve children's lives, particularly children living in slower growth areas, is bound to fail.

THE SENATE

EXTENSION OF POWERS OF SPEAKER DURING QUESTION PERIOD

Hon. William M. Kelly: Honourable senators, this morning at 7:00, I watched a replay on CPAC of Question Period in the other place. It reminded me of something I have raised many times on points of order in the 15 years that I have been here, and that is a tendency of members of this chamber on both sides. When we were on the other side and the current government side was here, the same error was made. I refer you to rule 24(4) which relates to Question Period. It says clearly:

A debate is out of order on an oral question, but brief explanatory remarks may be made by the Senator who asks the question...

Honourable senators, we have departed almost as far as possible from making our explanatory comments brief. I do not think there is a senator in this chamber who has failed to make that mistake.

We have other options. If we do not like the answer to a question, and do not have a supplementary question that is truly a supplementary — that is, for clarification — we have Inquiries, Motions and other options.

As I watched the Question Period this morning, I was struck by the number of questions it is possible to ask when explanatory remarks are brief. The questions are asked, they are answered, and many other members have a chance to raise issues which are bothering them, which is the real purpose of Question Period.

We have all been pleased, for some reason or other — it made me feel good, although I did not know why — about the commitment to the equality of all senators. We are all equal in

this place. There is no authority except the authority we give to one another and to ourselves. Perhaps we should consider extending to our Speaker the same powers, at least insofar as Question Period is concerned, as has the Speaker in the other place. The Speaker in the other place certainly seems to play a role in keeping procedure orderly and allowing many more people the opportunity to ask questions.

I should like to leave that suggestion with all honourable senators, and ask that we give it some thought when we talk about rules and regulations.

IN THE INTERESTS OF BREVITY

Hon. Philippe Deane Gigantès: Honourable senators, in anticipation of what may happen today and on following days, to restore the balance toward brevity I shall say nothing.

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Friday, October 10, 1997, I will move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Saturday, October 11, 1997, at 9:00 a.m.

Hon. J. Michael Forrestall: Saturday? I rise on a question of privilege.

The Hon. the Speaker: I am sorry, Senator Forrestall, but until we reach Orders of the Day, no questions of privilege are allowed to be raised.

Senator Forrestall: Why can the Deputy Leader of the Government not tell honourable senators what she intends to do?

CANADA EVIDENCE ACT CRIMINAL CODE CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—FIRST READING

Hon. Sharon Carstairs (Deputy Leader of the Government) presented Bill S-5, an act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other acts.

Bill read first time.

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

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

INTER-PARLIAMENTARY UNION

SPECIALIZED CONFERENCE, NEW DELHI, INDIA— REPORT OF CANADIAN GROUP TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table the report of the Canadian group of the Inter-Parliamentary Union to the Specialized Inter-Parliamentary Conference on “Towards Partnership Between Men and Women in Politics,” held in New Delhi, India, from February 14 to 18, 1997.

[*Translation*]

NINETY-SEVENTH CONFERENCE, SEOUL, KOREA— REPORT OF CANADIAN GROUP TABLED

Hon. Gérald J. Comeau: Honourable senators, I have the honour to table the report of the Canadian group of the Inter-Parliamentary Union to the Ninety-seventh Inter-parliamentary Conference held at Seoul, Republic of Korea, from April 9 to 15, 1997.

[*English*]

(1420)

PLIGHT OF FISHERS IN BRITISH COLUMBIA

NOTICE OF INQUIRY

Hon. Pat Carney: Honourable senators, I give notice that on Wednesday next, October 15, 1997, I will call the attention of the Senate to the Liberal government’s failure to follow through on its promise to spend \$30 million, or “whatever it takes,” to put back to work B.C. fisheries workers displaced by the Mifflin plan.

INTER-PARLIAMENTARY UNION

SPECIALIZED CONFERENCE, NEW DELHI, INDIA— NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, I give notice that on Tuesday, October 21, 1997, I will call the attention of the Senate to the Specialized Inter-Parliamentary Conference on “Towards Partnership Between Men and Women in Politics” held in New Delhi, India from February 14 to 18, 1997.

[*Translation*]

NINETY-SEVENTH CONFERENCE, SEOUL, KOREA— NOTICE OF INQUIRY

Hon. Gérald J. Comeau: Honourable senators, I give notice that Tuesday, October 21, 1997, I will call the attention of the Senate to the Ninety-seventh Inter-parliamentary conference held at Seoul, Republic of Korea, from April 9 to 15, 1997.

[English]

QUESTION PERIOD

JUSTICE

DENIAL OF PRESUMPTION OF INNOCENCE TO FORMER PRIME MINISTER—DISPARITY OF TREATMENT WITH OTHER INDIVIDUALS—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in that infamous letter to Swiss authorities dated September 29, 1995, the Department of Justice wrote:

The Investigation is of special importance to the Canadian government because criminal activities carried out by the former Prime Minister are involved.

Seldom, if ever, has the presumption of innocence, which is one of the foundations of the rule of law, been so cruelly denied, as not even any charges of any sort had been laid in Canada at that time — nor have they been two years later. The former prime minister's reputation will never recover from the attack on it sanctioned by the Government of Canada.

Yesterday, in answer to a question regarding allegations that a Liberal Party supporter in Quebec may have engaged in practices which are in violation of the Criminal Code, the President of the Treasury Board made the following comments:

I think the opposition should be very careful not to create a situation of injustice where it could drag in the mud someone who may end up not being charged with anything.

Questions put by the opposition parties may sully the reputation of innocent people. I think it would be advisable for my hon. colleagues to wait for an investigation to be completed, for charges to be laid and for guilt to be established...

Mr. Massé went on to say:

...the Bloc is busy sullyng the reputation of people who have not yet had a chance to defend themselves.

The right thing to do is to ignore the gossip mongers who are tarnishing people's reputations.

My question to the Leader of the Government is this: Why was the presumption of innocence, which must apply in every case until guilt is determined, so forcefully and eloquently defended in the other place yesterday by a senior government minister regarding an investigation into a Liberal Party supporter, and deliberately shred to bits by another senior government minister regarding a former Conservative prime minister?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I agree absolutely with the Leader of the Opposition with respect to the presumption of innocence. I think that appropriate regrets and apologies have been extended already with respect to the incident to which he is referring.

Senator Lynch-Staunton: That is not the question. The apology was made reluctantly. The regrets were given practically in a whisper. Even yesterday, no one in the cabinet explaining the settlement would even have the decency to say, "We blew it. We are sorry. We violated the rule of law."

The question is: Why was the presumption of innocence denied a Conservative prime minister and the other Canadians at that time and sanctioned by the Department of Justice in a letter under its own letterhead? As far as I know, that letter has yet to have been withdrawn by the Canadian government. It is still out there as an official document. Why is that?

Senator Graham: Honourable senators, I will have to obtain an answer to the last part of the question with respect to the letter not having been withdrawn. However, I reiterate what I have said with respect to the presumption of innocence. I support entirely what the Leader of the Opposition has said in that respect.

Senator Lynch-Staunton: The minister must obtain for us an answer as to who was responsible for it and what sanctions have been taken against those people so that they are not in the same position of authority to repeat their heinous conduct.

SALE OF AIRBUS AIRCRAFT TO AIR CANADA— INVESTIGATION BY RCMP OF INFORMATION LEAK TO MEDIA— GOVERNMENT POSITION

Hon. David Tkachuk: Honourable senators, in reference to a question I asked yesterday concerning the Airbus fiasco, along the same line of questioning my leader has just finished, the Leader of the Government in the Senate referred to an internal investigation in the RCMP. What is being investigated?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is common knowledge that one individual member of the RCMP is under investigation. However, there are members of the RCMP who are facing disciplinary hearings. That is as far as I can go. I presume we will be provided with the necessary information as the developments proceed.

Senator Tkachuk: Honourable senators, as far as I can tell, there is an ongoing investigation of Staff Sergeant Fiegenwald. However, the investigation concerning that man is because of what he leaked to Stevie Cameron. It is not going on because of what he did but because of what he leaked. Does the investigation to which the Leader of the Government refers concern the leak that took place — in other words, it is better to tell about a wrongdoing than to actually do it — or is there an investigation going on about the botched letter itself?

Senator Graham: Honourable senators, I do not know the specifics concerning that question. However, I will attempt to determine them.

Senator Tkachuk: Honourable senators, this will be my last question today on this matter.

We know that Ms Prost had something to do with the matter. The then Solicitor General, Mr. Gray, said that the police bought a copy of Stevie Cameron's book and were looking at investigating the matter. The deputy minister of Justice learned about the matter. According to the Prime Minister's Office, the Clerk of the Privy Council knew about the matter. If there is an investigation going on into the RCMP, was there an investigation preceding this matter to find out why there should be an investigation in the RCMP? In other words, someone must have asked some questions or someone must have done something to determine that the only place in which the investigation should be concentrated is the RCMP. Or is there another investigation taking place in the Department of Justice, the Solicitor General's Office or the Prime Minister's Office?

Senator Graham: Honourable senators, I will have to investigate further and consult with my colleagues to determine the answer to that question.

As far as being up to speed on this, the Honourable Senator Tkachuk is just as aware as I am of what happened. However, I will attempt to embellish answers to his questions a little bit further.

Senator Tkachuk: Your contacts should be better than mine.

THE ECONOMY

RECENT RISE IN INTEREST RATES—RISK OF INFLATION— ACCEPTABLE LEVEL OF UNEMPLOYMENT RATE— GOVERNMENT POSITION

Hon. Mira Spivak: Honourable senators, last week, the Bank of Canada raised interest rates to 3.75 per cent, and the Governor of the Bank of Canada is threatening further hikes. Critics of the central bank's policy have considered Canada's unemployment level too high to justify such increases. Jeff Rubin, a senior economist at Wood Gundy, criticized the rise in rates as premature and dangerous because, as the Conference Board of Canada pointed out today, even a rise of a mere 50 basis points, one-half a percentage point, could trigger serious consumer retrenchment this year.

(1430)

Unemployment in the U.S. is 4.9 per cent and the inflation rate is 2.34 per cent. The inflation rate in Canada is 1.8 per cent, while the unemployment rate is 9 per cent. Mr. Rubin worries that we will have a repeat of what happened in the 1980s when the bank raised interest rates and caused a made-in-Canada depression.

Mr. Paul Martin, who last February stated that 5 per cent unemployment, the American rate, could be reached without provoking inflation, now defends the Bank of Canada.

Is the Government of Canada's judgment now that fighting a perceived inflation risk of 1.8 per cent is worth the cost of a serious slowdown and increased unemployment?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, economists are economists, and they will always have their debates. Someone once said that he would like a one-armed economist because they could not say "on the one hand" and "on the other hand."

This government, of course, is very clear. We want to bring unemployment down steadily. That requires sustained growth in job creation. We know from hard-earned experience that this requires healthy public finances, slow inflation, and low interest rates. With the support of Canadians, that is what we have worked on, and that is what our policies are intending to preserve. I am very optimistic about our growth prospects, and I believe that the general public in Canada shares that optimism.

Senator Spivak: Honourable senators, with respect, we do have a low inflation rate. What is being proposed are higher interest rates, and there is a great deal of disagreement about that.

The key question is, then, what in the judgment of the Government of Canada is the level below which unemployment cannot fall without provoking inflation? That is, what is the natural rate of inflation in Canada, what is called the non-accelerating inflation rate of unemployment? What is the difference in that level between Canada and the United States? Mr. Jeff Rubin, for example, says that there can be four percentage points difference in the unemployment rate between the U.S. and Canada before Canada is even in danger of invoking any further inflation.

Senator Graham: Honourable senators, again, we have varying opinions on this subject. However, despite the small increase, Canadian short-term rates are still at their lowest level in some 30 years. They are much lower than United States interest rates, and they are the second lowest amongst the G-7 countries. I believe only Japan has lower interest rates, and that is probably because its economy is in recession.

The action of the Bank of Canada is essentially moderating the strong stimulus provided by the existing monetary policy to ensure that the current economic expansion continues and is long-lasting. In other words, as I heard someone say the other day, perhaps the governor of the bank is not jamming on the brakes but is merely easing up on the gas pedal.

FISHERIES AND OCEANS

TERMINATION OF ATLANTIC GROUND FISH STRATEGY— REQUEST FOR COPY OF ALLEGED MEMO

Hon. Gérald J. Comeau: Honourable senators, the Canadian Press reported today that the Prime Minister's Office has sent a memo to Liberal members of Parliament and their aides which indicates that the fishery support package otherwise known as TAGS would not be renewed. The memo, according to sources, reports that the government does not intend to extend, renew, or replace the program.

Would the minister confirm or deny the existence of such a memo, and if it does exist, would he table it in the chamber today so that non-Liberals may be made aware of the government's intentions?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of such a memo. I am not aware that it exists. I have not seen, obviously, such a memo. I responded to questions from the Honourable Senator Comeau yesterday with respect to the TAGS program.

ATLANTIC REGION

EFFICACY OF EXISTING LIBERAL CABINET MINISTERS— GOVERNMENT POSITION

Hon. Finlay MacDonald: Honourable senators, my short preamble is taken from excerpts of an article in this morning's *Globe and Mail*.

Industry Minister John Manley, who speaks today at the Moncton conference, suggests that Atlantic Canadians may have made a mistake in "firing ministers" such as Mr. Young and Mr. Dingwall. "They never let an issue get by the table that was important to their region without making sure that regional voice was heard. They were powerful ministers."

Further on, the article reads:

"On any given day, I have lists of items that could take up a hundred pages to think about. For any MP who wants to move his item at least onto page one of my list, if not into the top 10 of my list, it is harder for that to happen when you don't have that strong representation actually there."

"It's not a conscious decision to move something down the list of priorities. It's just the noise isn't as loud or as proximate as it is when you have a strong caucus there in force."

Surely Mr. Manley is not suggesting that Andy Scott, Fred Mifflin, Lawrence MacAuley and Senator Graham cannot match regional voices such as Allan MacEachen, Roméo LeBlanc, Don Jamieson, and Jack Pickersgill? Or should I draw a much darker, sinister, more threatening inference, that of threatening the survival in many areas of the Atlantic provinces in the face of a retreating government?

Hon. B. Alasdair Graham (Leader of the Government): That is a loaded question, and I could provide many and varied answers to it. However, no one misses the presence of Mr. Dingwall around the federal cabinet more than I do.

CHILD POVERTY

TABLING OF PARTICULARS OF STRATEGY TO COUNTERACT PARENTAL UNEMPLOYMENT

Hon. Brenda M. Robertson: Honourable senators, in view of the fact of the interdependence between children living in poverty and their parents being out of work, would the honourable senator urge the government to commit to a job strategy as an action plan with a timetable and objectives which will reduce the number of unemployed people and which would constitute real progress in improving the lives of poor children?

Hon. B. Alasdair Graham (Leader of the Government): Yes, and I thank the honourable senator for her timely intervention and her question. I certainly will do as much as I can to further that end. I know of the representations the honourable senator has made on this particular subject in the past, and I welcome her statements at the present time.

Senator Robertson: Thank you. As the minister knows, but perhaps some of the members of the chamber are not aware, the parents of many poor children in Atlantic Canada rely on seasonal work. Seasonal workers in the resource sectors enable hundreds of other Atlantic Canadians to work full-time at good-paying jobs in the region's mills and plants. Without the region's seasonal workforce, most of the full-time jobs in the plants and the mills would be lost. However, many of these seasonal workers, because of changes to EI, cannot make enough to support their children.

Has the government monitoring of the EI changes resulted in the realization that seasonal workers are discriminated against, and will the government do anything about it?

Senator Graham: I can assure the honourable senator that the matter is under review, and I hope we will have a positive resolution in the not too distant future.

[*Translation*]

FOREIGN RELATIONS

MISUSE OF CANADIAN PASSPORTS BY ISRAELI AGENTS— POSSIBILITY OF APOLOGY FROM ISRAELI PRIME MINISTER— GOVERNMENT POSITION

Hon. Marcel Prud'homme: Honourable senators, after the statement made by our excellent ambassador to Mexico, Mr. Perron —

[*English*]

— the Prime Minister did not hesitate to speak with the President of Mexico.

Since these exchanges are very natural, I wonder if the minister is in a position today to tell me if the Prime Minister of Israel has phoned the Prime Minister of Canada to explain or apologize for the attack on our reputation in the world by the false usage of fake, stolen or borrowed Canadian passports?

Hon. B. Alasdair Graham (Leader of the Government): Not to my knowledge, honourable senators.

(1440)

HUMAN RESOURCES DEVELOPMENT

CHANGES TO CANADA PENSION PLAN—POSSIBILITY OF REFERRAL OF BILL FOR PRE-STUDY—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. We noted yesterday in the other place that the government had introduced time allocation or closure with reference to the bill dealing with the Canada Pension Plan.

The Prime Minister stated in the other place that he wants this bill passed before the end of the year. He has some sort of an agreement to that effect with provincial governments. In light of the timetable, then, which undoubtedly requires the bill to be referred to a House of Commons committee, then to be dealt with again in the House and then finally to come over here, it looks to me, as I look at my calendar, that we will have a very short period of time before the Christmas break in which to give this bill any kind of consideration.

In anticipation of the pressure that the Leader of the Government and his colleagues may be under because of what we see happening in the other place, would the Leader of the Government in the Senate give careful consideration to the proposition of submitting the subject-matter of that bill to the Standing Senate Committee on Social Affairs, Science and Technology, or some other committee, for pre-study?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is a matter worth monitoring. I would like to determine the progress that is made in the other place. I did a little bit of arithmetic the other day with respect to the number of sittings that would be available in the House of Commons to deal with the CPP bill before the end of the year. As the honourable member correctly pointed out, there is an agreement with the provinces to have this legislation passed before the end of the year.

The House of Commons sits for approximately 135 days. I am told that if 50 bills were considered, which would be a low estimate, there would be, on average, four hours for debate at each stage. Bill C-2 was debated Monday, Tuesday and Wednesday, for a total of more than 9 hours and 25 minutes. I do not know whether senators or members of the other place would

consider that an adequate period of time, but the bill is now proceeding to committee.

We will watch progress on the other side and determine, after joint consultation, how to deal with your suggestion. It obviously will be taken seriously, but we should have some agreement on it.

[*Translation*]

Hon. Jean-Maurice Simard: Honourable senators, my question has been asked by my colleague Senator Kinsella. I have listened to the response by the Leader of the Government in the Senate. I would like to encourage the Liberal and independent senators in this house to carry out a preliminary examination of Bill C-2.

At the same time, we could examine the bill to amend the Old Age Security Act, where there is a problem. If there is going to be a preliminary examination of the Canada Pension Plan, I would like to see the same thing done for the old age security pensions.

[*English*]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will take Senator Simard's representations into consideration as well. I would remind honourable senators that, for the first time in a number of years, we are introducing legislation in this place which will take the time of honourable senators and committees. We have five bills which have already received either first or second reading. Others will be coming. There are several requests for special committees to examine some very important pieces of public business. We will monitor all of those items and determine whether it would be feasible or practical to have a pre-study.

INTERGOVERNMENTAL AFFAIRS

LETTER TO MINISTER OF IMMIGRATION—ABROGATION OF IMPARTIAL HEARING PROCESS—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. There have been reports that the Minister of Intergovernmental Affairs wrote to the Immigration Appeal Board concerning a case that they were considering. That minister has stated in the press that the letter was an honest mistake; that as soon as he heard about it, he immediately wrote to the Minister of Immigration to have the letter withdrawn, and that the Minister of Immigration carried out his request.

Does the government agree with this version of the events, and that he acted properly in this matter?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, yes.

Senator Oliver: As a supplementary, then, the Minister of Immigration withdrew this letter from a file at the IAB on behalf of the Minister of Intergovernmental Affairs, Stéphane Dion. No minister, including the Minister of Immigration, has the right or authority to go into an IAB file to retrieve a document. Both ministers are guilty of tampering with the IAB and have made a mockery of our impartial hearing process.

Will you support us in demanding that these two ministers follow the example of former minister of National Defence, David Collenette, and resign immediately?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer is no.

JUSTICE

SALE OF AIRBUS AIRCRAFT TO AIR CANADA—SETTLEMENT IN LIBEL ACTION TO FORMER PRIME MINISTER— COST TO TAXPAYERS—REQUEST FOR PARTICULARS

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate. I want to return to the Airbus fiasco. Apart from the significant damage that was incurred by former prime minister Brian Mulroney, a significant amount of damage was incurred by taxpayers. We now know that the RCMP has paid a significant amount of money — over \$2 million — to cover some of Brian Mulroney's expenses.

We have now heard from the Solicitor General that the cost to the department was over \$1 million. I am sure there was a significant cost, too, incurred by the RCMP.

My question is: Can we have particulars of the total cost for that whole fiasco? It is an expense which should never have been incurred, and the taxpayers are among those who have suffered the most.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, yes, I will attempt to get those numbers for Honourable Senator Atkins.

NATIONAL DEFENCE

HELICOPTER AND SUBMARINE REPLACEMENT PROGRAMS— TIMETABLE FOR IMPLEMENTATION—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, on August 8, I wrote to the Minister of National Defence asking him some particular questions about the purchase of the upholder class submarines from the United Kingdom, submarines which I now see are being offered to South Africa.

I asked as well about the replacement of the Sea King helicopters, as some of you might imagine that I would.

Let me tell you about two items from his response received the day before yesterday:

No final decision has been made on the issue of the upholder class submarine acquisition.

With regard to the Sea King replacement, the minister states:

The project cannot be developed further until the government invites the Department of National Defence to bring the project forward for preliminary project approval.

My question is: When will that happen?

Hon. B. Alasdair Graham (Leader of the Government): May I ask the origin of the letter which the honourable senator is referencing? Whose signature is on the letter?

Senator Forrestall: It is signed by the Minister of National Defence, the Honourable Arthur Eggleton. I can forward a copy, if Senator Graham wants one.

Senator Graham: I would be very happy to receive that. I have had ongoing discussions with Minister Eggleton with respect to the progress of programs to replace helicopters and submarines. I am assured by the Honourable Minister of National Defence that progress is being made. It is to be hoped that announcements, certainly with respect to the replacement of the Labradors, will be made in the not too distant future.

I cannot put a fine time line on it, but I want to assure all honourable senators, and most particularly Senator Forrestall, that these matters are being given serious attention.

(1450)

Senator Forrestall: The government leader has lent great emphasis to this particular situation. We were led to believe that the preliminary project approval had been sought and granted. Now we are back to square one. We are precisely where we were the day the EH-101 was cancelled, and I ask him to bring that to the attention of the minister. It is now a full 10 years before we will have one operational.

Senator Graham: I will be happy to do so.

BUSINESS OF THE SENATE

SUGGESTED ADJOURNMENT DATE—POINT OF ORDER— NOTICE OF MOTION WITHDRAWN

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before going to Orders of the Day, I should like to raise a point of order on the acceptability of Senator Carstairs notice of motion. I will not debate the contents of it. However, I challenge its acceptability, as what we are being asked to do, if it is accepted, is to sit on Yom Kippur. Yom Kippur which is observed on Saturday, is the most solemn and most sacred day of those practising the Jewish faith. We recognize the solemn holy days of those who practice the Christian faith by not sitting on Christmas, Easter and New Year's Day, for instance.

There is nothing in our rules regarding respect for those days by a clause or provision saying that we cannot sit during them. However, where the rules do not apply, custom does.

I would find it extraordinarily insensitive to our colleagues of the Jewish faith in this chamber, and to all those who practise the Jewish faith across this country, to sit on that holiest of days as they have accepted it. We must show more respect for their faith, and particularly for that day.

The reason I feel my point of order should be heard is that there is a custom here which I would hope that your honour would confirm must be continued.

Senator Haidasz: Hear, hear!

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I thank Senator Lynch-Staunton for his point of order, because I must say that I was not aware that Saturday was Yom Kippur when I drafted that notice of motion this morning. Quite frankly, in respect for that holy day, if necessary I will call us back for Tuesday.

Hon. B. Alasdair Graham (Leader of the Government): With unanimous consent, you can withdraw the notice.

Senator Carstairs: Honourable senators, if there is unanimous consent to withdraw the notice, I am quite prepared to do that.

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

Hon. Senators: Agreed.

Notice of Motion withdrawn.

ORDERS OF THE DAY

QUEBEC

LINGUISTIC SCHOOL BOARDS—AMENDMENT TO SECTION 93
OF CONSTITUTION—ESTABLISHMENT OF SPECIAL JOINT
COMMITTEE—MOTIONS IN AMENDMENT—VOTE DEFERRED

Leave having been given to proceed to Order No. 2:

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 Senate or the House of Commons 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, and or the Clerks of both Houses if neither House is then sitting, and the report shall thereupon be deemed to have presented in that House, or both Houses, as the case may be.

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

And on the motion in amendment of the Honourable Senator Wood, seconded by the Honourable Senator Cools, 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 amendment made by the Senate extending the reporting date of the Committee to December 31, 1997.”

Hon. Anne C. Cools: Honourable senators, I rise to speak in support of Senator Wood’s amendment. On January 10, 1997, in an article headlined “Distinct-Society Status Won’t Placate Separatists: Trudeau,” the Montreal *Gazette* reported former Liberal prime minister Pierre Elliot Trudeau’s views that:

In an interview with the editors of *Cité libre*, Trudeau said federalists are wrong to suggest that the distinct-society status for Quebec would help to protect French-Canadians in Canada.

‘I think that they’re not aiming for the equality of francophones and anglophones, but rather for the superiority of one language over another in one province,’ Trudeau said. What’s more, they’re looking to obtain privileges that others don’t have. They want to increase, in a fashion I would call politically pernicious, a democratic and parliamentary disequilibrium’.

Honourable senators, the Government of Canada has asked the Senate of Canada to adopt a constitutional amendment for Quebec repealing section 93 of the Constitution Act, 1867. On April 15, 1997, the Quebec separatist government, led by Premier Lucien Bouchard, caused the legislative assembly of Quebec to adopt a constitutional resolution asking the Government and Parliament of Canada to repeal section 93 for Quebec.

In 1867, Section 93 was vital to the Confederation pact. It is a constitutional guarantee of protection to minorities. Professor Peter Hogg describes its importance to Canada’s Constitution. In his *Constitutional Law of Canada*, Second Edition, he wrote:

...by qualifying provincial power to legislate in relation to education, S. 93 amounts to a small bill of rights for the protection of minority religious groups...

On examination, this motion for a joint committee of the Senate and the House of Commons attempts to limit the Senate’s consideration of this very important constitutional amendment. The attempts of some ministers of the Crown to defeat

Parliament, and in particular to defeat the Senate, is commanding study, as are the applications of the principles of ministerial responsibility and responsible government. In recent weeks, Minister of Industry John Manley fared poorly in the national media reports occasioned by his statements on the abolition of both the Senate and the monarchy in Canada. Stéphane Dion, Minister of Intergovernmental Affairs and President of the Queen’s Privy Council, has joined him. The February 28, 1997, *Vancouver Sun* article headlined “Intergovernmental Affairs Minister wants Senate gone” reported:

The Senate should be abolished, Federal Intergovernmental Affairs Minister Stéphane Dion said Thursday.

Last week, in the presence of many, Minister Dion told me proudly that Minister Manley spoke for him in respect to the Senate. He then continued to disparage the Senate some more. His strong words disarmed me. I have defended Minister Dion to many liberals who see him as an appointed member of the House of Commons. I have upheld Prime Minister Jean Chrétien and his prerogatives as the Party Leader in these matters. Prime Minister Chrétien’s direct intervention in the selection of Liberal Party candidates for federal elections has vexed many liberals, especially in Ontario. Prime Minister Chrétien waived the democratic nomination process and substituted his own prerogative of personally appointing some candidates. Minister Dion was a beneficiary of the Prime Minister’s initiative to assure election to the House of Commons of certain persons whom the Prime Minister wanted elected, but who he believed, for whatever reason, lacked the personal electoral strength to win nominations or seats by the normal process.

Minister Dion owes his appointment as a cabinet minister, and his subsequent 1996 election in Quebec, to the Prime Minister’s political generosity and intervention in the normal process. I upheld the Prime Minister’s actions and his recruitment of French-Canadian Quebecers to serve the Liberal Party. When Senate bashers attacked Prime Minister Chrétien because he cleared a safe seat for Dion held by an anglophone, Shirley Maheu, I upheld the Prime Minister. When the Prime Minister, to assist Minister Dion’s election to the House of Commons following Dion’s appointment as the Minister, appointed Shirley Maheu to this chamber, I upheld her appointment and the Prime Minister. Senator Maheu has turned out to be an outstanding member of this chamber.

Minister Dion’s public impeachment of the Senate, and the Senate’s legitimacy is bewildering. Minister Dion’s political support for the separatist Parti Québécois government in the repeal of section 93 in Quebec, and his support of this separatist government’s claim of dominion over the Confederation and the Constitution of Canada in this regard is now before us.

Minister Dion’s reliance on Liberal Party discipline and Liberal Party loyalty to effect this support is very troubling. Similarly, in the House of Commons, when Liberal members of his side disagree with him, or decline to support Premier Bouchard’s wishes, Minister Dion will rely on Bloc Québécois

members' votes to carry his resolution. The Liberal Government of Canada may defeat its own members, loyal Liberals, by reliance on Bloc Québécois members' votes to carry this initiative in the House of Commons, and initiative that will extinguish section 93's constitutional guarantee of minority rights in Quebec.

It is the principle of party politics and responsible government that a government functions as well as its own party caucus functions, and that the trustful cooperation of party members is vital to successful government in a democratic responsible government system. We must affirm the principles of party politics, ministerial responsibility, responsible government, and the supremacy of Parliament.

(1500)

Honourable senators, I believe that this motion for a joint committee is problematic, deeply flawed, and imperfect in its intention and formulation. I am not convinced that this motion is even in order. This motion asks the Senate to consider subject-matter that it does not properly place before the Senate since it does not place Minister Dion's resolution itself directly into debate. This motion invites question because it sidesteps the Senate chamber by favouring a joint committee in its stead. In turn, this motion's request for a joint committee attracts suspicion because its purpose is the circumvention of the Senate, the avoidance, and even the defeat of the Senate's proper constitutional role. This motion seeks to abrogate the Senate's constitutional prerogative for consideration of constitutional amendments under the Constitution Act, 1982, sections 43 and 47.

Minister Dion, having pledged speedy passage to the Government of Quebec, is attempting by this joint committee motion to abridge the Senate's constitutional 180 days consideration granted by the Constitution Act, 1982. Section 47 says:

An amendment to the Constitution of Canada made by proclamation under section 38, 41, 42 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution.

Very clearly there is that 180 days, and this motion is basically attempting to limit debate. Minister Dion is asking the Senate and Liberal senators to acquiesce in its own defeat, and to acquiesce in the abrogation of its own constitutional duties. His attempt to shorten Senate debate and to impair the Senate's sequential use of its 180 day's consideration is occasioned by his promise to Premier Bouchard and his Minister of Canadian Intergovernmental Affairs, Jacques Brassard. Minister Dion

promised them that he would limit parliamentary and public debate, and place Parliament on a fast timetable to adopt the resolution in both houses before December 1997.

The Quebec separatist government requires this hasty, unparliamentary treatment because, in its certainty of Parliament's outcome, it has already passed legislation as though this constitutional change is in effect. It passed Bill 109, an Act to amend the Education Act, an act respecting school elections and other legislative provisions, on June 19, 1997. Premier Bouchard and Minister Brassard want no public debate, no parliamentary committee and no committee travel to Quebec. Their reasons are obvious. The Senate is being asked to rush to judgment, to accede to the Quebec government's wishes that the Parliament of Canada abandon the Confederation pact and repeal the Constitution Act, 1867, section 93 in Quebec. The Senate is being asked to rush to surrender federal constitutional powers to a separatist government which, as part of its strategy to advance Quebec sovereignty, is using this parliamentary occasion and this parliamentary proceeding to advance its own separatist agenda. The Senate is being asked to rush to abandon the anglophone community and the religious minorities of Quebec, and to rush to abandon the Senate's role to protect minorities. The Quebec separatist government's subversion of the Senate's constitutional rights and prerogatives is part of a larger political strategy. I do believe that this Parti Québécois strategy, and the legislative assembly of Quebec's resolution itself, are a corruption of proceedings of Parliament and a corruption and deceit of Parliament itself. The resolution's words reveal this very clearly, and even impeach our parliamentary proceedings.

Honourable senators, I have studied the constitutional resolution adopted by the legislative assembly of Quebec on April 15, 1997 — I hope honourable senators note that I say "legislative assembly" rather than "National Assembly" as Canada has only one National Assembly, the Parliament of Canada — because every word in such a document is carefully and purposefully chosen by its drafters. In constitutional documents every single word is important.

This resolution, authored by separatist Premier Bouchard and Minister Brassard, has placed the Parliament of Canada under the legislative authority of the Assembly of Quebec. This legislative assembly's actions have made the Parliament of Canada and its decisions subject to a provincial assembly proceeding and vote. This is unheard of, historically. The resolution is clear and states precisely that the Parliament of Canada is supporting the Quebec government. The resolution states that Minister Dion had committed the Parliament of Canada's agreement to the Quebec government. A minister of the Crown can certainly pledge the Government of Canada's support to the Government of Quebec, but no minister can pledge the support of the Parliament of Canada. No minister of the Crown can pledge the support of the Parliament of Canada to the legislative assembly of Quebec, or to any assembly for that matter, or no minister may cause a proceeding of this Parliament to be subject to another legislative assembly. The Parliament of Canada cannot be so subjugated.

Honourable senators, the Parliament of Canada has been compromised in a very profound manner. The Senate should condemn and overturn this compromise. The Quebec legislative assembly's words about this compromise are:

WHEREAS undertakings were given by the Federal Government to proceed rapidly with such amendment, through bilateral action and with the agreement of the National Assembly and of the Federal Parliament\$

Yes, honourable senators, you heard correctly. The words of the resolution are "...agreement... of the Federal Parliament...". The legislative assembly of Quebec adopted a resolution which stated unambiguously that the Parliament of Canada's agreement was assured. The Parliament of Canada's agreement has been taken into the cognizance of the legislative assembly of Quebec. Parliament's proceedings, outcome and vote have been the subject of a proceeding and a vote in that legislative assembly. This is a serious and grievous matter, and one upon which senators should act. Senators should not accept this.

The legislative assembly cannot coerce any outcome of this Parliament. That action is a high contempt of Parliament and deserves an expression of this chamber's full displeasure, and some corrective action. This contempt of Parliament is further compounded by yet another contempt in the same resolution. The resolution heaps scorn and asserts that, despite their legislative assembly vote on our will and outcome, and despite their request to us to exercise parliamentary power under the Constitution Act, 1982, they shall continue to disavow us. The resolution states:

WHEREAS such amendment in no way constitutes recognition by the National Assembly of the Constitution Act, 1982, which was adopted without its consent\$

(1510)

Premier Bouchard and Minister Brassard are bold in their contempt of this Senate and of the institutions of Parliament as they compel and coerce us to support their separatist agenda, of which this section 93 constitutional amendment is a part. They are bold enough, scornful enough and, yes, provocative enough, to state shamelessly, in a document, that they are asking us to approve, that they owe no obligation and no duty to the Constitution of Canada. This is beyond high contempt of Parliament; it is a national disgrace.

Honourable senators, these constitutional amendments on education bring forward scant debate on the question of education itself, or on the purpose of education as a process of human development, human formation or even on the human need for religion. I also note that this constitutional amendment has brought forward no debate whatsoever on the principles guiding Minister Dion's support of this Quebec resolution.

On October 1, 1997, in debate in the House of Commons, Minister Dion did not advance any historical Liberal policy, or any historical constitutional practices or principles to found his

support of the Quebec separatist government. Having articulated no foundation in principles, his sole posture is to repeat:

...the Government of Canada supports the proposed amendment because it is a good thing for the citizens affected by it.

Yet, he will not tell us why. The insufficiency and paucity is obvious.

The Hon. the Speaker: Honourable senators, I regret to have to interrupt the Honourable Senator Cools. However, the 15-minute period of time for her speech has expired.

Is the honourable senator requesting leave to finish her remarks?

Senator Cools: Yes, Your Honour.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I am sorry, leave is not granted.

Senator Haidasz: Who said "no"?

Senator Lynch-Staunton: Someone over there.

The Hon. the Speaker: Can the Honourable Senator Cools advise me as to how much time she needs to conclude her remarks?

Senator Cools: Your Honour, I have but two paragraphs left.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Cools: The real issue is the Quebec separatist government's aggressive quest for dominion and sovereignty over Canada's democratic institutions and Canada's Constitution, and its quest for our Parliament's surrender of sovereignty to the Quebec separatist government by repealing section 93. The repeal of section 93 for Quebec by the Senate would be a terrible abdication and abandonment of the federation of Canada, and of Canadian citizens in Quebec.

This separatist government believes that state control over Canadian citizens' personal lives and personal choices in respect of education and value systems is vital to their political concept of Quebec sovereignty and nationality. Sovereignist ideology contains a belief in an absolute state monopoly over education, educational rights, minority rights and minority religious rights. State monopoly over education is critical to Quebec nationalistic ideology. This belief, combined with the racial foundation of nationalism and the growing racial divide in Quebec, is chilling.

Honourable senators, such state monopoly and control is totally repugnant to, and inconsistent with, Canadian constitutional principles, practice and history, whose major thrust has been the very opposite. The thrust of the Canadian practice has been in the direction of protection of minorities, hence the enactment of section 93 in 1867.

Honourable senators, I am honoured to support Senator Wood's amendment. I urge the Senate to give this matter the proper time and study it deserves. I also urge that the Senate travel to Quebec and Ontario to listen to the people. I submit that the federation of Canada would be well served by a visit in Quebec from federal members in the form of a joint committee. I submit that it would be an opportunity to hear Quebecers, to go into that lion's den, to meet Quebecers face to face and to fight a real political battle for their support, as opposed to constitutional tinkering.

Hon. Jeremiah S. Grafstein: Honourable senators, might I be permitted to ask the Honourable Senator Cools a couple of questions concerning her comments? I did not have an opportunity to see them in advance.

I am somewhat confused by the thrust of her arguments, which I find quite fascinating and, perhaps, in some instances even compelling. However, as I understand it, what is before us today is not the substance of either the resolution from Quebec or the resolution put forward in the House of Commons by the minister, or the resolution put forward by our leader here on October 2. All that we are debating today is a very simple, substantive paragraph. I should like to read it. It states:

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;

Later on, the motion deals with the powers of the committee. It states:

That the Committee be directed to consult broadly and review such information as it deems appropriate...

All we are really debating today is not the substantive matters and the context, but rather a joint study by this house, together with the other house.

Can Senator Cools tell me what is wrong with the Senate studying any matter at any time?

Senator Cools: Honourable senators, I thank Senator Grafstein for his question. I spoke precisely to the issue that is on the Order Paper. I believe that I have answered the honourable senator's question. I believe that I went into some detail to show why the motion concerning a joint committee was, in my

opinion, an attempt to abrogate the Senate's constitutional right with respect to the 180-day time period.

Believe you me, Senator Grafstein, I will have a lot more to say on the substance of the matter when it comes before us. If the honourable senator will go to the order as it appears at page 3 of the Order Paper, he will see that what is there is an unusual and precedent-setting technique. We are being asked to debate a motion for a special joint committee to "study matters related to the proposed resolution." However, the resolution has not been brought before us.

(1520)

Senator Grafstein: Thank you for that. On page 5 of today's Order Paper, Item No. 3 sets forward a resolution which I assume is cross-referenced, in part, to the study. However, I am still confused about the senator's response as to why studying a matter in a joint committee, constitutional or otherwise, is a corruption of anything. It does not in any way, shape, or form limit this chamber from debating this matter at length when a report comes down, to agree or disagree, to extend it or not extend it. In no way, shape, or form is it limiting the powers of the Senate to deal with this matter, other than a study in conjunction with the other side under certain broad terms of reference. That is the only thing we are debating, as I understand it.

I am confused, Senator Cools.

Senators Cools: I am trying to help with your confusion, but I am afraid you may cause me confusion as you continue to tell me what I did not say.

I never said that the study was a corruption. I said that the way in which the motion is constructed is less than worthy of what we should have. When I spoke of corruption, I was talking about the issue of the legislative assembly of Quebec's particular resolution which is mentioned in the motion before us. I was being quite explicit about the Quebec legislative assembly's resolution.

I thought I was clear when I read quotations directly from the resolution itself. Perhaps I did not make myself clear, so if you wish, I would be happy to put the entire text of the resolution of the legislative assembly of Quebec on the record or, with leave, I would be happy to table it.

Hon. Stanley Haidasz: Yes.

Senator Cools: I would be happy to table it. Perhaps the page would be so kind as to make a copy forthwith and deliver it to Senator Graham. I would submit to the Leader of the Government that this is a problem when we engage in a debate without the material being properly before us. I do not know how thoroughly you studied the matter, and I do not know how attentive you were to my speech, but I thought I was speaking very clearly.

The Hon. the Speaker: Senator Cools, I am sorry, but you cannot repeat your speech.

Senator Cools: I did not think I was doing that.

The Hon. the Speaker: You asked for the tabling of a document. That cannot be done without leave of the Senate.

Senators Cools: It was granted.

The Hon. the Speaker: Is leave granted?

Hon. Marcel Prud'homme: On the point: If leave were to be granted, I would propose that we append it to the proceedings of today's debates so that we have a better understanding of what the Honourable Senator Cools is saying, as well as Senator Grafstein's question. It is an important document. There is nothing wrong in having it available during such an important, basic debate. If leave were to be granted, instead of just tabling the document, I would ask that it be appended to the proceedings of today's deliberations.

The Hon. the Speaker: Honourable senators, we have two questions before us. First, is leave granted for the tabling of the document?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted. Second, is it the wish of the Senate to have it appended to the proceedings of today?

Hon. Senators: Agreed.

The Hon. the Speaker: Very well. That will be done.

(For text of document, see Appendix p. 161)

Senator Cools: Instead of occupying the time of the Senate in answering Senator Grafstein's questions, I would invite Senator Grafstein to join the debate and make a speech.

[Translation]

Hon. Roch Bolduc: Honourable senators, on the amendment put forward by Senator Wood, I fully support the idea of delaying briefly the tabling of the report to have more time to examine the matter at hand. This is a very serious constitutional issue. We are not talking about amending a municipal by-law. Some people claim that Quebec recently resolved the matter by adopting a bill. They said that those who want a religious education can get one. That is not what we are dealing with here. We are dealing with a constitutional issue. This is a major issue, a very serious issue.

I am not taking a stand one way or the other. We will see. First we have to hear what the people have to say. We are not going to take away a constitutional right that is 125 years old. At any rate, I have no intention of taking it away if there is any real public

opposition. If there is none or hardly any, we will see. We must start by listening to what the people have to say. When such a problem arises, whether in Alberta, Quebec or elsewhere, we must listen to the people. This is a serious matter. Otherwise, we would not need a Constitution. Nothing would differentiate our country from totalitarian states if we did not have constitutional law.

This is what Canada's political system is all about. We will listen to the people. If there is no public opposition, quite simply, it will mean that the people agree to have their constitutional rights suspended or removed. But some people want their constitutional rights to be upheld. I can tell you right now that I will not deprive them of their rights.

It will take another two or three weeks to hear testimonies. That is not a major delay. We could be done by Christmas. However, we must have the courage to agree to go and meet the people in their communities to seek their opinions.

The Senate has a fundamental duty to do so. We will gain public respect if we do so. By taking such actions, we earn respect for getting to the bottom of things. In this respect, I am deeply convinced that this is the way to go. I therefore support the motion put forward by Senator Wood.

Hon. Thérèse Lavoie-Roux: Honourable senators, I also want to speak in support of Senator Wood's proposal. I was not here when she made her presentation. I read her speech this afternoon. She raises very important points. This is a complex issue.

I do not remember in whose speech I read that, for the past 30 years, everyone has been supportive of linguistic school boards. This is totally incorrect. Exactly 20 years ago, in 1976, I sat on a committee that reviewed the whole issue of school restructuring in Montreal. All the Montreal school boards were represented, whether they were Catholic, Protestant, French or English. In the end, do you know how many people were in favour of linguistic school boards? One person only, and it was me.

It is therefore not true that everyone agrees. However, mentalities have changed. We must adjust to the new realities, but it is totally irresponsible to think this can be achieved overnight. I will not go back to the constitutional arguments put forth by my learned colleagues. They know the Constitution, including section 93, much better than I do and I will leave those arguments to them. We must hear all those who wish to be heard. Before doing away with guarantees that have been enshrined in the Constitution for 125 or 130 years, we must make absolutely sure we are doing the right thing. We will have to take a very close look at the whole issue of linguistic guarantees for minorities, of denominational guarantees for the majority and the minority. Mentalities have changed. Together, we must think about the medium- and long-term consequences of the changes to be made, based on what is before us.

Minister Dion, whom I admire, says he wants to show that the Constitution works well. However, our responsibility here is not to defend the Constitution, but the fundamental rights of some segments of the population. So much the better if, in the process, we can also show that our Constitution works well. I certainly do not object to that, but such is not the purpose of our work.

Senator Prud'homme: Go ahead.

Senator Lavoie-Roux: I support Senator Wood's proposal. I only have a short question. Did you select December 31? Whether it is the 30 or the 31 is unimportant. We can decide on a date in committee.

I have a great deal to say on the issue but, as a member of the joint committee, I will have the opportunity to do so. However, I do hope that we will hear witnesses, that they will have time to prepare themselves, and that they will have an opportunity to submit their briefs.

[*English*]

Hon. Jean B. Forest: Honourable senators, in her short history, Canada has developed a proud history and an enviable record with respect to protecting the rights of her minorities. Should Parliament pass a resolution exempting Quebec from section 93 of the Constitution Act without the consent of those minorities affected, that would be the first time in Canadian history that this has ever been done. It is therefore very important that, before passing such an amendment, we be assured that those minorities have had their say, that they are heard.

Senator Kinsella: Hear, hear!

Senator Forest: Because there were no public hearings in Quebec, I think it is very important that the joint parliamentary committee be set up and to hold public hearings.

I am very concerned about the time-frame. I would prefer that it be longer. On the other hand, whether or not it is agreed, I still support the set-up of the joint parliamentary committee. We should trust that if the committee feels it needs more time, they will come back to this chamber and request more time. Once they are finished, then honourable senators will debate the original question of the amendment in the house.

Hon. Lowell Murray: Honourable senators, when the main resolution comes before us, it will be my inclination — I do not want to put it stronger than that as one always wants to leave some room to have one's mind changed by persuasive evidence — but it will be my inclination to support the main resolution when it comes before us. In my admittedly imperfect ability to judge these matters, I seem to think there is a consensus in favour of the constitutional amendment in Quebec.

However, as Senator Wood pointed out yesterday, this is indeed one of the most important matters that the joint

committee, if established, will have to determine. That being the case, I agree with her that November 7 may be rushing it a bit. I have no difficulty supporting her view and her amendment to extend the life of the committee until December 31.

As Senator Cools has pointed out, section 93 was part of the Confederation pact, the Confederation bargain, between Upper Canada with its English-speaking majority and Lower Canada with its French-speaking majority. I would defer to historians on these matters but, in my opinion, without these kinds of understandings, Confederation would not have been possible in the first place; it simply would not have occurred. There was concern, principally, for the Catholic minority in Ontario under the new dispensation and for the Protestant minority in Quebec. I repeat: I do not think Confederation would have been possible without these kinds of understandings written into the Constitution.

Again, historians would be able to speculate more authoritatively than I can on this point — that is, if speculation can ever be authoritative. If an amendment of this kind had been brought forward at any time in the first 25 or even the first 50 years of Confederation, there would have been riots in the streets, not only in Quebec but in Ontario, where the feelings would have run quite strongly that the bargain, the pact, was being broken by Quebec.

Times change, and I am inclined to think that the constitutional amendment is in the interests of the English-speaking minority of Quebec. I hasten to add that it is not for me to tell them what is in their best interests. They will have an opportunity, I trust, to be heard by the joint committee when it meets.

As Senator Hébert hinted yesterday, the demographics are such that the anglophones would be in danger of losing control of the Protestant school system over a period of time because there are now so many French-speaking Protestants and non-Catholics in that system. I might not go so far as Senator Hébert, although I would like to agree with him and believe the statement that he made quoting Minister Dion, that this amendment will provide a more solid foundation for the rights of the anglophone minority under section 23.

We all know that part of section 23 of the Canadian Charter of Rights and Freedoms does not apply in Quebec. It does not apply because the federal government and the nine English provinces which supported the 1982 Constitution, stipulated in 1982 that section 23(1)(a) would not apply in Quebec until the time chosen by the Quebec government or its national assembly.

Unless Senator Hébert has some reason to believe — and if he does, I would like to hear about it — that once this constitutional amendment is in place, there will be a movement in the Government of Quebec to proclaim the rest of section 23, then I cannot share his optimism at the moment.

Nevertheless, we are all aware that, for many, many years, the rights of English-speaking Quebecers in education, as in other fields, were protected far more strongly than those of linguistic minorities elsewhere. That is not a matter that one needs to examine in detail today.

The Leader of the Opposition made a very important point in his speech yesterday in attaching, as it were, a condition to our agreement to the setting up of a joint committee. As Senator Lynch-Staunton pointed out, the Senate has a very important and distinct role in the amending process. That argument led the Liberal opposition, as it was then in 1987, to argue — and Senator Stewart will remember this very well because he advanced the argument — that while they would join with the House of Commons in setting up a joint committee on Meech Lake, they reserved the right to set up a Senate committee on the Meech Lake resolution because of the Senate's distinct and different role in the amending process.

The Deputy Leader of the Government, Senator Carstairs, went part way yesterday in response to Senator Lynch-Staunton's statements on this matter when she told us that the Senate would not be called upon to act on the main resolution — I hope I understood her correctly — until the joint committee had completed its work. She went part way in an understanding and acceptance of Senator Lynch-Staunton's position.

I hope the government understands our position fully: We reserve our right at any time to propose, as did the Liberal government in 1987, the reference of the resolution to a Senate committee, whether it be a standing committee, a special committee or, as was the case in 1987, to Committee of the Whole. I think that was an extremely important point.

(1540)

I was very interested to hear Senator Forest speak a few minutes ago. She will know that the Catholic School Trustees of Alberta have been in touch with honourable senators about this resolution and about the constitutional amending resolution from Newfoundland. So, too, have the people in the Catholic school system in Ontario.

I am not clear precisely what the concern is. One understands the feeling of insecurity, if you like, of minorities at all times. If their concern is that the same amending formula, that is the bilateral amending formula, could be used to amend section 93 dealing with their rights, then I suppose their concerns are well founded. The Department of Justice obviously believes that section 43 is the appropriate amending formula, so their concerns are well founded.

I happen to believe that the Catholics in Ontario have not only the constitutional protection but also the protection of a strongly entrenched system which will be extremely difficult to change. Be that as it may, we must hear from the Catholics in Ontario and from the Catholics in Alberta. I mention only those two because

their correspondence comes to mind. They believe they could be affected by this amendment. It is very important that the joint committee hear from them. If the joint committee does not, certainly a Senate committee should.

Hon. Sharon Carstairs (Deputy Leader of the Government): Would the Honourable Senator Murray entertain a question?

Senator Murray: Yes, of course.

Senator Carstairs: When Senator Cools was making her remarks, I am afraid I did not have the Constitution in front of me, but I know that you have a great deal of knowledge regarding the Constitution.

Senator Murray: I have it in front of me at the moment.

Senator Carstairs: Senator Cools seems to feel that, somehow or other, we were abrogating the 180 days that the Senate has to deal with a constitutional resolution.

As I read Part V, section 47 of the Constitution, it states "within one hundred and eighty days after the adoption by the House of Commons of a resolution," and it would be my interpretation that our 180 days would not begin until the House of Commons had passed the resolution. Is that your understanding as well?

Senator Murray: Yes, absolutely. I think that time period begins on the day that the message arrives here. Certainly it begins on the day after the House of Commons has passed its resolution.

[*Translation*]

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to add a few words on the amendment proposed by Senator Wood. I have spoken to the main motion. I would like to speak to the amendment only.

For the reasons I gave yesterday, a few important points should be considered. The reason we are holding hearings is because we criticized Quebec for not holding any. So, if we are going to be logical, we must really hold hearings.

Three weeks for the committee to sit on such a fundamental issue does not seem long enough. I therefore support the motion of Senator Wood. We could discuss whether it would be December 16 or 19 rather than 31, but there is nothing to prevent the committee from concluding its work on December 19. I think the amendment has merit.

Three weeks does not give us enough time to consider all the questions we have raised. It is not a technical matter at all. It is a legal matter, among other things, and there are other issues. Accordingly, I will support Senator Wood's amendment.

[English]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I rise to speak on the amendment proposed by Senator Wood. I am attempting to understand what the government's argument is for not acceding to an eminently sensible, but more important, a practical amendment. Quite frankly, there is not enough time to give even a cursory examination to the question that will be before the proposed joint committee.

Before speaking on the main motion, I had the opportunity to look at my calendar. When one counts up the days available, one can see that there is simply not enough time. Unless I have missed something, the magic date, November 7, comes from where? Is it some kind of political deal that has been made at the executive level? If that is the case, let me say that decisions that are made at the executive level are not decisions that bind Parliament.

We are being asked to join with the other house in the establishment of a joint parliamentary committee to examine an extremely important question, a question that goes to the heart of the nation and to the Constitution of Canada. Nothing could be more serious. Nothing could be a greater responsibility on the shoulders of the members of both houses of the Parliament of Canada. Consequently, to be told that, as a result of some kind of an executive deal, this work should be done by the joint parliamentary committee in such an abbreviated period of time makes no sense at all, and speaks to a lack of seriousness on the issue.

I ask honourable senators if they can think of any better example of an *a priori* judgment. We are being asked to participate in a committee that will complete its work in a certain amount of time. We have no evidence, and the government has no evidence, that this committee would be able to examine the question in the given period of time. It has to engage in the activity and then the evidence that it is receiving from the witnesses, and so on, will dictate when the work will be completed — unless, of course, honourable senators, this is a charade and there is a report already written and this is merely an exercise.

In the city of Rome there are many inscriptions. One of my favourite inscriptions is the following one, Senator Bosa: *tempora tempere tempora*, which, roughly translated from the Latin into English, means one ought to temper the time in a timely manner.

This is very much about time. This is a rush in time for this committee to do its work; there is no need for it.

The seriousness of the reflection that Senator Beaudoin has indicated is required is not tempered by the calmness of examination and the gathering of the opinions of the Canadians who wish to be heard on this matter — not simply the

constitutional experts and others, although their evidence will indeed be important, but the ordinary men and women whose children's educational rights are, from a certain point of view, what it is all about. What should be tempering this exercise is a serious attempt to examine the question. We should not be driven by an abuse of time.

Honourable senators, I think the government would be very wise to accept this amendment proposed by Senator Wood. I certainly intend to support it. I trust that the government side realizes that we on this side are dead serious about this matter. The issue is serious, but the mechanism that has been proposed in this resolution speaks against the seriousness of the process. Therefore, we will use whatever means are available to us to ensure that a perfectly reasonable and important amendment is successful.

[Translation]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am not going to list all the arguments in support of the amendment proposed by Senator Dalia Wood; I would simply like to point out that all the arguments raised to this point are very convincing and warrant thorough study. However, none has been raised in favour of the November 7 deadline.

[English]

(1550)

There have been no specific arguments to convince us that the November 7, 1997 deadline is one which can be respected and one which would allow a proper study of the issue, and a full, detailed analysis of it in the report.

What we have been told, however — and only once; this has never been repeated, and I am sure the government realizes that it should have never have raised the issue — that the November 7 deadline was the result of an agreement between two governments. Even before Parliament had a chance to discuss a deadline, the Government of Canada and the separatist Government of Quebec had agreed amongst themselves, behind closed doors, that November 7 would be the date. Why? Because the Government of Quebec has put into place a mechanism which it hopes will lead to the implementation of linguistic boards at the beginning of the next school year, which is in the fall of 1998. To do so, it must start now. Structures are already being put in place to eventually get to that goal. When Mr. Brassard came out of his meeting with Mr. Dion some weeks ago, he indicated quite categorically that he had an understanding with Mr. Dion that the government would undertake to have this amendment in place by the end of this year. Mr. Dion was somewhat less categorical. He said that he could not give a pledge of that sort but he would do all he could to see that the date by which the Quebec government wished this resolution to be passed would be respected.

While there is broad support for the proposed amendment, the deal which was struck regarding the deadline puts into question the validity of the committee itself. If the government is serious about the role of the joint committee, the least it can do is extend the date by which it must report. We are not asking that the date by which to report be extended into next year; we are suggesting the end of this year, which, in effect, means before the Christmas break. If the committee only gets to work next week, that would give it two months, which is ample time, taking into consideration the break in November. The House has already agreed to that arrangement for itself, in order to conduct full hearings in Ottawa and, it is to be hoped, in Quebec.

It is strange that we have had two examples already of the anxiety which I expressed on Tuesday regarding the diminished role of Parliament, much of it due to a government like this one which is instructing Parliament on how it should handle its affairs, particularly on a constitutional amendment. This is not a bill which, if a mistake is made, can be brought back and amended; this is something which, when decided, will stay there for decades, if not more. The government has made a pledge to a provincial government, and for some reason is stubbornly adhering to it.

Let us remember what happened in the case of Newfoundland. When Parliament acted too hastily, recommendations were made in this chamber for improvements to the amendment, which were acceptable to all parties including the minority religious groups. The Government of Canada and the Government of Newfoundland refused these agreements. What was the result? They implemented a school system in Newfoundland which does not abide by the resolution. There was a court case and the whole system was thrown out of court, and now we are back with another resolution.

The way in which the government is directing us now — because it is a direction — may be heading towards a similar impasse, and the same confusion into which Newfoundland got itself in a similar situation.

I am asking the government: Give us some good reasons, other than the fact that they made an agreement with Quebec, for sticking to this November 7 date, which is impractical and makes a mockery of the committee.

Finally, we are not just speaking of linguistic rights. Too much has been made of the fact that linguistic boards will be established in Quebec and that the minority languages will be given full protection. I am open about that; doubtful and sceptical with reason, but open to see what guarantees the Government of Quebec will give along those lines. However, linguistic boards are proposed to be created at the expense of religious minority rights. It is not just linguistic boards by themselves that we are talking about; it is that the Government of Quebec and the

Government of Canada agree that linguistic boards can only be created by abolishing rights which have existed in the Constitution of Canada for over 130 years. The question which must be asked of them is: Why can we not have both? Why can we not have linguistic boards and religious boards for those who want them?

Senator Kinsella: Like Ontario.

Senator Lynch-Staunton: Can anyone explain why one has to be put up against the other? It can be done. It has been done elsewhere. It has been done in Ontario. It can be done. Ontario also has to abide by section 93, and somehow the separate system and the linguistic system, while not perfect, have been in place for many years.

Why does Quebec need its responsibilities abolished under section 93 in order to create linguistic boards? These are serious questions. If we are to treat this constitutional amendment as just a request for a minor change in a law, then we are making a mockery of the Constitution.

The Constitution is an overly complicated document. It has five or six amending formulas, and lends itself to more confusion than it deserves. It is referred to the Supreme Court more often than it should be, but that is the document that was finally agreed upon through the typical Canadian compromise system. We must respect it as a basic law of the land. By rushing this process through in the way the government is proposing shows great disrespect to the Constitution.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, both Senator Kinsella and Senator Lynch-Staunton have talked about what they perceive as the lack of seriousness of the government in urging that we file a report no later than November 7, 1997.

When we dealt with the Newfoundland amendment, it was the opposition who asked us to hold a public hearing process; a public hearing process that I supported. That reference was received on June 13, 1996. However, the order inherent in that was that it be reported no later than July 17, 1996. There was clearly a decision taken by both sides of this chamber that there was an urgency to deal with the matter quickly. That is what is driving the government at the present time, that there is an urgency to deal with this matter quickly.

My experience with legislative committees, both here and in Manitoba, is that if one gives an extended time line, then the momentum slows. People say, "Oh, well, we have until next March or until next November; therefore, we do not have any sense of urgency about how quickly we set up the committee and how quickly we get it working and having it report equally quickly."

When there is a short time-frame, however — and this is a very short time-frame, I completely concur with that — then there is an urgency for the committee co-chairs to decide that it is necessary to set up the committee quickly, to get witness lists drawn quickly, and to hear from people quickly.

(1600)

Those who will make representations will know what they wish to say. There is some urgency. If we do not pass this motion as it was originally presented, I suggest that it will go back to the other chamber for concurrence not next week but the week after. That will, in all likelihood, mean two weeks of no activity.

Senator Lynch-Staunton also agreed that it is unlikely that we would sit the week of November 11. That will be another week of some inactivity.

The House of Commons rises on December 12. Therefore, although we have afforded in this amendment two to two and a half more weeks, it is unlikely that they will do that. In any case, if they did not table it until that time, the debate could not take place. The debate would not then take place until some time in February when we reconvene.

If the Senate does a thorough job of debating the resolution, as I anticipate it will, the debate may well continue for several months thereafter.

I think that the urgency of the Government of Quebec is reasonable. I worked in a department of education for many years and I know that plans for the academic year beginning in September are not made in May of that year. Planning begins many months before.

That, honourable senators, is what I see as the urgency here. However, I remind honourable senators that it is a time-honoured tradition of both this chamber and the House of Commons that when committees determine that they do not have enough time to complete their work, they go back to their respective chambers and, usually, additional time is granted.

Senator Lynch-Staunton: May I ask a question of the Deputy Leader of the Government? I understood that the only urgency in this matter is that the Province of Quebec has made it urgent. Is my understanding correct? Is it correct that the only urgency for having the committee report by November 7 is to meet a request by the Government of Quebec?

Senator Carstairs: Honourable senators, my understanding is that we have been asked by the Government of Quebec to do this, if possible, and the minister responsible has asked that, if possible, we provide them with this amendment to our Constitution, which impacts on them, by the end of the year. It is not iron clad, obviously. It is an agreement between two governments. Minister Dion did say quite clearly that he could not give iron-clad guarantees.

Senator Lynch-Staunton: Can the deputy leader explain how the Government of Canada can say that Parliament will agree to a constitutional amendment before Parliament has even been consulted?

Senator Carstairs: Honourable senators, with the greatest of respect, I think that the Government of Canada gave a “best efforts” commitment.

Senator Lynch-Staunton: Will the Deputy Leader of the Government agree that, when we agreed to the establishment of a committee of the Senate to study the Term 17 amendment it was done after consultation with both sides, following much discussion on both sides, that the deadline was set by agreement from both sides, and that, at the time, we knew which amending formula applied?

In this case, as both sides have agreed, there is some confusion as to which amending formula applies. Senator Beaudoin, in his very eloquent and knowledgeable way, has told us that he is fairly well convinced that section 43 applies, but he recognizes the strength of the argument of those whose opinions are contrary.

How can Senator Carstairs ask us to go into a committee hearing where the first question to be asked will be: “How do you know that section 43 applies?” We will have opinions only. We need a decision from the highest court so that we know we are on the right track. Otherwise, it may well be that proceedings will be taken by third parties which will obscure the work of the committee.

We are asking for a little more time to ensure that we are working under the right rule. I am asking Senator Carstairs to at least urge her government to make a reference to the Supreme Court along those lines. She herself admits that there is confusion, so why has the government not done so already?

Senator Carstairs: Honourable senators, I do not think I admitted to there being confusion. I did admit to there being different points of view. That is somewhat different, but I do not want to get into a debate on semantics.

Honourable senators, we spent two full days with constitutional experts during our constitutional debate on Term 17 because we wanted to clarify the Senate’s role with respect to that amendment, and we wanted to clarify whether the amendment met the constitutional tests. We did that. I think we did it well. I would urge this committee to do exactly the same thing. We got different opinions, as is normal. That is the nature of the constitutional beast.

The Hon. the Speaker: Honourable senators, I fear that we are getting into a mini debate within the question period.

Do you have a question, Senator Kinsella?

Senator Kinsella: Yes, I have. However, before I get to that question, by way of a point of order, honourable senators, on this matter of the right of senators to ask questions of each other when one senator has the floor, the rules provide for 15 minutes for senators other than the leaders. There is provision for questions and comments within the 15 minutes.

At times, there has been confusion as to whether one is limited to questions. The rule says “questions and comments,” but they must be stated within the 15 minutes unless, however, pursuant to rule 3, leave has been granted to extend the time. I have been unable to find in the rules a limit on the amount of time once a request for an extension of time has been sought and granted.

Earlier today, a specific limit was to be applied to the extension of time given to Senator Cools. She received permission to continue, but it was tied to how many paragraphs she had left. There is nothing in the rules which relates to that.

I was rising to ask a question of Senator Carstairs and I do not think I should be limited because I am within her 15-minute time-frame.

I raise that as a point of order which I want to leave with the Chair, because I know the Chair is concerned about this issue as well.

Is Senator Carstairs satisfied that the section 43 formula is that which applies?

Senator Carstairs: Yes, I am, but I am not a constitutional lawyer and, as such, I would welcome the participation of constitutional lawyers.

Hon. Thérèse Lavoie-Roux: Honourable senators, there has been a great deal of discussion concerning why the government wants matters completed by November 7. Are honourable senators aware that the Parti Québécois was in power from 1976 to 1985? For over nine years, they had in their hands a report which contained various recommendations. One was with respect to a unified school system, another was for a linguistic school system and another was for the status quo. The members of their party were all in favour of a unified school system. They simply forgot about the issue for more than nine years.

Why is there such a rush to produce something in 24 days? I think that we should do our best. The first thing we should consider is obtaining the best school system for the children and stop getting into quarrels of all kinds. We have a tendency to forget that we want to provide the best for the students.

Senator Carstairs: Honourable senators, certainly, as a former teacher, my objective is to ensure the very best quality of education for children from coast to coast to coast.

[*Translation*]

Senator Prud'homme: Honourable senators, to be honest with you, I have had an awful toothache for three days, but I did not want to miss the debate. I may speak a bit slower than usual, and I apologize for that.

This is a fundamental debate. When I see Senator Bolduc, who we know is one of the calmest, most serene, most competent of all, carried away with such passion, Marcel Prud'homme will be very careful and watch what he says.

When I saw Senator Pitfield come to the debate on the resolution concerning Newfoundland with his usual elegant turn of phrase, when I think of Senator Kirby's words in the same debate, I realized what a good thing it was to be in the Senate. The one thing I regret is that the Canadian public cannot see debates such as this. The contribution each can make to his country, we see that here. It is regrettable that some of what goes on in the Senate cannot be televised, for people would then at least have some idea of the role of the Senate and the seriousness with which we address the matters of concern to us.

I receive the news that we are prepared to take the time necessary with some regret and some joy as well. That is what the Senate is all about. I was an MP for 30 years. I would not spit on what I did in that house, I would not look down on the lower house. But sometimes I wonder a good deal about just how seriously they handle certain fundamental questions. The speed with which they adopt bills, such as the one you will be seeing soon, which passed through first, second and third reading in under 15 minutes, will mean that the Senate will have to revise what the House of Commons has done.

Honourable senators, we do not — and I know Senator Carstairs agrees with me — have to ask anyone's pardon for taking the time required, for this is a very fundamental and very serious matter.

[*English*]

Honourable senators will all remember a famous man who became a member of the federal House. I refer to Mr. Clifford Lincoln. He became famous in Quebec. He was even warmly applauded by his opponents when, as a minister in Quebec City, he refused to vote with the Liberals on a language issue when he said, “Rights are rights are rights.”

My question is: When do you tamper with rights, and how do you tamper with them? In this way, I am getting closer and closer to Senator Bolduc.

Yes, I am a traditionalist, but I also have a good memory. I see today the victory of what I fought for in the early 1960s. It was known then as “le mouvement laïque de langue française,” or “down with religion in the schools.” There are probably some

here who have that collective memory on Quebec. Strangely, it is the old warriors of the 1960s who, today, are ending up winning the battle in Quebec. This concerns me. They were very young then. Now they are in a position of authority and they are exercising that authority in terms of what I consider to be a tampering with basic rights.

I like to be consistent. What I said about Newfoundland I will say about Quebec. I was honoured to be a member of the Senate when I vigorously fought for the ability to listen to the people of Newfoundland. That was just a few days before the official opposition took over. I fought not only to have hearings but to travel to Newfoundland. That was the duty of the Senate then, and it is the duty of the Senate today.

There should be no pressure exerted by the House of Commons. We have a constitutional duty to accomplish. We should accomplish that duty.

For those of you who may think that everyone is in agreement in Quebec except for a few here and there, may I draw your attention to a little pamphlet entitled,

[*Translation*]

Exposé de la situation des états généraux sur l'éducation 1995-1996, published by the Government of Quebec. So this is not just any old document.

It says in this document that:

The subject of the denominational or non-denominational character of the education system was raised in a number of the presentations made during the 12 hearings that were held. About half of the participants favoured the maintenance of the denominational system, the other half did not.

This is a bit like the referendum. A number of participants did not bother to point out whether their remarks concerned the system itself, the status of the school or religious education, treating denominational education most often as a whole.

I hope that those who are curious will read this report.

I listened to Senator Carstairs' remarks, for she is a responsible woman, and there are more and more women in the Senate. Mr. Chrétien should try to have as many women as possible elected to the House of Commons. It is not always easy, however.

[*English*]

(1620)

I will refer him to Mr. Mulroney's famous phrase: He has the option now to fill the Senate. It is my wish that we fill the Senate

by the year 2000. Every vacancy should be filled by women until we achieve equal representation in the Senate. Eighteen senators must be named between now and the year 2000.

Senator Taylor: What does this have to do with Quebec education?

Senator Prud'homme: Let me finish.

It is extraordinary that the people who talk with the most passion on this debate are women: Senator Hervieux-Payette, Senator Wood, Senator Cools, Senator Forest, and Senator Lavoie-Roux. It is interesting. I am not out of order. Education is extremely important, and women sometimes seem to understand better what education is all about.

I know you are all becoming impatient. When you are one of the last to speak, it is dangerous. I will not abuse the time. I will cooperate with Senator Carstairs, who has enough problems on her shoulders without me adding mine.

I want to make a further amendment to the proposal that is before us. First, I will explain why I do so. I agree with Senators Wood and Carstairs. If you do not have a deadline set, we will drag our feet and then panic at the end. You must set a date, and then you can change it. However, November 7 is too soon for me. I would not have said the same had it been December 7 or December 20.

The fact is that we must have consistency. It is true, as Senator Hébert said — and I paid attention to his speech — that we are a very modern society. Quebec is closer. It is not like Newfoundland, where we did go to listen to people's views. I do not agree with the final outcome, but we listened to the people. We should not treat Quebec differently.

My amendment would be that we should go to Quebec. I do not mean every village and city. Since last night, I changed my amendment after reflection and listening to speeches. After all, that is why speeches are made — namely, to listen to each other while keeping an open mind.

We could talk about this for a long time. I could be very partisan by saying that Mr. Dion wants to prove that federalism functions. "Look at this: I made an agreement with Mr. Brassard." I am extremely suspicious of these agreements with people who do not want to keep Canada united. I want to keep us united. You know that I am a Canadien français du Québec. I am suspicious when I see this glorious entente with Mr. Dion. I am suspicious anyway, but that is what Canadien français are by nature — suspicious and stubborn.

[*Translation*]

My friend Senator Simard agrees with me on that. That is how they survived in New Brunswick, by being suspicious and stubborn.

MOTION IN AMENDMENT

Hon. Marcel Prud'homme: Honourable senators, I, seconded by Senator Simard, move that the motion be amended by:

a) adding the following after paragraph 9; and

“That the Committee be authorized to hold hearings in the province of Quebec;” and

b) replacing the twelfth paragraph with 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 amendment made by the Senate authorizing the Committee to travel in the province of Quebec.”.

The Hon. the Speaker: It is moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Simard, that the motion be amended by:

a) adding the following after paragraph 9; and

“That the Committee be authorized to hold hearings in the province of Quebec;” and

b) replacing the twelfth paragraph with 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 amendment made by the Senate authorizing the Committee to travel in the province of Quebec.”.

Hon. Céline Hervieux-Payette: Honourable senators, I would like to put a few questions to Senator Prud'homme and to tell him that the travelling commission of the general assembly on education in Quebec visited most major cities in Quebec over a six-month period.

The question was not on the agenda, but it was nonetheless addressed in several briefs presented by participants. In its findings, the commission referred to the restructuring of the Quebec school system and the establishment of linguistic school boards in particular. I should point out however that no referendum was ever held in Quebec, either on the motion passed by the National Assembly or during the general assembly, that no one in Quebec was consulted, and that parents never had the opportunity to testify before a parliamentary committee. That is why this issue is so important to me.

Honourable senators, it is my hope that parents will get the chance to express their views during the hearings. I should point

out that, like Senator Lavoie-Roux, I was the president of a school board with 15,000 students and 27 schools covering an area larger than a provincial riding. It is well known that parents who take an interest in school matters are not necessarily wealthy people, people who can afford to take two days to come to Ottawa and who also have the technical means to put together a presentation.

With this in mind, I would like to know whether my colleague in fact thinks that invitations might be sent to consult those directly concerned, that is, parents with children in our schools. They are not specialists. Their specialty is raising children and seeing that they get a proper education. Would Senator Prud'homme please reply to this question of whom to invite?

Senator Prud'homme: I think that Senator Hervieux-Payette is quite right. It is very intimidating to appear before a parliamentary committee in Ottawa. Let us be honest with one another. It is very intimidating for so-called ordinary people to appear before a big parliamentary committee, even if they are told: “Do not worry, we will pay your expenses.” In any event, what will they say. They will be tongue-tied, they will feel rushed, even if they are treated well.

I am sure that those with the greatest interest are parents, and it is easier to meet them directly at the schools. Your Honour, you yourself have chaired a committee on the Constitution and we travelled across Canada. Why? Because people could get up and spontaneously speak their minds. In Newfoundland, people took part in the committee because they felt comfortable, they were in their own surroundings and they could get up when moved to do so and express themselves in simple terms.

I think it would be easy to send a message to all schools in Quebec. We could publish a schedule of visits, not to the whole province, but only to the major centres where people can get together and address the commission regarding constitutional amendments. They can bring as much intelligence to the discussions as any constitutionalist. In my opinion, coming to Ottawa is more constraining, more intimidating.

[English]

(1630)

Hon. Nicholas W. Taylor: Honourable senators, I did not want to ask a question but I wanted to speak to this debate.

I have been somewhat puzzled at how this debate has changed into a debate on the basic school issues in Quebec. The issue here is simply whether we amend the motion which the House of Commons has already sent to us with its deadline included, and then return it to the House of Commons. Rather transparently, the House of Commons will not look at an amended motion for another eight days because they are off next week.

More important, I am having trouble understanding this although I was an opposition leader for several years. I know most of the tricks for delaying and side-tracking, but perhaps something is escaping me here. If we were to make the deadline next June or two years or ten years from now, the motion goes back to a committee where we are the minority. The House of Commons has a majority and, regardless of the deadline that we give them, they have control of the committee and can report on any date within that deadline. They could come back within 24 hours if they so choose.

We are sitting here like a bunch of blind men arguing about what an elephant looks like when we have only felt its trunk. We can have very little effect on that committee. Some people say that if we do not give them a long period in which to do their work, the committee will not pay any attention to us. If the committee does not intend to pay attention to us, they will not pay any more attention than if we give them six months in which to work.

The aim of this committee is a good, solid aim. We can make good appointments to that committee. Some of the names I have heard mentioned are those of outstanding senators. I hope some of them will be on that committee. Of course, the committee will return and ask for an extension and they will require approval from both houses.

Honourable senators, unless I completely misunderstand Beauchesne, we are wasting a lot of time arguing about something that is not relevant. Yes, it sounds great. Yes, we should have lots of time. I was one of those who brought up the Newfoundland question in this house. I was the first one to speak against it. I also have very grave doubts about what is going on in Quebec. However, we are not accomplishing a darn thing about arguing over this deadline. Let us get on with it. Let us vote on it.

Senator Prud'homme: Honourable senators, I have a question and, if it is not allowed, I will put forward a point of privilege.

I do not know what you did, Honourable Senator Taylor, when you were leader of the Liberals in Alberta. You may have been using "tricks," but it is quite unbecoming for us here to speak about tricks. That is a fundamental question. I regret that you used that word in your speech. I am sure you would like to say that you did not intend to put some doubt on our determination to do our duty.

Second, does the honourable senator understand his role as a senator in the chamber of sober second thought, in this house of reflection? We should not be dictated to by the House of Commons as to deadlines or issues. We are a totally different house. Do you accept the fact that we have the constitutional ability and the duty to say "yes" or "no" to the wishes of the House and to let the ball roll?

If we decide tonight or tomorrow or next week, or as soon as possible, to agree to the government date, or if we agree to

extend the deadline or to allow them to travel to Quebec, we shall do so and we shall see how they react. During that time, people will begin to pay attention. They will ask why we had no hearings. I want to be heard. I do not know why this motion passed so fast in the House of Commons.

First, I hope the word "tricks" will never be heard again. Second, do you agree we have the right as a completely separate house to do what we feel is best as a house of reflection? Let them agonize over our decision. If they see fit not to listen to us, then we will take our responsibility and bow out to the elected people.

Senator Taylor: Thank you for stopping because I was in danger of forgetting what your question was.

Senator Prud'homme: Don't be smart! I will outsmart you any time.

Senator Taylor: I certainly take back any intimation that there was any trickery involved on your part. I was just saying that I can read the opposition, and I can.

Second, we certainly have the right to tell the House of Commons where to go and as often as we want. We will have that right. This bill will come back to us. We are talking about referring it to a committee. It will return here and we will debate it. There is no question of the House of Commons leading us around by the nose. I am just talking about the technical part of discussing the deadline. I do not see that it gains us anything.

Hon Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I have a question for the Honourable Senator Taylor. Based upon what he has said, does he believe the joint committee should have sufficient time to hear from those who would like to be witnesses?

Senator Taylor: Certainly, I think they should, but I think that is something for the committee to decide. It is not for us to sit here trying to work it all out for them. They may come back and request another six months; I do not know. I am saying let us get it to the committee and let them decide if they want an extension. If they do not want an extension, they may come back and try to force it through before any new deadline date that we give them, in which case we might then have a big argument that the issue has been ill considered.

We are trying to guess the answer to a hypothetical question on what the committee will do down the road.

Senator Kinsella: Therefore, to follow the honourable senator's logic, would it be his position that there not be any time restraint? We should not be telling the joint committee when to report?

Senator Taylor: Maybe you and I went to different schools to learn English, but, no. I am just saying that the House of Commons has passed this motion to us, and we should pass it and send it back to them.

Senator Lynch-Staunton: Rubber-stamp it?

Senator Taylor: We should watch for results. If the results do not come back the way we would like — and they may not — I may be one of the first to try kick the dickens out of it. However, I do not see that we are accomplishing anything here in arguing about the deadline that the House of Commons has set. We have plenty of time to kill that down the road if it is not right.

Hon. Anne C. Cools: Honourable senators, I am not sure I am hearing Senator Taylor as he intends. Is he saying that the exercise of the joint committee is futile because we are so out-numbered? That is what I heard.

Senator Taylor: Honourable senators, I am sorry if I created that impression. I said the change could well be futile because we are out-numbered on the committee.

I do not know how the committee will react. We in the Senate are not in a position to control the committee and make it report later, without going through a lot of delay. Perhaps we do want to keep this issue going in the house here. However, it seems to me that the sooner we get the issue into the joint committee for consideration, the sooner we will get a solution.

That solution may not be what we want. They may not have enough time. They may come back too quickly with something with which we disagree. Let us get the issue into the committee. Nothing will be accomplished by waiting.

Hon. Dalia Wood: Honourable senators, I have one comment to make and then I would like to close the debate, if I may?

The Hon. the Speaker: Honourable Senator Wood, it is not your motion before us. It is the motion in amendment by Senator Prud'homme. There is no closing the debate on amendments. It is only on bills or on substantive motions. If you wish to speak on the motion in amendment, you are free to do so.

[*Translation*]

Senator Simard: Honourable senators, I move the debate be adjourned.

The Hon. the Speaker: It has been moved by the Honourable Senator Simard and seconded by the Honourable Senator Prud'homme that the debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

[*English*]

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion to adjourn the debate to the next sitting of the Senate please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion to adjourn the debate to the next sitting please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

The whips have agreed to a 20-minute bell. We will vote at 5:02 p.m.

(1700)

Motion of Senator Simard to adjourn the debate negated on the following division:

YEAS

THE HONOURABLE SENATORS

Beaudoin	Lynch-Staunton
Comeau	Murray
Doyle	Oliver
Forrestall	Prud'homme
Kinsella	Simard
Lavoie-Roux	Spivak
LeBreton	Wood—14

NAYS

THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Bacon	Kirby
Bosa	Losier-Cool
Butts	Maheu
Callbeck	Mercier
Carstairs	Milne
Cools	Pearson
Corbin	Petten
Fairbairn	Poulin
Ferretti Barth	Robichaud
Forest	(<i>Saint-Louis-de-Kent</i>)
Gigantès	Stanbury
Grafstein	Stewart
Graham	Stollery
Haidasz	Taylor
Hays	Watt
Hébert	Whelan—33

ABSTENTIONS

THE HONOURABLE SENATORS

Nil.

[*Translation*]

Hon. Jean-Maurice Simard: Honourable senators, I would like to speak for five minutes at the outside to express my support for establishing a joint committee to study the constitutional amendment. I also support Senator Wood's amendment, which proposes more time be given both MPs and senators, that the date be extended to December 31.

Naturally, I support travelling. I supported my colleague Senator Prud'homme's amendment. The MPs, even the Liberals with their slight majority in the other House, and senators on both sides of the House should travel.

I shall come back to Senator Wood's amendment, because I did not hear the remarks made by Senator Carstairs or by other senators on this subject, even though Senator Hébert did a fine job the day before yesterday explaining how the date of November 7 was chosen.

Senator Hébert and Senator Carstairs repeated today that the date had been chosen by Mr. Dion and by the separatist government, which has as the first item on its political agenda the destruction of Quebec. We know the separatist government's record on minority rights in Quebec. That worries me.

I have been fighting for 27 years, 15 years in New Brunswick and over 12 years in the Senate, to preserve minority language and religious rights. I cannot go along with a hasty passage of this amendment by November 7, without the committee going to Quebec City.

My colleague Senator Murray even suggested going to Ontario and perhaps Alberta because there are problems interpreting the Constitution. I supported Senator Prud'homme's motion.

I did, however, find some comfort in Senator Carstairs' reference to the 180 days counting from the date the bill is passed by the House of Commons. I feel that the Senate has been attacked enough without having to pay for a situation created by the House of Commons. We must not rush through an examination of this amendment by November 7. We must not expose ourselves to ridicule for that.

I trust that we senators, Liberals, independents and Conservatives, will have the time to think about it, that the joint committee will be allowed to travel to Quebec, and that the deadline for tabling the report will be extended to December 31. If we must take 180 days to study this resolution, we will do so.

I am therefore asking you to support the amendment proposed by Senator Prud'homme and Senator Wood.

[*English*]

(1710)

The Hon. the Speaker: If no other honourable senator wishes to speak, the question before the Senate is the motion by

Honourable Senator Hébert, in the name of the Honourable Senator Graham, 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 —

Senator Petten: Dispense.

The Hon. the Speaker: And the motion in amendment thereto by Honourable Senator Wood, seconded by the Honourable Senator Cools, that the motion be amended by deleting —

Senator Petten: Dispense.

The Hon. the Speaker: And the motion in amendment to the amendment moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Simard, that the motion be amended by:

a) adding the following after paragraph 9; and

“That the Committee be authorized to hold hearings in the province of Quebec;” and

b) replacing the twelfth paragraph with 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 amendment made by the Senate authorizing the Committee to travel in the province of Quebec.”

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

Senator Lynch-Staunton: On a point of order, which amendment are we actually voting on? There are three.

The Hon. the Speaker: We are voting on the sub-amendment by the Honourable Senator Prud'homme.

Will those honourable senators who are in favour of the motion moved by Honourable Senator Prud'homme please say “yea”.

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say “nay”.

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Could we have an agreement on the length of the bells?

Senator Kinsella: Honourable senators, pursuant to rule 67(2), I request that the standing vote that has been requested pursuant to rule 65 be deferred until tomorrow at five thirty o'clock.

The Hon. the Speaker: It is requested by the Deputy Leader — I am sorry, it is a whip's call.

Senator Lynch-Staunton: He is acting whip.

The Hon. the Speaker: He is acting whip?

Senator Carstairs: He is acting deputy leader.

Senator Lynch-Staunton: He was appointed just a moment ago.

The Hon. the Speaker: The opposition whip has requested, under rule 66(6) and 67(1) and (2) that the vote be adjourned. Rule 67(2) provides:

...when a vote has been deferred, pursuant to section (1), it shall stand deferred until 5:30 o'clock p.m. on the next day the Senate sits.

That is the requested order.

Senator Carstairs: Honourable senators, I have a question. The rules provide that on Friday we do not sit beyond four o'clock, that His Honour must rise from the Chair. How can we have a vote deferred until 5:30 p.m. tomorrow when we would not be here?

Senator Kinsella: Honourable senators, rule 67(3) reads:

When a standing vote has been deferred, pursuant to section (1) above, on a Thursday and the next day the Senate sits is a Friday, the Chief Government Whip may, from his or her place in the Senate at any time before the time for the taking of the deferred vote, again defer the vote until 5:30 o'clock p.m. on the next day thereafter the Senate sits.

I would have done it, but it is the mandate of the chief government whip to defer it to the next sitting day.

The Hon. the Speaker: Pursuant to the request of the acting opposition whip, the vote would be deferred until 5:30 p.m. on the next sitting day.

Senator Lynch-Staunton: I should like to remind the government side that the rules also provide that the government whip can delay a Friday vote until the next sitting day in the following week.

Senator Stewart: Your troops are so numerous. Why not have the vote now?

Senator Lynch-Staunton: Because we were not expecting a vote today.

Honourable senators, it was the wish of the government side to dispose of this issue today. When a vote is to take place, the government usually extends the courtesy of indicating that it would like to have a vote at a certain time on a certain day. This was not communicated to us.

Hon. Peter Bosa: Honourable senators, could we not sit tomorrow at nine o'clock?

An Hon. Senator: No. You have not given notice.

Pursuant to rule 67(2), vote deferred.

CHILD CUSTODY AND ACCESS REFORM

MOTION TO ESTABLISH SPECIAL JOINT COMMITTEE—
DEBATE ADJOURNED

Hon. Landon Pearson, for Senator Carstairs, pursuant to notice of October 7, 1997, moved:

That a Special Joint Committee of the Senate and the House of Commons be appointed to examine and analyze issues relating to parenting arrangements after separation and divorce, and in particular, to assess the need for a more child-centred approach to family law policies and practices that would emphasize parental responsibilities rather than parental rights and child-focused parenting arrangements based on children's needs and best interests;

That seven Members of the Senate and sixteen Members of the House of Commons be members of the Committee with two Joint Chairpersons;

That changes in the membership, on the part of the House of Commons of the Committee be effective immediately after a notification signed by the member acting as the chief Whip of any recognized party has been filed with the clerk of the Committee;

That the Committee be directed to consult broadly, examine relevant research studies and literature and review models being used or developed in other jurisdictions;

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, including legal counsel;

That a quorum of the Committee be twelve members whenever a vote, resolution or other decision is taken so long as both Houses are represented and the Joint Chairpersons will 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 subcommittees as may be deemed advisable, and to delegate to such subcommittees, all or any of its power except the power to report to the Senate and House of Commons;

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

That the Committee make its final report no later than November 30, 1998; and

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

She said: Honourable senators, I am pleased to speak on the motion to establish a special joint committee to examine child custody and access issues.

It was in the last session of Parliament that the Standing Senate Committee on Social Affairs, Science and Technology reviewed Bill C-41, which dealt with the responsibilities of divorced parents to provide financial support to their children. At that time, the committee received numerous presentations from different groups and individuals concerned not only about child support but also about custody and access issues. Many concerns were raised, such as the custody and access terminology, the high costs and delays associated with the legal processes, the need for better enforcement of access, and the need to better deal with family violence and abuse situations.

All of us have heard stories about children being used as pawns in their parents' power struggles and the trauma experienced by children caught in the middle of a marriage breakdown. There is a clinical need to improve the situation for children. There is also an enormous amount of interest, concern and thought that Canadians have and wish to express about these issues. That is why a joint committee can be very useful.

The mandate and the powers of the committee, as stated in the motion, will allow for a serious and comprehensive examination of all the relevant issues. The goal must be to identify the legal rules, principles and processes that emphasize what is best for children.

The motion refers to setting up a committee that will adopt a child-centred perspective focusing on children's rather than parents' rights and needs. I think this is very important. This child-centred perspective will allow the committee to identify the basic rights of children whose parents are seeking to divorce and which flow from Canada's ratification of the UN Convention on the Rights of the Child. It will allow the committee to meet and listen carefully to individuals and groups who care about the quality of life of our children and who have ideas about how to reduce the adversarial nature of custody and access decision-making.

It will also allow the committee to review the important literature about the developmental needs of children, and to examine models being used in other jurisdictions that have attempted to alleviate the negative impact of divorce on children. Nothing can be more important to the future of our country than to find ways to help parents better resolve their differences and to focus on what is best for their children.

Honourable senators, I urge you to support this motion.

On motion of Senator Cools, debate adjourned.

THE ESTIMATES, 1997-98

NATIONAL FINANCE COMMITTEE AUTHORIZED
TO STUDY MAIN ESTIMATES

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of October 8, 1997, moved:

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

Hon. Noël Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, we on this side are supportive of this motion. It is the standard practice that the National Finance Committee receive such authority.

Perhaps I might ask, however, for the benefit of the new members of this chamber, that the mover of the motion explain why Parliament Vote 10 and Privy Council Vote 25 are excepted.

Senator Carstairs: Honourable senators, all I can tell the honourable senator is that this is the standard motion. I assume that it is Privy Council responsibilities which are excluded from this.

I have been informed that Official Languages Committee reviews Vote 25; and the Library of Parliament Committee reviews Vote 10.

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

Hon. Senators: Agreed.

Motion agreed to.

VOTE 25 REFERRED TO THE STANDING JOINT COMMITTEE
ON OFFICIAL LANGUAGES

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of October 8, 1997, moved:

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

Hon. Senators: Agreed.

Motion agreed to.

(1730)

VOTE 10 REFERRED TO THE STANDING JOINT COMMITTEE
ON THE LIBRARY OF PARLIAMENT

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of October 8, 1997, moved:

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

Motion agreed to.

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS OFFICIAL LANGUAGES

SENATORS APPOINTED TO STANDING JOINT COMMITTEES—
MESSAGE TO COMMONS

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of October 8, 1997, moved:

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

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Callbeck, that the Senate do now adjourn.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am wondering if it is possible, with unanimous consent — and I have just had a very quick chat with the Leader of the Opposition — that we not take into consideration the adjournment motion at the present time. We would ask for a brief suspension of the sitting so that the leadership on both sides can have a discussion about where we go from here. We could adjourn until the call of the bell, say not later than six o'clock. Having reconvened at six o'clock, I suggest that we not see the clock. This would be in an effort to determine whether we can arrive at some kind of accommodation.

The Hon. the Speaker: Have all honourable senators understood the proposal? It is that we adjourn during pleasure until six o'clock so that there can be consultations — in the past, these have proven to be very beneficial — and, at six o'clock, when we return, the Speaker do not see the clock. Is there agreement?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

The sitting was resumed.

(1810)

QUEBEC

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

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 subcommittees as may be deemed advisable, and to delegate to such subcommittees 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 Senate or the House of Commons 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, and or the Clerks of both Houses if neither House is then sitting, and the report shall thereupon be deemed to have presented in that House, or both Houses, as the case may be.

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

And on the motion in amendment of the Honourable Senator Wood, seconded by the Honourable Senator Cools, 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 31st, 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 amendment made by the Senate extending the reporting date of the Committee to December 31, 1997.”

And on the motion in amendment of the Honourable Senator Prud’homme, P.C., seconded by the Honourable Senator Simard, that the motion be amended by

(a) adding the following after paragraph 9; and

“That the Committee be authorized to hold hearings in the province of Quebec;” and

(b) replacing the twelfth paragraph with 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 amendment made by the Senate authorizing the Committee to travel in the province of Quebec.”

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, we have had some very serious discussions with the leadership opposite. We recognize the concerns that have been expressed very forcefully by honourable senators on the government side, on the opposition side and by those who sit as independents.

We want to ensure that those concerns are brought to the attention of the Prime Minister and the government. At the same time, we want to ensure that the joint committee will be given every opportunity to conduct its business fairly and that the Senate representation on that committee will play a major and significant role in its deliberations.

It is also understood that the Senate hearings will form the second part of the process. The third and fourth parts, of course, will be the consideration in both houses of the report of the joint committee. That report of the joint committee will be debated, as will the main resolution. Every opportunity will be given to debate that report in a full and fair manner in this chamber.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while we could move this debate into next

week and prolong it, it is quite obvious that the government is adamant on its position regarding our major preoccupation which is the November 7 deadline. We still feel that it is highly unrealistic. I respect them for maintaining their position, though I deplore it. I fear that there will not be time for a sufficient study of this very important matter, not just for Quebecers but for the entire country.

In any event, we have set out our major arguments. I am reassured by the government's awareness that perhaps, though sticking to it, the deadline may not be sufficient and that it would look with sympathy on any request of the committee for an extension. I hope that will be emphasized repeatedly so that the committee does not feel bound by a deadline of less than a month.

I am mainly concerned because those who are asking to recognize rights which are now protected under the Constitution are those who do not respect the Constitution, do not accept the Canadian Charter of Rights and Freedoms and, on occasion, have shown shameful disdain for the highest court in the land. It is to them that we are being asked to entrust an education system in which certain rights that have been protected for 130 years are to be removed, and therefore the future of those rights is rather uncertain.

I am reassured by the fact that the seven senators who will be representing this chamber are experienced, knowledgeable and conscious of linguistic and religious minority rights. Their backgrounds certainly qualify them to engage in this sort of study. I would hope that the seven can all work together. The issue is so important that they should not go in there representing parties but as seven senators very conscious of the responsibilities that we are being asked to assume. That is, they are to study this important, proposed amendment; they are to do it together and work together. They must go there as senators who are above partisanship.

[*Translation*]

If senators, especially those on the committee, do not agree with the joint committee's conclusions, the Senate will remember that the Constitution provides for a formal obligation to review such amendments.

[*English*]

I remind honourable senators that during the debate on the Meech Lake accord, the Senate approved proceeding by Committee of the Whole on June 11, 1987, while the House of Commons got its order of reference on June 17, just within days of each other. There we had an important constitutional item, a very significant item, being debated by both chambers at the same time.

I do not know how one can quantify the importance of constitutional amendments because to my mind they are equally important. The Senate should keep in mind that it has the ability to study what the other house is studying at the same time. Perhaps we could consider that possibility in due course if, before the report comes out, things are not proceeding in the way that we would wish. I hope that does not happen.

Coming back to political realism, neither I nor any of my colleagues want it to be perceived that, by delaying, we are against what lies behind this amendment.

(1820)

I, personally, have always felt strongly about the separation of church and state. In a sense, I am happy to see this form of education system being introduced in my province. I am, however, equally conscious of the fact that many of our citizens believe that the education of their children should have a significant religious content, which they have been able to have through section 93. It is important — it is essential — that their views not only be heard but be respected, and that the protection that they have had over the last 130 years not be taken away without some very serious searching of consciences.

We are quite prepared, honourable senators, to proceed with the item and bring the amendments to a vote. Obviously we will not call for a standing vote because we were not expecting to dispose of this issue today.

We will support the motion and the amendments. I conclude by saying I only hope that the very strong concerns and feelings that have been expressed on both sides about the route that we are being asked to take will lead us to a conclusion that will be to the benefit not only of all Quebecers but of all Canadians.

Some Hon. Senators: Hear, hear!

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, this sudden and happy agreement between the leaders surprises me. First of all, I have not been invited. However, I understand I do not represent the independents. I thought I was involved in a great debate on fundamental ideas. I can imagine what Senator Bolduc would say, if he were here, about what we just heard. Anyhow, I cannot speak for Senator Bolduc or his party. I cannot speak for the Liberals either, so I will speak for myself.

If I understood correctly, a debate that we saw as very important and very fundamental "vient de s'effoier." I wonder how this Quebec phrase will be translated.

An Hon. Senator: Collapsed?

Senator Prud'homme: No.

I must tell you that I am very surprised about this amicable agreement. I see Senator Carstairs giving some good directives.

[*English*]

You are very wise, Senator Carstairs, because if I were to be provoked, I could say no easily. However, I will be a gentlemen and a statesman for a minute — not a statesman, for that would be arrogant, but —

[*Translation*]

I will be magnanimous and if some of you do not like it, they can leave.

I did not understand in Senator Graham's and Senator Lynch-Staunton's speeches what representations will be made to

the Prime Minister concerning our desire to conduct a serious study and to take the time necessary to do so. That was the objective of Senator Wood's amendment.

In the friendly agreement reached, I did not hear the subamendment mentioning the need to travel to Quebec. Senator Hervieux-Payette is a very competent woman who knows the issues very well; moreover, she has children and she may be blessed with grandchildren. Education is very important to her and that is why she wants parents to be heard.

Familiar as we are with the system, we know only too well that people are intimidated by this place. I do not know what the Right Honourable Prime Minister's reaction will be. I am polite, he is my friend, I say it publicly. There are people around him I cannot accept, which is why I must stay in my corner. I want this to be on the record.

The Prime Minister could very well say that all is well in the best of all worlds. Mr. Dion, my minister, does not want to hear about that. I see people across the way, good Liberals, who know the system a lot better than I do.

There will be consultations and the Right Honourable Prime Minister will be called upon, but he has a great way of managing the country. He has confidence in his ministers. He delegates his authority and I like him a lot for that.

I think that we should talk to Minister Dion instead. Honourable senators, if I understood this new member of the House of Commons correctly, his idea of the Senate may not be what you think. His respect for the Senate and the senators may not be to your liking. So he might waste no time in sending us packing because the committee will be formed by a majority of those people who despise the Senate. I am talking not only about the Liberals but also about Reform, the NDP and the Bloc. We do not have many allies left in the House of Commons. There will be a few representatives of the Senate courageously trying to defend us. Senator Wood being an experienced senator, her amendment was well thought out. The role of Senator Hébert and the other senators, whom I hold in high esteem, will not be easy because they sit on the government side. Senator Wood's role will be no easier.

[English]

If Senator Stollery would listen for a minute, I am talking about Senator Wood. What Senator Wood has done is not easy. She sits with the government. However, she thought that the debate was important enough that she dared go against her party. It is not easy to go against this party; I know that. It is not easy to do what Senator Cools has done. She gave a remarkable speech this afternoon. I know it annoys a lot of her old colleagues, but she does what she thinks is best for the rest of Canada and for Canadians.

(1830)

It is not easy when you sit with a team and you are suddenly confronted with such an entente cordiale, one which I would, I suppose, respect, although I am no part of it. Perhaps that is better because I would probably have agonized and at the end said, "Oh, well, if I am to be alone, I might as well join the wagon." I regret that we terminate the debate in such a way because I am not sure of this entente.

[Senator Prud'homme]

I call directly on Senators Graham and Carstairs, for whom I have a great esteem and respect. Senator Carstairs has immense responsibility. Her job is not easy with regard to what is going on over this debate in her caucus. I will not add to their problems, but I will say that it will not be enough to convey to the Right Honourable Prime Minister the views strongly expressed here today.

I wish to draw your attention to something which may have escaped your attention. Senator Bolduc got up twice today, and if I were you I would take that seriously, because he is a man who does not get excited unduly. He delivered a very strong message to you. Do not push him. He knows Quebec better than any one of us here, except perhaps Senator Bacon. He knows how Quebec works. He knows Quebec profoundly. His remarks must be taken seriously by us.

This message of strong feeling should be brought to the attention not only of the Prime Minister but also to the attention of that minister whose last preoccupation is the Senate. I regret to say that. He is the minister ultimately responsible for this bill. I am not attacking him personally, but he has spoken about the Senate, and not in the most friendly terms. He may decide to disregard the Senate in his deal with Quebec. I do not care about the deal with Quebec. I do not care what happened between him and Mr. Brassard, as if Mr. Brassard is a new father of Confederation. I do not care whether the Premier of Quebec has a deal with Mr. Dion. I want a deal with Canadians, between Canadians and among Canadians.

Some of us believe strongly that this situation is not good. Perhaps Senator Lynch-Staunton is right that if we delay until next week, the result of the vote will be the same. I regret that there will not be a standing vote. I can assure you that many people on the Liberal side would vote for my motion. My motion is not to go everywhere in Quebec, but to show the same consideration as we showed when we went to Newfoundland.

There will probably be a third step. I know that some people want to get rid of religion in schools in Ontario. There is an immense program of what I call the de-christianisation of the institution.

Please, Senator Graham, tell the Prime Minister, Mr. Dion and the cabinet where you sit of the feelings of senators in the opposition about their attempt to stampede the Senate by insisting on November 7 with no delay.

Second, you did not pay attention to my amendment. It is an amendment that any Liberal could have introduced. I know of seven Liberals who would have liked to have introduced my amendment. It is not a Tory-Prud'homme amendment. I can name them if challenged right now.

Senator Oliver: Name them.

Senator Prud'homme: We want to have harmony here, but you will see. You will hear all the debates. They could have introduced the amendment, but I did it.

I hope that Senator Carstairs will also make strong representations to the Prime Minister on the possibility of going to at least a few places in Quebec and not just to Montreal.

[Translation]

We call them "terriens", because they are attached to their traditions. For example, you, the people of New Brunswick, have

survived because of your attachment to traditions, to family, to your small towns, to religion. Apparently it is not in fashion to talk about religion today, but I am inspired to do so when I see Senator Butts. We can see that today's young people are desperate because they no longer have a point of reference in our society.

We call them "terriens," because they are attached to their traditions. For example, you, the people of New Brunswick, have survived because of your attachment to traditions, to family, to your small towns, to religion. Apparently it is not in fashion to talk about religion today, but I am inspired to do so when I see Senator Butts. We can see that today's young people are desperate because they no longer have a point of reference in our society.

[English]

They have no more compassion in society. It is no wonder they are so desperate. It is no wonder there were 1 million people — to the surprise of the anti-Papists — in Paris to see the Pope. They may not have known exactly why they were there, but they were looking to him as a light of hope. That is touching the debate of the school system.

I baptized my 13-year-old nephew last week, at his request. That is very strange in French-Canadian society. It is because he learned that at school. We are dealing with something very profound.

Senator Graham and Senator Carstairs, please try to ensure that we go not only to the big cities of Montreal and Hull, but —

[Translation]

— also to what I call the heart of Quebec, to two, three or four places where we can hear ordinary people tell us in their own words what they think about what is about to happen. As Mrs. Payette said so well, do you know what 50-50 means? It is 80 or 85 per cent in Montreal, as the results of the referendum showed. However, in Quebec's heartland, there is a kind of rage against the French Canadian people of Quebec — notice I did not say the Quebec people but the French Canadian people of Quebec, in their tradition and their history. And this amendment directly affects the history of the French Canadian people of Quebec as it relates to their institutions and their school system.

I think I have said enough to show you that I am not the only one who speaks this way. And do not push us to speak differently; do not push us to speak as I do but outside this house. It is a message that I have repeated many times, but it does not seem to get through. It would be easier for us to try to convince people elsewhere.

Madam Deputy Leader of the Government in the Senate, I urge you to convey this message to the Prime Minister, to tell him to discuss this issue with his minister so they can come to understand that some people are not willing to give up so easily their fundamental rights that are protected under the Constitution.

[English]

The Hon. the Speaker: Honourable senators, what is the agreement?

Senator Carstairs: Your Honour, I believe it has been agreed by both sides that we will not defer the agreement but that we will have the votes first on the amendment of Senator Prud'homme, then on the amendment of Senator Wood, and then on the main motion.

The Hon. the Speaker: Honourable senators, I understand that it is agreed that the previous decision of the Senate regarding a deferred vote will be erased from the record, and that we are back to where we were when the vote was called.

Is that the agreement?

Hon. Senators: Agreed.

[Translation]

The Hon. the Speaker: The question before the Senate is on the motion of Senator Hébert, for 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 —

Senator Carstairs: Dispense!

The Hon. the Speaker: And the motion in amendment moved by Senator Prud'homme, seconded by Senator Simard —

Senator Carstairs: Dispense!

Senator Prud'homme: No.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Simard, that the motion be amended by:

a) adding the following after paragraph 9:

That the Committee be authorized to hold hearings in the province of Quebec; and

b) replacing paragraph 12 with 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 amendment made by the Senate authorizing the Committee to travel in the province of Quebec.

[English]

That, then, is the amendment on which we vote first.

Will those in favour of the amendment please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the amendment please say "nay".

Some Hon. Senators: Nay.

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

Senator Cools: On division.

Motion in amendment of Senator Prud'homme negated, on division.

The Hon. the Speaker: Honourable senators, we then come to the amendment moved by the Honourable Senator Wood, seconded by the Honourable Senator Cools, that the motion be amended by deleting —

Senator Carstairs: Dispense.

The Hon. the Speaker: All those in favour of the motion in amendment please say "yea".

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment please say "nay".

Some Hon. Senators: Nay.

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

Senator Cools: On division.

Motion in amendment of Senator Wood) negated, on division.

The Hon. the Speaker: Honourable senators, we are back to the main motion, unamended, that is, the motion of the Honourable Senator Hébert, in the name of the Honourable Senator Graham, 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 —

Senator Carstairs: Dispense.

The Hon. the Speaker: All those in favour of the main motion please say "yea".

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the main motion please say "nay".

Senator Prud'homme: Nay.

The Hon. the Speaker: I declare the motion carried.

Motion agreed to.

MOTION TO APPOINT MEMBERS
TO SPECIAL JOINT COMMITTEE ADOPTED

Leave having been given to revert to Government Notices of Motions.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 85(1)(b), I move, seconded by the Honourable Senator Kinsella:

That the Members to act on behalf of the Senate on the Special Joint Committee to Study the proposed Quebec

Constitutional Amendment be the Honourable Senators Beaudoin, Grafstein, Lavoie-Roux, Lynch-Staunton, Pépin, Robichaud (*Saint-Louis-de-Kent*) and Wood; and

That a message be sent to the House of Commons to inform that House accordingly.

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

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I have learned some valuable lessons from my father, including the fact that any display of anger on one particular issue should not be transferred to another issue.

Some of the new senators have asked me what rule applied here and I want to touch on that issue. Let me remind the honourable senators that I could have said no and I can still say no; that is quite clear. I will not do it however, because I want to show you that I can set aside my passionate arguments in an earlier debate when dealing with a different issue. I do not hold such a grudge that, after giving vent to my anger on one issue, I would decide to withdraw my support for a different matter. That would not be worthy of a senator.

[*English*]

I would rather leave this trickery to the House of Commons or for my friend.

Yes, I did express myself strongly earlier. I want senators to know that this is exactly what I learned from the British parliamentary tradition. One discusses vigorously and then abides by the majority. Even though I do not agree with this "royal" agreement, it was done.

Senator Cools: Long live England!

Senator Prud'homme: I will give my consent, and I will not even say reluctantly.

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

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 21, 1997 at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 21, 1997, at 2 p.m.

APPENDIX
(see p. 141)

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, October 9, 1997

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30							
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30							
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08							
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-220	An Act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime)	97/10/02							

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