



Debates of the Senate

1st SESSION

•

36th PARLIAMENT

•

VOLUME 137

•

NUMBER 41

OFFICIAL REPORT
(HANSARD)

Thursday, February 19, 1998

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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

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

Published by the Senate

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

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

THE SENATE

Thursday, February 19, 1998

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence of some distinguished visitors in our gallery. I refer to Sir Anthony Goodenough, High Commissioner for the United Kingdom to Canada, and Lady Goodenough.

Welcome to our Senate chambers.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

BLOOD DONOR CLINIC

Hon. Eric Arthur Berntson: Honourable senators, I should like to take a couple of minutes to talk about the kind of people we have around us here in the Senate, fine men and women who work as support staff and on security. I would not go so far as to say that they are the very best that there is in the workforce today, but they are certainly equal to the very best.

For instance, last November, the staff here in the Senate organized the sixth annual United Way fund-raising bowling tournament which was held in Hull. It was a lot of fun and, unlike other departments in this fund-raising effort that had trouble meeting their goals, the Senate exceeded its goal by 50 per cent.

In addition, I recall a few years ago when we had a tragic fire in Gatineau. An apartment building burnt to the ground, leaving many homeless. Many were single mothers. The Senate mobilized its characteristic charitable motives and, in days, collected money, food and furniture, which was all much appreciated by the victims of this tragic event.

Many people have given generously of their time, talents and money to many worthy causes, from literacy to learning disabilities, to street kids, to the world-famous Heart Institute here in Ottawa. These activities enjoy their support, not for the glory or for the recognition, but because it is in their hearts. This volunteerism embodies what they are and who they are. In the case of our Senate colleagues, it is a double whammy. They are involved not only in the community back home but also here, in the Ottawa community. These people are our friends, colleagues

and staff in the Senate. It makes me feel rather proud to be part of it all.

You may ask yourselves: What more can we be expected to give? Blood? Well, in a manner of speaking, yes. We have all read and heard recently about surgeries having to be cancelled for lack of blood. We have all read and heard, given the publicity that has gone on lately, about the blood collection and distribution situation in Canada, and that there is an increased reluctance to give blood. This gives us one more chance to try to make a difference.

I have talked with my colleague the Deputy Leader of the Government. We agreed that we would make this announcement today, although we did not do the work. The work has been done, once again, by people in security, people on our respective staffs, people to whom we are related, and so on.

• (1410)

The culmination of all of this is that on April 2, in the Aboriginal Peoples' Room, a blood donor's clinic will be held. We have high expectations, and I know they will be met.

I wish to say thank you to all of the people who have worked at organizing this particular event. I want to encourage all of my colleagues to roll up their sleeves and make a contribution on April 2.

As the communication strategy unfolds, I want particularly to make this one of the most successful blood donor clinics. I would invite people from the Library of Parliament, from the House of Commons, and, indeed, everyone within hearing distance to participate as well. We want to make this event a huge success.

As time goes on and we get closer to the date, I should like to give suitable recognition to those who have put it together and worked so hard behind the scenes, but have never been recognized for any of their efforts. I will do that at some later time.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I wish to join with Senator Berntson in support of the blood donor clinic, which will be held in room 160-S on April 2. I would issue a particular challenge, and it is not to the members of this chamber; it is to the members of the media. They have been out for our blood now for a number of months. We are on the record as having been prepared to give them some of our blood, and I hope that they will return some of their blood to the people of Ottawa.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I mean to speak briefly on another topic, but if I have any blood left by April 2, I will be happy to be a donor at that time as well.

LITERACY ACTION DAY

FIFTH ANNUAL ADVOCACY MEETING ON PARLIAMENT HILL

Hon. B. Alasdair Graham (Leader of the Government): I want to bring to the attention of honourable senators the importance of literacy. I know you will all agree that, thanks to the Herculean efforts of the former leader of the government — my colleague who now sits to my left — we have been reminded on a daily, weekly and sometimes hourly basis of the importance of literacy in our communities and in our country. In that respect, we owe a huge debt of gratitude to Senator Fairbairn.

Today on Parliament Hill, over 50 volunteer tutors, adult learners and literacy professionals are meeting with members of the House of Commons and senators to help them better appreciate the role of literacy and lifelong learning in all our lives. Six national groups are participating in the effort. They are the Movement for Canadian Literacy, ABC Canada, Frontier College, Fédération canadienne pour l'alphabétisation en français, the National Adult Literacy Database and Laubach Literacy of Canada. Together, these groups will ensure that literacy remains a top priority for the Government of Canada, for all parliamentarians, and indeed for all Canadians.

On behalf of all honourable senators, I wish to congratulate those who are leading the charge on the literacy front, for all of those in our midst today and, most particularly, to our colleague Senator Fairbairn.

[Later]

Hon. Joyce Fairbairn: Honourable senators, I could not miss the opportunity to thank my colleague and the Leader of the Government in the Senate, Senator Graham, for so generously recognizing the Fifth Annual Literacy Action Day on Parliament Hill and the truly remarkable work that has been done by a group of people, some of them sitting in the gallery today, who have, in a sense, turned the tables on Parliament. Instead of Parliament taking a message to the people, the people, through these advocates, have brought a very important message to all of us on Parliament Hill. Basically, the message is to try and focus, in everything we do, on the fundamental imperative of basic literacy skills in the daily lives of citizens in this country.

All of us know, if we think about it for a minute, that we could not get through a day in this place without the full utilization of the reading, writing and numeracy skills that millions of Canadians — more than 40 per cent of our adult population — have difficulty with.

In their advocacy on Parliament Hill today, these campaigners, learners and teachers are delivering to parliamentarians a very important message as well. Literacy goes to the very heart of our democratic process, and millions of Canadians are disenfranchised because of it. All of our fine speeches and all of our policy pronouncements count for nothing unless Canadians can understand and read what we have to say.

The final point, honourable senators, is that Canadians must understand that potentially more than 7 million people will not

go near a polling station during the next federal election because they will not know where it is, and they will not know how to mark a ballot.

This is a democratic country, one of the greatest in the world. Literacy should be one of the fundamental issues for everyone who wishes to serve it.

I thank my friends from the bottom of my heart.

PORT OF SAINT JOHN, NEW BRUNSWICK

THIS YEAR'S SUCCESS STORY

Hon. Erminie J. Cohen: Honourable senators, I wish to share with you a Saint John, New Brunswick, success story.

Last year, 1997, was another record year for the Port of Saint John. In terms of volume, Saint John remains eastern Canada's busiest port. Twenty-one million tonnes of goods passed through our port last year, compared with the Port of Halifax, which handled over 13 million tonnes, and Montreal's port, which handled over 19 million tonnes.

Thousands of direct and indirect jobs are generated by our city's port, and millions of dollars of activity have come to Saint John as a result of our port community. Recent improvements to the port's operations have enabled us to become one of the eastern seaboard's most competitive ports, with business increasing every year. Part of this increase comes from the introduction of a new stop last November, the only one in Canada, for goods destined to the Middle and Far East. Another factor is the commitment of the export and tourist businesses in Saint John to work together for their local port to build a lasting relationship.

The Saint John Port Corporation announced in January that they plan to reduce port tariffs in 1998. As they are the only port in Canada to make this progressive move, we can anticipate an even larger volume of business this upcoming year. Captain Al Soppitt, President and CEO of the Saint John Port Corporation, believes that this reduction will encourage more shipping lines to call at the Port of Saint John. However, lower tariffs will benefit all New Brunswick exporters because lower shipping costs will help them become more competitive in the global market.

All those connected to the port claim that this success story is a result of the port's excellent employee team. This team has a lot to be proud of. *Atlantic Progress Magazine* ranks the Port of Saint John as one of Eastern Canada's top Crown corporations and as the best Atlantic port. The American Association of Port Authorities also named the Port of Saint John as its 1997 Award of Excellence winner in the category of communications for their inspiring advertisement entitled "A Banner Year."

My congratulations are extended to the board of directors, the managers and workers of this efficient and cost-effective operation, for as the port grows, so does the economy of the whole of my home city.

UNITED NATIONS

MISSION OF SECRETARY-GENERAL TO BAGHDAD, IRAQ

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, today, as we know, the Secretary-General of the United Nations is on one of the most important missions upon which a Secretary-General of that organization has ever embarked. I would not want the day to pass in this chamber without wishing him well, because failure is not a very attractive option for either the world community or, in particular, the communities of peoples who live close to the sites that might be bombed should there be failure.

We have expressed our concern here in the past 10 days that we lack data on the risk analysis associated with the fallout of bombing, from whatever altitude, sites containing biological or chemical materials and the impact the release of those materials would have upon the Iraqi and other communities nearby.

Honourable senators, I am sure that you will join with me in prayers and hope that the Secretary-General of the United Nations will have a very successful mission to Baghdad.

(b) that section 1 of the *Senate Sessional Allowance (Suspension) Regulations* be adopted as Rule 137 of the *Rules of the Senate*; and

(c) that the Clerk be instructed to transmit copies in both official languages of the *Senate Sessional Allowance (Suspension) Regulations* to the Clerk of the Privy Council for registration and publication under the *Statutory Instruments Act*.

Respectfully submitted,

SHIRLEY MAHEU
Chair

(For text of attachment, see appendix to today's Journals of the Senate, p. 463.)

The Hon. the Speaker: When shall this report be taken into consideration?

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

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?

Senator Maheu: Honourable senators, I have received a letter and I should like to put it on the record. It reads:

Enclosed please find a copy of a letter from the Department of Justice enclosing two stamped copies, in each official language, of the *Senate Sessional Allowance (Suspension) Regulations*, and advising that the instrument has been examined in accordance with the *Statutory Instruments Act*.

It would be appropriate to so advise the Senate when you speak to the report of your Committee that recommends the adoption of the regulations.

Should the Senate adopt the report, the Regulations will be immediately presented for registration under the *Statutory Instruments Act*, will come into force on registration and will be published in the *Canada Gazette*.

It is signed by our Law Clerk and Parliamentary Counsel, Mark Audcent.

The Hon. the Speaker: There is a request for the circulation of the letter. That will be arranged.

ROUTINE PROCEEDINGS

PRIVILEGES, STANDING RULES AND ORDERS

REPORT ON SECTION 59 OF THE PARLIAMENT OF CANADA ACT PRESENTED AND ADOPTED

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

Thursday, February 19, 1998

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

THIRD REPORT

Section 59 of the *Parliament of Canada Act*, R.S.C. 1985, chap. P-1, as amended, provides as follows:

The Senate or the House of Commons may make regulations, by rule or by order, rendering more stringent on its own members the provisions of this Act that relate to the attendance of members or to the deductions to be made from sessional allowances.

Your Committee recommends:

(a) that the Senate, pursuant to section 59 of the *Parliament of Canada Act*, make the *Senate Sessional Allowance (Suspension) Regulations* in the form attached;

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to raise a question of procedure. Recommendation (b) reads:

that section 1 of the *Senate Sessional Allowance (Suspension) Regulations* be adopted as Rule 137 of the Rules of the Senate;

Our rules also state, under 57:

(1) Two days' notice shall be given of any of the following motions:

(a) to make a new rule or to repeal or amend an existing rule;

I do not know whether this has been brought to the attention of the Standing Committee on Privileges, Standing Rules and Orders, but I believe that we are, by adopting this, violating rule 57(1)(a). I am sure that we can get around that, but let us ensure that we are following the procedure properly because we are venturing into new territory and one false step may not be to our advantage.

The Hon. the Speaker: Honourable senators, it is my understanding that when leave was granted it was understood that the underlying rules were also suspended with that leave. My understanding of the situation is that the Senate gave leave.

Senator Lynch-Staunton: No, Your Honour, that is certainly not the understanding. You could read much into that suggestion. In that event, giving leave suspends just about everything. This rule very categorical indeed, and if we want to adopt the report now, I believe a motion must be brought forward, unless our table officers, with their expertise, are of a contrary mind, suspending or ignoring rule 57(1). There is no implication here that we can do that.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I have a question for the Chair of the Standing Committee on Privileges, Standing Rules and Orders. Will the honourable senator provide the Senate with an explication of the committee's view of rule 57(1) of the *Rules of the Senate*?

The Hon. the Speaker: Honourable senators, instead of taking this under advisement and checking the rules and precedents, a simple solution might be to ask whether there is leave to suspend that rule. If there is leave to suspend that rule, we may proceed with the discussion.

Is leave granted, honourable senators, to suspend rule 57(1)?

Hon. Senators: Agreed.

The Hon. the Speaker: Does any other honourable senator wish to speak on the motion for the adoption of the report?

Hon. Lowell Murray: Honourable senators, I wish to ask a question of the chairman of the committee. I have quickly read the report, which includes the recommendation that there be a change in our rules and, indeed, that the Governor in Council make a new regulation under the Parliament of Canada Act to provide for situations where the Senate suspends one of its members from the service of the Senate, et cetera.

I understand the import and effect of that. That will apply to us all in the future. Is there another shoe about to drop? What is the committee doing about the particular case of our colleague Senator Thompson?

Senator Maheu: I have another report that I will be presenting in a few moments.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will call for the vote.

It is moved by the Honourable Senator Maheu, seconded by the Honourable Senator Moore, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted

STATUS OF SENATOR ANDREW THOMPSON—
FOURTH REPORT OF COMMITTEE PRESENTED

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

Thursday, February 19, 1998

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

FOURTH REPORT

Pursuant to its order of reference of December 16, 1997, your Committee has considered the matter of Senator Andrew Thompson's continuing absence for the purposes of determining whether his absence constitutes a contempt of the Senate.

Your Committee met on Tuesday, February 10, 1998, and presented its Second Report to the Senate on Wednesday, February 11, 1998, requesting an order of the Senate that he appear before the Committee at its next scheduled meeting.

On February 11, 1998, the Senate adopted an order requiring Senator Thompson to appear before the Privileges, Standing Rules and Orders Committee on Wednesday, February 18, 1998, at 7:00 p.m. in Room 160-S.

On Thursday, February 12, 1998, the Senate adopted an order directing your Committee to take into consideration the Senate debate of February 11, and its interim report, particularly with respect to the amendment that was moved; and that your Committee be authorized to obtain further advice of legal counsel in the matter of the power of the Senate to expel, suspend or otherwise deprive Senator Thompson of his seat in the Senate, and the ability to withhold Senator Thompson's sessional indemnity and expense allowance, whatever his current status as a member of the Senate.

Your Committee met at 7:00 p.m. on Wednesday, February 18, 1998. After careful consideration of all the facts, and of the legal and procedural advice that it has received, your Committee recommends:

1. That the Honourable Senator Andrew Thompson be found in contempt;
2. That, since your Committee finds Senator Thompson in contempt, he be suspended for the remainder of the session; and
3. That the matter of Senator Thompson's expense allowance, as provided in the *Parliament of Canada Act*, be referred to the Standing Committee on Internal Economy, Budgets and Administration for immediate action.

Respectfully submitted,

SHIRLEY MAHEU
Chair

The Hon. the Speaker: When shall this report be taken to consideration?

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

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

Hon Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I have a question for the Honourable Senator Maheu. Just so that we understand what is required, and for the press who are so interested, when you say "for immediate action" are we to understand that this will take place today?

Senator Maheu: That is right, Senator Prud'homme, later on this day.

The Hon. the Speaker: It is.

On motion of Senator Maheu, report placed on Orders of the Day for consideration later this day.

ADJOURNMENT

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

That when the Senate adjourns today, it do stand adjourned until Tuesday next, February 24, 1998 at two o'clock in the afternoon.

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

Hon. Senators: Agreed.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

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

Hon. Lorna Milne: Honourable senators, I give notice that on Tuesday next, February 24, 1998, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:15 p.m., Wednesday, February 25, 1998, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Bill Rompkey: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Committee on Internal Economy, Budgets and Administration have power to sit at 3:30 p.m. today, 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?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

IRAQ

UNCOVERING OF CACHES OF WEAPONS OF MASS DESTRUCTION—AIR STRIKES VERSUS ACTIVITIES OF UN ARMS INSPECTION TEAMS—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in a press release announcing that Canada would contribute to the military action against Iraq, it is stated that the purpose of the military action is to substantially diminish Iraq's capacity to produce weapons of mass destruction and to weaken its ability to attack neighbouring countries. Two days ago, President Clinton said pretty much the same thing:

We want to seriously diminish the threat posed by Iraq's weapons of mass destruction. We want to seriously reduce his ability to threaten his neighbours.

My question is prompted by the fact that I am puzzled by the use of the words "substantially" and "seriously," because they imply to me that reducing to an unknown quantity the amount of chemical and biological weapons will eliminate, or at least lessen, the threat of those that remain. So far, United Nations inspection teams have tracked down tonnes of weapons in that category across thousands of square miles of the Iraqi desert, and these have been destroyed.

Can the Leader of the Government in the Senate explain how intense air strikes — and if by "intense" one means an average of one sortie every 30 seconds as during the Gulf War — are a better substitute for arms inspection teams, particularly as during the Gulf War, by the Pentagon's own admission, 70 per cent of the bombing sorties missed their target, and an untold number of civilians were killed because of this?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I wish I could guarantee, as I am sure Prime Minister Chrétien and President Clinton, Prime Minister Blair and all the other world leaders would wish to guarantee, 100 per cent success. When they talk about "substantial" they mean substantial. I do not believe it would be possible to totally eradicate, however desirable that might be, those terrible weapons of mass destruction that are now available in that country.

Senator Lynch-Staunton: That is a standard answer which shows that the strategy being developed may lead to some repercussions and reactions which no one seems to be taking into consideration.

Not so long ago, the President said that the United Nations inspection teams, and I quote him:

...must be able to proceed with their work without interference, to find, to destroy, to prevent Iraq from rebuilding nuclear, chemical and biological weapons and the missiles to carry them.

If the Government of Canada shares this objective, does the Leader of the Government not agree that it will be an impossible standard to meet, that is to have UN armed inspectors on the ground after the air strikes?

• (1440)

It is obvious that Iraq will not allow arms inspectors in the field if we decide to bomb the living daylight out of them. It is questionable to think that we will achieve air strikes with the ability to meet proposed objectives. The arms inspection teams, despite the limitations placed on them, have had reasonable success.

Senator Graham: Honourable senators, I leave it to the experts in the field to determine what should be done at any given time. As my honourable friend knows, and as was mentioned by Senator Kinsella earlier, UN Secretary-General Kofi Annan is leaving for Paris today. He is flying to Baghdad tomorrow. He will brief the Security Council on the outcome of his trip on February 24, Tuesday of next week.

I should point out that the Secretary-General briefed the full Security Council yesterday for the first time. He received unanimous support from those representatives for his trip to Baghdad. His aim is to seek compliance with UN resolutions. However, the details of any potential agreement with Iraq have not been defined.

It is also worth noting that the five permanent members provided oral advice to the Secretary-General that he had to obtain what was termed "full, unconditional and unfettered access to all sites, and compliance with all UN resolutions." The Secretary-General agreed that if Iraq violated whatever deal was struck with the Secretary General, Iraq would suffer the severest consequences.

Senator Lynch-Staunton: Honourable senators, my final question is with regard to the Secretary-General's visit, and, I hope, successful mission to Baghdad. The United States has made it clear that while they have given approval for his visit, they are reserving judgment on the results of it.

The United States Secretary of Defence and the Secretary of State participated in an open forum at Ohio State University last evening, which was televised. It was made clear that the United States government is adamant in seeing that the UN resolutions are adhered to word-for-word, otherwise air strikes will take place.

The Secretary-General has gone to Iraq to seek out a compromise, to try and determine if, by a mild watering down of the resolutions, some kind of agreement can be reached. The way the United States is presenting their argument, they will not allow one comma of the resolutions to be changed.

Does the Government of Canada believe that nothing should be allowed to interfere with the core work of the inspectors, as the United States is suggesting, or would it accept an accommodation acceptable to Iraq which would avoid the need to resort to air strikes?

How far is Canada willing to go to accommodate Iraq, at the risk of offending the United States, and avoid air strikes? More and more, military specialists are warning us that air strikes will not meet the objective of absolute destruction or elimination of biological and chemical weapons. In addition, there is the possibility of countless civilians, who are already suffering greatly under economic sanctions, being killed.

How far will Canada follow the United States in its rigid policy towards Iraq, knowing that if negotiations result in the bombing strategy, we will be party with other allies in the killing of innocent civilians without the objective of the bombings being met?

Senator Graham: Honourable senators, I am sure that citizens of the world will join me in hoping that the Secretary-General's mission will be successful.

The Government of Canada strongly prefers a diplomatic solution. However, if force becomes necessary, Canada cannot under any circumstances stand on the sidelines. If military action becomes necessary, the objective would be to thwart Iraq's capacity to attack its neighbours with weapons of mass destruction.

Senator Lynch-Staunton: They will do it anyway.

Senator Graham: I wish to point out to honourable senators that Canada is not alone. This process began with the United States, then Canada, then the United Kingdom. In addition, there are other countries who are providing support: Australia, the Netherlands, Belgium, New Zealand, Norway, Poland, Hungary, Argentina, Germany, Kuwait, Oman, Spain, and Portugal. As of today others are considering their support as well.

NATIONAL DEFENCE

OUT-OF-DATE EQUIPMENT, CLOTHING AND MATERIEL IN USE BY ARMED FORCES—GOVERNMENT POSITION

Hon. Eric Arthur Berntson: Honourable senators, my question is to the Leader of the Government. Today's *Ottawa Sun* printed an article in which reference was made to a clothing drive to send second-hand or used combat clothes to soldiers going overseas to Bosnia.

This summer, troops showed up for training with taped combat boots. Our pilots are flying Sea King helicopters 30-plus years old. Our submariners go to sea in obsolete submarines, and our soldiers go into action with second-hand clothing and combat boots which have been taped together. Are these the multipurpose combat-capable forces that this Liberal government promised in its 1994 white paper on defence?

Hon. C. William Doody: As a supplementary, honourable senators, what form of transportation does the Prime Minister use

when he is flying around the countryside as compared to our airmen and soldiers?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the type of transportation that the Prime Minister of today flies in compared to his predecessor is common knowledge.

With respect to the kind of equipment, apparel or clothing that our troops have or are wearing at the present time, I am sure that the senator's description would be the exception rather than the rule. The objective of the government, indeed those in charge of the armed forces, is that our forces be provided with the most current equipment possible.

I understand what the senator is saying with respect to the helicopters. We have already announced the replacement with respect to the 15 helicopters. The replacements are taking place and I am sure that the other helicopters that are being considered will be on order in the not-too-distant future.

POSSIBLE STRIKE ON IRAQ BY WESTERN NATIONS— OPERATIONAL STATUS OF SEA KING HELICOPTERS

Hon. Eric Arthur Berntson: Honourable senators, as a supplementary, we know that *HMCS Toronto* is on its way to the gulf area. We are told that it has a Sea King helicopter on board. We are also told that 30 hours of maintenance is required for every hour of flight time on a Sea King helicopter. While *HMCS Toronto* is a very capable ship, the technology on board the ship was designed in conjunction with the ability of the assigned helicopter. We have one helicopter over there that could fall out of the sky at any minute. At the least, it needs 30 hours maintenance for each hour of flight.

Is there any contingency plan to keep this ship to its fighting potential in the event that the Sea King is incapable of carrying out its duty? Do we have any arrangement with the Americans to put one of their helicopters on the ship? Is *HMCS Toronto* going to be left on the high seas so it does not get in the way? Is this another embarrassment in the making for Canada's military?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I should hope that the Sea King that is operating in conjunction with the *HMCS Toronto* is fully operational and would be maintained at the high level expected of it.

• (1450)

As to whether or not a replacement would be available, I am sure that our allies would take that into account. We are responding to this difficult situation in the Middle East as requested by our friend and ally, the United States of America.

By way of information, I should say that the *HMCS Toronto* is steaming towards the Gulf, and by now is exiting the Suez Canal. It is expected in the Strait of Hormuz on February 27.

POSSIBLE STRIKE ON IRAQ BY WESTERN NATIONS—
OPERATIONAL STATUS OF SEA KING HELICOPTERS

Hon. Eric Arthur Berntson: Honourable senators, we now have a situation where we have no money to pay our soldiers, no money for clothing, no money for ammunition, and not enough lead time planned to inoculate our personnel who are moving into harm's way in the Gulf. In light of all these deficiencies, how can the Government of Canada possibly defend the position that it took on the EH-101 helicopter, literally blowing a half billion dollars or more? Not even an order has been put in yet for a sea-borne helicopter. How can the government possibly justify this kind of behaviour?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am sure that the Honourable Senator Berntson would recognize that, rather than blowing that money, the Government of Canada has saved millions of dollars in the way in which it has selected the modified EH-101 helicopters.

With respect to the inoculations suggested by Honourable Senator Berntson, I am sure that we would not want to alarm the Canadian public unduly or unnecessarily. I was told personally by the Minister of National Defence on Tuesday that with respect to inoculations and antibiotics, he had been assured by the medical authorities in the Canadian Armed Forces that our personnel would be protected in every way possible.

HUMAN RESOURCES DEVELOPMENT

CHANGES TO CANADA PENSION PLAN—
LOCATION OF INVESTMENT BOARD—GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, my question pertains to the proposed changes to the Canada Pension Plan. As you know, the Standing Senate Committee on Banking, Trade and Commerce is travelling the regions of the country, studying the accountability and make-up of the Investment Board. Out in the regions, questions are arising as to how that board should invest its money. In the west particularly, there are questions regarding why the board would not ensure that investment is made in the regions. The fear of westerners is that if the board is centred in Toronto, investments will only be made in the large corporations in Canada. As honourable senators are aware, 80 per cent of the investments are to be made in Canada.

The other question that has arisen is whether the government has given any consideration to locating the head office of the Canada Pension Plan Investment Board outside of Ottawa or Toronto — in British Columbia, for example, or on the Prairies or in Atlantic Canada?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators will know that the Banking Committee is doing very useful work, as agreed to by the Minister of Finance when the Senate was considering Bill C-2, the Canada Pension Plan bill.

The board which will be handling investments, as has been indicated on several occasions in responding to other honourable

senators, will be at arm's length from the government. With respect to the location of the headquarters of that board, I can think of a perfectly logical place to locate it, and that would be some place on the island of Cape Breton.

Senator Stratton: Somehow, I knew I would get that answer. If I were from there, I would want it there as well. I am from Winnipeg so I want the office placed in Winnipeg. I am certain that every member of this place from outside of Toronto or Ottawa would want it to be located in his or her region. Since much of the money will come from the regions, some consideration should be given to locating the headquarters outside of Toronto or Ottawa.

Senator Graham: That is a fair statement. I would even broaden the location of the headquarters from Cape Breton to any place in Nova Scotia.

SCIENCE, RESEARCH AND DEVELOPMENT

CUTS TO BUDGETS OF RESEARCH INSTITUTIONS—
EFFECT ON POST-DOCTORAL FELLOWS—POSSIBLE REVERSAL
OF POLICY IN UPCOMING BUDGET—GOVERNMENT POSITION

Hon. Mira Spivak: Honourable senators, another piece of evidence of this country's neglect of science and scientific research was presented recently in Philadelphia at a meeting of the AAAS, the American Association for the Advancement of Science. A survey of 3,000 Canadian post-doctoral fellows found that while they do most of the actual work in our research labs, they are underpaid, overworked and worried about their future. They are paid, on average, only about \$25,000 to \$35,000 per year. These are not students fresh from university. They are, on average, people in their mid-30s. They are our best, highly-trained minds. These are researchers carrying out some of the most important work in our country while trying to raise a family on a pittance, and they are being forced to leave the country.

Canada has slashed the budgets of research-granting agencies — the only G-7 country to do that. This year, our Medical Research Council, for example, can spend \$8 for every Canadian, while its U.S. counterpart is spending about \$66 for every American.

My question for the Leader of the Government in the Senate is: What can he do, through influence, perhaps, to reverse this trend? Second, what is his opinion as to whether next week's budget will reverse this very damaging trend?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am the eternal optimist. As I indicated on another occasion, within the last two weeks I met with the President of the Medical Research Board, Dr. Friesen, and with Dr. Dickson from Dalhousie University, and I know they are receiving advice from Senator Keon, who is a very capable member of the advisory council.

I can assure honourable senators that I look forward with great anticipation and hope to the budget of next Tuesday.

Senator Spivak: That is a very encouraging answer. Perhaps, as well, the honourable leader can tell us whether there are any particular plans for this specific category of researchers — and I would remind honourable senators that these are not students, they are post-doctoral fellows — so that they are not forced to leave the country.

Apparently, Statistics Canada has found that the average 34-year-old with a bachelor's degree is making around \$40,000 a year. This is a particular group of people who are among our brightest, and they are undervalued, in my opinion. I would hope that this group might be mentioned favourably in your conversations with all the people who matter in the decision-making process in the government.

Senator Graham: We can all speculate and hope what might be in the budget, but even if I did know, the honourable senator must know that it would be highly inappropriate — and Senator Murray would nod his head in agreement — for me to confirm or deny anything that might be in the budget. That is for the Minister of Finance alone to know, and we will all await with keen anticipation what he has to say next Tuesday.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

ENERGY—PRINCE RUPERT PORT CORPORATION—
CONFORMITY WITH ALTERNATIVE FUELS ACT

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 38 on the Order Paper—by Senator Kenny.

ENERGY—PUBLIC WORKS AND GOVERNMENT SERVICES—
CONFORMITY WITH ALTERNATIVE FUELS ACT

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 39 on the Order Paper—by Senator Kenny.

ENERGY—VETERAN AFFAIRS—
CONFORMITY WITH ALTERNATIVE FUELS ACT

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 50 on the Order Paper—by Senator Kenny.

ENERGY—WESTERN ECONOMIC DIVERSIFICATION—
CONFORMITY WITH ALTERNATIVE FUELS ACT

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 52 on the Order Paper—by Senator Kenny.

He said: Honourable senators, as a representative of Western Canada, I am pleased to speak today in support of Bill C-4 which contains amendments to the Canadian Wheat Board Act.

The Canadian Wheat Board has a long and proud history of serving Prairie farmers over the course of almost 60 years. Its strength rests on the so-called three pillars — single-desk selling, price pooling and government guarantees — under which farmers pool their grain and the Canadian Wheat Board sells it for them. I might point out that this applies only to wheat and barley that is destined for export or for human consumption here at home. Feedlots do not go through the board.

For its part, the federal government provides financial guarantees for the wheat board's transactions, in effect letting the wheat board operate on the government's credit card and saving it — and the farmers it serves — tens of millions of dollars every year.

The Canadian Wheat Board has a stellar reputation among its international customers. A study by three eminent farm economists showed that between 1980 and 1994, farmers on average received \$13.35 a tonne more for wheat sold through the Canadian Wheat Board than they would have earned selling it without the single desk. That is an average of \$265 million each and every year going into the western economy.

Global customers who appreciate the reliability of supply the Wheat Board offers and the high-quality grain produced by Canadian farmers are willing to pay these higher prices. Western Canadian grain producers are the beneficiaries of these premiums because all the Wheat Board's income, after operating expenses, goes to them. For all these reasons, the Government of Canada supports a strong Canadian Wheat Board. Why, then, change it?

The government held extensive consultations over the last few years. First, a vote or plebiscite of barley producers last year resulted in nearly two-thirds voting to retain the board. Next, the Western Grain Marketing Panel monitored numerous public meetings and thousands of letters, faxes and phone calls from farmers. The process also included the work of the standing committee of the other place, both on this bill and on its predecessor, Bill C-72. In all, the Government heard that the Canadian Wheat Board would be able to operate more efficiently and more effectively if it had more leeway in how it buys grain and how it pays farmers for that grain.

Farmers also said that while they support the single-desk concept, the Canadian Wheat Board as it now stands could be improved by being made less remote and more accountable.

The government responded with Bill C-4, legislation that would empower western farmers with an extraordinary responsibility for how the Canadian Wheat Board operates, while fundamentally maintaining the three pillars on which the wheat board stands.

ORDERS OF THE DAY

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Nicholas W. Taylor moved the second reading of Bill C-4, to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts.

The clearest message in all of the consultation that was undertaken was that producers wanted more say in what the wheat board does. Under Bill C-4, the wheat board would no longer be governed by three to five commissioners appointed by the government without consultation, but rather by a 15-person board of directors. Farmers themselves would directly elect 10 of the 15 directors, a clear two-thirds of the board. Five would be appointed by the government. Elected directors, the majority, will be accountable to their electorate for how they manage the Canadian Wheat Board's business. Ultimately, if producers are not satisfied with what the CWB is doing, they can change directors in subsequent elections.

While this shift to producer power will greatly reduce the government's influence, the Government of Canada would continue to play a role in the governance of the board as a partner. The government, after all, would appoint five directors, including a president-CEO who would also serve as a director. However, the government would not be able to appoint the president until after it had fully consulted with the board. What the legislation basically does is require the government and the board of directors to come to a consensus about the right kind of person to lead the wheat board.

Through these five directors, the government would have a "window" on the wheat board's affairs. This window would allow the government to continue its guarantees — which can amount to \$6 billion annually. It would also be important, as long as public powers are conferred on the CWB by Parliament, that the government appoint members to the board of directors.

To clarify, honourable senators, the appointed directors would have no special status or powers. They would be selected to bring additional expertise to the board of directors which might not otherwise be available — something which is quite a common practice in the private sector. Again, those appointed directors would be in the minority.

The whole board of directors will direct the business and affairs of the wheat board and determine its strategic direction. They will have access to all the wheat board's sales data and financial information, without exception. More specifically, they will be able to assess the CWB's sales program, the price premiums achieved, and all operating costs and to determine whether the CWB is running efficiently.

Directors will also have the power to release any of this information to permit book holders, if they choose to do so. They will determine what needs to remain within the realm of commercial confidentiality, to protect the CWB's sales position, and what information can be disclosed publicly in terms of the salaries of employees or in terms of sales information, whether current or historical.

With their complete knowledge of the CWB and its global competition, if the members of the board are not satisfied with existing operations or procedures, they would be able to take the necessary changes to improve the CWB's performance. They will choose a chairperson from among themselves and set their own salaries as well as that of the president. The directors will be

able to appraise the president's performance each year and recommend, if necessary, that the president be fired.

In addition to making the Canadian Wheat Board more accountable to farmers through the board of directors, Bill C-4 will provide the board with the options it needs in today's fast-paced, competitive, global trading environment. For example, it will be able to make cash purchases of wheat and/or barley; adjust initial payments quickly, just as soon as market conditions warrant and without waiting for government approval; and allow individuals to "cash-out" of a marketing pool early, before the end of the crop year. The directors would implement these new "flexibility tools" when, in their good judgement, it would be beneficial to farmers to do so.

To insure against losses from the use of these three tools — and these three tools only — Bill C-4 allows for the creation of a contingency fund. It will be up to the board of directors, with its two-thirds majority elected by farmers, to decide when and how to create such a fund. In any event, the Government of Canada will continue to guarantee the CWB's initial payments set at the start of the crop year, its credit sales and its general borrowings.

Lastly, Bill C-4 allows for any grains to be added, or taken away, from the Board's marketing mandate. That is a great bone of contention right now. The process for including a grain — in other words, adding it to the board's single-desk responsibility — can only be triggered by a written request from a legitimate organization whose membership consists solely of the producers of that grain. Let me be clear on this point: No rogue minority group could trigger an inclusion of a grain. Neither could the government nor the CWB trigger any inclusion. The inclusion clause would be available only for crops which currently come within the definition of "grain" in the existing CWB Act, namely oats, flax, rye and canola.

The request would have to be advertised publicly, leaving at least 120 days for the farm community and others to react. The CWB's board of directors would then consider the request. The directors would need to examine all of the implications of such a move, including, among other things, the costs of inclusion, trade or commercial consequences, and the public comments received.

If the directors ultimately agreed with the request for an inclusion — and that is the second stage — the whole matter would then have to be ratified by a democratic vote among the producers of the grain in question. The whole procedure — beginning, middle and end — would be fully and transparently in the hands of farmers. The existence of an inclusion clause does not, by itself, change the CWB's mandate. It merely sets out a clear procedure for new producers wanting to bring their grain in.

As a matter of fairness and balance, any type of wheat or barley could also be excluded from the board's marketing mandate. It is not only an inclusion clause; it works two ways. To make an exclusion, the board of directors first must be in agreement, and there must be an acceptable system to prevent the excluded grain from being mixed with Canadian Wheat Board grain in the handling system. Finally, if the directors considered the amount of grain to be excluded to be significant, a producer vote would be held.

Honourable senators, those opposed to the inclusion and exclusion clauses have been quite vocal in their criticism. They can rest assured that, either way, the process for adding or removing crops is balanced and transparent. These provisions will allow only what the majority of producers wants. Decisions will be made where they should be: in the hands of the farmers.

The Canadian Wheat Board conducts \$6 billion worth of business per year in more than 70 countries. It ranks among the top 10 Canadian exporters, and is one of Canada's biggest earners of foreign exchange.

Turning the page to a new century in just two short years will be a pivotal moment for a venture that was started in 1935 by the Honourable Richard Bedford Bennett, a great Conservative from Calgary. The government is determined that Canada will be prepared to make the most of the opportunities that lie ahead. Having a Canadian Wheat Board with its strong underpinnings intact, but with the options it needs to operate effectively in today's fast-paced, competitive, global environment, will ensure that we will be ready.

I support Bill C-4, and I urge my honourable colleagues to do the same.

On motion of Senator Gustafson, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

STATUS OF SENATOR THOMPSON— FOURTH REPORT OF COMMITTEE ADOPTED ON DIVISION

The Senate proceeded to consideration of the fourth report of the Standing Committee on Privileges, Standing Rules and Orders, presented in the Senate earlier this day.

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

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

Hon. Lowell Murray: Honourable senators, does the chairman intend to speak to the report?

Senator Maheu: Honourable senators, the regulation has been signed by the Clerk of the Privy Council, which gives us permission to put the matter before the Standing Committee on Internal Economy, Budgets and Administration, which will be meeting soon. This confirms that the regulation will be published in the *Canada Gazette*.

Senator Murray: Honourable senators, does the chairman of the committee intend to speak to the fourth report?

Senator Maheu: I shall await the report from the Internal Economy Committee, which should be forthcoming soon.

Senator Murray: Naturally, I would defer to the leaders on either side, if either of them wishes to speak to the fourth report.

Senator Lynch-Staunton: We want an explanation of it.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Are we to receive an explanation from the committee chairman?

Senator Murray: I asked whether the chairman intended to speak. She does not. The report is before us. I defer to the leadership on either side, or to committee members, if they have some guidance for us. Otherwise, I shall simply take part in the debate, if there is a debate.

The Hon. the Speaker: Honourable senators, the motion before us is debatable. If no one wishes to debate it, I shall call for the vote.

Senator Murray: Honourable senators, the essence of this report is that the Honourable Senator Thompson be found in contempt, that he be suspended for the remainder of the session, and that the matter of his expense allowance be referred to the Standing Committee on Internal Economy, Budgets and Administration. Honourable senators, I will vote for the adoption of the report because it is obvious that action on the matter of our colleague Senator Thompson is long overdue, and because I accept — having no alternative — the assurance that is implicit in the committee report that we are on solid legal and constitutional ground in doing what we are apparently about to do. If we are not, we shall certainly be made great fools of sometime from now.

This is certainly an historic occasion. We are setting quite a precedent. Never in the 130-year history of this place has such a thing been done. Why are we doing it? The origin of our problem, in my humble opinion, lies within section 31 of the British North America Act of 1867, which provides:

The Place of a Senator shall become vacant in any of the following Cases:

(1) if for Two consecutive Sessions of the Parliament he fails to give his Attendance in the Senate;

• (1520)

Our colleague Senator Thompson has saved his seat up to this point by complying with the letter of that provision. He has saved his seat by showing up here once every couple of years so that he is present, physically, on one occasion, during a session.

That provision of the Constitution Act, 1867 was enacted at a time when sessions of Parliament lasted a few months. I have taken the trouble to look at the record. In those days, and for a long time in the history of our Parliament, there were five or six sessions in each four- or five-year Parliament and the sessions were sometimes as short as two months, five months, six months. It was not until the Second World War that a session lasted as long as 12 months, and in one case 14 months.

It is in very recent times that sessions have gone on past 12 months. The Thirty-second Parliament, between 1980 and 1984, had a session that lasted for three years and seven months, and then in each of the Thirty-third, Thirty-fourth and Thirty-fifth Parliaments we had sessions lasting two years and longer. What has happened, therefore, is that a senator such as Senator Thompson is in compliance with the law by showing up here once every couple of years.

Honourable senators, it seems to me that the remedy for the situation, at least so far as the future is concerned, is to proceed to a constitutional amendment of section 31 of the Constitution Act, 1867. My layman's opinion, for what it is worth, is that we could amend that section of the Constitution by a constitutional resolution of the Senate and the House of Commons. My humble opinion is that we would not need seven provinces with 50 per cent of the population in order to amend section 31. In other words, we can amend it by the amending formula in section 44, which says that:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

If I am right, and it would be for the government to decide whether this opinion is sound or not, I would call on my friend the Leader of the Government in the Senate to canvass his cabinet colleagues and to consult with honourable senators and to place before us at an early date, a resolution to amend the Constitution in respect of section 31. We can provide that a senator must attend at the Senate in each session for a certain percentage of the sittings. I do not know what honourable senators would consider fair, or what the Canadian people would consider fair, but suppose we said 50 per cent, 60 per cent or 65 per cent. I leave that for consultation and discussion.

It seems to me that the remedy for the future lies in an amendment to section 31 of the BNA Act. I put it forward as a layman's opinion that that section can be amended by a resolution of the two Houses of this Parliament without the necessity of obtaining any provincial consent whatsoever.

As I say, it is quite a precedent that we are setting. I cannot foresee it, but I hope I live long enough, and I hope we all live long enough, to see to what purpose this precedent may be used in the future. I think it is something we should ponder. If we are to do what is proposed here, I think we should at least do it with dignity and with some due formality and solemnity. Therefore, I trust there will be a recorded vote on this report. Under the circumstances, I think that every honourable senator should stand and have his or her name counted for or against the report, even if we are unanimous, as we well may be.

I trust that that is what is intended. If not, I hope there is at least one other senator who will stand with me because I think it takes two to ask for a recorded vote, when the time comes. It is

immaterial to me whether the recorded vote takes place this afternoon or on the next day we sit, which is Tuesday. It might be a slight exaggeration to say that we have waited for 30 years to deal with this, but we have waited a long time.

My friend Senator Ghitter placed on the record a week ago Wednesday the attendance record for Senator Thompson since 1984. I have seen reports in the media, which I believe to be true, that all in all he has attended 47 times in the past 30 years. Honourable senators, in that connection, we all owe an apology to the people and to the Parliament of Canada. We are the custodians for the time being of one of the Houses of Parliament and we have been negligent in our duty. I am in my nineteenth year here, and it was open to me at any time to stand up and draw attention to what we all knew to be the case, which was the flagrant absenteeism of our colleague. Others have been here longer than me, still others have been here three, five, eight and ten years. None of us ever raised this matter in public because it is not done. What we are guilty of is treating this place like a club instead of doing our duty by one of the Houses of Parliament.

We have been smoked out by the media. The media have exposed this situation. How mortifying that we should be smoked out by them, but that is what has happened. If I may be judgmental for a minute, I think that the greater sin is the sin of our friends opposite, because parliamentary tradition has it that these matters are first addressed in the caucus of the party to which the person belongs.

[Translation]

Our friend Senator Lavoie-Roux, the former chairman of the Senate Standing Committee on Internal Economy, Budgets and Administration, tried on a number of occasions to persuade her colleagues on the committee to look seriously at the issue of Senate absenteeism.

Senator Robertson, the former chairman of the Senate Standing Committee on Privileges, Standing Rules and Orders, also tried. Our colleagues opposite rejected it out of hand. No discussion!

[English]

Always kept under cover.

- (1500)

Honourable senators, as one who is, as I say, now in my nineteenth year and as guilty, if not more so, as anyone else for not having brought this matter out into the public to be dealt with before now, I think that a good portion of humility on our part would be more becoming than some of the righteous indignation and chest thumping that one has seen and read about in the media over the last little while. I was hoping there would be an explanation. I hope someone can enlighten me as to the legal and constitutional grounds for doing what we are about to do.

On the basis that we are on solid ground, I shall vote for the report and, as I have said, express my own apologies to the people of Canada for my failure to deal with this matter in public before now.

Some Hon. Senators: Hear, hear!

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, this is indeed a solemn and historic occasion. We have made a decision in a committee on which we are now asking for the approval of this whole chamber. This is something that our institution has never done before. I attended the committee last evening in the place of one of our senators who is, unfortunately, ill.

We are asked to deal with questions as to our authority; questions of contempt; questions of precedent; questions, as Senator Murray quite wisely put it, of what happens next.

The legal opinions given to members of the committee in their meetings of one week ago and again last night were unanimous in the issue of contempt. They indicated that a failure to respond to a direct order of the Senate issued not once but twice, was contempt. They were also of the opinion that contempt was and could be a judgment if someone brought the institution into disrespect. Your committee found Senator Thompson to be in contempt of the institution.

It then became the difficult job to determine what should be done on the basis of such contempt. There were three routes that we could have followed. We needed to find explanations for each one of those routes and determine whether we had the authority to take them. Clearly, we had the authority to censure or to reprimand, to call him before the Senate and have him reprimanded by the Speaker, but there was certainly unanimous agreement among the senators that that would not be adequate.

At the other end of the spectrum, if you will, was this question: Do we have the authority to expel Senator Thompson from the chamber? On this, the constitutional experts were divided two to one. Our own legal counsel, Mark Audcent, believed we did not. He was supported in that very strong opinion by Mr. Finkelstein who also said we did not. Their argument, if I can summarize it briefly, was that while we received our powers from Great Britain and while they were to be all of the powers that were given to the House of Commons — and, yes, the House of Commons both in Britain and in Canada has the right to expel — we still had clear limitations on our power. Those clear limitations were placed in section 31 of the British North America Act. Section 31 of the British North America Act sets forward the circumstances in which a seat becomes vacant.

If one assumes that to expel means that one has created a vacancy — and they were of the opinion that one led to the other — then we were told that the British North America Act said that we could only cause the seat to be vacant if, for two consecutive sessions, he failed to appear; if he took an oath of allegiance to a

foreign power; if he was adjudged bankrupt or insolvent; if he was attained of treason or convicted of a felony; and if he ceased to be qualified in respect of property or residence.

We could not find, to our satisfaction, that any one of those five conditions had been breached. Therefore, we were not in a situation where we could find the seat to have become vacant. In their view, therefore, we could not expel.

The other option for us is the one that the committee decided to act upon last evening. That was the matter of suspension. All legal counsel agreed that the Senate did have the power to suspend and that, in addition, we had the right to challenge the sessional allowance under section 59(1) of the Parliament of Canada Act. That act states that the Senate and/or the House of Commons has the right to make more stringent the conditions whereby a sessional allowance could be granted. The two Houses have the right to do that by rule or order which would then become a regulation.

In essence, that is what we did last evening in committee. We examined what kind of regulation or rule would be required and whether such a regulation was in place. We then examined whether Senator Thompson, if he was suspended, would be subject to that regulation. That is why the two reports were introduced today. The first report created the rule. The second report made Senator Thompson subject to the rule by virtue of his suspension from the Senate.

There is no question that there is some argument still to be made on the issue of expulsion, but the majority were convinced last evening. If I am not mistaken, there was one abstention and one vote against. The majority in the committee, representing both sides of the chamber, on careful reflection decided that we, within the rule of law, could only go so far as to suspend Senator Thompson and that we had done, in our judgment, everything that we were allowed to do within due process and, at the same time, everything we had the authority to do.

Senator Murray: Honourable senators, I have a question for the Deputy Leader of the Government. I thank her very much for the full report on the proceedings last night. We do not have the verbatim transcript. I had not heard very much except the outcome.

With regard to the matter of contempt, we have all heard of contempt of Parliament before but it has always been someone outside of our house or outside of the other place who was alleged to be in contempt of Parliament for one reason or another. Was any distinction drawn or any precedent adduced by the committee's legal and constitutional advisors as to holding a member of Parliament in contempt of Parliament?

• (1540)

I also have a question about the deputy leader's statement that actions which would bring the chamber into disrespect could be regarded as contempt.

Does the Deputy Leader of the Government, and other honourable senators, not think that bringing this chamber into disrespect is quite a subjective matter? There have been times in the past 19 years when I may even have been accused of that myself. I may even have accused others of it. However, the remedy of holding a majority vote as to whether someone has brought the chamber into disrespect, and the consequent suspension of that senator, is that being seriously considered?

Senator Carstairs: Honourable senators, I think it is fair to say, and as will be reflected in the transcript of the committee, that the area of contempt that was of the greatest significance to the members who were in attendance last evening was the contempt for failing to obey a direct order of the institution.

Certainly, legal counsel gave us additional reasons, and one was disrespect for the chamber. However, in the opinion of the gathering of members present at the committee, the clearest contempt which was echoed by the testimony of legal counsel, was that Senator Thompson had disobeyed a direct order of the chamber.

Senator Kinsella: Honourable senators, I have a question for the Deputy Leader of the Government.

My understanding is that the regulation that was passed earlier by the Senate was vetted pursuant to section 59 of the Parliament of Canada Act, or by virtue of procedures under the Statutory Instruments Act. The Leader of the Government kindly gave us a copy of a signed document which says that this matter has been vetted by the Privy Council pursuant to that procedure.

On the last page of these documents that were kindly shared with this side by the Leader of the Government, it states that this regulation will be published in the *Canada Gazette* on March 4, in volume 132, number 5.

My question is: Does either the Parliament of Canada Act or the Statutory Instruments Act require prior promulgation for the coming into force of that regulation?

Senator Carstairs: Honourable senators, my understanding is that the answer to that question is "no"; that it comes into force and effect today. However, it must then be published.

Hon. Ron Ghitter: Honourable senators, at the outset I should like to congratulate Senator Carstairs on her fair explanation of what occurred last evening. I should also like to congratulate the chairman and members of the committee. Although I am not a member of the committee and was merely sitting in on the deliberations, I thought the chairman handled the meeting in an appropriate and professional way. The questions that were asked were astute and appropriate and ones, which certainly illuminated the difficulty of the decision which the committee members were required to make last night.

Honourable senators, the issues before us are not easy ones to deal with. As Senator Murray has stated, we are in unknown territory here. This afternoon, we are commencing the setting of a precedent on a matter that has never been applied, or tried, or

even raised before in the history of this honourable chamber. It is not a matter that we should take lightly.

Whenever we stand in judgment of our peers or colleagues, whenever we act as a court of last resort or jurisdiction of some nature, we must take such steps very seriously. At the same time, we must also address our public responsibility, fueled as it may be by an overindulgent media. It is certainly one that requires the deepest thought, and we must deal with it in the clearest manner available to us.

As we come to this conclusion, we must also address the privileges of this institution in which we reside. The powers and privileges that reside in a parliamentary institution cannot be taken lightly. The powers that reside in the Houses of Parliament or in our legislatures are powers that have evolved since the Magna Carta. They are powers for which people have fought and died. They are powers that reside in this institution, and it is important for us to ensure that we maintain the powers and privileges that we enjoy.

One of the privileges that we enjoy in a parliamentary process is the ultimate privilege to expel a member who is bringing dishonour and disrepute to the chamber, and is ignoring the requirements and orders of the institution.

I listened carefully to the legal opinions last night. I endeavoured to bring whatever legal background that I have to the matter. You can put two lawyers in the same room and you will have an opinion on the one hand and an opinion on the other hand. As one who has spent 25 years in the legal profession, I am aware of the nature of argument, and the nature of concern, and how to advise one's client. Good lawyers advise because that is their job.

What are the remedies that are available to Senator Thompson on the basis of whatever course of action we take? We must not only examine what we do, but we must also examine the remedies left to Senator Thompson — or perhaps later in the day, Mister Thompson — on the basis of the position that he has put us in, and the position that he, himself, is in.

Mr. Finkelstein, who appeared as a witness before the committee last evening, handled himself in a marvelous way as an articulate and knowledgeable constitutional lawyer. I asked him if we were to expel Senator Thompson, what his remedies would be. In other words, would he have a remedy in a court of law? As those who were at the meeting last night can confirm, the answer was basically that his remedy was to come to the Senate. The courts would not deal with this matter, nor should the courts deal with what we do here, since we police ourselves and our members. That is not for the courts of Canada to decide.

We are the ultimate court in this land. We are the body which passes the laws in this land. It is not for a court of law to come into the Senate of Canada and say: "You have done wrong." If Senator Thompson wishes to come here, he may do so. However, we were told last night that his remedy is to approach the Senate and ask to be heard.

I then looked at the power of suspension. I have no problems with Senator Thompson being suspended. However, what does that mean if we suspend him? It means that if Senator Thompson does not resign, we have not resolved anything. Just imagine proroguing this Parliament and commencing another session; and if that happens, as it normally does every two years, in March of next year there would be another Speech from the Throne, and if Senator Thompson then comes to take his seat in the chamber, what do we do?

I would suggest that, at that time, in order to find him in contempt, if he is in his seat, and stays in his seat and is present, we must then make a new finding of contempt. If we must make such a new finding, what would be the nature of it? We would have some trouble doing that. Does that mean that Senator Thompson can now sit here, having been suspended by us, until he reaches the age of 75, in December of 1999, and then leave?

Do you think we would not be ridiculed in Canada if that happens?

• (1550)

I made a bet with Senator Gigantès, who said that Senator Thompson would resign in a week. Each of us has left \$3.25 with the Clerk on that. What if he does not resign? I wonder what will happen if he says to the Senate, "Too bad, Senate. I will wait. I will not take my pension" — even though economically it would make sense — "because I am in Mexico. Things are cheap down here, the tequila is fine, and I will just carry on. I will stay in Mexico and I will come back the next time around. I will not take my pension now. I will take the \$10,000." I doubt very much that Internal Economy, with some magic stroke of the wand, can take away the \$10,000, and I doubt very much that Mr. Audcent, who gave us his opinion last night, is of the view that they can take away the \$10,000. I suggest that we are on loose ground regarding our ability to do that.

Let us say Mr. Thompson says, "I will take the \$10,000 and wait until December of 1999 and then I will take my pension." Then where are we? The decision to suspend is not clear-cut. The decision to suspend leaves things dangling still.

I was on some phone-in shows today, and I can tell honourable senators that Canadians know what is happening. Those questions were asked of me. Questions were put to me this morning from Hamilton and even Calgary. This suspension is not clean-cut. In fact, the suspension is not clean at all. Although I know it is the will of the Senate to suspend, and although I know that that will happen this afternoon, I cannot support the resolution.

I think that the better way is to stand up and expel, make it clear-cut, finish it off, and get on with life. The way we are doing it right now is not clear-cut. It leaves things dangling. It does not satisfy me and, more important, it does not satisfy the Canadian public.

I will not support this piece of legislation, not because I do not want to get rid of Senator Thompson — indeed, I do — but I

want to do it with finality, not with the concern that in another 10 months he will be sitting here ridiculing us, as will the rest of Canada.

Senator Murray: Honourable senators, perhaps I am missing something and my lack of legal training will show here. My friend said that the courts have no business telling us what we can and cannot do. If we purport to take an action that is unconstitutional, surely the courts can declare our action to have been unconstitutional. They do it all the time. If we purport to declare a seat vacant, and supposing that the Prime Minister recommends the name of another person to the Governor General to fill that supposedly vacant seat and the courts find it unconstitutional, all of those actions would have been nullified, would they not?

Senator Ghitter: The response we were given by Mr. Finkelstein last evening, as many will confirm, was that if that did occur, the seat would become vacant. That was understood in his view.

Senator Murray: Was it his view that we had the power to vacate a seat?

Senator Ghitter: No. That is quite right, as Senator Carstairs said. We were told by Mr. Finkelstein last night that, although there was a strong argument to be made for the power to expel, it was his view that it would be inappropriate for us to do so, that we would be taking risks if we were to do that. He questioned our power to do that. That was his opinion.

My position was more on where Senator Thompson's powers lie if we do take such action. Where does he go? That is the distinction. The point that was expressed to us last night is that he has to come back here, not to the courts. That was the legal opinion, as I understood it. Others may have another interpretation.

Hon. John. B. Stewart: Honourable senators, I wish to ask a question of my honourable friend.

Senator Ghitter assumes that what is involved here is the right of a senator, but the truth of the matter, of course, is that much more than the right of a senator is involved. I am here as a senator from the province of Nova Scotia; Senator Ghitter is here as a representative of the province of Alberta.

Let me put forward a scenario and see how Senator Ghitter will deal with the question with which I will conclude. Suppose a majority in this house found something done by Senator Ghitter offensive and consequently decided to expel him, thus creating a vacancy in the Senate representation from the province of Alberta, a vacancy which the Prime Minister of the day, of another political party, immediately filled with a proper person. What would Senator Ghitter argue in that situation? I wonder if he would say, as he has implied today, "Yes, you Liberals have the majority over there. — or perhaps even Reformers. You have had a proper vote and I was duly expelled, although I do not like it, and the appointment of my replacement is good and lawful. I applaud this rule of law." Is that what he would say?

Senator Ghitter: Yes, of course. Absolutely. I would not like being expelled, of course not, but I say that this body has the power to do that, period.

Senator Stewart: And the Prime Minister in that situation, obviously, has the right to appoint the replacement?

Senator Ghitter: Yes. That is my position.

Senator Stewart: I understand what my honourable friend is saying.

In other words, the people of Alberta, who may very well be quite satisfied with Senator Ghitter, would have no rights. It would be the majority in this place and the leader of their party, probably all drawn from the east who would have all the rights. Is that what Senator Ghitter is advocating?

Senator Ghitter: We are getting into difficult territory now, senator.

Senator Stewart: Yes, you are.

Senator Ghitter: From what you are saying, the people of Alberta would say Senator Ghitter has no authority to be there because we did not put him there. I hear that all the time.

Senator Stewart: That may be true, but I am assuming that Senator Ghitter has considerable support in the province of Alberta notwithstanding that he was not elected. Perhaps I am wrong on that. Grant me a pre-supposition that Senator Ghitter does have considerable support from the people of Alberta. Is he saying that that support can be set aside by a majority from Ontario and Quebec and a prime minister residing, let us say, in the city of Toronto? Is that what he is saying?

Senator Ghitter: Yes.

Senator Stewart: I was afraid that would be your answer.

Hon. Jeremiah S. Grafstein: Honourable senators, by way of precatory words, law schools —

The Hon. the Speaker: I presume, Honourable Senator Grafstein, that this is not a question.

Senator Grafstein: It is a question.

The Hon. the Speaker: It is. Very well.

Senator Grafstein: Law schools in Alberta and law schools in Ontario obviously teach different principles.

Let me see if I understand Senator Ghitter. He says to the Senate, to the people of Canada and to the people of his region: "We do not have the constitutional power in the Senate to expel a senator, but because the senator may not have a perfect remedy, we will still go ahead and do it." Is that what Senator Ghitter is saying to the Senate?

Counsel has said and Senator Murray has said, we do not have the constitutional power under the rule of law to expel that senator. We have the right to suspend him, that is clear, but we do

not have the right to expel him. However, the senator seems to be saying we can certainly expel him but he may not have perfect remedy. *Ubi jus, ibi remedium* — where there is a right, there is a remedy. Is the honourable senator saying that this is the standard or the rule of law or the legal or moral standard that he would like to set for the Senate? I do not agree with that. In Ontario, we do not agree. Maybe in Alberta they do, but not in Ontario.

Senator Ghitter: I wish I could be as authoritative as Senator Grafstein.

Senator Grafstein: Well, be authoritative. This is an important issue. This is the first time in over 100 years that this house has done this. We are approaching this carefully and prudently, and for the senator to grandstand on this issue for Alberta, on radio shows and otherwise, may be okay for Alberta, but it is not good enough for me and it is not good enough for Ontario. I can tell you that.

• (1600)

Senator Ghitter: That was quite a speech, Senator Grafstein. If we can accuse anyone of grandstanding, that is what I just heard. When individuals honourably bring forth arguments, and then you step up and refer to those arguments as "grandstanding," I take great offence at those kinds of comments.

Let me tell you, sir, from your Ontario law school, that the legal opinions we had were not as clear as you might think.

Historically in this country, back to Louis Riel, we had arguments about the power of the House of Commons to expel. In fact, Louis Riel did not accept an order from the House of Commons, and they expelled him.

In the province of Nova Scotia, there have been expulsion, as Senator Buchanan, could tell us. This is not a new remedy; it has been done.

If you look at Beauchesne, he says the very same thing. He says that we do have the power to expel on such grounds as we deem fit. It is not quite as clear as the Ontario law schools might put forward. I accept the other legal point of view, which may differ from yours but may be just as strong. I take great offence at your comments.

The Hon. the Speaker: If there are no further questions, I recognize the Honourable Senator Lynch-Staunton.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while I will support the committee's recommendations, I will not do so with any enthusiasm, nor even with any satisfaction or sense of accomplishment, although I do believe that, under the circumstances, the Senate has little choice but to endorse what Senator Maheu is urging on behalf of her colleagues. Passing judgment and imposing penalties on one's colleagues is not only distasteful but offensive. This is not to suggest that the action we are being asked to take is not the proper one; only that there should be another mechanism in place to preclude our having to act as judge, jury and prosecutor, as we will be doing shortly.

In this case, we had no alternative but to engage in what could be termed "rough justice." It is to be hoped that this is a unique case, the likes of which we will never see again. Nonetheless, serious thought should be given to putting into place a mechanism, a procedure, which, in the event of the misconduct of one of its members, will limit the Senate to a final determination only, and thus avoid a repetition of the tortuous and sometimes confusing path we have taken over the past few weeks.

Many are rubbing their hands in glee right now, as today for them marks the first step in a campaign to rid this place of those whose attendance records they consider grounds for dismissal — as if attendance here were the absolute, the only measure of a senator's contribution to the parliamentary process and, in absence, a gross violation of it. Attitudes such as these only demonstrate prejudice and ignorance, and do not enhance the reputation of those who amuse themselves in spreading them.

What if, at this very moment, every seat, all 104 of them, were taken? Would Canadians be reassured that senatorial work was being done more efficiently, more constructively and more objectively? The answer, of course, is no, far from it, as having senators here in attendance at all times would quickly lead to a neglect of responsibilities rather than a fulfilment of them.

Are we to ask Senator Keon to abandon all his outside activities as a medical practitioner on behalf of his fellow citizens, to leave the operating table where he is saving lives in order to sit here and maintain perfect attendance as a prerequisite of his remaining in the Senate?

Are we to ask Senator Pearson to abandon her efforts on behalf of the children of the world if she wants to remain in the Senate?

Are we to ask Senator Cohen to abandon all of her efforts over the years with her involvement in social welfare, in order to maintain her status here?

Are we to ask Senator Beaudoin to stop advising foreign countries which are trying to develop a constitutional framework, in order to remain a senator and stay in this place, fixed to his seat?

Are we to ask Senator Chalifoux to stop her efforts on behalf of the Métis community, in which she has been actively engaged for so many years, in order to avoid criticism because her absences here are caused by her involvement with her community?

Is Senator Fairbairn's devotion to the cause of literacy, which takes her away from this place, cause for her to be criticized for not having the attendance record that some feel must be perfect?

Canadians are being told that attendance should be equated with assiduity, and absence equated with neglect. We all know, those who follow this chamber seriously, how false that impression is.

Yes, one of our colleagues has grossly abused the privileges of this house, the first and I dare say the last to do so. His suspension and loss of salary are consistent with the theory of non-performance and non-remuneration. However, the true value of the contribution of a senator is not to be found in an attendance record; far from it. It is to be found in his or her participation in committee, in parliamentary associations, as representatives of their country abroad, and not least, in their active involvement in their community on behalf of their less fortunate fellow citizens. If being a senator enhances their contribution to improve Canadian society and means less than perfect attendance, then I say more power to them. Canada should be grateful to have such citizens in their midst!

Senator Grafstein: Honourable senators, I wish to make very brief comments on this matter because I consider Senator Thompson a friend. These votes are perhaps the most difficult for me since I came to the Senate.

To correct the record, this process began last summer in a committee chaired by Senator Kenny. At that time, I decided that, for my part, as a senator I would try to ensure that we would proceed prudently and carefully, respecting the rule of law, respecting this chamber, respecting the Parliament of Canada, respecting the Constitution and respecting the public of Canada. I believe that, through this very difficult period, all members on all sides have sought to do the same thing.

With the greatest of regret for my old friend Andy Thompson, but with pride in the Senate, I will be supporting all these various votes.

Senator Kinsella: Honourable senators, the motion brought forward by Senator Ghitter last week was straightforward. Senator Thompson has shown contempt for the Senate of Canada and for Parliament, and he should be expelled. I will support that motion should we have an opportunity to deal with it.

I have listened to the debate and the arguments advanced with respect to the legal difficulties in doing that. Unfortunately, like everyone else, I am in the position of not being able to rely on much procedural literature to formulate a complete decision, because this is something new.

Senator Murray has raised in the debate this afternoon some important matters and suggestions relating to a constitutional amendment. However, from a social or moral standpoint, I still believe that Senator Thompson should be expelled.

We have before us a proposal from the committee which examined this matter carefully. It meets the tests of the Parliament of Canada Act and the steps that were taken to have the regulation properly registered pursuant to the Statutory Instruments Act.

• (1600)

To suspend without benefits is a species of the genus of expulsion. Therefore, I will support the motion, although it is not as much as I would have liked to have seen.

Senator Stewart: Honourable senators, I should like to ask my honourable friend a question. I will ask basically the same question that I put to Senator Ghitter, but I must say something first because of a comment that was made in the meantime.

It has been suggested that the expulsion of a senator is comparable to the expulsion of a member of the House of Commons. Certainly in Great Britain members of the House of Commons have been expelled. John Wilkes was expelled four times in one session. He was expelled, re-elected, expelled, and re-elected. However, in the case of a member of the House of Commons, the electorate can decide to send, as in the case of Wilkes, the ball back across the nip. That is not true in the case of a senator.

Let us say that Senator Kinsella was found offensive by reason of his vote on some bill and was persistent in his voting. Am I to understand that he believes that the majority in the Senate would have the right to vote to expel him so that the Prime Minister of the day could appoint someone from his own political party to represent the province of New Brunswick in the Senate? Is that his position?

Senator Kinsella: My position is that there are no precedents. I looked at the House of Lords, and the situation there is even less helpful.

Senator Stewart: That is not relevant because that is not a federal house.

Senator Kinsella: It is not relevant.

Our situation is radically different from that of a member sitting by virtue of an election.

Frankly, I think that what Senator Thompson has done is wrong. It is on that basis that he should be expelled. I recognize the difficulty. I am persuaded by Senator Ghitter's arguments. At the same time, we have a report following a particular procedure. I am satisfied that this particular procedure meets the test of being legally acceptable, and I will be supporting it, although I think that we could have gone further.

Hon. Terry Stratton: Honourable senators, as you are aware, last week Senator Ghitter put forward a motion to expel Andrew Thompson. It was not done lightly. I seconded that motion. I continue to support Senator Ghitter. I have heard all the legal arguments, and yes, there are arguments on both sides.

Yes, Senator Stewart, I understand where you are coming from.

However, if we do this today, we will have set a precedent, and I think the precedent will be a determining factor in any subsequent considerations of expulsion. I do not think we do this lightly, and I personally do not do this lightly.

I, like Senator Murray, wish to apologize to the Canadian people. I have not been here for 19 years, but I have been here

long enough to have known that Senator Thompson was a no-show.

I support Senator Ghitter not for legal reasons. Not being a lawyer, I cannot do that. I must accept what I hear from the lawyers. There is enough evidence to support a case for expulsion.

I am trying to formulate my view on morale grounds, and the morale grounds are simply this: He is not only in contempt of this Senate but, more fundamentally, he is in contempt of the Canadian people. He has virtually spit in their faces. For that, I would like to see a clear, distinct, permanent message sent to Senator Thompson that he should be expelled.

Hon. A. Raynell Andreychuk: Honourable senators, I, too, was in favour of Senator Ghitter's motion last week because of the desperation I heard from the people in Saskatchewan and elsewhere in Canada that something had to be done about Senator Thompson.

I thought at that time that the committee had already canvassed all of the legal opinions and that it was time that we, as a body, acted. I reluctantly allowed another week to go by. I am, however, persuaded that we have taken the cautious route, and it is the more appropriate route.

Is the issue here that we want to punish Senator Thompson or is it that we want to make Senator Thompson accountable? Do we want to be accountable to the people of Canada, or do we simply want to take account of what the press have been saying and what some members of the House of Commons have been doing? They have not only diminished the Senate; they have diminished themselves as politicians. They have brought us into disrepute, and they have brought democratic institutions into disrepute.

Having served in countries that call themselves democracies and that take the rule of law to mean the letter of the law not the spirit of the law, I think that we must do what the majority opinion of the Senate tells us. We should not reach for the edge of the law, the letter of the law, to get at Senator Thompson.

I believe that some measure of responsibility falls on all of us, not just on Senate members who should have raised the matter of Senator Thompson publicly. It goes beyond that. It goes beyond all of those in a position of authority who knew something about Senator Thompson and did not take action.

I do not want to be punitive through the democratic system; I want to be accountable. To be punitive would be to now say that I want to extract my due and that then, somehow, I could sit in this Senate without attempting to change further troubling matter.

I hope that if we take this route of being accountable rather than punitive, we will support the senators who have been here doing their jobs, that we will work within the spirit of the law. We are sometimes fallible, not infallible, as the public and the press sometimes want us to be. We have made mistakes, and we have made a mistake about Senator Thompson. We might make

another mistake, but we are conscious of the reaction of the public and the press. We want to do, I believe, the appropriate thing within the rule of law, and that is take a sober second thought, take the best advice we can get, and then try to take the toughest measure that we can against ourselves. I think the toughest measure is the one that is being proposed by this committee.

I do not think that we should be preoccupied by Senator Thompson. I would have defended Senator Thompson's rights if he had not taken the opportunity to make comments in public — and I take them to be correct because he has neither taken the time to correct them, nor has he taken any other action — about other senators and how they work.

I say to the House of Commons members and the press who would attack the us: Get involved in changing your democracy. Get involved in changing your parliamentary process. Do not use the Senate as a scapegoat.

I believe that this is a good and fair step towards senators becoming accountable. I hope we will take other steps. There are many other things that we can do to modernize and better our institution, and to be more accountable ourselves.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the motion. With leave of the Senate and notwithstanding rule 55(1)(g), it was moved by the Honourable Senator Maheu, seconded by the Honourable Senator Perrault, that this report be adopted now.

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

Some Hon. Senators: Agreed.

An Hon. Senator: No.

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

Some Hon. Senators: Yea.

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

An Hon. Senator: Nay.

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

Senator Murray: I wish to have a recorded vote.

And two honourable senators having risen.

The Hon. the Speaker: The whips advise me that the bells are to ring for 15 minutes, so the vote will be taken at 25 minutes to five o'clock.

• (1630)

The Hon. the Speaker: The question before the Senate is: Shall the fourth report of the committee be adopted?

Motion agreed to and report adopted on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Kinsella
Atkins	Lavoie-Roux
Beaudoin	LeBreton
Berntson	Losier-Cool
Bryden	Lynch-Staunton
Buchanan	Maheu
Butts	Moore
Callbeck	Murray
Carstairs	Nolin
Cohen	Pearson
Cools	Pépin
Corbin	Perrault
De Bané	Poulin
DeWare	Prud'homme
Di Nino	Rivest
Doody	Robichaud
Doyle	<i>(L'Acadie-Acadia)</i>
Fairbairn	Robichaud
Ferretti Barth	<i>(Saint-Louis-de-Kent)</i>
Forest	Rossiter
Gigantès	Simard
Grafstein	Sparrow
Graham	Spivak
Gustafson	Stewart
Hébert	Taylor
Johnson	Watt
Keon	Whelan—52

NAYS

THE HONOURABLE SENATORS

Stratton—1

ABSTENTIONS

Robertson—1

• (1640)

Hon. Bill Rompkey: Honourable senators, unfortunately I missed the vote, but had I been here I would have voted with the majority on this issue.

POST-SECONDARY EDUCATION

CONSIDERATION OF FINAL REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the final report of the Special Senate Committee on Post-Secondary Education, tabled in the Senate on December 16, 1997.—(*Honourable Senator Forest*).

Hon. A. Raynell Andreychuk: Honourable senators, at the outset, I wish to thank Senator Bonnell for this initiative and I trust that in his retirement he will continue to pursue this cause. My appreciation also goes to all honourable senators who brought unique perspectives to and enriched our debate in such a collegial manner. My gratitude goes to Jill Ann Joseph and all members of the staff, including Grant Purves and Robin Farquard. The pressure under which they worked is only matched by my amazement at their dedication, professionalism and patience with the committee members. Special appreciation is due to Dr. John Allan, who assisted me in focusing my concerns in a constructive manner.

On June 19, 1996, I rose in this chamber to express my support for the motion brought by Senator Bonnell that the inquiry on the serious state of post-secondary education be referred to the Standing Senate Committee on Social Affairs, Science and Technology. I rise once again to speak on matters of post-secondary education. I express my support for the report of the Special Senate Committee on Post-Secondary Education, to which the inquiry was referred.

The report contains recommendations that if adopted and implemented, will do much to ensure the future health of our system of post-secondary education and to ensure that the system is accessible to those Canadians who have the ability and determination to benefit from post-secondary education.

Honourable senators, time does not permit me to cover all the areas of concern that I have with respect to the state of post-secondary education in Canada. A good portion of our debate centred on student indebtedness and government responsibilities. I regret that more in-depth studies were not initiated on other aspects of post-secondary education. However, I simply wish to flag these areas at this time.

I wish to underscore what Senator Lavoie-Roux and the committee report stated with respect to the state of post-graduate studies and students and their ability to remain in Canada. There is a danger that if we do not stem the tide now, we will be creating a shortage of skills and, therefore, skills-based technologies and industries in the future.

Another aspect is the fact that there is a growing tendency towards consolidation. While this is commendable in part, it

leaves the risk that consolidation will drive post-secondary educational resources into solely major centres. Our report touches on the fact that the vibrancy of the post-secondary educational institutions in all areas of Canada contributes to the enrichment, success and stability of this country. Excellence is to be pursued in all regions and corners of this country. In fact, CEGEPS, colleges and small universities are vital to the rural and isolated areas of Canada. While technology can afford these opportunities to some measure, it cannot replace person-to-person contact.

Finally, I wish to highlight that, while downsizing has hit all Canadians, there is a tendency by some government officials and perhaps by the public at large and the media to characterize universities as being resistant to change. In my personal experience, confirmed by our committee hearings, universities have changed and have responded to fiscal restraints, and, in the process, have been innovative and creative in anticipating future needs and new ways of cooperating and engaging in relationships. Universities are to be commended for this spirit of cooperation and assisted in greater measure to ensure their survival. There needs to be more attention to infrastructure support and collaboration in policy formulation.

I will now return to the main emphasis of our report. In the course of the last 15 years, there has been a massive decline in the number of jobs in Canada requiring a high school diploma or less. In contrast, employment growth has been in those areas that require at least graduation from a post-secondary institution. This is an asymmetry that we ignore at our peril. Employment opportunities for the relatively unskilled are being displaced by technological advances and by increasing competition from other countries. If Canadians are to be absorbed successfully into the world of employment, as clearly they must be, then they must first be provided with the knowledge and skills demanded by employers in the technology- and information-intensive global economy. Canada must be at the forefront of the development of the knowledge necessary to compete in this global economy. Meeting these critical requirements will depend on several factors but none is more important than ensuring the necessary level and quality of investment in post-secondary education. With the requisite investments, what we may accomplish is boundless; without it, our relative decline is virtually certain.

• (1650)

Before commenting on the thrust of the special committee report, I will take a moment to comment on some general issues that must inform and shape any recommendations concerning post-secondary education. I trust that these will be followed in the upcoming budget. These issues concern the nature of such education and the benefits it generates, what constitutes equity in the financing of post-secondary education and the role that should be played in this area by the federal government. That education is an investment yielding substantial dividends has long been recognized. It has also been recognized that these dividends accrue both to those in whom educational investments

are made and to society at large. We all benefit from living in a society, the members of which have been sufficiently educated to assume productive roles and behave responsibly as citizens. In the case of elementary and secondary education, the spillover benefits to society in general are such a large part of the total benefits that these levels of education are normally financed through the budget process rather than provided on a fee-for-service basis.

For post-secondary education, the situation is different. The norm at the post-secondary level is to require those who benefit directly from post-secondary education to pay, in the form of tuition, a significant portion of the cost of their education. This is done because a very large share of the benefits of such education accrue directly to those privileged to attend our post-secondary institutions. These favoured individuals — and make no mistake, they are favoured — typically enjoy significantly higher incomes, less frequent unemployment and, when it is encountered, unemployment of a shorter duration than do those who have not attended our post-secondary institutions. Over their lifetimes, our post-secondary graduates simply enjoy a better social and economic status.

We must not ignore these considerations in a review of post-secondary education. Costs not covered by tuition must be borne by the typical taxpayer who, unfortunately at this time, is still not a graduate of our post-secondary system. To ask these taxpayers to bear a disproportionate share of the costs of post-secondary education is essentially to propose a redistribution of income from those with relatively low lifetime incomes to benefit those with relatively high lifetime incomes. Such a proposal would clearly be fiscally unacceptable.

Equity in financing post-secondary education, therefore, necessitates a continuation of the present practice of requiring those who benefit directly from it to contribute a reasonable share of the cost of the education. It also means that poverty should not be an impediment, nor should such issues as place of residence in Canada, or any other factors covered by the human rights legislation.

That post-secondary education generates benefits that are not limited to those who participate directly in the post-secondary process is both an advantage and a disadvantage. The spillover benefits may be considered as a social dividend accruing to society at large, and this is clearly advantageous. It is the case, however, that neither the direct nor indirect benefits respect provincial boundaries. In consequence, there is no presumption that a province can fully capture all of the gains generated by its investments in post-secondary education. By virtue of their education, our post-secondary graduates have access to larger and more varied markets for their skills. They thus have enhanced employment opportunities, and mobility allows them to move to these opportunities at their will. This may well result in their being lost to the province that invested in their post-secondary education.

Similarly, where the investment takes the form of support for research and development at our universities, the knowledge created should be as widely available as possible, and not limited

to the jurisdiction in which the researchers reside. In the vernacular of the economists, only a level of government capable of “internalizing” these spillover benefits would provide the optimal level of support, and in our case that is the federal government.

The special committee, of course, was very conscious that education is a constitutional responsibility of the provinces, but we were also aware that in recent decades, through a variety of means — tax point abatements under Established Program Financing, transfers under the Canada Health and Social Transfer, funding of research by the national granting councils, Canada Student Loans, aboriginal education and many other initiatives — the federal government has contributed essentially half of the cost of post-secondary education in Canada. The federal role and contribution thus has a solid basis, both in theory and in fact.

I was most pleased to have this view confirmed by the Honourable Robert W. Mitchell — then minister of post-secondary education and skills training for Saskatchewan, and now Minister of Labour — when he appeared before the special committee. The minister specifically stated that Saskatchewan was “very content with the strong leadership shown by the federal government over many years in this important area.” He went on to observe that “I fear that if we lose the involvement of the national government on these issues, then we will pay the price of an increasing balkanization...” While respectful of the constitutional issue, I share Minister Mitchell’s view on the necessity of a continuing, active role for the federal government.

In its deliberations, the special committee emphasized — and I believe rightly — the investment nature of expenditures on post-secondary education. It is characteristic of investments that they require substantial initial outlays and yield a subsequent flow of benefits over a protracted period — in this case, over the lifetime of those in whom the educational investments have been made. This pattern gives rise to a financing problem. Even though investing in one’s post-secondary education is probably the best investment that a young Canadian can make, the “dividends” are not available when the educational costs are incurred. For many, borrowing to bridge this gap is therefore essential, and alarm with the extent and rate of growth of this borrowing was the primary concern voiced by many of the witnesses who appeared before the committee.

I should like to make two comments about what is perceived to be a crisis of student indebtedness: First, I think it is important to note that, in fact, not all post-secondary students have been forced to borrow from Canada and provincial student loan programs. A majority of our students, albeit a shrinking majority, have managed, probably with the assistance of family, friends, private loans and employment, to refrain from resorting to our student loan programs in order to invest in their post-secondary education. For these students, there is no visible debt crisis, and I believe we should commend them and their families for their self-reliance in undertaking investments vital both to their own future and to that Canada.

My second observation concerns the growing number of students who, increasingly, are having to access the student loan programs. After listening carefully to our many witnesses, I have concluded that we have two related crises of debt: The first concerns the level of indebtedness that some students are having to incur; and the second is a crisis in their capacity to service their student loan indebtedness. While it is important that we distinguish between these, it is also important that we understand that both crises have a common origin.

In recent years, the economic climate has been unkind both to the students and the graduates of our post-secondary institutions. Well-paying part-time jobs have been extremely scarce, and this has forced students to rely excessively on borrowing to finance their studies and their living expenses. Moreover, this difficulty has been exacerbated by the rapid increases in tuition, attributable to the cuts in federal transfers to the provinces and the associated decreases in provincial operating grants to our post-secondary institutions. Slow growth and unacceptably high unemployment rates have also resulted in a significant number of graduates being unable to find, within a reasonable period after graduation, positions that utilized and rewarded the investments they had made in their education. Without such positions, some have had difficulty in servicing their student loan debts. Still others are deterred by the economic uncertainty from commencing studies for which they anticipate substantial borrowing will be necessary.

A recovering and expanding economy will go far to remedy all these problems. However, more must be done, and I am confident that the recommendations contained in our report will both reduce the need for borrowing and ease the burden of student loan repayment.

• (1700)

Another area on which I would like to comment is of particular importance to my own province. In Saskatchewan, the fastest growing component of our educational system is aboriginal education. Our First Nations leaders understand fully the importance of education in enabling their people to realize their full potential and thereby contribute to the well-being not only of the First Nations people themselves but of all Canadians. This awareness was responsible for the establishment of the Saskatchewan Indian Federated College, our first university college governed and controlled by members of the First Nations in Canada.

I would suggest that there is no area in which investment in post-secondary education yields higher dividends than increasing the number of aboriginal graduates. Our report has several proposals relating to what must be done in this area, and I particularly commend these recommendations to you.

I also particularly commend the recommendation that the tuition and education tax credits be made refundable credits. Permitting unused credits to be carried forward and used in the future, as was done in the last budget, was certainly an improvement, but making them refundable would assist students when their need is greatest, namely when they are still students.

Restructuring the tax provisions for the registered educational savings plans so that they parallel those of the registered retirement savings plans is another commendable tax measure proposed in the report. This will encourage and reward self-reliance on the part of families which endeavour to make early provision for post-secondary education for their children.

Given my interest in international affairs, I am gratified that the report contains recommendations designed to more deeply involve Canada and Canadians in the international dimensions of post-secondary education. One regret, however, is that it does not flag the possible negative consequences of the increasing reliance on extremely high tuition fees charged to our visa students. Many such students, when they return to their own countries, play a vital role in expanding our trade relations. We must not forgo this considerable advantage by too short a focus on cost recovery.

I am also pleased that our report recommends several measures to promote an expansion of research and development in Canada in general, and in our universities in particular.

The Hon. the Speaker: I regret interrupting, but the honourable senator's 15-minute time period has expired. Is leave granted to extend that period?

Hon. Senators: Agreed.

Senator Andreychuk: Thank you. I will try to be brief.

I draw attention to the fact that the report cautions against excessive reliance on research and development partnership arrangements with the corporate sector. Enlisting the participation of our corporations in supporting research at our universities is clearly desirable, but potential corporate partners are not equally available across Canada, or to all institutions. It is thus essential that partnership arrangements be supplemented by alternate programs that maximize the benefit and full potential of our post-secondary institutions.

The final topic on which I shall comment is the fact that not all Canadians can, or wish to, benefit from post-secondary education. While we are unquestionably embarked on the information and technology age, Canada will continue in the foreseeable future to rely on a large number of skilled and highly productive artisans, craftsmen, and tradesmen. Our competitiveness internationally will depend critically on their capacities and adaptability. To this end, we must ensure that, as a nation, we provide the best education and training to fully exploit the ingenuity and productivity of all of our vital human resources.

In many cases, other countries both within and without the G-7 are doing a much better job than we are in this area. Other countries are very much aware of this imperative, and Canada is in serious danger of falling behind. Unfortunately, time did not permit the special committee to concern itself with this broader issue. A further special inquiry would be necessary. I raise the matter now simply to caution against a too narrow focus on the many problems confronting our system of post-secondary education.

The problems confronting post-secondary education in Canada at this time are indeed formidable, but fortunately they are not insurmountable, even in a period of still diminished resources. Overcoming the evident challenges in a fiscally responsible manner will necessitate a strategic plan jointly developed by both the federal and provincial governments. This must be used by both to inform and guide their efforts on behalf of post-secondary education.

I believe the report of the special committee contains much sound advice to assist in the formulation of such a strategic plan. I am confident that if our recommendations are adopted and implemented, Canada will emerge with a strengthened post-secondary educational system. It will be a system able to absorb those with the abilities and determination to benefit from such education. It will provide them with the intellectual skills they will require to compete at the highest levels. Perhaps, and most important, it will be a system from which the various impediments to entry have been reduced to the limit permitted by our fiscal capacity. If we wish to succeed in the new global economy, we must settle for nothing less.

Hon. John. B. Stewart: Honourable senators, I wish to ask the honourable senator a question.

Approximately 10 years ago, the Standing Senate Committee on National Finance made a study of the federal participation in the financing of post-secondary education.

This afternoon, Senator Andreychuk told us that, to a considerable extent, the increasing debt of students attributable to tuition was a result of cuts in the federal transfers to provincial governments.

When the Standing Senate Committee on National Finance was examining this matter of federal participation in the financing of post-secondary education, the chairman of the council of ministers of education told our committee that the federal government had no role in education within the provinces for the most part, and that this was really a matter of provincial jurisdiction. In effect, the minister, who was the minister from Nova Scotia at the time, said, "Look, if you want to send money, fine, but we will spend it as we wish. We will use it to pave roads, for welfare programs, et cetera. We may choose to spend some of it on post-secondary education."

Has there been a change in the attitude of the provincial governments so that if the federal government were to increase its transfers, that money would, in fact, be used for the financing of post-secondary education, or does the position of the Minister of Education in Nova Scotia, who was speaking for the council of ministers of education throughout the 10 provinces, still stand?

Senator Andreychuk: This is not an easy question.

There was a plea from many sectors for national guidelines for the post-secondary education system, similar to those existing

within the health system. We heard about mobility problems and the feeling that there had to be a federal presence. I think there was a resistance by anyone in authority to have the federal presence in a national guideline system.

The approach that seemed to be put forward more often by governments — both provincial representatives, university representatives, and the federal authorities that came to us — was that there is a council of ministers that is working, and that there have been moneys flowing from the federal government. Should those moneys continue to flow, there should be some understanding reached with the provinces on that money. This is where they should cooperate and there should be some standardization, but there was no yielding of provincial responsibility to the federal government.

At the same time, while we say education is a provincial responsibility, we do know that money from the Canada Health and Social Transfer was in fact used in post-secondary education, as I pointed out. There have been cut-backs at every level, and there certainly have been cut-backs in the university system. We could take the constitutional line, the legal line or the practical line. To follow the practical line is to say that less money is available as a result of fiscal restraint.

We did not want to get into debates between governments. We wanted to appeal to and encourage all governments to take these recommendations. That is the reason for the strategic plan. It will take all of them within their own area.

The federal government has played a role and must continue to play a role in post-secondary education. If you read the report in its entirety, you will get the flavour of it. We are respectful of the Constitutional responsibilities of the provinces, but the future of our children and our grandchildren demands cooperation and demands that we all address this issue as a priority. The federal government must play its part, either in traditional ways or in new ways through its responsible areas of control or in combination with the provinces.

The Hon. the Speaker: If no other honourable senator wishes to speak now, we have agreement that the order will remain standing in the name of the Honourable Senator Forest. Is that agreed?

Hon. Senators: Agreed.

On behalf of Senator Forest, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE PRESENTED AND ADOPTED

Leaving having been given to revert to Reports from Standing and Special Committees:

Hon. Bill Rompkey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 19, 1998

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TENTH REPORT

Whereas Senator Thompson has been found in contempt and suspended from the Senate;

And whereas, pursuant to Rule 137 and the *Sessional Allowance (Suspension) Regulations*, his sessional allowance has been suspended for the remainder of the session;

And whereas, subsection 63(3) of the *Parliament of Canada Act* provides that the allowance for expenses is “incidental to the discharge of the duties of the member”;

Be it resolved that:

Senator Thompson not be entitled to receive his expense allowance otherwise payable during the period of his suspension.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

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

Senator Rompkey: With leave, now.

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

Hon. Senators: Agreed.

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

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

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, would the honourable senator give us an explanation, please?

Senator Rompkey: Honourable senators, the report simply removes the tax-free allowance for Senator Thompson. The authority for that is clear in section 63(3) of the Parliament of Canada Act. The simple explanation is that Senator Thompson only receives an expense allowance incidental to his duties as a

senator. He has been suspended from the Senate. He has no duties as a senator. Therefore, he has no need of an expense allowance and, therefore, it has been removed.

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question for Senator Rompkey. I take it you have legal opinions to that effect?

Senator Rompkey: Yes, we do have legal opinions to that effect.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ELEVENTH REPORT OF COMMITTEE PRESENTED AND ADOPTED

Hon. Bill Rompkey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 19, 1998

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

ELEVENTH REPORT

Your committee recommends that the Seventh Report of your Committee, adopted by the Senate on December 16, 1997, be amended by deleting clause 2 of the report and substituting the following:

“2. Senator Thompson’s allowances for travel and telecommunications expenses be suspended; and”.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

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

Senator Rompkey: With leave, now.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

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

Senator Rompkey: Honourable senators, this report is designed to remove from Senator Thompson those support services which he had retained under a previous report of the Internal Economy Committee.

If you recall, we took away all support services from Senator Thompson except the ability to travel from his residence in Ontario to Ottawa. That has now been taken away from him through this order. It is an amendment of a previous report of the Internal Economy Committee that took away Senator Thompson's support services. This removes all support services from Senator Thompson.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a question for my honourable friend. When we agreed to the suspension, we were told it would be done for this session. Does the removal of these allowances, and so forth, apply only for this session or on a more permanent basis?

Senator Rompkey: The order that we made previously has not changed. The order still stands. This report amends that order. It does not speak to the period at all. My understanding is that this applies until the end of the session, the period of his suspension.

Senator Lynch-Staunton: The period of his suspension is set out in the tenth report. That is quite clear. The eleventh report does not speak of a period of suspension in its amendment to the

seventh report because at that time we did not know. He was a full-fledged sitting member with all the privileges. We took the perks away. I hope there are no conflicts between this report and what we did earlier. It is a question of clarification to make sure we are on the right road.

Senator Rompkey: That point is well taken. Certainly the intent of the report is to conform with the other orders with regard to Senator Thompson.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I have been advised in writing that Honourable Senator Hébert is the Acting Deputy Leader of the Senate.

The Senate adjourned to Tuesday, February 24, 1998, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, February 19, 1998**

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications					
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20		
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16		
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11		
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18							
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce					
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97

C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	92/12/09								
C-10	An Act 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	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	97/12/10	97/12/10	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	97/12/08	97/12/08	97/12/08	97/12/08	36/97
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	97/11/18	97/11/18	97/11/27	97/11/27	32/97
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	97/12/17	97/12/17	97/12/18	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09								
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs						
C-22	An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	97/11/27	97/11/27	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04		—	97/12/08	97/12/08	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	97/12/03	97/12/03	97/12/03	97/12/03	34/97

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-220	An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology					
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03							
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10							
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10							

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