



# Debates of the Senate

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(HANSARD)

**Tuesday, December 2, 1997**

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**THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER**

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

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## THE SENATE

Tuesday, December 2, 1997

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

Prayers.

### NEW SENATORS

**The Hon. the Speaker:** Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Hon. Serge Joyal, P.C.

Thelma J. Chalifoux

### INTRODUCTION

**The Hon. the Speaker** having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

**Hon. Serge Joyal, P.C.**, of Montreal, Quebec, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Jacques Hébert.

**Hon. Thelma J. Chalifoux**, of Morinville, Alberta, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Nicholas W. Taylor.

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

• (1410)

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, Senator Serge Joyal, PC, OC, has been known to many of us to be an active, dynamic presence in Canadian and Quebec political life, beginning with his election to the House of Commons in 1974. Senator Joyal came to political life armed with many great talents. Perhaps the most obvious has been his high intellect, an intellect which he has put to work in the service of his country and his province over the

years. Macaulay once said that the highest intellects, like the tops of mountains, are the first to catch and to reflect the dawn.

That intellect, that characteristic passion for politics and country, and for literature and art, has enlightened, stimulated and challenged the many privileged to work with Serge Joyal, whether as Minister of State or founding member of the Standing Joint Committee of the Senate and House of Commons on Official Languages, whether as troubleshooter or caucus rebel, whether as mayoralty candidate or lifetime collector of antique art, whether as Secretary of State for Canada or director of the Canadian Museum Association.

[Translation]

Honourable senators, in everything he puts his hand to, Serge Joyal is a man of principle, a man of quality. He has a gift for making short shrift of preconceived notions and conventions.

[English]

All who know him understand that Senator Joyal is the personification of Shaw's well-known truth:

One man that has a mind and knows it, can always beat ten men who haven't and don't.

If past experience serves me well, and as one who has followed his very eclectic career over the years, I would say that Serge Joyal has never been known to be a man shy in stating his views.

I welcome Senator Joyal to this place, to a chamber which is the workshop of government or, as Senator John Connolly said many years ago, which is the custodian of our rights and freedoms. As someone who has lived life with passion and commitment and intellectual acuity, we have great expectations that Canadians will be well served.

[Translation]

Honourable senators, we wish Senator Joyal a most cordial welcome.

[English]

Honourable senators, today, we have the privilege of welcoming Thelma Chalifoux, the first Métis person and the first aboriginal woman ever to be appointed to the Senate. This is a truly historic day, significant because it gives us cause to reflect on some of the rich strands which make up the colourful tapestry of our past.

Today, we think of the “Valiant Five,” the western women who fought for the suffrage and were pioneers in the dream of absolute equality for men and women in this country. We think about the landmark decision in the “Persons Case,” delivered in 1929; a case which concluded, as we well know, that women were eligible to be summoned and become members of the Senate of Canada. That case personified the courage and the vision of those who believed that, once equality was secured, men and women could take their turn at being angels.

• (1420)

Some might say, honourable senators, that the debate over who goes first in the angelic parade remains unresolved even in 1997.

If there is a word that defines the paths that Thelma Chalifoux has taken in her life, it is “responsibility.” Whether it has been responsibility in raising seven children on her own while working to support them, whether it has been involvement in the development and application of training courses for Métis, whether it has been as the first woman named to the University of Alberta Senate, or the first aboriginal woman to broadcast on commercial radio, whether it has been involvement with Métis craft stores or housing, or even whether it has been her involvement with her 30 grandchildren and 15 great-grandchildren, the duties and joys of which I personally fully appreciate and hope to share more of with my own in the future, it must be understood that the key word in Thelma Chalifoux’s vocabulary has been “responsibility” — responsibility for her own people so that they could learn to manage and govern their own affairs better.

Today in this chamber we write a new page in a proud and special legacy. It is the legacy of the Métis people — a people of brave hearts, a people renowned in our history for a belief in the rights of the small, as Louis Riel once said, because, great or small, those rights are the same for everyone. It is a legacy about western women who struggled for freedom and moved national governments and privy councils to recognize that right, but most of all on this historic day, it is a legacy about one woman’s commitment to justice and responsibility, a legacy about caring, a legacy about sharing, a legacy about putting the interests of humanity first. It is a legacy about equity and a level playing field for all of our people. It is a legacy of a woman who had a dream, a dream about respect and dignity, a dream about communities and societies where people have the right to hope, liberated from hatred and intolerance, a place where children have the right to grow up equal.

Honourable senators, I bid a very warm welcome to Senator Thelma Chalifoux.

[Translation]

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, it is always a pleasure to welcome a new colleague, even though I would prefer he be elsewhere than opposite me. And when one of the two new senators is a long-time acquaintance, the task is all the easier and more pleasant.

Senator Joyal’s reputation was established primarily through his many political activities as a member of the other House. He is particularly perceptive, a talent that left no one indifferent, to say the least.

In addition, he is actively involved in cultural events. I know whereof I speak, because he got a member of my family involved in a project dear to his heart and one that succeeded due in large measure to his determination and tenacity, qualities that will serve him well in this house.

[English]

Honourable senators, even those who are strident in their criticism of an appointed upper house must admit that were it not for this selection process, Parliament would be denied many with exceptional qualifications and experience. Senator Chalifoux is only the most recent example of this.

Her long activities on behalf of the Métis community in particular and aboriginals in general will allow all of us to have a better appreciation and understanding of a population too often deprived of the status and acceptance it deserves.

For over a year now, the report of the Royal Commission on Aboriginal Peoples remains without response by the government, and we can only hope that with Senator Chalifoux’s arrival, and with her prodding added to that of others, this report can finally be debated by those to whom it is addressed.

On behalf of all my colleagues, I welcome most warmly Senator Joyal and Senator Chalifoux and wish them well as they assume their new responsibilities.

**Hon. Gerry St. Germain:** Honourable senators, I, too, should like to welcome the two new senators. I saw something of the work that Senator Joyal performed in the other place when I was there, and I congratulate him on his appointment. I look forward to working with him in this place.

As one with the same background as Senator Chalifoux, I would like to pay tribute to this great appointment. As my leader has pointed out, without the appointment process, we would be denied people of her calibre. It may be an opportunity to recognize some of the great accomplishments of the Métis people: the Riels, the Dumonts, the Paiges, the Brelands, the Chalifoux, and others.

I know, honourable senators, that our Speaker, who is from Manitoba, the same province in which I was born, will recognize the type of work that will be accomplished now with the added support of Senator Chalifoux.

I congratulate you, Senator Chalifoux, and I look forward to working with you.

**Hon. Jean B. Forest:** Honourable senators, I welcome our two new colleagues. This is the second time that Senator Chalifoux joins me on a Senate. When I was chancellor at the University of Alberta, she served on the university’s senate. She did a wonderful job there, and I know that she will do the same here.

**Hon. Jack Austin:** Honourable senators, I welcome both senators to the chamber today. In particular, I have a special welcome for my old colleague Senator Joyal, with whom I worked in cabinet from 1981 to 1984. I also want to acknowledge the contribution that Senator Joyal made to public life in those years in his role as chairman for the House of Commons, with Senator Harry Hays, serving on the joint committee of the Senate and House of Commons on the Constitution. That committee, which over several months studied the patriation of the Constitution and the Charter of Rights, made a fundamental contribution to the people of Canada, and as co-chairman of that committee, Senator Joyal made a great contribution.

I look forward to working with him here.

**Hon. Nicholas William Taylor:** Honourable senators, I want to take a moment to congratulate both senators. I met Senator Joyal some years ago when he was working, as Senator Austin mentioned, with Harry Hays, and I was president of the constituency in Calgary that Harry Hays was elected to represent. It was a very unusual partnership. I can still remember Serge as smooth, young and debonair — which he still is. Harry was direct and to the point, right off the prairie sod. They made a good partnership. I think they probably did more for national unity than just about anyone. If we could resurrect that type of partnership again, it would do wonders for the country.

• (1430)

As well, I wish to congratulate Senator Chalifoux, who is a life-long friend. The Villeneuve, her family on her mother's side, came to the Edmonton area in 1805, which is before the time of Father Lacombe and before Louis Riel. They were some of the early pioneers in Alberta, and Thelma and her family have had an outstanding record of voluntary service for many years in our province.

Being appointed to the Senate is rather old hat for Senator Chalifoux, since this is her third senate. If there is ever to be a Senate for the Commonwealth of Nations, I suspect that she will be first in line for such an appointment.

Honourable senators, I merely wanted to add my personal congratulations on this auspicious occasion. One of my proudest moments in the short time that I have been a member of the Senate is to sponsor the honourable senator. I look forward to working with her.

**Hon. Charlie Watt:** Honourable senators, I, too, wish to congratulate the two new senators. As aboriginal senators, our numbers are slowly increasing.

I also wish to make a reference in passing to what happened in 1982. Senator Joyal had much to do with section 35 of the Constitution. We were all very proud that day, and I can assure honourable senators here today that we will need Senator Joyal's strong input again. We have not made one inch of progress under

that section since Senator Joyal left Parliament, and we welcome him back.

**Hon. Joyce Fairbairn:** Honourable senators, I wish to add my words of congratulations to two outstanding new colleagues who have entered this chamber today.

Senator Joyal is a long-time friend and compatriot of mine, a man of extraordinary talent. We have heard from other colleagues about his participation in the early 1980s on the joint committee on the Constitution. May I say that my pride in Senator Joyal is rooted in the years when few federal voices spoke out during some of the dark days. This house is full of voices who spoke out during the dark days in Quebec, but Senator Joyal's voice was heard loudly, clearly and consistently. He deserves a great deal of credit, and will find himself among friends on both sides of this chamber.

To Senator Chalifoux, I wish to say that this is an extraordinarily important appointment. For the first time in this chamber, a voice is being heard that throughout our history has been neglected, a voice representing people who have been neglected, ignored and not understood.

Senator Chalifoux's whole life has been one of trying to build bridges, and to bring courage to her own people to stay in the game and in the fight. She has done so with great skill, internal fortitude, and enormous sensitivity to those she represents. She will be an extraordinary spokesman in an extraordinary institution for the Métis nation of Canada.

## THE LATE HONOURABLE DANIEL AIKEN LANG, Q.C.

### TRIBUTES

**Hon. William Petten:** Honourable senators, I rise to pay tribute and express my sorrow at the passing of one of our former colleagues, a great friend and confidante of mine, Senator Dan Lang, who retired from this place three years ago. He was appointed to the Senate on February 14, 1964, and spent 30 years in this chamber.

For those who followed his career, there is no question that Senator Dan was an independent thinker. In his public life, he never hesitated to speak his mind. He was also a strong believer in a non-partisan Senate, choosing to sit as an independent in 1986, notwithstanding his deep Liberal roots. He spoke out on a number of issues that crossed the spectrum of government policy and activities, but his strongest association was with the Standing Senate Committee on Banking, Trade and Commerce, particularly at the time of Senator Salter Hayden's chairmanship.

Born and raised in Toronto, he was called to the Ontario bar in 1941, after having served as a lieutenant in the Royal Canadian Naval Voluntary Reserve during the Second World War. When he spoke on Remembrance Day, his remarks came not from the history books but from his own personal participation in the D-day Normandy invasion.

He went on to join the law firm of Lang Michener, a firm that was founded by his father and former Governor General Roland Michener in the 1920s. He, together with fellow Senators Stanbury, Grafstein and former Senators Davey and Frith, were the architects who helped rebuild the Liberal Party fortunes in Ontario, following the Diefenbaker landslide in 1958. The work of this group was central to the renewal that led to the Ontario contribution for the election of Prime Minister Lester B. Pearson in 1963.

Honourable senators, when I was appointed to the Senate and arrived in this place as a new boy, it was Dan Lang's wise counsel and advice that helped me to settle in. As Liberal whip, I could always depend on Dan to be straightforward. Whether he agreed with me or not, I always knew where he stood. Our conversations in his office were always most helpful to me.

It was an honour and a privilege to have known Senator Dan Lang. We mourn his passing, and I know you will join with me in extending my most sincere condolences to his wife Frances, their four children, John David, Nancy and Janet, as well as their nine grandchildren.

**Hon. Richard J. Doyle:** Honourable senators, the newspapers these days are in something of a lather over the worth of senators, and what they can do to replace us as keepers of sober second thought in Parliament. I do not think it an irreverence to say to our "doom-and-gloom" writers that they might look to the record of our old colleague the late Senator Dan Lang before they pronounce the last rights for this chamber.

I would not describe Senator Lang as perfect in every manner and way. To begin with, he was a rich man, and we are cautioned that rich men can find in the Senate a haven to stow their pomposity and greed. He did not.

• (1440)

Balanced against this curse of wealth, of course, is the claim that no man or woman comes here but for the lure of \$64,000 to float high-style living while researching Canadiana abroad. He did not.

Our critics might argue that Senator Lang did not make a speech every week for the enlightenment of the masses. He did, however, talk up a storm when the cause was worth the wind. He had done that to help bring Lester Pearson to the Hill, and no one on this side of the chamber would call that a small thing.

It is said of all senators that they are mere rubber stamps awaiting the word of their masters. Where was Dan Lang when the masters decided it would be cute Canadian politics to change the name of our national holiday from Dominion Day to Canada Day? I will tell you where he was. He was vainly leading the revolt in the Senate after the House of Commons passed the bill without quorum.

A far weightier matter was acceptance of the Trudeau Charter of Rights. We are just beginning to understand Dan Lang's careful warning that the Charter would create political overtones in this country's courts and promote a greater centralization of power.

When Dan Lang found party membership an embarrassment, he sat as an independent.

On the day of his retirement, he said:

The Senate remains one of the most important components of our parliamentary system. In the political climate of Canada today, its role could become even more important. Believe me, this institution would have disappeared years ago but for its effectiveness.

He closed with a blessing, and these words to the senators: "Believe in this institution." We do.

**Hon. Jeremiah S. Grafstein:** Honourable senators, Canada is blessed by often unheralded personalities who daily work as volunteers, diligently and selflessly, to make our political system work. This week Canada lost such a remarkable personality.

Dan Lang was a friend and one of my first mentors in the Liberal Party. Dan's career instructs and informs all of those who seek public life. In more than a footnote to political history, Dan's public life serves as a lesson in civics and citizenship.

At the end of the fifties, the once mighty Liberal Party was in ruins, moribund, facing a deficit of ideas, and devastated by the Diefenbaker sweeps of 1957 and 1958. Dan, then a municipal counsellor for Forest Hill Village and a respected lawyer, joined a small circle of spirited volunteers, including our colleague Dick Stanbury and former colleagues Keith Davey, Royce Frith and the late John Aird. Together, they made a difference. Collectively, they became the engines of reform and revival that led to the radical transformation of the Liberal Party and then on to successive Liberal minority governments of 1962, 1963, and 1965 led by our hero, Mr. Pearson — not Lester Pearson but Mr. Pearson.

It was a bottoms up, grass-roots volunteer movement, and Dan Lang was one of the key spark plugs in that movement. The spirit that they embodied was the catalyst that led to electoral reforms and reforms of campaign spending that transformed the practise of party politics in Canada. That same spirit led to the passage of Medicare in 1966. Together, they stood for Liberal principles, Liberal ideas and Liberal policies.

Dan was then — and remained throughout his life — a gentlemen and a man of honour. Although Dan loved the Liberal Party almost as much as his family, he believed that commitment to country, as he perceived it, was above loyalty to party. This, he repeated often, was one's highest duty.

Sometime after his appointment to the Senate by Mr. Pearson, Dan became dissatisfied and frustrated with what he concluded was the increasing party polarization in the Senate. He left the Liberal caucus and sat for the remainder of his term as an independent. He felt that the Senate was the supreme source of sober second thought and that he could better serve the country by being free of party restraints, although he never ceased to consider himself other than a liberal member of the Liberal Party.

When he spoke, as he did infrequently, he spoke shortly and concisely; and when he spoke, he followed St. William of Occam's "razor" adage, which dictates that, in any rhetorical explication of any issue, no matter how complex, better less said than more — a practice I too often failed to emulate.

Over the years, I came to disagree with Dan at times over personalities, processes and policies. Yet I never despaired of his commitment, integrity, friendship and selflessness. He was always a man of honour, always the consummate gentleman, and always a delight.

Dan was my first political boss in Ontario. He served as federal campaign chairman in 1962 and 1963. His hard work, honesty, cool analysis, tactical skills and humour made him a model machine politician. You followed what he asked because you trusted his motives and his judgments. He remained beyond personal reproach.

Now, honourable senators, as we approach the autumn of our years, disagreements fade, and what remains are glowing embers of a remarkable personality. I will always recall Dan's dapper fedora, set at a jaunty angle, the ever present cigarette dangling from the side of his mouth with the longest of ashes, the intensity of his gaze and manner, the deep yet quiet authority of his voice and words, and his deeper commitment and pride in party and in country.

What I will miss most will be the pleasure of his company, his wonderful chuckles, and his ability to bring a fresh, almost clinical perspective to complex political problems.

To the ever lovely Frances and his family, we can only grieve, remember, and — if even in a small way — console them by their loss, which diminishes all who knew and respected him.

[Translation]

## SENATORS' STATEMENTS

### THE LATE MICHEL BÉLANGER

#### TRIBUTE

**Hon. Roch Bolduc:** Honourable senators, the country, especially Quebec, has just lost another of its great servants, Michel Bélanger.

He and I studied economics together at the end of the 1940s at Laval University, under the direction of Maurice Lamontagne.

Michel decided to continue at McGill and later joined the federal public service at the Department of Finance.

In 1960, René Lévesque, who was a minister in Mr. Lesage's Cabinet, brought him back to Quebec as an assistant in the Department of Public Works, where he pushed for reform of the tendered contract management system.

Later, he designed the second nationalization of the hydro sector and provided the data that allowed his minister to gain the support of Quebecers.

He soon became actively involved in other economic initiatives, such as the creation of the Société générale de financement and of the Caisse de dépôt.

He also contributed to the review of the mining legislation. He was later appointed Deputy Minister of Commerce and Industry, under Minister Gérard D. Lévesque. His initiatives included the creation of the Office du crédit industriel.

As an economic advisor to the government under Messrs Bertrand and Bourassa, he was involved with Raymond Garneau and several others in the 1970 reform of the Financial Administration Act, and he became the first Secretary of the Treasury Board.

Three years later, he decided to join the private sector, first with the Montreal Stock Exchange, then with the Provincial Bank. He organized the merger of that bank with the National Bank; he was appointed president of that institution and given the great challenge of transforming it into a modern bank.

He also chaired the Bourassa government's committee on government reorganization.

He then co-chaired the Bélanger-Campeau commission in the hope that a consensus could be reached following the failure of the Meech Lake accord. He also sat on the board of several large Canadian corporations.

He was a good economist who went straight to the heart of the matter, and he displayed sound judgment and a good sense of humour, qualities that are always invaluable when the going gets tough.

He was a simple man who remained the same despite all the honours that he received. He was always brief, to the point and very independent in his advice to political leaders, from René Lévesque to Bourassa.

When a project did not make sense, he would say so immediately, no matter who he was dealing with.

Michel Bélanger was a fervent nationalist who was also keenly aware of the limits of government intervention. He was an excellent public servant on the Canadian scene, and on the Quebec scene, an important player in the Quiet Revolution, a stalwart federalist, a colleague and true friend.

Over the past 15 months, we have lost Robert Bourassa, Arthur Tremblay, Gérard Pelletier, Léon Dion, Fernand Dumont and Michel. This has been a difficult year which has left a vacuum in Quebec.

[ Senator Grafstein ]

The country is also losing a great gentleman. Michel was a humanist, a voracious reader not only of books on economics but also of literature. The arts had an important place in his life and that of his wife, to whom I offer my most sincere condolences.

[English]

### WORLD AIDS AWARENESS DAY

**Hon. Thérèse Lavoie-Roux:** Honourable senators, December 1 was World AIDS Awareness Day. I would like to take a moment to bring to your attention the seriousness of this epidemic, and the need for more preventive education on this fatal disease.

[Translation]

Thirty million people in the world are living with the AIDS virus, and 16,000 people contract it every day. By far the majority of infected people, in excess of 90 per cent, live in the developing countries, 20.8 million of them in sub-Saharan Africa.

One adult in a hundred has the AIDS virus, and only one infected person in ten knows he has the virus. In other words, nine out of ten people in the world who are infected do not know they are. According to UNAIDS, the epidemic remains invisible and is even more serious than we thought.

In 1997, of the 2.3 million people who died of AIDS, 820,000 were women and 460,000 were children under the age of 15. This represents a 50-per-cent increase over 1996. What is particularly tragic is that approximately 3.8 million children under the age of 15 have been infected with HIV since the beginning of the 1980s, and 2.7 million may have died.

[English]

In Canada, as of the beginning of 1996, there were more than 15,000 reported cases of AIDS and more than 11,000 deaths as a result. Estimates of people in Canada with HIV exceed 50,000, with approximately 5,000 new infections each year. AIDS in Canada is predominant among intravenous drug users and people who continue to indulge in unsafe sexual practices. As well, the rate of HIV is climbing in the First Nations community.

When I was Minister of Health in the Quebec government, we knew there was some HIV, but it was —

[Translation]

Such cases were still very rare, but they are now occurring in far greater numbers, particularly among children.

[English]

Even though the AIDS epidemic has been around for 10 to 15 years, there is still a lack of public education. I believe that, as parliamentarians, we have a role to play in increasing awareness and in helping to erase the stigma surrounding the disease, in order to address the issues openly and frankly.

HIV and AIDS are no longer the —

[Translation]

Originally found mainly in the homosexual community, as I said, it has spread to a large number of children and to our First Nations communities, which I find really very sad.

[English]

### THE ENVIRONMENT

#### GLOBAL WARMING—STATEMENT OF GOVERNMENT POLICY

**Hon. Ron Gitter:** Honourable senators, the hallmark of a credible and honourable government is its consistency, its leadership, its trustworthiness and its respect for prior agreements and commitments. The present government fails to meet these important standards.

We experienced these failings of the government with its inconsistent posturing and costly political manoeuvring in relation to the Pearson airport and the helicopter situations. We experienced its lack of honour and trustworthiness in its dealings with former prime minister Brian Mulroney in connection with the supposed Airbus scandal.

We now see the same manipulation, posturing, lack of leadership and failing integrity of this government with respect to the global warming issue that is of such fundamental importance to Canadians and the world. As 150 nations meet in Kyoto, Japan, within the next few days to frame an agreement, certain facts become clearly evident to us all.

First, notwithstanding the endeavours of some interest groups to cloud the issue by insisting there is not enough scientific evidence to justify action, there is real cause for worry. There can be little doubt that we are altering our atmosphere. There is little doubt that CO<sub>2</sub> is the major culprit, and there is little doubt that the debate has shifted, fortunately, from whether the risks are insignificant to what action should be taken.

Enter the Canadian government which, after many meetings and cancelled press conferences, at the opening of the conference finally and belatedly declared its position. What is the position of the Canadian government? It is to reduce greenhouse gas emissions to 1990 levels by 2007, to 3 per cent below 1990 levels by 2010, and by a further 5 per cent by 2015; a position which the government says was developed after consultation with provinces and territories.

That is a laudable goal, although totally unachievable; this is a government totally without a plan in this respect, and without the support of the producing provinces and many others in Canada. It is a commitment which Canadians and the rest of the world know will never be met: a commitment which is unachievable and, without a plan, is merely a last-minute stab at staking out a position without the faintest idea of how to achieve the targets or of the impacts that such actions will have upon the economic well-being of the nation. The government has once again shown its ability for spin — the manipulation of facts and events to serve its political objectives.



I ask the same question as was asked of the government of the day in the spring of 1993 by Charles Caccia, MP in the Liberal opposition, when he asked the government: Why has the government failed to produce a national strategy to stabilize greenhouse emissions? They have had close to four years to do so. It is no wonder that the provinces are yelling “betrayal” today, after coming out of Regina thinking that they had an agreement. The government failed to prepare, and is now scrambling for the high ground whilst floundering in quicksand.

### NOVA SCOTIA

ZION EVANGELICAL LUTHERAN CHURCH, LUNENBURG—  
CONGRATULATIONS ON 225<sup>TH</sup> ANNIVERSARY

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to make a statement in recognition of the Zion Evangelical Church in Lunenburg, Nova Scotia. This is the oldest Lutheran congregation in Canada, and this year they are celebrating their 225th anniversary.

Founded by original settlers from Germany, Zion Evangelical Lutheran Church has been, and continues to be, a cornerstone of family worship and social activity in the venerable town of Lunenburg.

I wish to extend sincere congratulations to Reverend Douglas Moore, Pastor of Zion Evangelical Lutheran Church, and members of the congregation upon achieving this milestone of continuous fellowship and community good work.

• (1500)

I convey my sincere best wishes to Zion Evangelical Lutheran Church, its pastor and parishioners, for every success as we move into the next millennium.

### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before I call the next item on the Order Paper, I would like to introduce to you the Commons pages who are with us for this week.

First, there is Anemone Fritzen, who comes from Iqaluit, Northwest Territories. Anemone is enrolled at the University of Ottawa in the arts program. She is majoring in theatre.

[Translation]

Alice Byers, from the Faculty of Arts at the University of Ottawa, is majoring in communications. Alice is from Victoria, on Vancouver Island.

[English]

Welcome to both of you. May you enjoy your stay with us here in the Senate.

[Translation]

## ROUTINE PROCEEDINGS

### ADJOURNMENT

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)*h*), I move, seconded by the Honourable Senator Robichaud (*l'Acadie-Acadia*):

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, December 3, 1997, at 1:30 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

### INCOME TAX CONVENTIONS IMPLEMENTATION BILL, 1997

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-10, to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984.

Bill read first time.

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Thursday next, December 4, 1997.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. John B. Stewart:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:15 p.m. tomorrow, Wednesday, December 3, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

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

**Some Hon. Senators:** Agreed.

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, might I ask the honourable senator for a short explanation?

**Senator Stewart:** The explanation, honourable senators, is that we are hoping to have as our guest at the committee tomorrow the Foreign Minister of Australia. I thought it would be wise for the committee to be in a position to go ahead, regardless of the difficulties or vicissitudes which might beset us in this chamber.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## QUESTION PERIOD

### TRANSPORT

#### AMOUNT OF OVERTIME LOGGED AT AIRPORTS BY AIR TRAFFIC CONTROLLERS—GOVERNMENT POSITION

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. It arises out of evidence presented to the Standing Senate Committee on Transport and Communications last week. At that time, we heard testimony from Mr. C.A. Rushton, Vice-President, Technical, of the Canadian Air Traffic Control Association, and from Mr. Peter Barnacle, with respect to excessive use of overtime in airport towers in Canada.

Honourable senators, Mr. Rushton at one point stated that air traffic controllers are working as many as nine days in a row

when they are supposed to be working only 34 hours per week, for reasons of safety. As honourable senators will appreciate, this comes at a time when air traffic is increasing at an almost unbelievable rate, and will do so well into the foreseeable future. Indeed, the traffic will probably increase to the point where jamming of our airports may cause it to level off while we find other solutions for the movement of people.

First, because of the seriousness of this situation, is the government aware of it? If so, can the minister indicate to us what steps the government may be taking at this time to correct this type of situation?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I thank the honourable senator for bringing this serious matter to our attention. I was not aware of the situation. The evidence that was presented to the Standing Senate Committee on Transport and Communications was not brought to my attention.

It is my intention to look into the matter as quickly as possible because it is a serious situation. All Canadians would regard it as a matter which should be rectified if, indeed, that is the situation. I will be pleased to examine the matter and bring forward a response at the earliest possible moment.

**Senator Forrestall:** Honourable senators, while the Leader of the Government in the Senate is looking into the matter, could he ask certain of his colleagues whether or not the situation that exists in a number of our major air terminals in Canada is caused by its perpetrators having to keep up with the cost of living? As senators are aware, like so many other public servants in Canada, the air traffic controllers have been living with a wage freeze situation for a number of years now.

Will the minister find out if that might be the cause of this situation? If it is, some corrective measure must be found to handle this type of situation in future, and especially in times of cut-backs by government.

**Senator Graham:** I presume the honourable senator is suggesting the possibility of individual employees volunteering or seeking overtime work in order to improve the level of their take-home pay. If that is the case, then it is something which should be examined. I would be happy to make that part of my examination, and to report accordingly.

• (1510)

## IMMIGRATION

#### TURNOVER RATE OF MEMBERSHIP ON IMMIGRATION AND REFUGEE BOARD AFFECTING PROCESSING TIME FOR REFUGEES—GOVERNMENT POSITION

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate and it relates to the Immigration and Refugee Board.

The Auditor General has said that a minimum of 12 months of training is required before a board member can function adequately. Since 1994, just after this government was elected, the Auditor General also stated that more than 170 members had left the board, leaving it with a large number of inexperienced members. Such a high turnover rate is bound to affect the quality of decisions.

The reality is clear. Over the last three years, the board has been unable to achieve its objectives respecting processing times. The average processing time increased from 7 months in 1993-94 to nearly 13 months in 1996-97. According to the Auditor General, the backlog is disturbing. A person claiming refugee status can count on staying in Canada for more than two and a half years before his application is dealt with — enough time to start a new life. When will this government start to take this issue seriously and take measures to speed up this process?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, as I understand it, the Auditor General examined the processing of refugee claims by Citizenship and Immigration Canada as well as the Immigration and Refugee Board. His focus was to determine whether mechanisms used by CIC and IRB allowed for an efficient and equitable resolution of refugee status claims.

Senator Oliver raises some very important points. The audit concluded that the federal government has serious problems handling refugee claims efficiently. It also concluded that the problems are complex and that there is a need for a thorough review. The Auditor General would caution against patchwork changes, but Senator Oliver has brought to our attention a most important matter which deserves consideration, and I shall certainly bring it to the attention of my colleagues.

MEMBERSHIP ON IMMIGRATION AND REFUGEE BOARD—  
POSSIBILITY OF REVIEW BY SENATE COMMITTEE—  
GOVERNMENT POSITION

**Hon. Donald H. Oliver:** I should like to ask a supplementary question relating to the qualifications of these adjudicators. The auditor recommends that the government ensure that the selection process for board members provides greater certainty; and that appointments or reappointments to the Immigration and Refugee Board are based on the qualifications needed to respond to the complexity of the board's important tasks.

Is the government prepared to change the appointment process and ask that a parliamentary committee, perhaps a committee of the Senate, evaluate each individual before he or she is appointed or reappointed?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, that would certainly be breaking new ground. It is an interesting suggestion and it would definitely establish a precedent. However, I do not know if the government is contemplating such a procedure. At the same time, as I

indicated, the government takes seriously the Auditor General's observations. Indeed Senator Oliver's questions today I take very seriously and I will bring them to the attention of the appropriate authorities.

## FISHERIES AND OCEANS

PROPOSED HABITAT POLICY FOR PACIFIC SALMON—  
GOVERNMENT POSITION

**Hon. Gerry St. Germain:** Honourable senators, my question is also addressed to the Leader of the Government. Today, in his report, the Auditor General criticized the government on the issue of Pacific salmon habitat loss. He stated that no overall status record on salmon habitat has been made available in order to assess the impact of habitat loss on Pacific salmon. The response of the Department of Fisheries and Oceans to this criticism was vague. However, they did state that this will continue to be a high priority. The department has not promised any specific actions.

Will the Leader of the Government in the Senate make a representation to the Minister of Fisheries regarding the urgent need to provide a more substantive response and action on this most important matter?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I thank the honourable senator for his question, and the answer is yes.

**Senator St. Germain:** Honourable senators, as to the substance of the federal government's habitat policy for Pacific salmon, the Auditor General expressed the opinion that DFO's policy has tended to focus on reactive elements as opposed to proactive measures.

This policy transcends all political parties. The officials at DFO are the same people who were the stewards of the cod fishery on the East Coast, and we know what happened in that instance.

Will the Leader of the Government ask the government to act on this immediately before we lose our Pacific salmon just as the cod were lost on the East Coast? Will they do something that is proactive rather than reactive?

**Senator Graham:** Honourable senators, the answer is yes. The Auditor General's report is a very important part of the whole process and of the transparency of government policy and actions. The government always welcomes the Auditor General's views. They are an essential part of a process that strives to get government right.

As usual, the Auditor General's analysis and recommendations will be the basis for review and follow-up by the government, and I shall be happy to bring, once again, the concerns of my honourable friend to the attention of those responsible.

**Senator St. Germain:** Honourable senators, I believe — although I should like to be proven wrong on this — that the structure of the department itself is creating the problem in this particular issue. That has been the case in the past and the situation continues. It is bogged down in its own bureaucracy. There is substance to the statement which has been made that there are more bureaucrats than fish. I would hope the minister will convey my question to the government in that light.

**Senator Graham:** I will do that, honourable senators.

## THE ENVIRONMENT

### IDENTIFICATION AND DOCUMENTATION OF FEDERAL CONTAMINATED SITES—GOVERNMENT POSITION

**Hon. Fernand Roberge:** Honourable senators, in light of the federal government's failure to provide details on the costs and actions of meeting its commitments in Kyoto, the Auditor General gave us an additional reason not to trust the government when it makes vague promises on the environment.

First, the federal government has yet to deliver to Parliament a list of federal sites that contain environmental contamination, as well as a dollar figure detailing the costs of cleaning up those sites.

Second, the Auditor General is concerned about whether Canada is adequately prepared to deal with major accidents involving oil and chemicals, even though five years have passed since the Auditor General first raised the issue.

Third, the Auditor General is also concerned that much still remains to be done to find long-term solutions for the disposal of Canada's nuclear fuel, low-level radioactive waste, uranium mines and mill tailings.

My question is for the Leader of the Government in the Senate. Given the fact that all these issues were raised in prior Auditor General's reports, does this government feel any sense of urgency whatsoever to address these matters?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I appreciate Senator Roberge bringing these matters to our attention today. I personally want to explore the points he has raised with respect to the danger of major accidents and the disposal of nuclear fuel and mill tailings. I live very close to the tar ponds area in Sydney, Nova Scotia which is one of the worst environmental disasters in Canada. I will be closely monitoring and working on that particular project.

**Senator Roberge:** I should like to return, if I may, to the issue of costs and measures needed to deal with contaminated sites which come under federal jurisdiction. In the government response to the Auditor General's concern, only the Treasury Board provided a response related to the issue of potential federal liabilities — an unambitious response at that.

The Treasury Board stated that it is developing an accounting policy to which all departments will adhere, and that this accounting policy will not be ready until 1999.

As for Environment Canada, this department fared even worse. For starters, Environment Canada failed to respond to Auditor General's observation on the risks and clean-up costs of federal contaminated sites. As well, Environment Canada has failed to provide a report to Parliament dealing with the progress to date on PCB destruction. Why is this the case, given that one was originally promised for 1997?

• (1520)

**Senator Graham:** I am at a loss for an answer, but I shall seek one.

## HUMAN RESOURCES DEVELOPMENT

### CHANGES TO CANADA PENSION PLAN—TRANSPARENCY IN AUDITING POLICY FOR INVESTMENT BOARD—GOVERNMENT POSITION

**Hon. David Tkachuk:** Honourable senators, my question also concerns the Auditor General's report on the spending practices of the Canada Labour Relations Board. The Auditor General found clear examples of waste and abuse. He found that more than \$200,000 was paid out in legal fees in defence of both sides as a result of some ongoing argument between the board's chairman and vice-chairman. The payment of these legal fees was not consistent with what the board was allowed to do. He found questionable spending on the part of board members. He found an unreasonable travel expense policy. As my honourable friend may know, I am considered a bit of an expert in this field.

The Auditor General found that the board's hospitality spending was also unreasonable. Information was made public, though, because the Auditor General has a legal mandate to look at the Canada Labour Relations Board. However, he will have no such mandate with respect to the Canada Pension Plan. That board will be exempt.

In light of what the Auditor General reported on the Canada Labour Relations Board, will the government reconsider its decision to not make the Auditor General the auditor of the CPP Investment Board? Will it reconsider its decision that any special audit of the CPP board need not be made public? Will it reconsider its decision to exempt the CPP board from the Access to Information Act?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, a number of important questions have been asked by the honourable senator. In response to the first comment with respect to the chairman of the CLRB, I understand that my colleague the Minister of Labour intends to make a statement in the other place in that respect today. I do not wish to pre-empt whatever he has to say as the responsible minister.

We will get more answers when we receive the CPP legislation, but it has always been my understanding that the Auditor General approved the process and was aware of the fact that he would have access to the books. It has been the practice of the government to put the people who administer the CPP accounts at arm's length from the government. At the same time, the Auditor General can play a very key role in the final audit and will have access to whatever documentation he requires.

**Senator Tkachuk:** Honourable senators, this question was raised in committee hearings in the other place. Because the Auditor General will not be the auditor for the CPP, we will not have the same amount of transparency that exists with government departments and other government boards, such as the Canada Labour Relations Board. As my honourable friend said to the previous question, we want to make transparency obvious for parliamentarians so that we can question the decisions and question the policies that have to do with the people's money.

In light of that, is the Leader of the Government saying that the Auditor General will be the auditor of the CPP?

**Senator Graham:** Not necessarily, honourable senators. The investment board will appoint its own auditor, which may or may not be the Auditor General. However, the Auditor General will continue to be responsible for auditing the consolidated financial statements of the CPP as a whole.

**Senator Tkachuk:** Honourable senators, I understand the Auditor General will have access to the investment fund — the cash in the till that Canadian taxpayers contribute to the CPP — but we will not have the same transparency to the Canada Pension Plan Investment Board and its process in making these decisions. The policies of the board members, their expenses, how they run their office and where they travel will be kept separate and apart from Parliament.

**Senator Graham:** Honourable senators, I am saying that the Auditor General will have access to all of that documentation. The Auditor General reports not only annually but quarterly to Parliament.

## AGRICULTURE

### AUDITOR GENERAL'S REPORT—FARM INCOME PROTECTION ACT—LACK OF ORDERS IN COUNCIL AUTHORIZING PROGRAMS—GOVERNMENT POSITION

**Hon. Terry Stratton:** Honourable senators, my question is to the Leader of the Government in the Senate and has to do with the report of the Auditor General. The Auditor General drew attention to the fact that since August of 1995, the government has failed to provide Orders in Council to authorize more than 30 different programs under the "special measures" section of the Farm Income Protection Act. In other words, even though it is required by this act, Parliament has not received any detailed

information about the objectives, costs and results of the companion programs, information that is essential to any meaningful oversight role. Can the leader tell us why?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I regret that I cannot, but I shall seek the proper information.

**Senator Stratton:** Honourable senators, I find that incredible.

**Senator Graham:** What do you find incredible?

**Senator Stratton:** Please let me finish with my question.

The department's response was that it has initiated a process to table the existing Orders in Council soon. Can the Leader of the Government in the Senate inform the chamber how soon the government will be acting on this recommendation, without saying "soon"?

**Senator Graham:** Honourable senators, I will attempt to respond to that question at the earliest possible date.

## JUSTICE

### REFUSAL OF MINISTER TO PAY LEGAL FEES OF FORMER MINISTER OF INDIAN AND NORTHERN AFFAIRS— DELIVERY OF PROMISED INFORMATION

**Hon. Eric Berntson:** Honourable senators, it is now day 363 since I first raised the question of what we now call the "Munro legal situation." I appreciated it very much when the Honourable Leader of the Government in the Senate told us a week ago that the government had decided to resolve this matter by getting the counsel for each side together to do just that as quickly as possible.

During our exchange last Tuesday, I promised the leader I would get the telephone number of Mr. Wally Zimmerman, counsel for Mr. Munro. For the record, Mr. Zimmerman's telephone number at the office is (905)524-0231. The number for his fax machine is (905)524-2023.

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I congratulate Senator Berntson for his continuing determination with respect to this particular matter. I only wish I had the number in my pocket this morning when I raised this issue with the appropriate official again. I shall take this paper with me to meetings that I am attending very shortly and make sure it gets into the proper hands.

**Senator Berntson:** If my honourable friend could give me the number of the appropriate official, I would happily talk to him.

**Senator Graham:** When sometime in the long distant future my honourable friend returns to this side of the house, he may have that number.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I have a response to a question raised in the Senate on October 28, 1997, by the Honourable Senator Oliver with respect to the Canada Pension Plan and tax relief for the self-employed; a response to questions raised in the Senate on October 29 by the Honourable Senators Jessiman and Stratton regarding changes in the Canada Pension Plan, timing for reduction of unfunded liability; and a response to a question raised in the Senate on November 20 by the Honourable Senator Kinsella regarding the proposed trade deal between a New Brunswick company and Iraq.

## HUMAN RESOURCES DEVELOPMENT

### CHANGES TO CANADA PENSION PLAN—TAX RELIEF FOR SELF-EMPLOYED—GOVERNMENT POSITION

*(Response to question raised by Hon. Donald H. Oliver on October 28, 1997)*

The self-employed have always paid the employee and employer share of CPP premiums.

Under the federal/provincial agreement, a self-employed person earning the average wage will pay 9.9 per cent in 2003 + \$900 a year more than under the existing legislation.

However, the self-employed, like employees, receive a federal and provincial tax credit for their CPP contributions, so that the impact on a self-employed person's take home pay will be only about \$660 in 2003.

While this is certainly a lot of extra money however one looks at it, the federal/provincial agreement will prevent the contribution rate from rising to the 14.2 per cent level that it would have reached in 2030 under the existing legislation. By then, the self-employed will therefore be paying \$1,130 less than under the existing plan [or about \$830 less after allowing for the tax credit].

Everyone must start paying for a higher share towards his or her own CPP benefits so future generations do not have a crushing burden. That is only fair.

This government certainly wants to lower the overall tax burden on all Canadians, including the self-employed, and it will do so just as soon as it can.

### CHANGES TO CANADA PENSION PLAN—TIMING FOR REDUCTION OF UNFUNDED LIABILITY—PROPOSED RATE OF INVESTMENT OF FUNDS IN EQUITY MARKET—GOVERNMENT POSITION

*(Response to questions raised by Hon. Duncan J. Jessiman and Hon. Terry Stratton on October 29, 1997)*

The long-term impact of a one-time \$1 billion cash infusion on CPP contribution rates would be negligible.

An annual infusion of \$1 billion would be sufficient to maintain the CPP fund at about \$40 billion until the end of the existing schedule of contribution rates in 2016. After that, contribution rates would have to rise to 15 per cent by 2030 in order to pay for rising benefits and to build the fund back up to two years of benefits.

An annual cash infusion of \$81 billion would be required to stabilise the contribution rate at 6 per cent. This amount would be \$31 billion if it were paid in constant 1997 dollars, i.e., if the \$31 billion increased with inflation.

Bill C-2 would stabilise the contribution rate at 9.9 per cent. As shown in the 16<sup>th</sup> actuarial report of the CPP, the cost of a contributor's own benefits is 6.1 per cent (i.e., the full-cost contribution rate). The extra 3.8 per cent represents the cost of carrying the unfunded liability. If a cash infusion equivalent to 3.8 per cent of CPP contributory earnings were injected into the CPP each year, therefore, the contribution rate would be stabilised at 6.1 per cent.

The CPP changes will significantly lower the unfunded liability at the end of 1996 from \$590 billion to \$460 billion. Eighty-five per cent of the reduction is due to the fuller-funding approach and the new investment policy, and the balance is due to changes to benefits. The unfunded liability will then continue to grow, but more slowly than it would have without fuller funding and the new investment policy. The CPP changes will lower the unfunded liability at the beginning of 2003 from \$920 billion to \$640 billion.

The changes of Bill C-2 are not sufficient to pay down the unfunded liability. While the unfunded liability grows in dollar terms, the cost it imposes on working Canadians remains stable and affordable. The unfunded liability could be paid off over a period of 30 years by charging contribution rates of 14 per cent. The contribution rate could then drop to 6.1 per cent. The steady-state rate of 9.9 per cent avoids such high rates by spreading out the burden of the carrying the unfunded liability across all working generations.

## INTERNATIONAL TRADE

PROPOSED TRADE DEAL OF NEW BRUNSWICK COMPANY WITH  
IRAQ—GOVERNMENT POLICY RESPECTING ACTIVITIES OF  
EX-MEMBER OF PARLIAMENT

*(Response to question raised by Hon. Noël A. Kinsella on  
November 20, 1997)*

As a former public office holder, Mr. Zed is subject to the post-employment rules of the Conflict of Interest Code. These rules prevent Mr. Zed from taking employment with any organization with which he had direct and significant official dealings in his last year in office. He is also prevented from lobbying any government department with which he had direct and significant official dealings during his last year in office.

In this regard and with respect to the trade issue with Iraq, the Ethics Counsellor, Mr. Howie Wilson, has noted that Mr. Zed is not in a conflict of interest situation with respect to the Code. Mr. Wilson and Mr. Zed have discussed the latter's obligations under the Code (although not specifically in connection with Iraq) and Mr. Wilson is satisfied that Mr. Zed fully understands his obligations and is in conformity with its rules.

Additionally, the Lobbyists Registration Act requires that any individual, who for payment makes representations to a government department, in an attempt to influence the development of a legislative proposal, the making of a regulation, the development of a policy, the awarding of a grant, contribution or other benefit, etc. is required to register as a lobbyist.

In this regard, the Ethics Counsellor has noted that Mr. Zed has registered under this Act and that his registration indicates amongst other areas that international trade was of interest including export development financing. He also listed Foreign Affairs and International Trade as government departments he might lobby on behalf of. Mr. Wilson also pointed out that Mr. Zed has discussed with him, and in detail, his obligations under this Act and that he fully understands his obligations and is in conformity with this legislation.

As the Honourable Deputy Prime Minister pointed out in the other House, the trade discussions with Iraq concerned only humanitarian aid, and all trade deals would still need to be approved by the United Nations.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

ENERGY—ATOMIC ENERGY OF CANADA LIMITED—  
CONFORMITY WITH ALTERNATIVE FUELS ACT

**Hon. Sharon Carstairs (Deputy Leader of the Government)**  
tabled the answer to Question No. 6 on the Order Paper—by  
Senator Kenny.

ENERGY—CAPE BRETON DEVELOPMENT CORPORATION—  
CONFORMITY WITH ALTERNATIVE FUELS ACT

**Hon. Sharon Carstairs (Deputy Leader of the Government)**  
tabled the answer to Question No. 10 on the Order Paper—by  
Senator Kenny.

ENERGY—DEPARTMENT OF INTERNATIONAL FINANCIAL  
INSTITUTIONS—CONFORMITY WITH ALTERNATIVE FUELS ACT

**Hon. Sharon Carstairs (Deputy Leader of the Government)**  
tabled the answer to Question No. 25 on the Order Paper—by  
Senator Kenny.

ENERGY—DEPARTMENT OF STATUS OF WOMEN—  
CONFORMITY WITH ALTERNATIVE FUELS ACT

**Hon. Sharon Carstairs (Deputy Leader of the Government)**  
tabled the answer to Question No. 46 on the Order Paper—by  
Senator Kenny.

DEFENCE—PAID STRENGTH OF CANADIAN FORCES

**Hon. Sharon Carstairs (Deputy Leader of the Government)**  
tabled the answer to Question No. 62 on the Order Paper—by  
Senator Forrestall.

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• (1530)

## ORDERS OF THE DAY

### SAGUENAY-ST. LAWRENCE MARINE PARK BILL

#### SECOND READING

**Hon. Mary Butts** moved the second reading of Bill C-7, to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act.

She said: Honourable senators, I am pleased to address my colleagues in support of the bill to establish a new marine park within the National Marine Conservation Area Network. On behalf of all Canadians, I want first to thank the members of the other House for their support of this important bill.

Canada can be proud of its vast experience in the crucial area of protecting heritage resources. The preservation of the quality of the natural environment is important to Canadians, and the bill to establish the Saguenay-St. Lawrence Marine Park has been prepared in response to their concerns.

The purpose of the proposed legislation is to increase the level of protection of the ecosystems of the Saguenay fjord and St. Lawrence estuary for conservation purposes for the benefit of present and future generations, while encouraging their use for educational, recreational and scientific purposes. This approach is consistent with the government's position on ecosystem protection and sustainable development. This bill demonstrates the government's commitment to working toward the conservation of natural marine resources by developing legislation and policies that reflect global environmental concerns.

The bill is also intended as a tangible expression of the government's commitment to sustainable development and a positive contribution to efforts aimed at protecting Canada's biodiversity and preserving the quality of our natural environment for present and future generations.

The establishment of the marine park is the result of years of coordinated effort by the governments of Canada and Quebec, local and regional communities, environmental groups, aboriginal peoples and the scientific community to improve the management and protection of this region's rich and diverse marine resources and, in particular, to promote better protection for St. Lawrence beluga whales.

The proposed legislation provides a comprehensive base for the management of federal responsibilities. It is intended to complement, without overlapping, the existing federal statutes such as the Fisheries Act, the Canadian Environmental Protection Act, the Migratory Birds Convention Act, the Transportation of Dangerous Goods Act, the Navigable Waters Protection Act and the Canada Shipping Act.

On December 12, 1996, both provincial and federal governments tabled their proposed legislation in their respective legislatures. The federal bill died on the Order Paper when the election was called. On June 5, 1997, the National Assembly of Quebec assented to Bill 86. That provincial act will come into force when this federal bill is proclaimed. It is now our opportunity and responsibility to fulfil our commitment to establish this marine park.

In closing, I should like to take this opportunity to express my wholehearted support for the bill to establish the Saguenay-St. Lawrence Marine Park, as a key contribution to our efforts in protecting this country's most significant natural marine resources.

*[Translation]*

**Hon. Fernand Roberge:** Honourable senators, I also take this opportunity to congratulate the Honourable Senator Butts on her first speech on a bill.

Honourable senators, I am pleased to rise before you today to speak in favour of Bill C-7. I am especially pleased since these provisions represent the legacy of the Progressive Conservative Party with regard to the environment, national parks and protected areas.

The Saguenay-St. Lawrence Marine Park covers a marine area of 1,138 square kilometres at the confluence of the Saguenay River and the St. Lawrence estuary. It is one of the 29 natural marine regions described in the national marine conservation areas system plan.

Where the Saguenay and the St. Lawrence meet, the cloudy waters of the upper St. Lawrence estuary and the warmer surface waters of the Saguenay River mix with the colder marine waters from the gulf, creating special environmental conditions that attract a remarkably high number of whale species for such a small area.

In addition to the ecological benefits, there will be considerable advantages for tourism in the region. As well as protecting the beluga's habitat, the proposed legislation will make possible the pursuit of numerous activities such as sailing, kayaking, canoeing, windsurfing, recreational fishing, scuba diving and whale-watching without endangering the many exceptional features of the park.

I would like to emphasize the quality of the process leading up to the park's creation. It was consistent with the spirit of cooperation that must prevail between various levels of government and community groups. It also reflected the principles set out by the leader of my party, the Honourable Jean Charest, in the Canada pact.

Changes involving the federal government and the provinces can sometimes be made without having to resort to constitutional amendments. But when the time comes to act, it is essential that the federal government know and understand the ideas and concerns of communities and individuals. As evidenced by the process leading up to the marine park's creation, changes must follow an approach based on cooperation with provincial governments.

Bill C-7, along with the bill passed by the Government of Quebec, establishes the Saguenay-St. Lawrence Marine Park in that province. It implements an agreement signed in 1990 by the former Progressive Conservative government under Brian Mulroney and by the Government of Quebec, then led by Premier Robert Bourassa.

The creation of the park is also the result of the untiring efforts of the present member for Chicoutimi, André Harvey. Since 1985, my colleague has stepped up his efforts and pushed hard to see the park created. Mr. Harvey has shown just how far a conscientious parliamentarian can advance the interests of his region.

Under the federal-provincial agreement, which includes Bill C-7, Ottawa did not require Quebec to give up ownership of a single grain of sand or drop of water. The objective was not to extend federal jurisdiction but to protect our aquatic fauna. To this end, as Senator Butts mentioned earlier, Ottawa will continue to exercise its responsibilities with respect to navigation and fishing.



The Fisheries Act, the Canadian Environmental Protection Act, the Migratory Birds Convention Act and the Canada Transportation Act will also apply to the park.

Moreover, under the terms of the agreement that laid the basis for Bill C-7, the park will be jointly managed and the costs shared by both governments within the limits of their respective jurisdictions.

Bill C-7 provides that, within one year after the coming into force of the act, a management plan shall be laid before the House of Commons and the Senate. At least every seven years, this plan shall be reviewed and amended as required.

In addition to setting out the powers of the federal minister with respect to the administration and management of the park, Bill C-7 provides for the establishment of a management committee and a coordinating committee. These two committees will be appointed and operated jointly by Ottawa and Quebec City. While the management committee will ensure the harmonization of their respective management and planning activities, the coordinating committee will make recommendations on the measures to be taken in order to carry out the objectives of the management plan.

Bill C-7 also sets out enforcement responsibilities and the punishment of offenders convicted of an offence under the act.

Finally, Bill C-7 ensures that park boundaries can only be changed if an agreement has been reached between the governments of Canada and Quebec in this respect.

I mentioned earlier that the bill symbolizes the legacy of the Progressive Conservative Party. This is a legacy which make me, and all my colleagues on this side of the house, extremely proud.

Preserving this planet, for our sake and our children's sake, is the key to long term economic growth, and it will preserve our health and help us maintain our lifestyle. The Mulroney government showed how steps could be taken in all areas to clean up and protect our environment.

The measures taken by this government were approved by various experts, including the former Prime Minister of Norway, Dr. Brundtland, who chaired the historic United Nations' commission on environment and development. During Brian Mulroney's term of office, Dr. Brundtland praised Canada's international leadership, especially in achieving the objective of sustainable development.

Jean Charest has indicated that, on the environment issue, the Progressive Conservative Party intends to follow up on the measures taken in the past when our party was in government. This is the spirit in which I speak in favour of passing Bill C-7 as quickly as possible.

[English]

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Butts, bill referred to the Standing Senate Committee on Energy, the Environment, and Natural Resources.

## CRIMINAL CODE INTERPRETATION ACT

BILL TO AMEND—SPEAKER'S RULING—DEBATE ADJOURNED

Leave having been given to revert to Order No. 1:

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Ferretti Barth, for the second reading of Bill C-16, An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings),

And on the motion in amendment of the Honourable Senator Cools, seconded by the Honourable Senator Sparrow, that the motion be amended by deleting all the words after "That" and substituting the following therefor:

"Bill C-16, An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings), be not now read a second time because

(a) the Senate is opposed to the principle of a bill which has been placed before Parliament as a result of the judgment of the Supreme Court of Canada of May 22, 1997, and of the Court's Orders of June 27 and November 19, 1997;

(b) the Senate finds it repugnant that the Supreme Court is infringing on the sovereign rights of Parliament to enact legislation and is failing to respect the constitutional comity between the courts and Parliament; and

(c) the Court is in effect coercing Parliament by threatening chaotic consequences respecting law enforcement and arrests if Parliament does not pass this bill."—(*Speaker's Ruling*).

**The Hon. the Speaker:** Honourable senators, last Thursday, November 27, during debate on second reading of Bill C-16, to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings), Senator Cools proposed an amendment. The amendment appears to be an alternative to the second reading motion. It declares the opposition of the Senate to the principle of the bill. The amendment also states that the Senate finds the action of the Supreme Court repugnant because it is infringing the sovereign rights of Parliament and because the court is, in effect, coercing Parliament.

When I received this amendment, I indicated to the Senate that I wanted time to consider it in case of any irregularity or any other substantial procedural objection. My action was questioned at the time, but I explained that I felt I had this duty under the broad terms of rule 18.

In this case, there is no doubt that this amendment is framed in strong language which challenges certain actions taken by the Supreme Court. The amendment is also related to a point of order that Senator Cools raised on Thursday, November 20. For these reasons, I felt it prudent to review the amendment. My purpose in doing this is not to restrict the legitimate rights of senators but to exercise my responsibilities, as I see them, in order to protect the interests of the Senate as a whole.

When I first saw the amendment and noted its language, I was concerned that it might violate an established rule of debate. This rule, found at citation 493(1) of Beauchesne's 6<sup>th</sup> edition, states:

All references to judges and courts of justice of the nature of personal attack and censure have always been considered unparliamentary, and the Speaker has always treated them as breaches of order.

[Translation]

However, as is explained in Erskine May at page 380 of the 21st edition, it can be procedurally acceptable to criticize a court and its decisions within certain limits. The most acceptable way to do this is by a substantive motion moved after notice. In this case, because of the particular circumstances of this bill, the motion has been moved as an amendment opposed to the second reading of the bill.

From a procedural point of view, the amendment that has been proposed by Senator Cools must be identified as a reasoned amendment. According to Beauchesne at citation 670 on page 200, a reasoned amendment can be proposed during second reading debate

...to place on the record any special reasons for not agreeing to the second reading of a bill.

The citation goes on to explain the various possible categories of reasoned amendments. One of them is particularly pertinent to the amendment proposed by Senator Cools. Subsection 5 of the same citation states that a reasoned amendment

...may express opinions as to any circumstances connected with the introduction or prosecution of the bill, or otherwise opposed to its progress. It may oppose the principle of the bill but not propose that the bill be withdrawn and a new one introduced.

[English]

The effect of a reasoned amendment is to supersede the question for the second reading of the bill. If it is adopted, the motion for the second reading of Bill C-16 will not be put to the

Senate since, by adopting the reasoned amendment, the Senate would have declared its support for a proposition which is contrary to the principle identified with the bill. If the amendment is defeated, however, the motion for the second reading of Bill C-16 will not have been superseded; it will still be before the Senate for further debate and possible amendment.

There can be no doubt that the amendment moved by Senator Cools is clearly opposed to the principle of the bill and that it also expresses opinions as to the circumstances related to the bill's introduction and consideration. Furthermore, as I reviewed citation 671 dealing with other procedural criteria that might be used to assess the acceptability of a reasoned amendment, I could only conclude that the amendment is relevant, that it is not concerned with the detailed provisions of the bill, that it attaches no conditions to the second reading motion, and that it is more than a direct negation of the principle of the bill.

Accordingly, I rule that the amendment is in order.

Debate may proceed on the amendment.

**Hon. Anne C. Cools:** Honourable senators, if it is appropriate, I would ask leave to thank His Honour for his ruling.

**The Hon. the Speaker:** I appreciate the honourable senator's sentiments, but there can be no debate on the ruling.

On motion of Senator Lynch-Staunton, debate adjourned.

• (1550)

## APPROPRIATION BILL NO. 2, 1997-98

### SECOND READING—DEBATE ADJOURNED

**Hon. Anne C. Cools** moved the second reading of Bill C-23, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998.

She said: Honourable senators, I rise to move second reading of Bill C-23, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998.

However, before I begin my remarks, I should like to thank my colleague, the newest senator, Senator Chalifoux, for seconding my motion. In jest, I remarked to the new senator that she now sits in the most colourful section of the Senate. We are connected here.

Bill C-23 is an appropriation bill. As honourable senators are aware, the government, when it tables Estimates in the Houses of Parliament, requests money, that is, supply, to carry on the business of governance. By passing the appropriation bill, the Houses of Parliament approve the Estimates, and thereby grant supply. Should the government require additional supply later in the year, additional appropriation will be introduced.

Honourable senators, the Main Estimates are the government's expected and projected expenditures for the fiscal year beginning April 1. They are the first of the requests for supply, submitted annually, to be introduced and are approved in what is called "Appropriation Act No. 1." Subsequent Estimates, called the Supplementary Estimates, are described as Supplementary Estimates (A), (B), (C), or (D); each results in a sequentially numbered appropriation act.

Bill C-23, the bill before us today, will be cited as "Appropriation Act No. 2, 1997-98," and represents Supplementary Estimates (A) 1997-98. Bill C-23 provides for the release of \$9.8 billion, the balance of the Main Estimates for 1997-98, and the release of some \$2.6 billion of the total amounts set out in the Supplementary Estimates (A) for 1997-98. The projected expenditures under the Main Estimates for 1997-98 and the Supplementary Estimates (A) for 1997-98 are expected to be \$152.2 billion.

Honourable senators will recall that Supplementary Estimates represent expenditures for items which were unforeseen at the time the Main Estimates were prepared and considered. Supplementary Estimates should not contain major departures from the Main Estimates but should express expenditures arising from unforeseen events, such as the Manitoba and Quebec floods.

Such unforeseen events cause the government to seek additional spending authority. Further, upon evaluation, the government may continue with programs that initially provided for a sunset clause. If such evaluation is not complete when the Main Estimates are prepared, the decision to continue is reflected in the Supplementary Estimates.

Treasury Board Secretariat officials appeared before the Standing Senate Committee on National Finance on November 6 and 19, 1997 and, in this regard, were examined on the Supplementary Estimates (A) for 1997-98. By their testimony, our committee was informed that provision for the additional amounts included in these Supplementary Estimates (A) for 1997-98 was included in the budget of February 18, 1997, and are consistent with the Minister of Finance's October 1997 economic and fiscal update.

The Supplementary Estimates (A) 1997-98 reflect a feature of the government's approach to operating budgets intended to reduce year-end spending and to improve cash management. This approach allows managers to carry forward, from one fiscal year to the next, an amount up to 5 per cent of the operating budget of the previous year. The operating budget includes salaries, operating expenses, and minor capital expenditures.

The Supplementary Estimates (A) 1997-98 include proposed grants to organizations and proposed reallocations of funds within and among departments and agencies, which proposals require legislative authority. The programs and activities for which the government seeks additional moneys in these Supplementary Estimates (A) 1997-98 are diverse, and they operate from coast to coast.

On the East Coast, the government proposes to devolve ferry services to provincial control. On the West Coast, the government proposes to assist immigrants to integrate into their newly chosen homeland, Canada.

In the Supplementary Estimates (A) 1997-98, as well as in the National Finance Committee, the government has informed us that additional moneys are required for the following activities: the Manitoba and Quebec flood relief measures; the extension of the Canada Infrastructure Works Program; the Federal Youth Employment Initiatives Program, which is a continuation of the strategy to create employment opportunity for Canada's youth; and the Transport Canada revenue adjustment as a result of amendments to the Greater Toronto Airport Authority lease, which relief will be afforded by reducing the rents receivable that the Greater Toronto Airport Authority should have paid the government. In addition, the Canadian National Peacekeeping Training Centre accounts for a major increase in the grants. This centre, which was intended to be a self-funded institution, will require increased contributions if it is to continue. The Crop Reinsurance Fund of Agriculture and Agri-Food Canada, which is also included in the list, accounts for the forgiveness of uncollectable amounts owing to the Crown. Agriculture and Agri-Food Canada is included because of increased grants and contributions facilitating agricultural development and grain transportation reform. As well, the Department of Justice is included because of an increase in personnel, as well as greater costs of ongoing initiatives. My list also includes moneys for Health Canada's enhanced blood safety and surveillance activities; it also includes increased support for community-based children's programs. There are the grants to the provinces of British Columbia, Ontario, Alberta, and Nova Scotia, in response to a growing need to assist immigrants with integration into Canada. For the Department of Indian Affairs and Northern Development, there are greater expenditures related to treaty obligations, settlement of claims, and support for self-government initiatives. Finally, there is a one-time grant to the Province of Newfoundland to assume all responsibility for the Newfoundland-Labrador Marine freight and ferry services as of April, 1997.

The Supplementary Estimates (A) 1997-98 have described the government's need and plan for additional supply. I urge all honourable senators to support Bill C-23.

Honourable senators, I should like to take this opportunity to thank the Chairman of the National Finance Committee, Senator Stratton, for what I thought was an efficient, proficient and rapid processing of the issues before the committee. I would also like to thank the other members of the committee who cooperated fully to ensure that the government receives its money supply in a timely fashion by approving the Supplementary Estimates (A) 1997-98.

On motion of Senator Stratton, debate adjourned.

[Translation]

## TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE  
SENATE

Leave having been given to proceed to Motion No. 34.

**Hon. Lise Bacon**, pursuant to her notice of November 27, 1997, moved:

That the Standing Senate Committee on Transport and Communications have the power to sit at 4:00 p.m. on Tuesday, December 2, 1997, for its study of Bill S-4, An Act to amend the Canada Shipping Act (marine liability), even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

• (1600)

## QUEBEC

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

On the Order:

Resuming debate on the motion of the Honourable Senator Pépin, seconded by the Honourable Senator Lucier, for the adoption of the Report of the Special Joint Committee to Amend Section 93 of the Constitution Act 1867 concerning the Quebec School System, deposited with the Clerk of the Senate on November 7, 1997.

**Hon. Roch Bolduc:** Honourable senators, I would like to briefly state my views concerning the National Assembly's resolution and the report of the joint committee on section 93 of the Constitution Act, 1867 concerning the Quebec school system.

I am rather ambivalent regarding the proposed change, because I have tried for a month to evaluate, with my modest means, its future impact and I am still uncertain about its scope. This is reinforced by the fact that people hold opposite views on the issue, and by the fact that I am far from convinced that the

results of the political process that will bring about these changes in a few years, that is in 1999, will measure up to the expectations of a true humanistic-type liberal democracy. I do not underestimate the ability of my fellow Canadians to debate the issue according to true democratic standards, nor do I underestimate the possibility that things may get out of hand because of the pressure exerted by groups with clearly identified interests. While we must be optimistic about social guidance in Quebec and elsewhere, we must not be naive as regards its quality. Indeed, everyone here knows from experience that there is, for example, an enormous difference between the well-intentioned principles outlined by ministers at second reading of a bill, and the real impact of the legislation a few years later. The results almost invariably differ from the expectations. At second reading, the legislation is very good for everyone and for society, but when you look at it five years later, things are not always so rosy. It could be the case with this measure.

What is the issue here and what is expected from this resolution?

What is being proposed here is the elimination of denominational school boards in Quebec and in Montreal in order to improve the management of the school system. It would seem that in the social and cultural context of Montreal, as far as that city is concerned, it is quite difficult to organize education around two religious denominations and to meet at the same time the requirement of non-discrimination called for in the Charter of Rights and Freedoms. It would seem that it is unrealistic to want to have denominational school boards responding to the needs of all denominations.

This explains the conclusion that was reached, which is to take away the rights of minorities instead of giving new rights to members of other denominations. I am not totally comfortable with this. I must say that I would find absolutely no joy in telling French-speaking Protestants, for example, and I think the situation is the same for English-speaking Catholics, that their brief or presentation to the committee was not good. I thought it was excellent, at least in the case of the Protestants. Also, how can they be protected if the resolution is endorsed by Parliament? The right to differ will more or less be eliminated, because we have no guarantee that, in 1999, the notwithstanding clause will still be there to constitutionally validate the section of the Public Education Act that provides for public denominational education.

There is always section 41 of the Quebec Charter of Human Rights and Freedoms which states, and I quote:

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

By the way, that last part, "within the framework of the curricula provided for by law," almost completely destroys what is said just before.

However, this is what is written in the law, and we cannot presume how the Quebec Human Rights Commission will apply it. In fact, it has already argued, according to Gary Caldwell who produced a good document in the joint committee, that even if the Quebec Charter allows the teaching of religion, it does not allow the teaching of any one religion.

Furthermore, I am told that this section which dates back to 1976, if it did not exist already, would probably not be adopted today by the Quebec National Assembly. Therefore, this section could very well be repealed, because this is, in fact, the declared agenda of certain pressure groups in Quebec who are speaking out more often than the silent majority, which probably does not want change throughout the province, but perhaps only in Montreal.

I can already hear those whose gospel is the Charter of Rights say that church and state must be separated, and that religious education should not be allowed in schools as it is the parents' responsibility. So there should not be any public funding for religious education. Those who want it just have to pay for it. Since the majority will not be paying, only those who can afford it will be able to send their children to denominational schools. This is certainly what could happen, yet the facts show that of the 2,000 schools in Quebec, only half a dozen have asked to be excluded from the denominational system.

I am therefore forced to conclude in this as in other matters regarding the democratic process that theory and practice are two different things, and I hope that Quebec's bishops will not have cause, in a few years, to regret their silence before the joint committee.

Leave education to the state and religion to parents is a slogan that may reflect the views of those wishing to monopolize Quebec's education system and secularize it completely but I, for one, have always thought that education transmitted values and that, for my children and grandchildren, it was preferable that the values transmitted be steeped in the Judeo-Christian tradition than in the precepts of the neutral school of thought. For it is also a religion not to have one. Why would a population that is 90 per cent Catholic throughout Quebec except in Montreal and that has shown no wish to change this status, even if religious observance has admittedly slipped a bit, not reflect this reality in its school system, with due respect, of course, for dissentient religious minorities? How can history, for instance, be taught in Quebec without referring to the Judeo-Christian tradition? In my opinion, it cannot.

What I would like to say is that, through this resolution, it is a bit like saying goodbye to Quebec, to 150 years of tradition. Of course, I will be told that this debate on education will eventually be held in Quebec, in 1998 or 1999, and that the public will then decide on the direction to take. To the optimists, I say good luck.

As for me, I am not moving an amendment today because I know it would not be realistic: I am well aware that the approval of seven provinces representing 50 per cent of the population of

Canada is an almost insurmountable challenge. But I will at least point out two things in closing.

The first is that Canada ratified the International Covenant on Civil and Political Rights in 1976. Article 18.4 of this covenant states, and I quote:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

This binds Quebec, as it still will in 1999, along with all civilized nations which recognize this pact, an instrument for the implementation of the 1948 United Nations Universal Declaration of Human Rights.

Second, even though I am not moving for an amendment to the resolution, I would have preferred to see the following statement added to the Canadian Constitution following the Quebec resolution. It is inspired by section 41 of the Quebec Charter, but is enhanced to add to its scope.

Parents or the persons acting in their stead have a right to require that, in the public education establishments, their children receive a religious or moral education in conformity with their convictions, where numbers justify.

I am fairly certain that this represents the opinion of 90 per cent of our people, the ones in my area at least.

Honourable senators, education is a provincial matter, but I believe that, as a citizen of Quebec in the Senate, I have a duty to react to the resolution, to the committee report which has, in my opinion, insufficiently underscored the point that French Protestants and English Catholics do not agree with this resolution — French Protestants in particular, since they are the ones who have been studied the most — and I also have the duty to underscore my perception of the possible consequences of this change on the kind of education Quebec provides, or should provide, for its children.

[English]

**Hon. P. Michael Pitfield:** Honourable senators, I should like to congratulate the special joint committee for doing its work so quickly and so thoroughly. I especially want to compliment our chairperson for her leadership. I never cease to be amazed by her dedication and capacity for hard work.

• (1610)

Acting as a safeguard to the rights of minorities is arguably one of the Senate's most important functions. I have carefully read Senator Pépin's and Senator Beaudoin's excellent speeches. I support much of the committee's work. I suspect, however, that time is running out; that we should be doing more rethinking and perhaps more consulting than we are. I regretfully conclude, therefore, that there are some aspects of our policy and several parts of the report on which I must express some reservations.

This resolution seeks to repeal the application to Quebec of subsections (1) through (4) of section 93 of what used to be the British North America Act. These paragraphs are the safeguards that were provided to the denominational minorities at the time of Confederation in order to secure their adherence to the new constitutional order.

Put in these terms, this resolution sounds pretty bland. One would hardly suspect that we are talking about the repeal of what has historically been one of the most controversial sections of the British North America Act.

Many members of Parliament and senators say that no one really cares about confessional schools any more; that section 93 is a zombie, what the dictionary calls "a corpse kept alive by witchcraft." The experience of Newfoundland tells us that this is not true. It says that, while the numbers may be declining, there are still considerable numbers of people who value the ways of their faith and who look to Parliament to safeguard their rights in regard to it.

As I mentioned at the outset of my remarks, we all consider the Senate's responsibilities in relation to civil rights to be very important. In this light, the gradual development in recent years of the Senate's expertise in dealing with these sorts of issues is encouraging. Unfortunately, even that advance has still been painfully slow. In particular, I submit that our understanding of the degree and location of consensus required for the repeal of constitutionally vested civil rights remains very uncertain.

This issue was investigated by Senator Kirby and a few other senators some time ago. The argument was advanced that there is no sense in looking, in such circumstances, for a consensus of the majority of the majority. The principles of justice surely require what the lawyers call "a majority of the minority." I was pleased that the special joint committee was clearly sensitive to this issue in its work, but then I was frustrated that the report shifts from side to side, sometimes searching for the minority consensus and at other times talking about a Quebec consensus, a societal consensus and, ultimately, simply the majority consensus.

In the end, the committee settled for an application of both tests, for which it finds ample consensus, to make everyone happy. As to the consensus among the majority, I wonder upon what rights the majority's claim to consideration rests upon. Concerning the consensus amongst the effected minority groups, I agree there is no strong opposition to the repeal of section 93(1) through (4), but I wonder if that is the test upon which the presence or absence of consensus turns.

Put another way, on the one hand, it can be argued that certainly the minorities for whom section 93 exists are not protesting the repeal of the section very vigorously. On the other hand, it is equally arguable that few but the leaders of those groups know what is happening, and almost none has any idea of what the ultimate results will be.

In this light, one must ask oneself whether federalism is delivering on its guarantees. Even we, who are virtually trustees for the protection of the rights of the denominational minorities,

do not know very much about how the situation of the minorities will be affected by the passage of this measure. Then again, how much have we asked about it? That, too, seems to be part of the aching dilemma.

Part of this inadequacy stems from the suspicion that our intention is diverted by what I would call a higher calling, demonstrating to the separatists the responsiveness and the inherent flexibility of federalism, just as the separatists are demonstrating to us and to their investors how pragmatic they can be in putting aside one of their fondest issues of principle — the alleged illegitimacy of the constitutional amending formula.

Faced with the dilemma of antiquated rules, we are showing that we can both cut across the Gordian knot of principle pretty quickly. The people may well ask us how we can do that here when we cannot do it in other areas of the Constitution even after 50, 60 or 70 years of discussion.

In short, what troubles me most about our approach to our role in protecting minorities is not that we are knowingly extinguishing a constitutional obligation, although that is a delicate and dangerous operation, but that we are not requiring the highest standards of ourselves in doing so.

To begin with, we are trying to make this important change if not secretively at least with as little fuss as possible. I agree with Senator Wood and the witnesses who say that the change is not understood in Quebec, particularly by those most affected by it.

As I mentioned a moment ago, few know what is being lost. More particularly, very few members of the committee, and it would seem many members of the government, have no idea what is being put in its place.

Perhaps we can understand that our daily political life can be conducted at this level of disclosure. We may even be able to swallow that we elect governments to their five years of despotism on this basis, but can we really justify making constitutional changes in this manner? Constitutional law is the fundamental law. It is meant to be long-lasting. It is intended to be difficult to change. We should respect that; live in sync with it. Instead, it seems to me there is in our time a tendency to reduce all rules, and consequently all values, to a lowest common denominator. This is not simply in relation to an occasional detail, it goes right to the core of important matters. It is as if we are deciding to reduce the whole concept of democracy to a simple, universal principle of 50 per cent plus one. If that were to happen, our purpose would make no sense. It would be our reality but it would not be truth. To the extent we pretend it is, we are fooling ourselves.

Apart from the the question of how we proceed, it is not clear that we are applying the right criteria. There are all sorts of reasons for trying to keep the focus of public attention away from the substance of section 93. The truth is that, hidden beneath the intricacies of section 93, are the cornerstones of the understanding that govern the relationships between the French and the English linguistic groups in Canada.

Twenty years ago, a veil of silence around the repeal of section 93 in Quebec would have been unthinkable. The words may have been about Protestant school boards but the meaning was widely perceived as being language rights. Nowadays we prefer a sort of *dirigisme* to openness. This time, the issue, subliminally, is still language rights, but we are not to discuss it.

• (1620)

The committee's report refers several times to section 23(1)(a). This section has to do, among other things, with the rights of the citizens of Canada to English-language schooling in Quebec.

In the beginning and until quite recently, many people believed that this was one of the main subjects of section 93. Even after the enactment of section 23(1)(a) it was widely assumed that the two were legally connected, and I doubt that anyone would seriously argue that the two are politically connected.

The question then is: Is it a blessing that, twice in a final committee report of less than six pages, our committee reports that Minister Dion said it was not appropriate to deal with section 93(1)(a) at this time? The committee report states that, when witnesses asked for assurances that the federal government remained committed to the eventual application of section 23(1)(a) they were told that Minister Dion said that it was not appropriate to deal with the section at this time.

Given the sensitivities surrounding issues of language, one can understand the penchant of the federal government for control of the action. The problem is that this approach has been going on for a long time, and we have done some strange things in following our leaders to support that. Time is passing, another round of struggle is on the horizon, and the outlook is not fundamentally as encouraging as one would like.

It is time, not for a pep talk, but for an assessment of the situation. That, too, is evident from the committee's report. Twice the committee notes that, as a result of the repeal of section 93, it may well happen that legislation enacting denominational education in Quebec may be found unconstitutional.

The special joint committee report goes on to say that the Protestant institutions will find additional security in the fact that the provincial government has used the notwithstanding clause as a matter of principle, so the Protestant institutions can avail themselves of the notwithstanding clause to protect themselves from the Charter of Rights. What irony it is that a federal joint special committee on section 93 recommends that as a solution to our problems.

Honourable senators, I regret if my remarks have sounded critical. I hope they are not unreasonably so. These are, in fact, difficult issues. For obvious reasons, I cannot say what I said and vote for the measure, even though I support it in principle. I will therefore abstain.

**Hon. Jerahmiel S. Grafstein:** Would the honourable senator allow a question?

**Senator Pitfield:** Certainly.

**Senator Grafstein:** The question of consensus obviously bedevilled members of the committee, of which I was one. In the circumstance, it was very difficult to discern a consensus without a referendum, perhaps.

What other steps could a federal committee take to determine a consensus in the Province of Quebec on these issues in the circumstances? In other words, confronted as we were with, I thought, extensive evidence from every viable group that wished to talk about this issue, and having given an opportunity to all of those groups to express their viewpoints, it was then up to the members of the committee to divine a consensus which many of us concluded included a majority of the minorities. That conclusion was based on the evidence.

What alternative would the senator suggest for members of the Senate to discern a consensus in these circumstances?

**Senator Pitfield:** My position has been that we should not look to the minority for that sort of evidence. I think that the test one must apply in the circumstances described must be an absence of vigorous opposition. In a sense, that is what we come up with, and I found that reassuring, to a degree.

As I read the report, my concern is that is not the justification for the committee's position. I find to the contrary; that the committee doffed its hat twice to the question of the minority view and then proceeded to stipulate in favour of a majority consensus. I think that is wrong.

**Senator Grafstein:** Honourable senators, I do not mean to belabour this point, but I would like some more pointed guidance from the senator about how one divines the nature of a consensus on a particular issue other than openly receiving evidence from all interested quarters, and then subjecting that to careful scrutiny before attributing weight to the evidence, which I think members of the committee did. I think the report is a document which represents a consensus of the members of the committee, with some exceptions.

Having said that, I believe that members of the committee carefully tried to determine whether there was a clear consensus of the minorities on these issues. The only people who could give evidence on that issue were the spokespersons for these groups, plus some representatives of parent groups.

When one goes through the evidence, one concludes that there is quite strong, almost overwhelming, support for linguistic boards — English and French — and for this reform. Whether or not one looks at it as a removal of rights, which I do not, quite frankly, from my perspective, it is a change in privileges.

Having said that, how should senators, in trying to determine a consensus of a group within a province, with the tools that we have at our disposal, proceed other than by hearing evidence in committee?

[Translation]

**Hon. Thérèse Lavoie-Roux:** Is it possible to add certain facts to establish the truth?

**The Hon. the Speaker:** Have you already spoken on the question, honourable senator?

**Senator Lavoie-Roux:** No, I have not.

**The Hon. the Speaker:** You are free to make a speech.

**Senator Lavoie-Roux:** I am not making a speech.

**The Hon. the Speaker:** Senators may not make two speeches.

**Senator Lavoie-Roux:** I will keep it for tomorrow.

**The Hon. the Speaker:** Senator Pitfield is free to reply or not to this question.

[English]

**Senator Pitfield:** I would simply repeat that I do not think, from my reading of the committee's report, that they say they focused on the determination of a majority of a minority's position. That is what the committee's aim should be, and I think that, if it fulfils that duty, it should deal with that issue openly and categorically.

[Translation]

**The Hon. the Speaker:** Honourable Senator Lavoie-Roux, if you wish to adjourn debate, you may begin your speech today, establish certain facts and then adjourn debate until tomorrow.

**Senator Lavoie-Roux:** Your Honour, I was about to move to adjourn when I was told that Senator Pitfield wished to speak. I will speak tomorrow. But if I can just take three minutes to point out the facts.

Honourable senators will recall, as will Senator Pépin, that we looked over the committee's text on two occasions.

[English]

On two occasions, we looked over the text of the committee, and I said, "There is no consensus." There was consensus on linguistic boards, or we could say there was

[Translation]

no consensus on the disappearance of section 93. So I made that correction. The next day, they came back and maintained the same thing. I raised the issue yesterday, by saying that there was no consensus on the disappearance of section 93. Mr. Paradis then said to me "No, there is no question of it, you will reopen the debate. That is the nature of the report."

On motion of Senator Lavoie-Roux, debate adjourned.

[English]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Haidasz, P.C., seconded by the Honourable Senator Corbin, for the second reading of Bill S-7, to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable.—(*Honourable Senator Carstairs*).

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I adjourned this bill in my name because we had had no opportunity to deal with it as a caucus, and I did not know whether any of the senators on this side wished to speak to it. I have been informed by our caucus that it is their desire to see this bill go to committee. However, there may be someone on the other side who wishes to adjourn this debate.

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, to my knowledge, no senators on this side are waiting to speak on Bill S-7. Perhaps we could agree to give the bill second reading and send it to committee, which, I believe, would be the Standing Senate Committee on Legal and Constitutional Affairs.

Motion agreed to and bill read second time.

### REFERRED TO COMMITTEE

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

On motion of Senator Carstairs, bill referred to The Standing Senate Committee on Legal and Constitutional Affairs.

[Translation]

## COMMITTEE OF SELECTION

### FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Committee of Selection (membership of the Special Joint Committee on Child Custody and Access) presented in the Senate on November 27, 1997.—(*Honourable Senator Hébert*).

**Hon. Jacques Hébert:** Honourable senators, I move that the report be adopted.

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.



[English]

### THE ESTIMATES, 1997-98

#### SUPPLEMENTARY ESTIMATES (A)—REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (*Supplementary Estimates (A) 1997-98*), presented in the Senate on November 25, 1997.

On motion of Senator Stratton, report adopted.

### ASIA-PACIFIC REGION

#### INTERIM REPORT OF FOREIGN AFFAIRS—INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Stewart calling the attention of the Senate to the interim report of the Standing Senate Committee on Foreign Affairs entitled: "The Importance of the Asia-Pacific Region for Canada."—(*Honourable Senator Kinsella*).

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, the inquiry relates to an interim report of the Standing Senate Committee of Foreign Affairs entitled "The Importance of the Asia-Pacific Region for Canada." We think that the matter has been fully debated and, therefore, suggest that the debate be concluded.

**The Hon. the Speaker:** If no other honourable senator wishes to speak on this inquiry, it shall be considered to have been debated.

### HEALTH

#### FAILURE TO PRODUCE REGULATIONS TO CONTROLLED DRUGS AND SUBSTANCES ACT TO PROCLAIM HEMP PROVISIONS—INQUIRY—DEBATE ADJOURNED

**Hon. Lorna Milne** rose pursuant to notice of November 5, 1997:

That she will call the attention of the Senate to the *Controlled Drugs and Substances Act*, in which Parliament expressed its approval of the cultivation of hemp in Canada; to hemp's economic potential for Canadian farmers; and to the fact that sixteen months after Royal Assent, Department of Health officials charged with administering *the Controlled Drugs and Substances Act* have failed to produce a draft of the regulations required to proclaim the hemp provisions.

She said: Honourable senators, when I first planned this statement, I thought it would turn into a diatribe about the disappointing performance of the Department of Health in the development of a licensing scheme for the cultivation of hemp in Canada. However, after the answer filed last week to the query by Senator Haidasz, I feel cautiously optimistic.

To begin, let me remind you how it came to pass that hemp might be grown legally in Canada. We passed the Controlled Drugs and Substances Bill a year and a half ago. Section 55 of that act, now law, authorizes the minister to make regulations to permit the industrial application of controlled substances. According to the act, cannabis is a controlled substance and possession of it is an offence. Cannabis is defined in Schedule II of the act, and in that schedule the government was proposing one exemption: the non-viable seed of the fibre hemp plant.

The problem with the single exemption in the bill was that the fibre itself was forgotten, so we had a situation where Canadian industry was importing millions of dollars worth of hemp and hemp products each year, and all of it was technically illegal. We were all impressed in the Standing Senate Committee on Legal and Constitutional Affairs by the presentation given by Hempline and the Canadian Industrial Hemp Lobby, in which they pointed out this omission.

Hemp has significant economic potential. I do not have time to go into the multi-faceted environmental value of hemp, but it has a wide range of industrial applications ranging from building materials to cosmetics to textiles and paper production. The world market for hemp fibre, seedcake and oils was valued at \$75 million in 1995 and is projected to be \$200 million this year, almost a three-fold increase. The United States is still behind us in permitting the cultivation of this crop, yet it also imports huge quantities of the stuff primarily from China. Canadian farmers should be able to get into this economic activity.

I cannot stress enough that hemp is a non-narcotic crop. It may be related to marijuana, but it has no psychoactive uses whatsoever. Hemp grows wild in Canada and was cultivated widely here up until the 1930s when paranoia about narcotics led to the outlawing of all cannabis plants.

Canada currently has no produce whatsoever to sell to the global market for textile fibre. The world's current annual consumption of cotton is around 40 billion pounds. This is expected to increase by up to 10 billion pounds in the next decade. In 1995, the total American consumption of all textile fibres was about 14.5 billion pounds, 40 per cent of which was cotton. Since the going price for cotton is about \$1.05 per pound, the potential value for Canadian exports of hemp for textile fibre use alone is in the millions if not billions of dollars.

• (1640)

By allowing the cultivation of hemp in Canada, we would be granting Canadian farmers access not only to a new crop but to a whole new market. To repeat, we do not now have a native grown textile fibre industry in Canada.

With hemp, Canadian farmers will also gain access to an American market worth billions of dollars annually. The legislative authority to cultivate hemp was given Royal Assent in this chamber on June 20, 1996. Honourable senators, that was 17 months ago. Without the regulations to accompany the act, Canadian farmers cannot cultivate hemp legally. Thus, the penalty for cultivation is still a maximum of seven years imprisonment.

More than just amending the bill to include fibre in the exceptions to the definition of cannabis, the Senate and the House of Commons were giving a clear signal of their willingness, in fact their desire, that Health Canada permit the cultivation of hemp, and soon. Canadians have been importing the stuff in large quantities for years without running afoul of the law. In fact, there was an entire display of it just a few weeks ago at the Royal Winter Fair in Toronto. There were bales of the fibre there. There were bushels of seed, and I suspect all of it was illegal.

The department has an obligation, not an option, to let farmers grow hemp. In the early spring of this year, it became evident to me that department officials were dragging their feet on this matter. They still had not published the draft of the proposed regulations. Canadian farmers would not be able to grow hemp as a legal crop in 1997, or even in 1998, if these officials were allowed to have their way. The year 2000 was the date being bandied about.

I was able to request that Health Canada officials appear before the Standing Senate Committee on National Finance under the pretext of having them defend their Estimates. Until this point, they had developed a maddening mantra in reply to the question: When will the regulations be published? That mantra took the form of, "Soon, very soon."

However, in a Senate committee hearing, they must give answers. They must answer truthfully and on the record. They had to commit themselves one way or the other. They told the committee that they intended to have draft regulations out in August or September of this year, a full year ahead of their earlier timetable. They said that the final regulations would be proclaimed into force by January of 1998, in plenty of time to plan for next year's growing season.

This is now December, honourable senators. We still do not have the draft regulations; and, until Tuesday of last week, the bureaucrats were stonewalling my inquiries. Last Tuesday, the department issued the following statement in the form of a written answer to a question raised in this chamber by Senator Haidasz:

The Minister of Health has confirmed his commitment to have regulations in place for the commercial cultivation of hemp for the 1998 growing season. Health Canada will exercise its best effort to accomplish this following the regulatory and consultation requirements.

This answer goes a long way to restoring my hope that the bureaucrats will live up to their undertaking. I think that the

Senate and the committee are to be congratulated for their part in coaxing this undertaking out of the officials, but we must continue to be vigilant. Given past experience, I still hesitate to believe that department officials will actually produce the regulations in time for next year's growing season.

I hope that the Standing Senate Committee on National Finance will keep up the pressure. We need to send a signal that we expect results. It must be made clear to officials that failure to permit Canadian farmers to grow hemp next year would be deplorable. Now is not the time to be sitting on our laurels; now is the time to press for action.

**Hon. Herbert O. Sparrow:** Honourable senators, would the honourable senator indicate her thoughts on why the department has held this up for such a long period of time when such great efforts have been put into the program?

**Senator Milne:** Honourable senators, I must admit I have no idea of the mindset of officials in the department. I suspect it may have something to do with the fact that most of them are urban people. They are not accustomed to dealing with farmers. They are not accustomed to dealing with the absolute demands of growing seasons. Therefore, they think if they hold them up another month or two, it will not matter a lot, whereas to a farmer it amounts to a whole year.

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

## LEGAL AND CONSTITUTIONAL AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Lorna Milne:** Honourable senators, pursuant to notice of November 27, 1997, I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:15 p.m., on Wednesday, December 3, 1997, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

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

**Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition):** Honourable senators, I should like to ask the chair of the Standing Senate Committee on Legal and Constitutional Affairs to explain why it is necessary for the committee to sit even though the Senate is sitting.

**Senator Milne:** Honourable senators, we intend to hear the last group of witnesses on Bill S-5 tomorrow afternoon. We would like to wrap up our review by hearing the Minister of Justice. Unfortunately, she can only appear for a short time at a certain period during the day. We are trying to fit this last witnesses in to meet the timetable proposed by my honourable friends opposite.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## SECURITY AND INTELLIGENCE

### ESTABLISHMENT OF SPECIAL COMMITTEE— DEBATE CONTINUED

Leave having been given to revert to Order No. 3 (Motion):

On the Order:

Resuming debate on the motion of the Honourable Senator Kelly, seconded by the Honourable Senator Prud'homme, P.C.:

That a special committee of the Senate be appointed to hear evidence on and consider matters relating to the security intelligence operations of the Government of Canada;

That the committee examine and report on the extent to which the recommendations of the Report of the Special Committee on Terrorism and the Public Safety (June 1987) and the Report of the Special Committee on Terrorism and the Public Safety (June 1989) have been addressed thus far by the Government of Canada;

That the committee examine and make recommendations with respect to the adequacy of the review or oversight of the Government of Canada's security and intelligence apparatus, including each of the organizations in departments of government that conduct security and intelligence operations or that have a security and intelligence mandate;

That the committee examine and make recommendations with respect to intra-governmental and inter-governmental coordination relating to the Government of Canada's security intelligence mandate and operations;

That the committee examine and make recommendations with respect to the overall mandate and current threat assessment capability of the Government of Canada's security intelligence apparatus and of the individual organizations therein;

That seven senators, to be designated at a later date, act as members of the committee;

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

such papers and evidence from day to day as may be ordered by the committee; and

That the committee present its final report no later than April 15, 1998.—(*Honourable Senator Hays*).

**Hon. Dan Hays:** Honourable senators, I was anxious to speak to this matter this week. I appreciate your granting me leave to speak today.

As senators will know from looking at the Order Paper and from the *Debates of the Senate*, Senator Kelly has proposed that we give necessary approval to the creation of a special committee, essentially to review the work of committees that he chaired previously. He refers specifically to a report of the Special Committee on Terrorism and Public Safety tabled in this house in June of 1987. I had the honour of being the deputy chairman of that committee. The second report to which he refers was released in 1989. It was a follow-up study prompted by the hijacking of a bus which found its way on to Parliament Hill.

The idea of the Senate giving authority to a special committee to review work that has already been done by the Senate is worth considering very seriously. This is what Senator Kelly proposes in his motion. I appreciate fully that the resources of the Senate, both in terms of senators available to do work and other resources, are not unlimited. However, to the extent that they are available, I think serious consideration should be given to the proposal that Senator Kelly has put forward. I support Senator Kelly's motion, subject to the qualifications that we do not have an excessive workload and that we have the resources to do it.

The world has changed since the last report. I think it is worth pointing out that the Canadian Security Intelligence Service, as distinguished from the RCMP, where these responsibilities lay prior to the creation of that agency, was created as a result of the efforts of a special committee of this chamber, chaired and manned very ably by members of this chamber.

• (1650)

A number of the issues that give rise to concern are not so much things that are happening in Canada during the last seven years. Thanks to the good work of our intelligence officers and our police services, we have not had major problems. In the rest of the world, major problems have occurred. The terrorism acts in the United States, such as the bombings of public buildings, the problem in Japan with the Aum Shinri Kyo and a number of other events are cause for concern and vigilance in Canada. These are incidents that such a committee could review and comment on in terms of our preparedness to deal with them.

Another matter I raise in support of this motion is the importance of forensic auditing. In his speech, Senator Kelly referred to organized crime and other illegal activities that involve the flow of money, activities which potentially could cause great harm to our economy. It is already occurring. I do not believe that it is out of control by any means in Canada.

However, it occurs and the police services and security services are trying to address it. Such activity can create serious problems in terms of trade, in terms of our ability to deal in other parts of the world because of the fear of falling into problems involving these illegalities. I will not name countries as that is not appropriate without making a longer speech. However, there are a number of countries where these activities create problems, and our security intelligence services are one of the principal means that we have to address them. This is a new area which could be reviewed.

Being sensitive to those on this side who support the government in terms of defining what a committee could do, I have had discussions with Senator Kelly. I think he is flexible with regard to the terms of reference of such a committee, and I have urged him to expand on what it is he would like to do, assuming that he wishes to proceed with this motion.

Our resources are limited, but if resources can be found to proceed with this committee the Senate could perform a useful service.

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I move this debate be adjourned. However, I wish to assure Senator Kelly that it will be a short adjournment.

On motion of Senator Carstairs, debate adjourned.

#### BUSINESS OF THE SENATE

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I move that the sitting be suspended to the call of the Chair at approximately 10:30 this evening.

There has been consultation with the other side, and I understand that there is agreement to that suspension.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I hope it is clear that the suspension will be no later than 10:30 p.m.. I know the purpose of the suspension, and we sympathize with it. However, if something happens in the other place and we are told we will not resume before 11 or midnight or one in the morning, I do not think that is quite fair. Can we agree to resume no later than 10:30 p.m.?

**Senator Carstairs:** I have just been informed that the house order calls for all debate to end at 10:00 o'clock. Apparently, the vote will not take place until 10:15, after which they will send the bill to us. If you will give me 15 minutes of flexibility, there is no intention of resuming at 11 or midnight tonight.

**Senator Lynch-Staunton:** As long as we know their plan of action, that is fine.

**The Hon. the Speaker:** The session is suspended until 10:30 this evening.

The sitting of the Senate was suspended.

• (2230)

The sitting of the Senate was resumed.

#### POSTAL SERVICES CONTINUATION BILL

##### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-24, to provide for the resumption and continuation of postal services.

Bill read first time.

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

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be placed on the Orders of the Day for second reading on Wednesday, December 3, 1997.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, December 3, 1997 at 1:30 p.m.

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