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Thursday, November 6, 1997

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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, November 6, 1997

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

Prayers.

[*Translation*]

A year before his death, Talbot Papineau illustrated these lessons in an open letter to Henri Bourassa, the eloquent editor of *Le Devoir*.

[*English*]

Papineau wrote:

As I write, French and English Canadians are fighting and dying side by side. Is their sacrifice to go for nothing or will it not cement a foundation for a true Canadian nation, a Canadian nation independent in thought, independent in action?

Honourable senators, in the days and hours to come, we will honour the sacrifice of generations. We honour the young men and women who have fought side by side to cement the foundation for a true Canadian nation. We honour those who have served in the air, at sea and on land in the defence of Canada. We remember. We remember Canadian divisions which freed Nazi-occupied Europe, a sacrifice which drove a shaft of light across a continent. We remember their voices. We hear their words. They have much to tell us about hope and sacrifice, about the power of the human heart.

They have much to tell us, especially those of us who have lost the commitment and the spirit of tolerance which Canada is and always will be, and those of us who are complacent, who are indifferent or careless with our country. They would tell us that citizens who fall victim to these tendencies pay with the ultimate price of failure, they pay with the very existence of freedom itself.

[*Translation*]

They told us of these things so that their memory would not be lost, so that the memory of so many leaders would not die.

So many nameless dead buried under simple wooden crosses, so many young people of promise, so many who died too young. Lest we forget the lessons they would have taught had they lived — lessons about tolerance and compassion, about freedom and human rights, lessons about a country which is a symbol of hope in countries where hope has been forgotten, a country loved and respected across the planet.

•⁽¹⁴¹⁰⁾

In this special chamber, we look around. We remember them, and we hear their voices and their words. In this special place, where the walls whisper, honourable senators, we remember and we honour all those who gave their lives and futures so that we may live in peace.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

REMEMBRANCE DAY

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as we know, Sir Max Aitken, later to become Lord Beaverbrook, was an imaginative and dynamic expatriate who, prior to the outbreak of World War I, had made his mark as a British press baron. During the war, he became indispensable as a special envoy to the Western Front for the Dominion of Canada, and was called upon to tell Canadians and the world at large about the war to end all wars.

It was Aitken who commissioned one of the most remarkable art programs of all time, the Canadian War Memorials Fund. Eight of the huge and wonderful oil paintings from that program grace this chamber. Our deliberations here in this place are carried out under the careful scrutiny of the messengers of the past. In this place, the walls truly whisper with their sacrifice.

Others traced the events of the Great War in letters and diaries. One of the best known of these was Talbot Papineau who served with the Princess Pats from August 1914 until his tragic death in the awful carnage of Passchendaele in the fall of 1917.

[*Translation*]

Talbot Papineau, the grandson of Louis-Joseph Papineau, with his passion and intelligence, was the very incarnation of the spirit of a bilingual and bicultural Canada. He became a Canadian hero who captured the heart and the spirit of his times.

[*English*]

His first-hand accounts of the valiant ordeal by fire on the Western Front spoke of the horrors of poison gas and the putrefying stench of the trenches, chronicled in the agony of men gone mad under heavy artillery fire, and traced the courage, the valour and the suffering of a world gone mad.

The nation wept at the news of his death. Tributes poured in from across the then Dominion of Canada. Perhaps Great Britain's *Daily Mail* of London put it best, saluting him as a "lost leader." The editorial continued, "May Canada learn from his death the lessons he would have taught had he lived."

Hon. Orville H. Phillips: Honourable senators, I rise today to pay tribute to those who paid the supreme sacrifice and to those who served and survived. On this, the last sitting day of the Senate before Remembrance Day, I think it is most fitting that we should remember them.

Senator Graham has said we are reminded of the sacrifice and the horror of war by the images of world war that surround us. As parliamentarians, it is appropriate that we never lose sight of our war history. Every Canadian who lived through one of the two world wars knows of the sacrifice, loss, courage and, yes, sorrow.

I sometimes feel that, in the remembrance of those who paid the supreme sacrifice, we tend to forget their families and the shock of a telegram sent to a mother, a wife, a brother or a sister reporting that a loved one was missing, wounded or killed in action. We must not forget that many of those veterans who paid the supreme sacrifice left young children.

We must not forget the hundreds of thousands of Canadians who left our shores. Many never returned. Others returned wounded in body and mind, because they had difficulty forgetting the horrors of war and battle. They carried those scars with them throughout their lives.

For the new generations who did not participate in World War I or World War II, we must remain vigilant in promoting and sharing our war history. Never can we belittle the significance of the world wars. Many veterans resent, for example, that consideration would be given to changing either the name or the direction of the Canadian War Museum. What in Canadian history can compare with Vimy, Dieppe, Normandy, the Battle of the Scheldt or the 1,000 plane raids over Europe or the Battle of the Atlantic? Honourable senators, these efforts cannot be diluted by being mixed with, and included in, other parts of our history.

Today, Remembrance Day is becoming less relevant to generations who do not know war. In their negotiations for collective bargaining, unions are attempting to have Remembrance Day declared a holiday, probably combined with Christmas.

How quickly we have forgotten. Many of our universities do not observe Remembrance Day. Our shops in most cities open after the eleven o'clock service. Honourable senators, this is wrong. November 11 is a sacred day and it must always remain that way. It is a day when Canadians must pay tribute to those who made the supreme sacrifice and honour those who served and experienced the horrors of war, those who forged a new sovereignty for our nation and maintained our freedom. I implore all Canadian parliamentarians and all Canadians to ensure that the memory of our war history never fades, as our memory of those who served tends to fade.

I remind all of us of our commitment, as set out in the act of remembrance. Since we are not able to have a moment of silence, I will close with the act of remembrance:

They shall grow not old, as we who are left grow old;
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

Hon. Senators: Hear, hear!

Hon. Richard J. Doyle: Honourable senators, contrary to what Senator Orville Phillips, late of the 426 Thunderbird Squadron might tell you, the Department of Veterans Affairs does try to keep track of everything. For instance, I learned yesterday that I am survivor number 439,798 of the more than 1.1 million women and men who served in the Canadian Navy, Army and Air Force during the Second World War.

What is more, I am one of the six sitting senators who, as R. John Pratt used to tell us in the Navy Show:

That the first year was the worst year
Then we got used to it.

“Got used to it?” Most of us had hardly time to get used to “civvy street” before we decided on the service of choice, and just a few yards ahead of the man in charge of the draft.

•⁽¹⁴²⁰⁾

The closest I had been to real war in my early reporting days at the *Chatham Daily News* involved the Essex Scottish Regiment casualty lists issued after the raid on Dieppe. I went out into familiar neighbourhoods, looking for pictures and biographies of soldiers whose brothers, sisters and wives had been my high-school classmates.

Perhaps it was that experience that prompted me through what remained of the war to see the events around me as journalistic encounters. At home in a dusty Air Force trunk is a copy of an aging front page from an English newspaper with pictures from a Heligoland raid we had flown on the day before; another fading headline, this time about the tragic bombing of Wellington Barracks. Four hundred guardsmen perished the distance of a London park away from Westminster Abbey, where a buddy and I had gone to a service marking the liberation of Paris.

That old linking of press and war surged back this week when I turned my mind to what I might say this afternoon about Remembrance Day. The parliamentary library sent me copies of the principal pages of *The Globe and Mail* on the day they printed the famous headline “Germany Throws up her Hands.” Stripped below were four bulletins from Washington. The final line read:

The World War will end this morning at six o'clock Washington time, eleven o'clock Paris time. The Armistice was signed by the German representatives at midnight. This announcement was made by the U.S. State Department at two fifty o'clock this morning.

Two small pictures break the columns of type below — one of Kaiser Wilhelm, who “fights to save his crown,” and one of David Lloyd George, who says,

Peace terms will be just but must prevent such wantonness again.

A single story, only three inches long, deals with Canadian aspects of the end of World War I. Naturally, it is all about how the good news came to Toronto — by wire to newspaper offices, and relayed by telephone and whistles to all parts of the province. We are told that “Eaton’s big wildcat siren awakened the whole city.”

Of course, as some of the 1,370 Canadian survivors of the First World War must recall, there was an unsigned poem on the front page:

But hark! High o’er head the wildest note of war,
Celestial bugles bid man’s battles cease,
And seraph voices, wafted from afar,
Fill heaven with music and the Earth with peace.

Jokes and another poem about buying bonds were on the editorial page. The leader, the End of Autocracy, carries this prophesy:

The German Empire is gone but the German people remains. It is with them the allies must make a final settlement. The conditions of that settlement will be such that Germany will not again in our time imperil the world’s peace.

And this quote from Lloyd George:

The recklessness that placed the world in such awful agony must expect stern reckoning.

On May 8, 1945, the war that the papers said would never come, ended after five years and nine months. The headline read “this is Victory,” spelled out in what the printers call Jesus type. That is the way the headline was. Just below was the picture of a sweating, bleeding, Canadian soldier — posed by a model in a *Globe and Mail* studio.

The stories crackle still, covering all the fighting fronts and naming heroic contributors to the victory. The editorials have special credit for General H.D.G. Crerar and a salute to Churchill, Roosevelt and Stalin. The next day, a tribute to Bomber Harris, without help from the CBC, and then J.V. McAree’s sobering column. He wrote:

We remember Dieppe and Hong Kong, about which controversy still rages, and with some shame we remember the efforts to prove that Dieppe was an indispensable part of war operations. We remember the treacherous Mayor Houde who is once more at large and being acclaimed and continues to drip poison about our allies — and the spiritual tragedy of General McNaughton and the persisting revelation that Canada is not a united country.

We recall, not without shame, the various assaults made upon a presumed lethargy of the public at home, the importation of Hollywood stars to remind us of our duty. We recall Dublin, the

only large city in Western Europe lit up like a Christmas and presumably helping German night bombers to locate their target.

In the Right Reverend R.J. Renison’s column, you could find the ritual poem, this time with the signature of Arthur Noyes:

•(1430)

The cymbals crash and the dancers walk
With long silk stockings and arms of chalk,
Butterfly shirts and white breasts bare,
And shadows of dead men watching ’em there.
“What did you think we should find,” said a shade
“When the last shot echoed and peace was made”
“Christ,” laughed the fleshless jaws of his friend,
“I thought they’d be praying for worlds to mend.”

At least the poetry was improving, and that might suggest, these 52 years on, that the Canadian War Museum in Ottawa still has lessons to teach before it looks for new horizons. As we remember.

Hon. Senators: Hear! Hear!

Hon. Nicholas W. Taylor: Honourable senators, I want to cover another corner of this subject which has not been mentioned. Before I do that, I am glad to hear of Senator Doyle’s service. I served in the navy, my enlistment number being B-3372. I think I am near the bottom of the list because I enlisted very near the end of the war. I developed the capacity in those days, honourable senators, to alter birth certificates, so I was able to serve when I was 16 years old. That skill came in handy later when working on stock certificates.

On a more serious note, I wanted to draw attention today to the wonderful work done by Senator Andreychuk several years ago when she chaired the Subcommittee on Veterans Affairs during its study on aboriginal war veterans. She was able to highlight something that went unnoticed by many of us throughout the years. This is a great time to recall it.

Many of our aboriginal veterans fought in World Wars I and II and the Korean War. At that time, aboriginal persons were not allowed to drink or vote, so they often hid their aboriginal origin when they joined the services. Yet they were some of our best soldiers, as was proven time and time again. They are among our most decorated soldiers.

To add insult to injury, when they came back at the end of those wars, services were held and awards were handed out. Senator Andreychuk points out in her report that many of our native veterans were caught in what might be called a Hobson’s choice. If they maintained that they were native and wanted to return to their reserves and qualify for treaty rights, they would be confessing to illegal status in the army. On the other hand, if they wanted to qualify for a veteran’s allowance, they often had to disenfranchise themselves of their native heritage.

We have a huge apology to make. The Senate subcommittee, under Senator Andreychuk, recommended that the Canadian people apologize to these people. That motion was passed and the government has now established a scholarship committee.

There is another material side of which I think our aboriginal war veterans would approve. I became the chairman of the Aboriginal War Veterans Monument committee. We have obtained from the National Capital Commission a monument site immediately adjacent to the National Arts Centre on the south side. We have paid for a design. It will be roughly three stories high. A bank account has been established. Honourable senators may receive a letter shortly, and a portion of your travel expenses might be very well used in the form of a donation. I will set an example.

The second half of the tangible definition of Senator Andreychuk's recommendations is about to take place. We will build a monument. Pro rated, the aboriginal veterans showed a volunteerism which equalled or exceeded that of non-aboriginal citizens.

At this time when we pause to remember, we should not forget the hundreds of aboriginal people who gave their lives. They were courageous and set a great example as warriors, with their natural ability to adapt. The historical reputation of our army, and even some of our navy corps, has come about in part because of the courage and characteristic resourcefulness of our aboriginal people. They got out there and got the job done.

The Hon. the Speaker: Honourable senators, please rise for a moment of silence in memory of the valiant Canadians who served this nation so well.

Honourable senators then stood in silent tribute.

VISITORS IN THE GALLERY

The Hon. the Speaker: I should like to draw the attention of the Senate to the presence of some distinguished guests in the gallery.

[Translation]

We have the pleasure of welcoming a delegation of senior officials from the National Assembly of the Republic of Cuba, led by Mr. Ernesto Suarez Mendez, member and secretary of the National Assembly.

We also welcome the Cuban ambassador, His Excellency Bienvenido Garcia Negrin.

[English]

On behalf of all honourable senators, I bid you welcome to the Senate.

[Translation]

SENATORS' STATEMENTS

LES ÉTATS GÉNÉRAUX DU CANADA FRANÇAIS

Hon. Eymard G. Corbin: Honourable senators, an article in today's *Le Soleil* says that the états généraux du Canada français, which were held on November 23, 24 and 25, 1967 —

...also led to the break between Quebec and the francophone communities in the rest of the country.

The article also says:

The états généraux du Canada français marked the awakening of the Quebec identity and lay the foundation for the creation of the francophone state of Quebec.

A so-called scientific symposium will be held this weekend in Ottawa in order to examine what took place at the time and in the intervening 30 years. If I were a journalist today, as I was at that time, I would put the story on the front page, headlined with a big question mark: rupture or betrayal?

•(1440)

Distanced by 30 years and all the events that have occurred in the meantime, in an effort to be objective, I would be tempted to draw up a balance sheet of the gains and losses. It would be pretty simple arithmetic. I would applaud for one side and perhaps weep for the other. There is more. There is the wound that did not quite heal. There is the effect of the shock that still lingers, and there are immeasurables in terms of human relations.

Contrary to the remarks of Marcel Martel, the conference organizer, and I quote:

The point of the gathering is to remember the event, which has disappeared from our collective memory.

This is not true in my case. I remember the time and the events very clearly. André Laurendeau had died. Louis J. Robichaud had just been re-elected for a third term. He announced a few months later a policy of bilingualism for the province of New Brunswick. You do not forget that quickly!

I followed the course of the états généraux on CBC television. I was invited to attend, but refused, because I had smelled the ambush set up for the French Canadians. The outcome had been decided in advance. I thought it was a scandal that famous Acadians lent their support to this farce and then came away from it profoundly humiliated.

No one I know in the country can be proud of what happened then, not even Quebecers. We were rejected, we the francophones in Eastern, Central and Western Canada. However, we are still standing and we are getting stronger.

I have been a parliamentarian for 29 years. The events of 1967 and 1968 led me to tackle the vagaries of politics. I have had my ups and downs. Today, however, I cannot help but feel how much I miss the lack of support of my brothers and sisters in Quebec.

I am pained every day by what is going on in Quebec, among Quebecers themselves, between Quebecers and the federal government, between Quebec and the "English provinces," another term coined to denigrate the French-language minority.

We have not been left behind, whatever they say in Quebec, whatever the loudmouths in the Bloc Québécois may say, who are hypocritically trying to get closer to the very minorities that were shunned by their predecessors 30 years ago.

Of course, my remarks are bitter.

I walk with my head held high, however. I am a first-class citizen who has rights. I am not Lord Durham's heir, but I have an unfortunate legacy from the États généraux.

On July 3, 1963, in response to the insulting remarks made by Pierre Berton, André Laurendeau, the father of the Commission on Bilingualism and Biculturalism, wrote:

To have a social group define itself on the sole basis of its relationship with another group would mean that the former does not exist on its own.

There are still Canadians who, with good intentions no doubt but without fully realizing how words can be interpreted, define themselves in relation to Quebec. That is a mistake. I am not someone from outside Quebec. This concept of "outside Quebec" is a poison made in Quebec to put us down further. Life in the fast lane, that is the sentiment the separatist in Quebec are trying to instill in us, but that is not a very pleasant life.

I feel Canadian in my heart and soul and call myself a proud Canadian. I am a Canadian who lives his culture, who writes and speaks his language, who, by inheritance, training or habit, feeds on one of the great cultures of the world without taking away or denying others their own values and heritage. I expect mutual respect.

For me, the états généraux du Canada français will always remain a black mark in the history of our country. What can I say, I lived through those days. I remember, but I still have hope.

Hon. Philippe Deane Gigantès: Honourable senators, a former president of the Socialist Party in France was saying to one of our colleagues that this prominent French statesman personally supported the independent leanings of Quebec. Our colleague asked him why he was doing this for Quebec and not for other countries. He said it was because Quebecers spoke French.

We know that in Belgium, there is a large group of Walloons who speak French and who created a movement called the "Rattachistes." They want the region to join France and leave Belgium. French President Jacques Chirac was asked to

comment on this. He answered that the unity of Belgium was as important to France as the unity of France itself. This is what the President of France said about a group of separatist francophones in another country.

So pro-separatist opinions in France are not shared by everyone. I would also like to quote the French minister who is chairman of the committee of ministers of the Parliamentary Assembly of the European Council, and who, on September 27, 1997, in Strasbourg, in reply to a question from a person promoting the rights of linguistic and ethnic minorities, said this:

My reply to Mr. Domljan will help clarify in part a question asked previously. Mr. Domljan is well aware that the notion of minorities is extraneous to the basic legal principles of the French Republic, to the collective and specific rights enjoyed by minorities. In keeping with the tradition and heritage of the revolution, we balance the freedoms guaranteed to every citizen against the concept of territorial autonomy. We prefer the notion of sovereignty. We are not a federal state. The issue of regional languages is addressed in different terms here. France has only one language: French.

Later, the representative from Spain rose at that same meeting and said that his country was also against claims by ethnic and regional groups. He said that it was out of the question for Spain to support or accept the breakup of a country on those grounds.

I wanted to point this out to you, honourable senators, because the separatist government of Quebec must think twice when it asks itself whether it would be recognized after a unilateral declaration of independence.

No new nation has been recognized since 1945 without the consent of the political unit to which it had belonged. The United Nations has never admitted a member who had not been recognized by the power under which that nation lived. To become a member of the United Nations, Quebec will have to obtain, first of all, the consent of the United Nations Security Council, which includes China, which cannot really accept a unilateral declaration of independence by Quebec because this would create an unacceptable precedent in view of China's position towards Taiwan. Russia, being full of little nations that want to separate, would also exercise its veto.

[English]

NEWFOUNDLAND AND LABRADOR

INUIT LAND CLAIMS AGREEMENT

Hon. Bill Rompkey: Honourable senators, yesterday I had the pleasure of attending an event in St. John's, Newfoundland, which is of historic importance for our province. It was announced that agreement had been reached in principle in a land claims settlement with the Inuit of Labrador. The historical significance is that this is the first time we have ever had a land claims agreement in our province.

Of course there were the usual elements: There was a cash settlement; there will be revenue sharing, both for underground resources and above-ground resources. There will be control over fisheries. Most important, for the first time in Canadian history, with this agreement there will be self-government for those people who live along the Labrador coast. That is a first in Canadian land claims, and I am proud that it happened in my province.

•(1450)

Furthermore, not only will aboriginal people be recognized in this self-government, but non-aboriginals will be as well. This is a recognition that, for generations, aboriginals and non-aboriginals have lived in harmony along the Labrador coast. This agreement will be the continuation of that tradition.

Voisey's Bay, the largest and richest nickel mine in the world, was obviously a strong pressure point for reaching this agreement. There was much emotion yesterday for two reasons: First, this agreement gives people on the Labrador coast a hope of economic independence. Those of us who come from the Atlantic know that we, among Canadians, have been dependent for so long, not out of choice but out of circumstance. This agreement raises the hope that there will be economic independence for the people who live along that coast. The second reason for the emotion is that these people will have a high degree of control over their own lives.

I should like to put on the record the names of some of the people who took part in those intense and difficult negotiations. I would pay tribute to Bill Rowat, former Deputy Minister of Fisheries, who is now on the staff of the Government of Newfoundland and Labrador; to Harold Marshall, the Secretary to Cabinet for Aboriginal Affairs in our province. Among the Inuit, I would pay tribute to the President of the Labrador Inuit Association, William Barbour, and to two brothers from Makkovik on the Labrador coast, Toby and Chesley Andersen, who gave yeoman service to their people. They worked long and diligently, and at great sacrifice to themselves and their families, to achieve a settlement for their people; a settlement which I think will be of historic significance in our province.

TEACHERS INSTITUTE

The Hon. the Speaker: Honourable senators, before I proceed to the next item on the Order Paper, I should like to take a moment to thank all honourable senators who participated in the dinner last night and the breakfast this morning for the Teachers Institute. They are a very important group, comprised of social science teachers from across Canada, and meeting with them is an important way of promoting a better understanding and knowledge of the Senate in schools across this land. I again thank all honourable senators who participated.

[*Translation*]

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

FIRST REPORT OF STANDING JOINT COMMITTEE PRESENTED—
DEBATE ADJOURNED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to present the first report of the Standing Joint Committee on Scrutiny of Regulations with respect to the role, duties and powers of the committee, and its expenditures during the Second Session of the Thirty-fifth Parliament.

I ask that the report be printed in the *Journals of the Senate* of this day.

(*For text of report, see Journals of the Senate of this day.*)

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

Senator Hervieux-Payette: With your leave, honourable senators, I move that the report be placed on the Orders of the Day for immediate consideration.

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

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by Senator Hervieux-Payette that the report be considered immediately. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: The Senate respectfully requests an explanation, Senator Hervieux-Payette.

Senator Hervieux-Payette: Honourable senators, I tabled the report of the committee that sat during the Second Session of the Thirty-fifth Parliament. I have no personal comments to make as I was not a member of this committee.

[*English*]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Just so that honourable senators are clear on the proceedings, the motion on the Order Paper was that the report be placed on the Orders of the Day for consideration at the next sitting. Was a request made to deviate from that?

An Hon. Senator: Yes.

Senator Kinsella: Was consent given?

The Hon. the Speaker: Senator Hervieux-Payette asked for leave. I said it in French:

[Translation]

Senator Hervieux-Payette asked for leave and I asked the Senate if it was granted. The answer was that it was.

[English]

Senator Kinsella: Then we are now into the debate?

The Hon. the Speaker: Yes, we are into debate on the report, but of course it is always within the rights of any honourable senator to adjourn the debate.

Senator Kinsella: I move the adjournment of the debate.

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

Hon. Senators: Agreed.

On motion of Senator Kinsella, debate adjourned.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, November 6, 1997

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-13, An Act to amend the Parliament of Canada Act, has, in obedience to the Order of Reference of Wednesday, November 5, 1997, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

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

On motion of Senator Carstairs, bill placed on Orders of the Day for third reading at the next sitting of the Senate.

PRIVILEGES, STANDING RULES AND ORDERS

USHER OF THE SENATE—REPORT OF COMMITTEE PRESENTED

Hon. Shirley Maheu, Chair of the Standing Senate Committee on Privileges, Standing Rules and Orders, presented the following report:

Thursday, November 6, 1997

The Standing Senate Committee on Privileges, Standing Rules and Orders has the honour to present its

FIRST REPORT

Your Committee notes Order in Council P.C. 1997-1492 dated October 17, 1997, in which His Excellency, the Governor General in Council, appointed an Usher of the Senate.

Your Committee recommends that the Senate recognize the Usher of the Senate under that title as the officer entitled to carry out the functions and enjoy the privileges of the Gentleman Usher of the Black Rod for purposes of law, under the *Rules of the Senate* and for all other purposes.

Respectfully submitted,

SHIRLEY MAHEU
Chair

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

Senator Maheu: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Order Paper for consideration later this day.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

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

Some Hon. Senators: Yes.

Senator Cools: No.

Senator Haidasz: No.

The Hon. the Speaker: Honourable senators, leave was granted to place the report on the Order Paper for consideration later this day, unless honourable senators wish to have a vote on the question. Leave was granted.

Is it your wish, honourable senators, to have the report placed on the Order Paper for consideration later this day?

Some Hon. Senators: Yes.

Senator Cools: No.

The Hon. the Speaker: Then I must call for the “yeas” and “nays.”

Will those in favour of the motion please say “yea.”

Some Hon. Senators: Yea.

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

Senator Cools: Nay.

The Hon. the Speaker: The report will be placed on the Order Paper for consideration later this day.

On motion of Senator Maheau, report placed on Order Paper for consideration later this day.

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, November 18, at two o'clock in the afternoon.

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

Hon. Senators: Agreed.

Motion agreed to.

•(1500)

POST-SECONDARY EDUCATION

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

Hon. M. Lorne Bonnell: Honourable senators, I give notice that on Tuesday, November 18, 1997, I will move:

That the Special Senate Committee on Post-Secondary Education have power to sit at three thirty o'clock in the afternoon on Tuesday, November 18, 1997 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXAMINE THE CONSEQUENCES OF EUROPEAN MONETARY UNION

Hon. John B. Stewart: Honourable senators, I give notice that on Wednesday, November 19, 1997, I will move:

That the Standing Committee on Foreign Affairs be authorized to examine and report on the consequences for

Canada of the emerging European Monetary Union and on other related trade and investment matters;

That the Committee have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of the said order of reference;

That the Committee have power to adjourn from place to place inside and outside Canada; and

That the Committee report from time to time and submit its final report no later than December 15, 1999.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday, November 18, 1997, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of agriculture in Canada; and

That the Committee present its report no later than December 15, 1998.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE AND FUTURE OF FORESTRY

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday, November 18, 1997, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of forestry in Canada; and

That the Committee present its report no later than December 15, 1998.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES AND TRAVEL

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday, November 18, 1997, I will move:

That the Standing Senate Committee Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Leonard J. Gustafson: Honourable senators, I give notice that on Tuesday, November 18, 1997, I will move:

That the Standing Senate Committee on Agriculture and Forestry be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

HEALTH

PROTECTION OF CONSCIENCE IN MEDICAL
PROCEDURES—PRESENTATION OF PETITIONS

Hon. Stanley Haidasz: Honourable senators, I have the honour to present several signatures from Canadians who are petitioning the following:

That the Parliament of Canada undertake to enact as federal statutory law or amendment thereto the needful defence of conscience from coercion, reprisal or inequity, in the pursuit of and practice of our chosen vocations as health caregivers.

QUESTION PERIOD

JUSTICE

SALE OF AIRBUS AIRCRAFT TO AIR CANADA—PRESENT STATUS
OF RCMP INVESTIGATION—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask the Leader of the Government if he can tell us what is happening with what is known as the Airbus investigation. Is it continuing still and, if so, at what stage is it? For instance, have any search warrants been requested? Are charges about ready to be laid? What is the status of the Airbus investigation at this time?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the only answer I can provide is that it is my understanding that the investigation is ongoing.

Senator Lynch-Staunton: Honourable senators, the reason I am asking for details is that, for over a week last month in the House of Commons, the government gave some detailed explanations on an investigation implicating a Liberal supporter who has since been accused of influence peddling. The Prime Minister and members of his cabinet did not hesitate to comment on the investigation itself. It took credit for the investigation. It commented on the search warrants. It even commented on the possibility of a minister's office being visited by the RCMP.

In that case, with the Liberal government taking a particular interest in the investigation, the RCMP showed remarkable diligence, to the point that charges were laid within weeks of the investigation being initiated.

My question is this: Why is it that in the case involving alleged Liberal influence peddling, the government takes an active and public interest in the RCMP investigation, while, in the case of a former Conservative prime minister whom it has accused of engaging in criminal activities, it tries, as Senator Graham has just confirmed, to remove itself completely from the RCMP investigation and refuses to give us any details on it? What is the difference between an investigation involving an accused Liberal influence peddler and an investigation regarding criminal activities that the Justice Department has stated involve a former Conservative prime minister? Both involve RCMP investigations. In the one case, we got all the details while the investigation was going on. In this case, there is absolute silence. What is the difference, other than one is Liberal and the other is Conservative?

Senator Graham: Honourable senators, it would be beyond my competence to give a comprehensive answer at the present time. In the case of the alleged influence peddling by an alleged Liberal supporter in the province of Quebec, I understand that that matter is before the courts. With respect to the Airbus investigation, I do not know of anything that is now before the courts.

NATIONAL DEFENCE

ANNOUNCEMENT OF PURCHASE OF REPLACEMENTS
FOR HELICOPTER FLEET—TYPE OF AIRCRAFT LIKELY
TO BE CHOSEN—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I pose my question in light of the fact that we will recess for eight or ten days. Can the Leader of the Government in the Senate — the Acting Chief Petty Officer — tell us why the government has chosen a week when the Senate will not be in session to announce a replacement for the search and rescue helicopters? Are you trying to hide something that we do not know about?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, my honourable colleague Senator Forrestall has been regularly ahead of me with information. Now he is ahead of the government. Perhaps Senator Forrestall is sitting on the wrong side. I honestly do not know whether or not the announcement will be made during the break.

Senator Ghitter: You know.

•(1510)

Senator Forrestall: Honourable senators, every indication, of course, is that the announcement will be made either tomorrow or one day next week. I wonder if the minister will be in a position, when this announcement is made, to give us any indication of the ship-borne helicopter replacement for the navy.

Senator Graham: Honourable senators, as the honourable senator knows, the government made clear in the defence white paper its intention to replace the Labrador search and rescue helicopter. I believe that we can anticipate an announcement in the very near future. As to the precise time or week, I cannot pin that down. We can only speculate together. We are committed to providing our personnel with the equipment they need while ensuring that the taxpayer gets full value for the dollar. No decision has been made yet on the replacement helicopter.

With respect to the second "order," as my honourable friend might term it, I hope that will be coming after the first announcement is made. A full examination will be made at that particular time.

THE ENVIRONMENT

STUDY OF HEALTH EFFECTS OF GASOLINE ADDITIVE MTBE— GOVERNMENT POSITION

Hon. Erminie J. Cohen: Honourable senators, my question is directed to the Leader of the Government and is related to Health Canada's review of methyl tertiary butyl ether or MTBE.

We learned recently that the federal government has launched a study into the health risks associated with the gasoline additive MTBE, which is expected to become widely used in Canada in the next few years. Given the precedent set when it banned the interprovincial trade of MMT, and given the inconclusiveness of studies conducted in the United States thus far on MTBE and its toxicity, can the government guarantee that it will be seeking an objective third-party assessment to complement any eventual Health Canada study?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not know if a guarantee will be given. However, I will certainly bring the Honourable Senator Cohen's very important question to the attention of those responsible. It is an important matter, and I shall attempt to get an answer very soon.

STUDY OF HEALTH EFFECTS OF GASOLINE ADDITIVE MTBE— IMPACT ON PLANS FOR ALBERTA REFINERY— GOVERNMENT POSITION

Hon. Erminie J. Cohen: Honourable senators, as we speak, Kiewit Energy Group of Omaha, Nebraska is proposing to build a \$685 million MTBE plant near Edmonton, Alberta, called Alberta Bio Clean. This significant investment is expected to create 150 full-time jobs and employ 2,000 workers while the plant is being built.

Can the Leader of the Government in the Senate confirm whether the government has been in contact with the company building the MTBE plant in Edmonton before it makes its

investment, or should the company brace itself now for an after-the-fact decision on the possible banning of MTBE a couple of years down the road?

Hon. B. Alasdair Graham (Leader of the Government): I will have to take that question as notice, honourable senators.

HUMAN RESOURCES DEVELOPMENT

CHANGES TO CANADA PENSION PLAN— EFFECT ON EMPLOYMENT—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, in 1995, the Department of Finance conducted a study on the impact of the increase in CPP premiums between 1986 and 1995. During that period, employee contributions rose from 1.85 per cent to 2.25 per cent of earnings, and the combined rate rose from 3.6 per cent to 5 per cent.

The Department of Finance estimated that this minor increase led to a loss of some 26,000 jobs for Canadians. Would the Leader of the Government in the Senate be willing to table any studies done either by the Department of Finance or outside sources that will look into the impact of the coming 70 per cent hike in CPP premiums? Does the government know how many jobs will be lost, this at a time when Canada is just recovering from the recession of the last few years? How many Canadians must pay the price for the planned increase in premiums?

Hon. B. Alasdair Graham (Leader of the Government): I am not aware that any jobs will be lost, honourable senators. If possible, I will certainly make such a study available to my honourable friend.

Senator Oliver: Did the Leader in the Government say that he would table studies?

Senator Graham: No.

Senator Lynch-Staunton: You are whispering. We cannot hear you.

Senator Graham: I am sorry. I said that I was not aware that any —

Senator Lynch-Staunton: The nature of the answer deserves a whisper.

Senator Graham: Perhaps the Honourable Lynch-Staunton would like to speak.

Senator Lynch-Staunton: A little touchy.

Senator Graham: I am not aware that any jobs will be lost. If there is a study and it can be made available, it will be made available.

THE ENVIRONMENT

SALE OF CANDU REACTORS TO TURKEY—SAFETY ASSURANCES FROM HOST COUNTRIES—GOVERNMENT POSITION

Hon. Michel Cogger: Honourable senators, I wish to return to a question asked yesterday by Senator Spivak and the answer given by the Leader of the Government in the Senate. It relates to the proposed sale of CANDU reactors to Turkey.

We now find that while the Minister of Natural Resources is saying that environmental studies are being conducted, the Atomic Energy of Canada Limited or AECL is saying, “No, we cannot do it.”

It seems that CANDU reactors are animals that we cannot run properly even under the governance of Ontario Hydro, something which all Canadians saw last summer. Is it not a fact that those CANDU reactors, for the lack of proper maintenance and proper care of same, have turned out to be so dangerous to Ontario that that they require a shutdown?

What steps does the government intend to take to make sure that, for instance, the Romanians, or the good people of Turkey or China for that matter, will behave at least better than the operators of Ontario Hydro? Are any steps being taken to ensure that the faults, mistakes or lapses committed by Ontario Hydro will not be repeated all over the planet?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as I mentioned yesterday, there is a question before the courts right now with respect to the application of the Canadian Environmental Assessment Act to sales of nuclear reactors in China. Regardless of the outcome of the court case, AECL does conduct environmental analyses as a matter of policy. In addition, AECL meets the rigorous standards of the International Atomic Energy Agency and Canada’s Atomic Energy Control Board, as well as the environmental requirements of the host country.

Senator Cogger: Honourable senators, does the Leader of the Government in the Senate not find it ironic that the same government which, on the one hand, is trying to paint itself as a great saviour of mankind, and I suppose should be commended for its efforts in the world wide abolition of land mines, is, on the other hand, becoming the world salesman of nuclear pollution, quite possibly, with those faulty reactors?

Will Prime Minister Chrétien step off the plane, saying, “I am Chrétien, the guy who puts out all the land mines on the planet,” or, “I am Chrétien who delivers to you the plutonium, the uranium and all the toxic waste you ever wanted?” Which will it be?

Senator Graham: Honourable senators, the CANDU reactor technology is safe. It is the finest reactor and the most efficient in the world. We should be proud of it.

The recent independent evaluation of the nuclear assets of Ontario Hydro to which my honourable friend referred concluded

that while management and operating standards need to be improved, the CANDU reactor technology is sound, nuclear plants are being operated safely and the public is not facing undue risk.

When the Honourable Senator Cogger asks why, I must say that foreign sales of nuclear reactors are important for the Canadian economy. The federal government has and will continue to act prudently and responsibly in supporting these transactions which are an important source of jobs for Canadians.

•(1520)

Senator Cogger: Does the minister honestly believe that the Romanians are better and more careful operators of nuclear energy than the employees of Ontario Hydro?

Senator Taylor: Yes!

Senator Cogger: The question was addressed to the minister.

Senator Graham: Not having been in Romania, I do not feel I can make the comparison. However, I am very proud of those who work for the Atomic Energy Canada Limited, and produce the CANDU reactor which, I repeat, is the finest, the safest and the most efficient in the world, and it has provided much needed jobs in Canada.

Hon. John Lynch-Staunton (Leader of the Opposition): If that is so, why are we conducting an environmental assessment of it?

SALE OF CANDU REACTORS TO TURKEY—RESPONSIBILITY OF ATOMIC ENERGY COMMISSION TO CONDUCT SAFETY STUDIES IN HOST COUNTRIES—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, yesterday a spokesman for AECL indicated that they do not, themselves, conduct the environmental studies but that they assist countries if those countries wish our assistance if they will be carrying out environmental assessments according to their own laws. In other words, we have absolutely no assurances that there will be environmental assessments. Furthermore, we have no assurances respecting the standards that will be used. It is not the responsibility of the Atomic Energy Commission to conduct these assessments.

The honourable senator is now reiterating the original government position that they would do these assessments, but AECL has disputed that. Is the government maintaining that it is the responsibility of AECL to do environmental studies in other countries?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as a matter of policy, AECL conducts environmental assessment impact studies in every area where a CANDU reactor is installed.

Hon. John Lynch-Staunton (Leader of the Opposition): May we see the results?

Senator Graham: If they are available, yes.

REDUCTION IN GREENHOUSE GAS EMISSIONS—SIGNING OF
BINDING AGREEMENT IN KYOTO—RATIFICATION OF AGREEMENT
BY PROVINCIAL AND FEDERAL GOVERNMENTS—
GOVERNMENT POSITION

Hon. Ron Ghitter: Honourable senators, my question is for the Leader of the Government and it concerns global warming. I am becoming more and more confused by the keystone-cop type of game that is being played by the Government of Canada on this issue.

Yesterday, we had another pronouncement from the Minister of Environment who confirmed in the House of Commons that Canada will not decide what measures are needed to reduce emissions until after new emission targets are set in Kyoto.

Last night, the Standing Senate Committee on Energy, the Environment and Natural Resources heard testimony from the Sierra Club, Pollution Probe and the Pembina Institute which included a number of options concerning how Canada might go about reducing greenhouse gas emissions. It only makes sense that the government should review these options, consider their cost and benefits, and have this information available before it signs a legally binding agreement.

My question is: Does the government still intend to sign a binding agreement in Kyoto?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer to that question is yes.

Senator Ghitter: As a supplementary question: Is it prudent for the government to sign an agreement of that nature before it knows the measures that must be taken and the costs that will be incurred and associated with such undertakings? How can the government sign an agreement before it knows the measures that must be taken and the costs associated therewith?

Senator Graham: Honourable senators, the government has been doing a broad analysis of what it will take to address climate change. That analysis will become more specific after we know the outcome of consultations in Kyoto. Following the Kyoto agreement, we must continue to work with the provinces, the stakeholders and the industry to determine the best and most cost-effective measures to address climate change.

I want to emphasize that we want to avoid a “made in Ottawa” solution. This will be a “made in Canada” solution. Hopefully, all the provinces as well as the stakeholders will be involved. We want a solution which is good for jobs, for growth and for the environment.

Senator Ghitter: With the greatest of respect, that answer does not make sense. It is putting the cart before the horse. In other words, we are hearing that we will go to Kyoto and we will sign an agreement, knowing neither what measures will have to be undertaken nor the costs associated with them. We will then return and conduct a consultation after we have signed the

agreement and before we know any of the important facts or have held consultations.

How can Canadians trust this government with this vital issue when they are totally unprepared for Kyoto and are showing absolutely no leadership and doing no background work whatsoever?

Will the Leader of the Government then assure the Senate that the signing of the Kyoto agreement will be conditional, subject to the ratification by the provinces and the Canadian Parliament, so that the undertakings of this ill-prepared government will undergo public scrutiny before we get ourselves into an agreement the terms of which we cannot fulfil, and at a cost which may be too extreme for Canadians?

Senator Graham: I would be in a fortunate position if I could make such a commitment, honourable senators. It would be presumptuous of me to do so.

Senator Ghitter: Honourable senators, if I may, would the minister then undertake to find out whether the government that he represents in this chamber will consider this situation and report back to us? I regard this to be a very serious issue for Canada.

Senator Graham: Honourable senators, the federal government is committed to taking action on this important issue, and it will do so responsibly.

My answer to the question of my honourable friend is in the affirmative.

TRANSPORT

PLAN TO MOVE MARINE ATLANTIC HEAD OFFICE FROM
MONCTON, NEW BRUNSWICK—GOVERNMENT POSITION

Hon. Ethel Cochrane: Honourable senators, the operation of the ferry service provided by Marine Atlantic is of vital importance to the citizens of Newfoundland and Labrador.

There has been some concern about the future administration of Marine Atlantic, now that the bridge to Prince Edward Island is operational. My question to the Leader of the Government is: Does Marine Atlantic plan to move its head office out of Moncton?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, there have been ongoing discussions in that respect. I do not know the final decision, but I will attempt to determine that for my honourable friend and answer his question it at the first possible opportunity.

Senator Cochrane: When the Leader of the Government does respond, will he also inform me where this office will be relocated?

Senator Graham: If that information is available, whenever it is available, I will make it known to my honourable friend.

Senator Cochrane: Can the minister assure me if he will respond before the decision is made?

Senator Graham: I do not know if I can respond before the decision is made. However, I will bring the information to the honourable senator as soon as it is available. Furthermore, I will try to anticipate for her, and for all honourable senators, what the answer might be. As soon as I have the information, I shall bring it to the chamber.

HEALTH

CONTROLLED DRUGS AND SUBSTANCES ACT—FAILURE OF DEPARTMENT TO PRODUCE DRAFT REGULATIONS PROCLAIMING HEMP PROVISIONS—GOVERNMENT POSITION

Hon. Stanley Haidasz: Honourable senators, I should like to ask the Leader of the Government in the Senate to find out for us as soon as possible why, 16 months after Royal Assent in Parliament of the bill called the Controlled Drugs and Substances Act, the responsible administrators of this act have not yet produced a draft regulation proclaiming the hemp provisions contained in that act?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will have to take that question as notice.

MANITOBA

MONITORING OF FLOOD EFFECTS— STUDY BY JOINT COMMISSION—GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, I rise today to ask the Deputy Leader of the Government in the Senate a question.

As the senator is aware, we have gone through record floods in the province of Manitoba in 1997. What most people do not realize is that there was another flood in 1996 in southern Manitoba which was just below the 1979 level. In other words, we have had two floods. The one in 1996 was not as dramatic, but it still affected a significant number of people in the southern part of the province.

Winter has set in again early in Manitoba for the third year in a row.

The Hon. the Speaker: Honourable senators, I do not like to interrupt the Honourable Senator Stratton, but the rules do not permit a question to be asked other than to the Leader of the Government or to a committee chairman concerning the work of that committee. Questions may not be asked of others.

Senator Stratton: Perhaps I will address my question to the Leader of the Government in the Senate.

•(1530)

Honourable senators, since November 1, the snowfall in Manitoba has been about 250 per cent above normal. North

Dakota has had at least as much precipitation. Is the government monitoring the situation in any way?

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

Perhaps I could make a comment on behalf of all honourable senators who do not come from Manitoba. My honourable friend is an example of courage and perseverance to all Canadians. The Manitoba situation, as in the Saguenay, was an opportunity for all Canadians to come together, to offer help to one another, and to demonstrate the tremendous goodwill and compassion we have in this country.

Senator Stratton: I appreciate the comments of the honourable leader. They are quite valid. My concern is that this is happening for the third year in a row.

I understand that an international joint commission is meeting to study the effects of the flood on the Red River Valley. Is the government monitoring the progress of the joint commission? When will the commission report back, and when will action take place on a permanent basis? Many people are waiting until a report comes down. They have been told not to take any permanent flood protection measures until that report is issued. I am worried about another flood in the spring without any action having been taken.

Senator Graham: Honourable senators, the government is monitoring the work of the joint commission. I am not aware as to when the report will be completed. Obviously, there is some action being taken with respect to dikes at the present time, but more concrete action will be taken after the report is received.

Senator Stratton: May I ask the Leader of the Government to inquire as to when that report is to be issued?

Senator Graham: I will be happy to do that for the honourable senator. I will attempt to have an answer when we return after the break.

PRECINCTS OF PARLIAMENT

EXAMINATION OF PAINTINGS IN SENATE CLERESTORY BY WAR MUSEUM PERSONNEL—GOVERNMENT POSITION

Hon. Eymard G. Corbin: Honourable senators, the Leader of the Government made reference today to the fine paintings that adorn the walls of this place. He may recall that some years ago personnel at the war museum wanted to take the paintings down so they could do conservation work on them. They were, and I suppose they are still, deteriorating to a point where they required that kind of attention.

At the time, Senator Molson and perhaps one or two other senators objected. They were afraid that, if the paintings came down, we would never see them on the wall again. I do not think that was in anyone's mind.

Is the honourable leader aware of whether that request has been repeated by the personnel of the war museum? Surely we owe them a response after all these years. At some point in time the paintings may well start peeling and falling apart.

Hon. B. Alasdair Graham (Leader of the Government): I am not aware of such a request, but I will be very happy to investigate and report to the chamber.

The Hon. the Speaker: I realize it is not the responsibility of the Speaker to reply to oral questions. However, by way of information, this matter was brought to my attention last year. We asked the personnel at the war museum to examine the paintings, which they did. They declared that the paintings were in satisfactory condition.

You will notice black lines on the paintings. We are told that that is from the lighting. War museum personnel — incidentally, the war museum owns the paintings — have been in to look at the paintings.

Hon. J. Michael Forrestall: Honourable senators, my understanding is slightly different. The paintings are in need of refurbishing. Removing them is very difficult. They may have to be refurbished while remaining on the walls. I thought we had moved through all of these other stages and that we were to the point of debating the question of cost.

This question should be directed to the His Honour because he and the Clerk of the Senate have done some excellent investigative work in the last several months. Perhaps His Honour could shed more light on this subject.

The Hon. the Speaker: We will get a full report for you, honourable senators.

TRANSPORT

PLAN TO MOVE MARINE ATLANTIC HEAD OFFICE FROM MONCTON, NEW BRUNSWICK—RUMOUR OF LAYOFF OF WORKERS IN ATLANTIC CANADA—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is a supplementary question to a question put earlier this afternoon by Senator Cochrane involving Marine Atlantic. I have learned from Blair Edmunds, the President of Lodge 716-TCU in Cape Breton, that they believe there is about to be an announcement of a layoff of workers from Marine Atlantic in either North Sydney, Nova Scotia, or Port aux Basques, Newfoundland. This are areas of very high unemployment, and any further cuts to staff will have serious economic consequences for the towns as well as their families.

I should like to know from the Leader of the Government in the Senate how many workers will be laid off from Marine Atlantic in both North Sydney and Port aux Basques. In addition, can he tell me what will happen to the purchasing and stores department located in Port aux Basques, Newfoundland?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will bring that information back to the chamber when we return from our break.

As honourable senators know, Marine Atlantic is currently studying how to best reorganize and restructure the company now that it is only responsible for the two services, North Sydney to Port aux Basques and North Sydney to Argentia. Due to the changes in the company's operations, it is my understanding that Marine Atlantic has been negotiating with the union in an effort to minimize the impact on its personnel. It is also my understanding that Marine Atlantic will continue to consult with its employees and the local communities throughout its restructuring program, with the overall objective, of course, of providing an efficient, cost-effective system for its customers.

With respect to pending layoffs or the number of pending layoffs, I will bring that information to the chamber as soon as possible after we return.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on October 21, 1997, by the Honourable Senator Mira Spivak regarding cuts to research funding.

NATURAL RESOURCES

CUTS TO RESEARCH FUNDING—REPORTED INCREASED SPENDING ON TECHNOLOGY—GOVERNMENT POSITION

(Response to question raised by Hon. Mira Spivak on October 21, 1997)

The GSC made the decision to cut the meteor impact research group to accommodate budget reductions in the GSC and other areas in the department. There is no question of the excellence and scientific relevance of these activities but they were judged to be of lesser priority in terms of the core mapping mandate of the GSC.

The GSC is making every effort to preserve a practical balance between salaries and operating funds. Maintaining staff without providing the equipment or budgets for them to use their skills effectively, is not regarded as a wise use of taxpayers money.

The Common Office Environment project is designed to standardize the office technology and tools used across Natural Resources Canada (NRCan). It will ensure that all employees are working with equipment and software programs that are compatible and capable of communicating with one another. It will provide the necessary information technology infrastructure and tools to allow NRCan to become more efficient.

The GSC is investigating options for continuing reference information and databases for meteor impact research through partnerships and cooperative agreements.

Current research indicates that the brain drain is not a significant problem for Canada. There are sufficient numbers of scientists entering Canada, and returning to this country, to offset any who might leave.

NRCan is dedicated to fostering a high-technology natural resources sector through its scientific expertise. We have initiated our own S&T Management Framework in response to the Federal Science and Technology Review and are currently implementing several recommendations for managing science more effectively. Issues such as career development, recognition and training are addressed.

Cuts to science programs were made on the basis of the importance of individual activities to the overall mandate and objectives of the GSC.

Since 1994 the budget of the GSC has been reduced by 31 per cent. Science programs were not singled out for reduction. However, in a department that is 75 per cent science based, it is to be expected that some science programs will be affected.

Since 1994-95, reductions in the number of scientific and professional staff and technical staff have been proportionately smaller than reductions department-wide. While the population of the department has been reduced by 26 per cent, the scientific and professional category was reduced by 20 per cent and the technical category by 24 per cent. While there is no plan to further reduce the science programs in the department, there is no guarantee that there will be no further reductions required in the future.

There is no consideration of the GSC gaining special status at this time.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

ENERGY—NATIONAL REVENUE—CONFORMITY WITH ALTERNATIVE FUELS ACT

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 35 on the Order Paper—by Senator Kenny.

ENERGY—FISHERIES AND OCEANS— CONFORMITY WITH ALTERNATIVE FUELS ACT

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 54 on the Order Paper—by Senator Kenny.

ORDERS OF THE DAY

OFFICIAL LANGUAGES

FIRST REPORT OF STANDING JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on Official Languages (*quorum and meetings*), presented in the Senate on October 29, 1997.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, on behalf of Senator Losier-Cool, I move that the report be now adopted.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

•(1540)

PRIVILEGES, STANDING RULES AND ORDERS

USHER OF THE SENATE—REPORT OF COMMITTEE PRESENTED AND ADOPTED AS AMENDED

Hon. Shirley Maheu, Chair of the Standing Senate Committee on Privileges, Standing Rules and Orders, presented the following report:

Thursday, November 6, 1997

The Standing Senate Committee on Privileges, Standing Rules and Orders has the honour to present its

FIRST REPORT

Your Committee notes Order in Council P.C. 1997-1492 dated October 17, 1997 in which His Excellency, the Governor General in Council, appointed an Usher of the Senate.

Your Committee recommends that the Senate recognize the Usher of the Senate under that title as the officer entitled to carry out the functions and enjoy the privileges of the Gentleman Usher of the Black Rod for purposes of law, under the Rules of the Senate and for all other purposes.

Respectfully submitted,

SHIRLEY MAHEU
Chair

Senator Maheu: Honourable senators, I move the adoption of this report.

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

Hon. Senators: Agreed.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, if I understand correctly, we are now in the process of examining the report concerning the Usher of the Senate. No one has ever explained to us why they wanted to change the title of the position of Gentleman Usher of the Black Rod. I believe it is our duty to ask that question. Could Senator Maheu tell us if she has been given any explanations to justify this change of name? Honourable senators, I will continue my remarks after her answer, if appropriate.

The Hon. the Speaker: This being a question, the Honourable Senator Maheu may answer it, and neither you nor Senator Maheu will lose their chance to speak.

[English]

Senator Maheu: Honourable senators, the background of this particular position goes back as far as 1361 when, under King Edward III the position was first named. In Senator Lang's address to the Senate in 1979, we note that, at times, the position is referred to as "l'Huissier." We do not always use the term, "de la Verge noire." In English the appointee is often referred to as, "the Gentleman Usher," and the words, of "the Black Rod," are not included.

This is the first time in history that a woman has been named to this position. The authorities on the government side did not feel that this title, considering the French translation of "Black Rod," should be used because it means "black penis," and cannot apply to a woman.

Senator Lynch-Staunton: That is so fatuous.

Senator Maheu: I would refer you to Senator Lang's speech, in the French text, from Hansard of March 14, 1979, from page 770 to page 773. The item is referred to many times but there is no reference to "Black Rod." They use the term "Huissier." I for one am not prepared to go back. We have done all we can to find out why we are not using "de la Verge noire." Our committee was composed of five opposition senators and two government senators. We have fully agreed that we should not use "Huissier de la Verge noire." We should use "Usher of the Senate."

The Senate is autonomous. We have a right to name the positions which we have set up, and it is about time that we exercised that right. That is why the report reads as it does.

Does Senator Corbin wish more information on the subject?

[Translation]

Senator Corbin: Honourable senators, I thank my colleague for her explanations. I had anticipated a debate on the formulation of the title for the Gentleperson Usher — to coin a phrase. I have done some research but unfortunately I left it all at home because I did not expect a discussion on it this soon. I have Erskine May's *Parliamentary Practice* here, and it was my

source in challenging this change of designation. I believe there is some hypocrisy in this designation. A "verge" is a "verge." Yes, in French it can refer to part of the male anatomy, but it also refers to something else, something with symbolic value. To go back into history and refer to dates —

[English]

I have the impression I am missing some joke. I hear lots of chuckles, but this is not a chuckling matter. I see you all smiling. I wish you would not distract me, because I am not very good at this.

I have done some research on this topic which goes back to Roman times, to ancient history. I wish Senator Gigantès were here. He is somewhat of an expert on Greek history and the Romans adopted so many ideas from the Greeks that it seems they did little on their own.

In Roman times, an executioner —

[Translation]

An executioner, following the orders of an emperor or other authority, carried a bundle of rods enclosing an axe. This was the authority to carry out the execution of someone who had been condemned to death by the emperor. Over the centuries, all of this symbolism has gradually evolved, but the symbol of the rod was retained. The rod, signifying a certain authority, was retained from the original bundle of rods.

In English the term is "Black Rod" and there is nothing rude about that in English. My research has led me to conclude that all of the fuss over the French is a tempest in a teapot. If we look at the definition of "verge" in the *Dictionnaire historique de la langue française* for example, a "verge" is a rod. As for the *Robert*, the first meaning it gives for "verge" is:

"a wooden or metal rod, used to strike or to correct".

•(1550)

Does the Gentleman Usher of the Black Rod not knock at the door of the Commons with his rod on instruction from the Speaker to invite the members to appear at the bar of the Senate? That is what the rod is used for. It is a stick the gentleman usher uses to knock at the door, that is all.

English custom has developed other symbols and other traditions, but our Constitution states clearly that, when in doubt, we are to follow British parliamentary tradition as practiced at Westminster. What we are doing in a way is breaking with an ancient tradition, heavy with symbols, that has always been followed. We never questioned it. Some people have twisted minds. They see a word and they think of something else. They see the word "verge" and think of something else. They do not think of the stick. It is too bad.

The word "verge" has other meanings I will not refer to because they have no bearing on the debate here. They want to

have another name for the woman replacing the Gentleman Usher of the Black Rod. Let me say in passing that he served us well in the Senate, and I am grateful to him, because he will be leaving us soon. We will no doubt have the opportunity to pay tribute to him in suitable circumstances.

I think they have gone much too far and should have come up with a new name without abolishing the title. They used a legal and syntactical trick: each time we hear the title “Usher of the Senate,” they want us to think “Gentleman Usher of the Black Rod.” This, in my opinion, is an unnecessary circumlocution. The government can always impose its decisions, if it has the numbers, obviously. I will not go so far as to block this new designation. I will say though that they are making a mistake. This is a break with tradition, and there is a certain hypocrisy at the bottom of it all. The hypocrisy is the fear of the real meaning of words.

I find that totally regrettable. They are not doing it for the English language; they are doing it for the French language, and it is an attack against the French language. This is the work of small minds, and I find it regrettable.

[English]

•(1550)

Hon. Anne C. Cools: Honourable senators, perhaps I could ask a question or two, which I shall compress into one, of the mover of the motion, Senator Maheu.

The Hon. the Speaker: Senator Cools, you may only address a question to the last speaker. However, you may address a question generally, which the mover could then reply to in her closing comments.

Senator Cools: Perhaps I can put my question to the last speaker. First, this issue takes me totally by surprise. I wish to speak in the debate, but I seek a clarification.

Senator Corbin has been studying the matter, and perhaps he can share some information with me. We have heard reference to Senator Lang’s speech. May I ask the senator to tell us what speech, what topic and the date on which this speech was given?

Another question which puzzles me is that the Rules Committee report which was introduced moments ago says, in part, “Your committee notes Order in Council P.C. 1997-1492 dated October 17, 1997.” Usually committee reports begin with words like “The committee, in obedience to a reference.”

I am curious as to how and why the Rules Committee was studying this Order in Council. If there was a reference from this chamber, that is a surprise to me. This matter has taken me totally by surprise in the last hour or two. Was there a reference? Was it referred to committee previously? Perhaps I could raise this as a point of order.

The Hon. the Speaker: I am sorry, Honourable Senator Cools. I was looking at my rules. If you are asking me a question, I am not in a position to answer the question.

Senator Cools: Honourable senators, perhaps I should raise this as a point of order. I was trying to avoid that. I am trying to ascertain what the process was by which the Rules Committee was studying this Order in Council and whether it was a reference from the Senate chamber?

The Hon. the Speaker: Senator Maheu, the Chairman of the committee, can answer that question.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, reflection is underway. With reference to the questions that Senator Cools has raised, I should like to make a few comments of my own.

First and foremost, the report that is before us speaks of an Order in Council P.C.1997-1492 dated October 17, 1997. Honourable senators, there is another Order in Council, P.C.1997-1488, dated October 14, 1997. In this Order in Council, it says:

His Excellency the Governor General in Council, on the recommendation of the Prime Minister, appoints Mary McLaren of Ottawa to be Usher of the Black Rod.

The Order in Council to which the report is referring is dated October 17, colleagues. Between October 14 and October 17, something happened at the Langevin Block. Senator Corbin has put his finger right on the pulse of what is going on.

On October 17, the Order in Council revokes the order that was made on October 14, but appoints Mary McLaren to be Usher of the Senate. Perhaps someone at the PCO was enlightened in some manner that they have gone from the tradition of Usher of the Black Rod to this new thing called Usher of the Senate. This creates a great deal of difficulty in terms of the tradition to which Senator Corbin has so rightly spoken.

It seems to me, because we have these two Orders in Council issued three days apart, one that appoints the Usher of the Black Rod and the other appointing this new thing called the Usher of the Senate, we need to find out the policy or the rationale behind this change which took place over that three-day period. Perhaps the people in the Langevin Block have great insight into the tradition and history of Parliament, or perhaps they have placed themselves in what some have referred to as a class known as the aristocracy of mediocrity and have decreed that they will change things around in the Senate without any regard.

•(1600)

Over a three-day period they have gone from Usher of the Black Rod to Usher of the Senate. I think we have not only the right to know the rationale behind that but a duty to Parliament to ensure tradition. It is very difficult to find, either in the parliamentary literature or any statute, great references that will guide us, so we must look at tradition. Over a three-day period, attempts have been made to change a longstanding tradition.

It strikes me as somewhat cavalier unless, of course, there is a good reason for it. I have heard the argument advanced in some quarters that, apparently, the translation of "Black Rod" from the English is unacceptable or not politically correct today.

Dealing first with the English phrase, "the Black Rod," as the chairman of the committee has mentioned, there has often been reference to the Gentlemen Usher of the Black Rod as simply "the Black Rod," not only in this Parliament but in other parliaments in the Westminster tradition.

Given the importance of ensuring that the language we use as society evolves is non-discriminatory, I was very pleased and happy to see the first Order in Council issued by the Privy Council naming the "Usher of the Black Rod."

If the problem, however, is the translation from English to French, that is a problem the translators should resolve. The phrase, the terminology and the tradition of Black Rod is a long-standing tradition, as has been alluded to, and we should be able to solve the problem of translation, if indeed there is a problem. That seems to me an issue to be left to translators.

If it would help to resolve this matter to have the translation from the English be "l'Huissier du Sénat," I have no difficulty with that. However, I do have difficulty with the articulation of "Usher of the Black Rod" to "Usher of the Senate." From the standpoint of the rules we use for interpreting pieces of legislation, we must look at the ordinary meaning of the words we use. The ordinary meaning of the words in the phrase "Usher of the Senate" would lead the ordinary person to think that this usher is an usher of this House of Parliament. Of course, that would be a somewhat misleading phrase because the Usher of the Black Rod is the usher of the Sovereign, of the Crown, and therefore the phrase, "Usher of the Senate," in ordinary English, would be a great misrepresentation of the office.

While this is not a great issue of state, and while there are many more important issues for us to deal with, it is something that speaks to our tradition and our national symbols, to which we have dedicated a whole ministry, the Department of Canadian Heritage, which devotes a great deal of attention to those matters, as it ought.

As Senator Corbin has pointed out, there is a very serious side of this. No doubt we will be criticized in the media for spending some of our time on this issue but, on the other hand, as best I can determine, the advice that was given to the decision makers was the advice that led to the first Order in Council of October 14. Someone took other advice and made a change, and I think that needs to be assessed.

Senator Corbin: Could I be allowed a question of Senator Kinsella?

Senator Kinsella obviously had access to a document which I have not seen. Can he inform me whether Her Majesty was consulted on this matter? Parliament consists of the Queen in Right of Canada, the Senate, and the House of Commons. Can

her council make a change of this nature without seeking the advice of Her Majesty? The Gentlemen Usher of the Black Rod is one of her servants in Canada. It is my understanding that he is more than a servant of the Senate, but I may be wrong.

Her Majesty, to my knowledge, has not objected to be preceded, in the House of Lords, by a Gentlemen Usher of the Black Rod, so why all this concern in this case?

Senator Kinsella: I thank the honourable senator for his question. I am afraid that I do not know the technical answer. It is not a field in which I have any expertise. I do, however, have copies of the two Orders in Council to which I referred. I would be happy to table these so that all senators can see them, if that is deemed to be helpful.

The Hon. the Speaker: Is leave granted to table these Orders in Council?

Hon. Senators: Agreed.

Hon. Sharon Carstairs: Honourable senators, it seems to me that we have two questions before us this afternoon. The first relates to the report of the Standing Committee on Privileges, Standing Rules and Orders. The other is the broader question of whether the title that has been given to our new Usher of the Senate is the correct and appropriate title for this particular individual.

Let me speak to the second question first. I have frequently found myself in the position of being the first woman to do various things. That has led to some funny incidents, some serious ones, and some strange and bizarre ones, not the least of which was having my husband introduced as my wife on a number of occasions at head tables. John ended up being introduced as the wife of the Leader of the Opposition because someone had not figured out that the Leader of the Opposition was a woman.

Language can be hurtful and it can be embarrassing, but it is also historic, and I think it must be placed in its appropriate context. However, that is a subject of ongoing debate in which we might, of necessity, participate.

We must deal today, however, with the fact that when we next come into this chamber, for the first time in history we will have a woman as the Usher of the Senate. It must be clear what her duties are because, if those duties are not clear, I suggest that she could be challenged as a stranger in the house. That is what the Rules Committee was attempting to address this morning. They are given that authority in the *Rules of the Senate of Canada* in rule 86(1)(f) where it says:

(i) on its own initiative to propose, from time to time, amendments to the rules for consideration by the Senate;

— and further:

(iii) to consider the orders and customs of the Senate...

I believe that, in their meeting this morning, they were acting quite appropriately in trying to make absolutely clear that when our new Usher of the Senate appears on the floor of this chamber, there will be no question as to what her duties are, and what rules and regulations govern her position. That, however, in no way denigrates the other question, which I still think is a matter of controversy and should be a matter of some continuous debate, that of whether the title “Usher of the Senate” is an appropriate one.

•(1610)

My recommendation is that we adopt the report of the committee this afternoon so that there is no question of the functions and duties of Mary McLaren when she comes to this chamber on November 18, and that we refer to the Rules Committee the issue of whether this is, after all, the appropriate title for the role we have assigned to her.

Senator Corbin: I have a question for the Deputy Leader of the Government. Will the person in question, in her official functions, shoulder the Black Rod as usual? Does that disappear?

Senator Carstairs: My understanding — and I certainly stand to be corrected by anyone who has better information — is that this role will continue.

Senator Corbin: So the object remains but the name disappears. What have we gained? What have we lost? This is nonsense. I say that politely. I find the whole approach to be rather nonsensical, in spite of the fact that I am sensitive to the points the honourable senator made earlier. Do not get me wrong on that, but that is another matter.

Senator Carstairs: Senator Corbin, I agree that there has been, in my view, some inappropriate action here. However, I do think that we must recognize today that Usher of the Senate — which is the title under the most recent order of the Privy Council, even though the first order may have been the more appropriate one — is Ms McLaren’s title when she walks into this chamber next week. This committee report simply clarifies for her that we would recognize the Usher of the Senate as the officer entitled to carry out the functions and enjoy the privileges of the Gentleman Usher of the Black Rod.

Perhaps the honourable senator or another senator might like to make a further reference to the committee to ask them to further investigate whether, in the long term, this is the appropriate title.

Senator Corbin: Thank you.

Senator Kinsella: I have a question to the honourable deputy leader. It is an interesting suggestion that we have from the honourable senator. Regarding the issue of inappropriateness of what the PCO has done, it seems to me the Rules Committee attempted to find a resolution to perhaps obviate difficulties perceived as a result of an exchange I had with the Leader of the Government in the Senate. The honourable senator will recall

that some time ago I asked the Leader of the Government in the Senate to tell us by what authority PCO was doing what it was doing. Of course, we got no answer to that question.

I do not know what our Rules Committee can do, but perhaps we could find out from representatives of the PCO what was going through their heads between the October 14 and 17, when they changed from “Usher of the Black Rod” to “Usher of the Senate.” They are the ones who issued the commission and two Orders in Council. Surely they had a reason for doing what they did. Even today, we still hope they have reasons for doing the kinds of things they do. How do we determine that?

Senator Carstairs: It seems to me it would be entirely appropriate to call witnesses who might answer that question before the committee. My understanding of the reason why they did it is exactly the same as the reason Senator Maheu gave, which was that they found the language inappropriate for a woman who was now going to be given that title. I think that needs further investigation, and I think it would be totally appropriate for that investigation to take place in the Privileges, Standing Rules and Orders Committee.

Hon. Nicholas W. Taylor: Honourable senators, I will just take a moment. I too am bothered by this. I am with Senator Corbin on tradition. I think one can bend over backwards trying to modernize language. There are many things in our modern language that started out as profane, such as “snafu” and so on, which become accepted. Many things that are today quite acceptable will probably be profane 50 or 100 years from now. I am very sceptical of changing traditions.

That, however, was not the part I wanted to question here. It is the fact that we seem to be pushed into a position here, as the Deputy Leader of the Government mentioned, of legitimizing a report that came out of the Prime Minister’s Office. If we are to change names, if we collectively feel that the title of Gentlemen Usher of the Black Rod is not good enough and should be changed — and I would be willing to look at some change — it should not be done by someone preparing a press release a few weeks ago when the usher, if I can shorten it down, was named. It should be done by the Senate itself. I do not like being presented with a fait accompli and told to say “yes” or “no.”

This matter should probably be referred back to the committee, but the Senate itself should be voting on what the name of the officer is. When that comes up, I will be quite prepared to argue that we stick with the traditional name, as closely as possible, but I do not like the idea that we are simply given a name.

For instance, let us consider the title of “speaker.” After all, “speaker” usually refers to someone who can talk nicely, not someone who is a referee. If the PMO — this year, next year, or ten years from now — pronounces that the new referee for the Senate is Joe McGillicuddy, I do not think there is any reason for us to change the title to “referee.” In other words, the Senate itself has the right, maybe even the duty, to name its officers.

Senator Cools: Honourable senators, I move the adjournment of the debate.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Chairman: Will those honourable senators in favour of the motion please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it, and in that event, further debate is in order.

POINT OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a point of order. I would like His Honour to rule on the appropriateness of the request to adjourn the debate when the debate has just started. This is the fourth time now in the last month that either the Deputy Leader of the Government or another senator has stood to adjourn a debate on the very day the debate has started, once when we were talking about the Rules Committee, and then during the same week on another item. Here we are, debate has just started — this is the first day — and I think we need a ruling as to when a request for adjournment of a debate can be refused.

The report only arrived a short while ago. We received some explanation, although not complete, from the chairman, and then Senator Corbin and others raised many points. Senator Cools, I imagine, wants to reflect on those points and continue the debate to get clarification or to give her views.

Suddenly, on the first day of the debate, we are being asked to end it. I find that highly irregular. While I find nothing in our rules about how adjournment of the debate can be refused, I ask His Honour to rule that there must be at least sufficient time given for debate before a request to adjourn the debate is granted.

•(1620)

If this is allowed, it is a form of closure. At least when closure is requested, a notice of motion is given and debate can take place. When the debate is concluded, a vote is taken.

I insist that this is highly irregular. It goes against the customs of this place. The refusal of a motion to adjourn a debate can only come when it is obvious that senators are deliberately stalling the debate for whatever ends. This has yet to happen, certainly in this case and in the other three cases I have tried to recall.

The Hon. the Speaker: Does any other senator wish to speak to the point of order that has been raised?

Hon. Anne C. Cools: Honourable senators, I rise in support of Senator Lynch-Staunton’s point of order. I should like to add a few thoughts. I am not one to speak extemporaneously on such serious matters. However, I should like to add a few thoughts for consideration by honourable senators today.

At the beginning of the debate today — and the debate has been very short — Senator Maheu asked for unanimous consent to waive the rules to proceed to debate this report today. At that time, it was my understanding that I said “no.” However, it has been said that unanimous consent was granted.

The business of the proper functioning of a party caucus and the invoking of party discipline and invoking party numbers is an issue which should be handled with some sensitivity and some sensibility. The particular question that is before us today which is being rushed is not a question concerning certain kinds of bills or policies. Rather, it is a question that concerns the privileges of the Senate and the privileges of Her Majesty the Queen called the Royal Prerogative.

For us to proceed with credulity and credibility in the public mind we really should give this issue some time for consideration and debate without invoking immediately the kind of closure to which Senator Lynch-Staunton referred. A number of questions have been raised. Senator Carstairs, with great zeal, is attempting to do a good job, I do believe. However, in all sincerity, the questions raised have not been answered. I still want to know, for example, why, mysteriously, today, out of the blue, the Rules Committee decided to study this issue.

Honourable senators, we should think long and hard on these issues. I think Senator Lynch-Staunton’s point of order is valid.

Basically, the issue which is before us is how free are we to speak in this chamber, and when is freedom of speech an issue that all of us, including the Speaker of the Senate, should defend.

The Hon. the Speaker: Do any other honourable senators wish to speak to the point of order?

Hon. Shirley Maheu: Honourable senators, I suppose Mr. Kinsella or myself could clear up the matter. I was asked if the committee would look at the issue in order to avoid calling the new Usher, the “Usher of the Black Rod” or the “Usher of the Senate,” whatever terminology you want to use, although the Order in Council reads “Usher of the Senate.”

If we had gone ahead and not tried to come up with some sort of motion —

The Hon. the Speaker: I am sorry to interrupt the honourable senator. However, she is answering questions regarding how this matter arose. The point of order raised by the Honourable Senator Lynch-Staunton is whether it is the decision of the Senate not to accept an adjournment of the debate. That is the point of order before us. It is strictly a question of refusing or accepting the adjournment of the debate.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to support the point of order and the argumentation made by Senator Lynch-Staunton. However, if it is helpful to His Honour in examining this question, it is limited to a situation where, on the very day on which an item is being debated for the first time, the application of the rule has the effect of closure. I do not think it was ever the intent of our rules to shut down debate on the first day of debate.

What we find in the rules is how committees operate. They must operate according to a set procedures whereby all honourable senators will receive sufficient notice to be able to respond to the call of a meeting in order to express his or her views before that committee.

The circumstances that we are in right now, as the point of order of this matter is being raised, is not in the abstract. It is within a context. That context is that a committee, which I was pleased to see meet on an issue which had acquired some urgency, met not because of anything that happened in this chamber but because of something that happened in the Langevin Building. That is where the problem started. When you start off in a false way, more and more problems are created down the track as the train rolls on. This is what has happened here.

This point of order is not raised in the abstract but within the context of a committee meeting very quickly, almost on an urgent basis. The reality is that all honourable senators did not receive notice of that meeting in a timely manner. The committee report was introduced. Again, an exception to the rule to protect the rights of senators to participate in the debate was waived, in the opinion of some members too quickly. We were told their consent to waive the rules was not given. We are now at this juncture.

There was a series of irregularities associated with this particular motion to adjourn. The denial of this motion to adjourn by the chamber is far more capital than it would be in other circumstances.

As the Speaker examines the point of order raised by Senator Lynch-Staunton, I think it is important that it be examined within the parentheses of these circumstances.

Hon. Peter Bosa: Honourable senators, I believe the point of order had nothing to do with the arguments being presented by Senator Kinsella right now. The point of order was raised wrongly by pointing to the deputy leader as having denied the adjournment of the debate. It was not the deputy leader who denied the adjournment of the debate. The question was put by the Speaker and members from this side, and many members from the other side denied the adjournment motion.

I felt that I should make that correction.

Senator Lynch-Staunton: I appreciate that. I still point the finger at the deputy leader because she, on the last three occasions, led the cry to refuse a debate. I remember that particularly in the case of Senator Simard. However, that is by the way.

What is important now is that, if refusal to adjourn the debate is maintained on the first day of the debate, it means that the minority party in this place may as well not even participate in any debate because it will never be allowed to continue. When the majority decides on the first day and within the first hours that it has had enough of the debate, then it will mean, if this practice becomes custom, that the opposition will be refused the opportunity to carry on debate for whatever reason, but in particular to find out more about the issue involved.

•(1630)

We were courteous enough to give leave to Senator Maheu to bring this issue up today. We never expected that the purpose of that request was to close the debate today. Surely that is not the way Parliament is to operate, and surely, Your Honour, you will sympathize with that point of view. Otherwise, the majority will be trampling over the few rights that the minority has in any Parliament.

POINT OF ORDER—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, if there are no other comments on the point of order, I am prepared to rule now.

The Honourable Senator Lynch-Staunton has said that surely I would sympathize with him. My problem is that my job is not to sympathize; my job is to rule according to the *Rules of the Senate*, and those rules say nothing about when an adjournment can be taken. It can always be taken. Therefore, I am in the hands of the Senate.

Under the rules, the Senate has the right to refuse to grant the adjournment of a debate, if it so chooses, at any time. The rules do not address that matter. Perhaps it is something that the Rules Committee should look at. This may well be something that has been missed. At the moment, however, the rules are silent. Therefore, an acceptance or refusal of a request for adjournment is within the rules. I cannot rule otherwise.

I should like to address the point raised by the Honourable Senator Cools. When I asked whether leave was granted, as had been requested by the committee chairman, I did not hear anyone say "No" to that question. I did hear "No" later, as to whether the motion could be put, but concerning leave, I did not hear anyone say "No." I have checked with my staff and they did not hear anything, either.

In future, please, when someone does not want something to be done, please say "No" clearly, so that we can hear. The staff are here to check, as I am. Frankly, I did not hear it. I heard it later.

In my opinion, I cannot accept the point of order. The debate may continue.

Hon. John B. Stewart: Honourable senators, I wonder if we are looking at the correct question. I confess it is a long time since I read about King Edward III.

It is my understanding that the officer known as the Gentlemen Usher of the Black Rod is a servant of Her Majesty and, consequently, is a servant of Her Majesty's servant, His Excellency the Governor General, as advised by the Privy Council of Canada.

That being the case, I suppose it is for the executive governor of Canada, Her Majesty or the Governor General, as the case may be, to decide how that official shall be designated. That is not a question to be decided by the Senate.

I think the term, "Usher of the Black Rod," has much to recommend it. Historically, various palace officials had different symbols of office. One had a black rod, as in this case; another had a white staff; another had a gold stick, and yet another a mace. It is sad to see our past being jettisoned.

However, be that as it may, if we agree that this official is a servant of Her Majesty, then presumably Her Majesty, through the appropriate mechanisms, can decide how that servant shall be designated.

The question that really is before us is set forth in the second part of the report, where we are asked — at least by the recommendation of the committee — to recognize the official who has been designated as the Usher of the Senate as the official who will perform certain functions and enjoy certain privileges in this house.

We may be horrified at the designation "Usher of the Senate." What does that mean? Surely, it is a very inexact designation. The official does much more than "usher" on behalf of the Senate. For example, that officer proceeds to the other place on behalf of Her Majesty, not on behalf of the Senate.

I cannot understand what they were thinking about when they selected this new title. Nevertheless, I believe that this title was designated by the proper process. I also believe that, while we can complain about it and deride it, it is not up to us to confer either effective approval or disapproval on it.

The question is this: Will we recognize the official who has been appointed by the Governor General in Council under the title "the Usher of the Senate" as the officer who will perform certain functions and enjoy certain privileges?

That is the simple question before us — not the question of suitability of the title that the Governor in Council has decided to confer upon this particular officer.

I suggest we focus on the question that is really before us, that is, whether, in a sense, we will refuse the service of this officer because we do not like the title, or whether, having registered our complaint against the new title, we will say, "That is Her Majesty's business, as advised by her appropriate officers," and get on with the proper work of the Senate.

Hon. Nicholas W. Taylor: Honourable senators, the honourable senator gave a very good explanation, but I should like to ask him one question. May I have permission to do so?

The Hon. the Speaker: If the honourable senators wishes to receive a question, yes.

Senator Stewart: Certainly.

Senator Taylor: You seem to have all the ducks in a row, but would it be in order for the Senate to return a communication to Her Majesty's representative, asking them to change the title to such and such, while pointing out that we realize that they have the ultimate authority? In other words, we would ask if they would recognize tradition and change the title to "Usher of the Black Rod."

Senator Stewart: As I recall, honourable senators, at the beginning of a session of Parliament we are assured by Her Majesty, if she is present, or by the Governor General, that we may make representation to her or to her representative at all convenient times. I should think that right covers the case in point.

Hon. Peter Bosa: Honourable senators, I should like to put what is happening today in the proper perspective.

I am a member of the Standing Committee on Privileges, Standing Rules and Orders. I received a notice at 9:30 this morning that a meeting was to take place at ten o'clock. When I went to the meeting, we were told by the chairman that she had been in communication with the deputy leaders of both sides of the chamber, and that a problem had arisen. The problem was that in the translation of the "Gentleman Usher of the Black Rod," there was an inappropriate connotation, particularly in view of the fact that a woman will be occupying that position, which is a first, I understand, in the history of the Senate.

What did the committee do? It summoned experts at the Table, and with the assistance of the Law Clerk of the Senate, the committee tried to find a solution. The solution was presented this afternoon by Senator Maheu.

Senator Corbin insists that translating the term literally does not mean what it is perceived to mean. However, we know from the experts and from slang and the different meanings that are given to words from time to time that it has come to mean something inappropriate.

I remember that 30 or 35 years ago, we used to say that a person was gay when a person was happy. Today it has an entirely different meaning. Over the years, it has assumed an entirely different connotation. I think that perhaps the same thing happened with the term "verge noire" in the French language.

Honourable senators, what has happened today? There is a proposition before the Senate to spare embarrassment to the individual who will occupy the position of the Black Rod. What did the Deputy Leader of the Government ask today? She said that she realized something was wrong here, that this was unacceptable, and that perhaps a number of senators would want to look at the historical facts. For example, how did the title of Gentleman Usher of the Black Rod come to be? The honourable deputy leader thought that perhaps we could find an acceptable

substitute according to tradition. On a temporary basis, she suggested that we adopt the name that has been outlined in the report of the committee, and then the committee could continue to study the situation until the matter is resolved to everyone's satisfaction. I think that is a reasonable approach.

I appeal to Senator Lynch-Staunton to try to understand the situation. There is no malice behind what has happened today. We are merely coming to grips with a difficult situation that has just developed. I beg the Honourable Leader of the Opposition to go along with this.

[Translation]

Hon. Normand Grimard: Honourable senators, I would like to add a few comments to the remarks made by Senator Bosa. I too attended the ten o'clock committee meeting this morning. First of all, I must say that notice of this meeting did not reach my office until yesterday afternoon. I had no idea what this special meeting was about.

Upon our arrival, at ten o'clock, there were five of us on the Conservative side and, if I am not mistaken, three of our friends opposite. The Chair, Senator Maheu, explained that she had been asked by the Leader of the Opposition to examine the situation.

You must realize one thing: today is November 6, and the Gentleman Usher's successor will be at her post on the next sitting day of the Senate. We are only human. A decision had to be made based on the fact that a committee report had to be tabled today since, by Tuesday of next week, a different person will be sitting in our friend's place.

We have acted in good faith. After seeking advice from the legal adviser and the Clerk of the Senate, we noted that, on October 17, the Privy Council had asked the person in question to become the Usher of the Senate.

I would like to repeat what we proposed, because I am not ashamed of what I have approved, quite the contrary:

Your Committee recommends that the Senate recognize the Usher of the Senate under that title as the officer entitled to carry out the functions and enjoy the privileges of the Gentleman Usher of the Black Rod for purposes of law, under the *Rules of the Senate* and for all other purposes.

I have no hesitation in supporting the proposal made by the Deputy Leader of the Government to the effect that we should approve this motion, which was moved in good faith under circumstances that were forcing us to proceed quickly. As the deputy leader said, the whole issue could subsequently be referred to committee so we could perhaps find another solution. It is one thing to criticize and say that we did not take every aspect into consideration, but a decision had to be made today. A report had to be tabled today, otherwise this person could not have taken up her post next Tuesday. So, to put an end to this

debate, I think that we should approve the proposal made earlier by the Deputy Leader of the Government.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I find that exchange not only incredible but surreal. I find it quite extraordinary we should spend all this time on what to me is a non-issue. If the interpretation of a word is so important and so offensive, why did we wait until a woman was named to suddenly perk up? Why is it all right to use a slang expression when a man holds the office, but when a woman is to hold it, it suddenly becomes offensive? Why in this world of gender equality is suddenly one sex more susceptible to the interpretation than the other? I do not understand this.

Second, every dictionary, as Senator Corbin will tell you, does not give that interpretation to the word.

Senator Maheu: Yes, they do.

Senator Lynch-Staunton: There are two dictionaries here, senator, if you would like to check them. The term in question is a 13th century vulgarity that is no longer used today.

Why not go even further? When a member of a visible minority is named to the position, we will have to be careful about the term "Black Rod." We may have to use "White Rod," "Off-Colour Rod," "No-Colour Rod" or "Neutral Rod." How far are we to go with this ludicrous exchange?

Honourable senators, I maintain we should be quite happy with the present title. It is appropriate and representative of a long tradition.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton: Therefore, along those lines, I wish to move an amendment, seconded by Senator Kinsella:

That the report of the Standing Committee on Privileges, Standing Rules and Orders be not now adopted but that it be amended by deleting, in line 3 of the second paragraph thereof, the words:

"under that title as the officer",

and replacing them with:

"under the title of Usher of the Black Rod".

The committee report would then read:

Your committee recommends that the Senate recognize the Usher of the Senate under the title of Usher of the Black Rod entitled to carry out the functions...

In French, the report would read:

[*Translation*]

Your committee recommends that the Senate recognize the Usher of the Senate under the title of Usher of the Black Rod entitled to carry out certain functions.

[*English*]

This would respect the traditions and get us out of this conundrum.

•(1650)

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

Hon. John B. Stewart: Senator Lynch-Staunton, are you rejecting my argument that Her Majesty the Queen or the Governor General in Council has the right to designate her servants by the title which she, through the established process, has decided to use?

It would appear from your proposed amendment that you are saying that the Senate of Canada, if your amendment carried, is redesignating the officer by the name "Usher of the Black Rod," and not by the name which the executive governor of Canada has chosen for a prerogative officer of the Crown.

Senator Lynch-Staunton: Honourable senators, I can only answer that we have seen no evidence that either Her Majesty the Queen or the Governor General were consulted or gave their approval.

Senator Stewart: We have an Order in Council, by the Governor General in Council.

Senator Lynch-Staunton: Yes, we are aware of the Order in Council, but Senator Stewart knows more than anyone that that does not necessarily mean a reflection of the individual, personal view of either Her Majesty or the Governor General.

Senator Stewart: It is a well-established principle in law that these documents are to be taken at their face value.

POINT OF ORDER

Hon. Peter Bosa: As a point of order, I would like to ask the Speaker whether this amendment is in order, because it really negates the motion in its entirety.

The Hon. the Speaker: I now have a point of order as to whether the motion is in order. I have been reading it as carefully as I can. It does, indeed, negate the action and yet it does provide, if I read this correctly, that the Usher of the Senate could enter the Senate when we next meet because that individual would be recognized under that title.

Honourable senators, we will suspend the session for five minutes to ascertain whether the motion is indeed in order. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: We will resume at five o'clock.

The Senate adjourned during pleasure.

•(1700)

Upon resuming at 5:06 p.m.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators have asked for a ruling on whether the amendment to the motion is in order. I have considered this matter carefully. I do not find the amendment to be contradictory. It, indeed, offers an alternative which, in my opinion, makes it a valid amendment. I therefore declare that the amendment is in order. I shall entertain further debate.

Hon. Philippe Deane Gigantès: Honourable senators, I should like to add to Senator Lynch-Staunton's amendment. That the French translation should read "bâton" and not "verge." The word "verge" is slang for the male genital organ.

There have been many jokes in the press in Quebec about the Gentleman Usher of the Black Rod. I have just consulted *le Petit Larousse* and I understand that, while "rod" and "bâton" are synonyms in English, "bâton" and "verge" are synonyms in French.

The word "bâton" has a very honourable and military tradition, such as a field marshal's baton, and le bâton du maréchal. In Alexandre Dumas' *Le Vicomte de Bragelonne*, the author finishes with d'Artagnan receiving his bâton du maréchal and being killed by a shell at the same time.

SUBAMENDMENT TO MOTION IN AMENDMENT

Hon. Philippe Deane Gigantès: Therefore I propose:

That the motion in amendment be amended, in the French text, by deleting the words:

"Huissier de la Verge noire"

and replacing them with:

"Hussier du Bâton noir".

Hon. Anne C. Cools: Is Senator Gigantès suggesting that Senator Lynch-Staunton change his amendment to include the word "bâton" or is he referring to the Order in Council?

Senator Gigantès: I am suggesting that Senator Lynch-Staunton's amendment should be changed in the French version to reflect the word "bâton" instead of "verge."

[Translation]

The Hon. the Speaker: Honourable senators, can Senator Gigantès tell me who seconds his amendment?

Hon. Shirley Maheu: I second it.

The Hon. the Speaker: It is moved by Senator Gigantès, seconded by Senator Maheu, that, the motion in amendment be amended by deleting, in the French text, the words “Huissier de la Verge noire” and by substituting for those words the following: “Huissier du Bâton noir.” Is it your pleasure, honourable senators, to adopt the amendment to the amendment?

Hon. Senators: Agreed.

[English]

We will now deal with the main amendment by the Honourable Senator Lynch-Staunton seconded by the Honourable Senator Kinsella. Is it your wish that I read the amendment again?

Hon. Senators: No.

The Hon. the Speaker: Is it your pleasure, honourable senators, to accept the amendment?

Hon. Senators: Yes.

The Hon. the Speaker: Unless some honourable senators wish to speak, we will now deal with the main motion as amended. I shall read it.

Hon. Peter Bosa: Honourable senators, does that mean that we leave the word “gentleman” as it stands?

Hon. Senators: No.

The Hon. the Speaker: I shall read the motion to ensure that it is clear. The operative motion as amended and amended again would read:

Your Committee recommends that the Senate recognize the Usher of the Senate under the title of Usher of the Black

Rod entitled to carry out the functions and enjoy the privileges of the Gentleman Usher of the Black Rod for the purposes of law, under the *Rules of the Senate* and for all other purposes.

[Translation]

And in French, it would read:

Votre comité recommande au Sénat de reconnaître l’Huissier du Sénat sous le titre de Huissier du Bâton noir, habilité à exécuter les fonctions et à bénéficier des privilèges du Gentilhomme huissier de la Verge noire, à toutes fins que de droit en vertu du *Règlement du Sénat* et à toutes autres fins.

[English]

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

Some Hon. Senators: Agreed.

Hon. Eymard G. Corbin: Honourable senators, I would like the record to show that I abstained from these decisions.

Senator Cools: Honourable senators, I would like my abstention recorded as well.

The Hon. the Speaker: The rules do not provide for you to say that you abstain, but you can say “on division.”

Senator Cools: On division.

Senator Corbin: I am not objecting. I am abstaining. There is a big difference. I say this for the record, that is all.

The Hon. the Speaker: Then perhaps I should not hear you, for the record.

Motion agreed to and report, as amended, adopted, on division.

The Senate adjourned until Tuesday, November 18, 1997, at two o’clock p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, November 6, 1997

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An act to amend Canadian Transportation Accident Investigation and Safety Board Act to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications					
S-3	An act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Instructions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	7			
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications					
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	97/10/29	Legal and Constitutional Affairs					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-13	Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none			

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) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05							

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