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Tuesday, March 24, 1998

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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

CONTENTS

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THE SENATE

Tuesday, March 24, 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 a group of distinguished visitors in our gallery. They are a group of parliamentarians from the United Kingdom branch of the Commonwealth Parliamentary Association.

On behalf of the Senate of Canada, I wish you welcome to our Senate.

THE SENATE

WELCOME TO NEW PAGE

The Hon. the Speaker: Honourable senators, as you will recall, our chief page Greg Doiron left us recently, and today we have a replacement. I should like to introduce to you Hamish Kidston from Maple Ridge, British Columbia, who is presently working towards a Bachelor of Commerce degree in Human Resources Management at the University of Ottawa, where he will be finishing next summer.

Welcome to the Senate.

PAGE EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I also wish to welcome an exchange page from the House of Commons.

[*Translation*]

Eric Chassé is in the Faculty of Arts, at the University of Ottawa, and he is majoring in communications. Eric comes from Edmunston, New Brunswick.

SENATOR'S STATEMENT

THE FRANCOPHONIE GAMES

Hon. Jean-Maurice Simard: Honourable senators, I would like to begin by expressing my satisfaction with the federal

government's decision to re-establish funding for the Court Challenges Program. This program, as we know, provided Canadian linguistic communities with access to funding in cases involving their language rights on the federal or provincial level.

I am pleased with the success of the efforts that have been expended by the Fédération des communautés francophones et acadienne to get the government to reinstate this program, which is so vital to the communities.

I see this as a sign that, when an ongoing open dialogue is maintained on matters affecting the Canadian francophonie, a consensus can be reached, if not unanimity.

In the same vein, I would like to invite the governments of Canada and Quebec to exhibit the same spirit of dialogue in the dispute which pits them against each other on the matter of the Francophonie Games to be held in Ottawa-Hull in 2001.

Another flag dispute has started up in recent weeks, stirred up by the preparations for this international event to be held on Canadian soil, and this dispute does not in any way serve the interests of the francophones of Canada and of Quebec.

The purpose of these Games is to cultivate friendship between peoples and to celebrate brotherhood within the big international francophone family. Within the family of the Francophonie, there must be room for every member who is entitled to be there.

The francophones of Canada and of Quebec must not fall victim to power struggles between two levels of government. These power struggles, which affect our country, must not be allowed to overshadow the common front we must all maintain against the ill-meant reductionist intentions of the backward-looking political party which the political situation has pushed into the role of official opposition. That is where the true enemies of Canadian francophonie are found, nowhere else.

• (1410)

In conclusion, this is why I am calling upon the government authorities, in both Canada and Quebec, to show some flexibility in the collaboration they must engage in, if the success of this great francophone celebration is to be assured. Squabbles between federalists and sovereignists must not be allowed to detract from the generous feeling of fellowship that is the reason the international Francophonie exists.

[English]

ROUTINE PROCEEDINGS

THE ESTIMATES, 1997-98

REPORT OF NATIONAL FINANCE COMMITTEE ON
SUPPLEMENTARY ESTIMATES (B) PRESENTED AND
PRINTED AS APPENDIX

Hon. Anne C. Cools: Honourable senators, I have the honour to present the third report of the Standing Senate Committee on National Finance concerning the examination of the Supplementary Estimates (B), laid before Parliament for the fiscal year ending March 31, 1998.

I ask that the report be printed as an appendix to the *Journals of the Senate* of this day, and that it form part of the permanent record of this house.

(For text of report see Appendix to today's Journals of the Senate p. 534.)

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

On motion of Senator Cools, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

BUSINESS OF THE SENATE

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 tomorrow, Wednesday, March 25, 1998 at 1:30 p.m.

[English]

Hon. Lowell Murray: Honourable senators, before the Speaker calls for the vote, I rise to ask what will become the traditional question on this day: What understandings have been reached between the Deputy Leader of the Government and the Deputy Leader of the Opposition as to the business before us tomorrow? What is the reasonable expectation for the time of adjournment? Can a committee chairman safely convene a committee for 3:30 tomorrow afternoon, or must one seek leave from the Senate to sit while the Senate is sitting?

Senator Carstairs: Honourable senators, Senator Kinsella and I have had discussions. Every effort is being made on both sides

of this chamber to facilitate the session so that it will come to its natural conclusion at or about 3:15 p.m.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, to bring more certainty to this matter, I wish to advise this honourable house that if we are not adjourned at 3:15, I shall rise and move the adjournment motion.

Hon. Marcel Prud'homme: Honourable senators, I will give consent, but perhaps not for the rest of my days. When will the Standing Committee on Privileges, Standing Rules and Orders finally study the role of independent senators on certain committees? That study has been repeatedly postponed. They think that I will bark but not bite. I am now in the mood to become more active on this endeavour.

We talk about the reform of Canada, the reform of the Constitution and about a better Senate, yet we cannot even agree on a little rule to accommodate senators who do not want to escape their responsibilities but want to work, and who have some experience to offer.

Do not allow me to get upset. Tell me that something is happening. This is becoming a joke, to which I do not take kindly.

Senator Carstairs: Honourable senators, it is my understanding that the first item of business before the Standing Committee on Privileges, Standing Rules and Orders is attendance, upon which they have been directed by this chamber to report. The next item is the structure of committees and the membership of committees.

Senator Prud'homme: Thank you.

The Hon. the Speaker: It was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Johnstone that, with leave of the Senate and notwithstanding rule 58(1)(h), when the Senate adjourns today it do stand adjourned until tomorrow, Wednesday, March 25, 1998 at 1:30 p.m. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY,
PARIS AND STRASBOURG, FRANCE—REPORT OF
CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the report of the Canada-Europe Parliamentary Association, which represented Canada at the meeting of the Council of Europe Parliamentary Assembly held in Paris and Strasbourg, France, from June 19 to 25, 1997.

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY,
COMMITTEE ON ECONOMIC AFFAIRS AND DEVELOPMENT,
LONDON, ENGLAND—REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I also have the honour to table the report of the Canada-Europe Parliamentary Association, which represented Canada at the meeting of the Committee on Economic Affairs and Development of the Council of Europe Parliamentary Assembly on the operations of the European Bank for Reconstruction and Development from February 17 to 18, 1997, in London, England.

NATIONAL UNITY

POSITION OF BRITISH COLUMBIA ON QUEBEC'S STATUS—
NOTICE OF INQUIRY

Hon. Pat Carney: Honourable senators, I give notice that on Thursday, March 26, 1998, I will call the attention of the Senate to British Columbia's recognition of Quebec's uniqueness and the frustration of British Columbians with our province's role in Confederation as profiled in the report of the B.C. Unity Panel.

QUESTION PERIOD

HUMAN RIGHTS

POSSIBLE PROMOTION BY PRIME MINISTER OF INTERNATIONAL
HUMAN RIGHTS—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, yesterday the President of the United States, Mr. Bill Clinton, launched a six-nation, 12-day tour across Africa to promote human rights and criticize corruption and human rights abuses. The newspapers indicate that he will also urge African nations to undertake measures to enable them to prosper in the next millennium. The trip is also designed to enhance awareness in the Western World of the greatness of African nations.

Here in Canada, Prime Minister Chrétien has been peppered with criticism that he is soft on human rights issues. A notable example of this is the delinkage of human rights issues with economic matters at the APEC conference in Vancouver recently.

Would the Leader of the Government in the Senate indicate whether the Prime Minister is actively planning any excursions similar to that of President Clinton in order to promote international human rights during this, the fiftieth anniversary of the Universal Declaration of Human Rights?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, to my knowledge, the Prime Minister is not planning any specific journeys abroad for any specific purpose related to human rights. However, as my honourable friend would know, every time the Prime Minister goes abroad to countries where there are human rights difficulties or violations,

he consistently raises those issues with the leaders of those countries.

Senator Oliver: Honourable senators, the Governor General is being accompanied on his trip to India and Pakistan by Minister Herb Dhaliwal and Secretary of State for Asia, Raymond Chan. Considering the grave state of affairs in India and Pakistan, such as the genocide of Muslims in Kashmir and the subjugation of women in the Pakistani legal system, is Senator Graham aware whether his colleagues in the House of Commons will address these human rights issues while there?

• (1420)

Senator Graham: Honourable senators, I do not have any specific knowledge as to what my cabinet colleagues on this particular mission with the Governor General may say, but I would be happy to report back upon their return.

FEDERAL-PROVINCIAL RELATIONS

PROSPECT OF FUNDING FOR CLEAN-UP OF HALIFAX
HARBOUR—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate.

The premier elect of Nova Scotia, Dr. Hamm, has asked me to make an inquiry on his behalf so he can get to work tomorrow morning on, among other things, the clean-up of Halifax Harbour, which has been going on now for some eight or ten years.

Can the minister tell us whether the government has been approached by the Government of Nova Scotia, led by whoever may have been leading it in recent years, with respect to additional funding to complete the job that was undertaken some years ago?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as my honourable friend knows, this problem has been around for a long time and has been reviewed by governments of various stripes, both provincially and federally. Representations have been made to me and to others with respect to this outstanding problem. However, I am not aware of any specific action contemplated at the present time.

Senator Forrestall: Honourable senators, do I take it, then, that neither Dr. Savage nor Premier MacLellan has made any specific approach to the Leader of the Government in recent weeks or months to deal with it?

Senator Graham: Nor Dr. Hamm.

Senator Forrestall: I know representations have been made to him. As the minister responsible for carrying the voice of Nova Scotian concerns to the federal cabinet, would he support such an initiative? The amount of \$71 million is being bandied about to kick-start a particular part of this project. Could we have the minister's views on whether he would support that effort?

Senator Graham: Honourable senators, this is an important matter not only to the people who reside on either side of Halifax Harbour but the people who visit the beautiful cities of Halifax and Dartmouth, now known as Super-Halifax. It is a problem of which all Nova Scotians are cognizant.

I would be happy to review and update the situation to determine if any action can be taken under the circumstances.

HUMAN RIGHTS

ORGANIZATION OF AMERICAN STATES— TIMING FOR RATIFICATION OF INTER-AMERICAN CONVENTION ON HUMAN RIGHTS—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate.

Honourable senators will recall that the Progressive Conservative government of former prime minister Brian Mulroney saw Canada become party to the Organization of American States. There is the matter of the human rights instruments of the Organization of American States, in particular, the Inter-American Convention on Human Rights. A study was undertaken by Canadian officials some seven or eight years ago at the federal, provincial and territorial levels concerning the appropriateness of Canada ratifying the Inter-American Convention on Human Rights.

What is the status of our domestic negotiations with the provinces? When might we expect Canada to ratify the Inter-American Convention on Human Rights so that we can become full partners in the human rights protection and promotion efforts of the OAS?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be happy to bring the Senate up to date on that matter as well.

ORDERS OF THE DAY

MACKENZIE VALLEY RESOURCE MANAGEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jean B. Forest moved the second reading of Bill C-6, to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts.

She said: Honourable senators, I rise to speak to the motion for second reading of Bill C-6, the Mackenzie Valley Resource Management Act, that is before us today.

At the outset may I say that I have a particular and personal interest in this piece of legislation because for a number of years, in another life, I served as a member of the board of directors of Northern Transportation. That was prior to its status being changed from that of a Crown corporation to that of a private corporation owned and operated by two groups of aboriginal people from the Northwest Territories.

The Mackenzie River, which, as you may know, is the third largest watershed in North America after the Mississippi and the St. Lawrence, is also the largest northward flowing river on this continent. Since the early days of our history, it has served as the major supply route to the Western Arctic.

I have had the opportunity to experience its value at firsthand, travelling first across Great Slave Lake and then the length of the Mackenzie by tugboat, pushing two acres of barges carrying supplies destined for the northern communities which were serviced enroute, navigating several sets of rapids, and ending up 10 days later at Tuktoyuktuk. Through that trip and many other experiences in the North, I learned the value of the Mackenzie Valley region, not only economically, but also, and perhaps more important environmentally as the home of many of our aboriginal people and of the northern wildlife which still provides for many of their needs.

The Mackenzie Valley Resource Management Act is the result of more than five years of consultation and negotiation. It is a complex and technical bill, but its overriding objective is straightforward — to protect an important and fragile northern ecosystem while fulfilling land commitments to aboriginal people.

Honourable senators, Bill C-6 will establish an integrated resource co-management regime in the Mackenzie Valley region of the Northwest Territories. This is a constitutional obligation of the Government of Canada arising out of land claim agreements of the Gwich'in and Sahtu Dene and Métis people. As legislators, we must ensure that Canada lives up to its commitments to aboriginal people.

There is another important reason for supporting this legislation — the need to provide consistency, certainty and effectiveness in resource management and environmental assessment processes across the Mackenzie Valley. Bill C-6 will achieve this by putting in place a single, integrated regime that will operate efficiently, effectively and affordably. Applying the regime across the valley will ensure that the same rules, regulations and processes apply to both settlement and non-settlement lands, and to both the north and south of the valley.

• (1430)

It will ensure that the decision-making takes into account what is right for the entire Mackenzie Valley ecosystem and all of its communities and residents, and not just the interests of a particular region.

The legislation is essential to preserve and protect the environment, honourable senators, but it is also important for the economy. The resource industries need consistency and certainty in order to invest in development projects; projects that hold great promise for job creation, economic growth and an improved standard of living in the Mackenzie Valley.

Consistency will come in the form of two institutions of public government: the Mackenzie Valley Land and Water Board, and the Environmental Impact Review Board, both of which will have jurisdiction throughout the valley.

Bill C-6 will also create four regional institutions which will be responsible for land use planning and land and water issues in the two settlement areas. Additional regional boards will be established by Order in Council as land claim agreements are concluded with other aboriginal groups in the valley.

Honourable senators may be aware that some First Nations who have not yet signed land claims agreements oppose the application of Bill C-6 across the Mackenzie Valley. For the most part, this opposition is related to the timing of the bill rather than to the principle of a valley-wide approach to resource management and environmental assessment. Their preference, as I understand it, would be that Bill C-6 not apply to their regions until after agreements have been reached on their land claims.

I wish to assure honourable senators that Bill C-6 is not being imposed unduly upon any aboriginal group. The new regime will not prejudice the negotiation of future land claims or self-government agreements. It will not abrogate nor derogate in any way from the aboriginal or treaty rights protected by section 35 of the Constitution. Guarantees to this effect are included in the legislation. In fact, the new regime will give First Nations better representation and participation in decision-making processes than they have today.

Bill C-6 will guarantee First Nations people equal representation on the two valley-wide boards, including First Nations that have not yet signed land claims agreements. This will empower aboriginal peoples in the Mackenzie Valley to protect their traditional activities while supporting and benefiting from other forms of economic development. At the same time, Bill C-6 ensures that the voices of non-aboriginal residents of the Northwest Territories will be heard, both through representation on the valley-wide boards and through the public hearings and consultations provided for by Bill C-6.

Honourable senators, we expect this to be a working example of resource co-management and good public governments in the north. It is also an example of how the current government is fulfilling the objectives of the policy publication, "Gathering Strength, Canada's Aboriginal Action Plan." That paper is one of the government's responses to the Royal Commission on Aboriginal Peoples, which recommended a co-management regime in the Mackenzie Valley. This legislation is also consistent with the government's ongoing efforts to move decision-making and political accountability to the North.

As I noted at the outset, honourable senators, this legislation has been the subject of an extensive consultation process. Thirty-five drafts of the bill have been developed and distributed for comment and review. Dozens of meetings have been held with aboriginal leaders, the territorial government, the resource industries and the public. These consultations have resulted in a number of amendments that have strengthened the bill and widened the involvement of aboriginal peoples in the resource co-management regime.

Such a process would not have been possible without the cooperation and commitment of many people. I should like to mention some of the key players who have worked together to make Bill C-6 a reality. They include the leaders of the Gwich'in and Sahtu Dene and the Métis people, who signed their land claims agreements in 1992 and 1994 respectively. These individuals have worked closely with the Minister of Indian Affairs and Northern Development and federal officials to fulfil both the spirit and the letter of these agreements.

The Government of the Northwest Territories has also played a central role in creating a strong but flexible resource co-management regime in the Mackenzie Valley. The territorial government's objective has been to achieve an approach that reflects today's needs and circumstances, including the need for aboriginal people to participate fully and effectively in decision-making.

Resource industry companies and associations have also contributed to Bill C-6. They believe that the new regime is fair, responsible and manageable. and after many years of discussion and debate, they want us to move forward quickly in implementing it. The Minister of Indian Affairs and Northern Development also deserves special mention for successfully accommodating the interests of many diverse stakeholders without sacrificing the effectiveness or responsiveness of the new regime.

Finally, I want to commend the Standing Committee on Aboriginal Affairs and Northern Development. After holding public hearings on Bill C-6 last December, the committee moved several amendments that have made this a stronger bill.

Honourable senators, these various groups have come together to craft a piece of legislation which we believe to be balanced, workable and effective. The time and effort taken to do this has put us two years beyond the time by which it was expected to pass through Parliament. We believe, however, that the time and effort was well spent because Bill C-6 is now widely recognized as being a fair and workable solution to the complex challenge of preserving the environment, fostering economic development and respecting the rights and traditions of aboriginal people.

With that in mind, I ask honourable senators to support this legislation so that we can refer it to committee for consideration, and thus move it expeditiously through the third and final reading.

On motion of Senator Kinsella, for Senator St. Germain, debate adjourned.

CANADA MARINE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator De Bané, P.C., seconded by the Honourable Senator Lucier, for the second reading of Bill C-9, 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.

Hon. J. Michael Forrestall: Honourable senators, I rise today to speak to Bill C-9 in this second reading debate. Before I do so, I wish to be permitted to extend to leaders on the government side and on our side my sincere appreciation for their having accommodated me with respect to this bill, and staying it until today, the first opportunity I have had to address it.

Honourable senators, many of you may know that a subcommittee of the Standing Senate Committee on Transport and Communications, which comprises five members, including the chairman of the full standing committee, have been away for approximately two or three weeks on a fact-finding mission, looking at transportation as it exists today, where it seems to be going in the next few years and, as well, where it should be in the year 2020 or 2025. No doubt you will be hearing more about that report as we move closer to bringing it before the chamber.

• (1440)

Today we have Bill C-9 before us, the proposed Canada Marine Act. This is essentially the same bill, with some changes, as Bill C-44, which died on the Order Paper of the Senate at the call of the last federal election.

While Bill C-44 spent some time before the House of Commons Standing Committee on Transport, the government was severely criticized by this side for trying to rush it through the Senate last April with minimal hearings, scrutiny or consultation.

One of the main criticisms of Bill C-44 and of Bill C-9 is the way it deals with the group of ports which could be called and are becoming known as “significant regional ports,” ports which will be divested over the next six years.

This bill will have a tremendous impact on the communities involved, not to mention adjoining communities. The regional communities affected by such ports and their business activity have not been consulted with respect to future change.

Senator Cochrane raised the issue of lack of consultation in the spring of last year. Bill Casey, the Member of Parliament for Cumberland—Colchester raised the issue as well in the other place. We still have had no consultation.

The government refused to allow the transport committee in the other place to call witnesses other than government officials. That seems rather strange. Honourable senators, I hope the situation will be somewhat different in the Senate. This matter is too important to be dealt with quickly. Evidence should be heard not only from the structured support staff in the Department of Transport.

The Standing Senate Committee on Transport and Communications — to which I hope this bill can be referred quickly — will, I trust, spend the time that is necessary to hear those who are most seriously affected by Bill C-9.

The proposed Canada Marine Act is a complicated bill dealing with many varied aspects of maritime life in Canada. It comes before us at a time when many of the major ports in Canada are under siege. Questions are being raised, almost on a daily basis, regarding our ports, our port management and port policing authorities.

For example, is there anyone here who has not had a call about port police and their struggle against organized crime? Organized crime grows more sophisticated every day. While the clauses of this bill confer upon whatever new policing authority takes over, powers which are needed to deal with substandard shipping, I question the wisdom of disbanding port police forces at this time.

For those who may be interested, we now have a common, core structure for policing in our significant ports in Canada in that it is a national organization. The disbandment of this system relegates policing activity to municipal police forces, or where applicable, the RCMP or other provincial police forces. This means that every port will be subject to a different set of laws with respect to the never-ending battle against organized crime. What criminals cannot do in one port they may find a way of doing more easily in another port. Whereas, under the present system, they must put up with common laws, determinations and training. This training has been carried out in conjunction with our national police forces and with the local, municipal or provincial police establishment, whatever the case may be.

The committee wishes to review this whole question. We wish to call witnesses. We wish to hear from those who have served in the port policing structure nationally and at the port level over the last several years.

Another main thrust of the bill is to classify our ports. The government is dividing all ports into three classes: major commercial ports that are financially viable; the regional ports, of which I spoke earlier, which are being divested over the next five or six years; and remote ports, for which no change is contemplated and which will continue to be supported by the federal government.

Honourable senators, the long title of Bill C-9 includes the words: "An Act for making the system of Canadian ports competitive, efficient and commercially oriented..." While this may be an admirable goal for the Ports of Vancouver, Halifax or Montreal, it does not give the other ports the necessary wherewithal, including statutory authority, to act in contemplation of becoming profitable or efficient, and all the other things which this act finds desirable and with which I am sure all of us would agree.

While the government claims it is establishing a system to divest itself of certain ports, it does so in a way that keeps the government deeply involved and limits the future financial viability of the major ports themselves.

Clause 28(1) of Bill C-9 states:

A port authority...for the purposes of this Act, has the powers of a natural person.

However, the powers of the ports themselves have been limited. The directors of the board of the ports are predominantly appointed, if not entirely, by Governor in Council. No consultation is required and even though criteria are set out for the selection of directors, it is up to the Governor in Council to determine whether or not these criteria have been met.

Again, by virtue of clause 39:

A port authority shall annually submit to the Minister...a five-year business plan containing such information as the Minister may require...

Clause 37(5) provides that financial statements are to include:

...information about any contingent liabilities of the port authority or of its wholly-owned subsidiaries.

A special examination of the port authorities records can be carried out at any time that the minister may request, according to clause 41(2).

While the port authority may fix user fees, there is an appeal procedure if a user objects and the federal Crown itself is not precluded from submitting an objection.

These are the restrictions on the ability of the port authority to operate as a natural person. Indeed, these are restrictions that cannot be placed upon a natural person. Again, we want to look closely at these areas.

Honourable senators, these restrictions might be viewed as more palatable. The port authority had access to the Consolidated Revenue Fund of Canada for borrowing purposes or, alternatively, for government guaranteed loans. However, both these avenues for financing are expressly prohibited by the bill. Therefore, we argue that these clauses are restrictive.

The only way the port authority can offer security for borrowed money is to pledge the revenues of the property

occupied by the port under clause 31(3). It is expressly prohibited by this clause from mortgaging, pledging or creating a security interest on the federal property it occupies and manages. One must wonder how far apart the committees which wrote that sentence sat to come up with that wording.

• (1450)

These restrictions, honourable senators, will severely hurt ports which desire to expand or improve their facilities. The federal government, through this bill, has prohibited access to funds and has prohibited itself from being an equity partner or investor in port expansion. This measure will particularly hurt the Port of Halifax, which now has plans to expand its facilities on a large scale.

An expansion is necessary if the Port of Halifax is to play its role — and that is a major role — in the shipment of goods from the heartland of Europe to the mid-North American consumption areas, or land-bridged through to Asia, and returning by that route. Much must be done to make that possible.

The Standing Senate Committee on Transport and Communication must spend some time attempting to determine the effect of this bill on the regional ports that are so directly affected by the proposed legislation. Again, this group was not consulted before the bill was drafted, nor have those ports been consulted in the interim period of the bill dying on the Order Paper in April of 1997, and now.

While the purpose of bill is that these ports would be transferred or sold into private ownership, the minister still retains the right to appoint whomever he pleases to the position of harbour-master or wharfinger under clause 69. One would have thought, as the millennium approaches, that harbour-masters and wharfingers might have found some other method of keeping active.

We all know the story of the wharfinger in Lunenburg and Lloyd Crouse. I wish I had the time to relate it because it is a tale of power, and the inability of people with power to know how to use that power. Senator Moore has heard the story. He said, "Lloyd, my boy, you may have the authority to name that wharfinger and replace me, but you are too damn stupid to know how to do it." That must change. That was the last century, the last millennium. These are things that we should be studying.

In addition, there is no consultation mechanism in the bill in order that there might be public discussion of things such as port fees, top wharfage charges and harbour charges generally.

I believe, honourable senators — and I feel that many of you also believe — that the impact of these changes on medium-sized, regional ports must be examined in some detail. Changes to the local port or the wharf will affect virtually everyone in the adjacent municipalities. At the very least, we need to look carefully at the economic impact of these proposed changes.

This bill also deals with the proposed commercialization of the St. Lawrence Seaway. It authorizes the minister to enter into agreements with not-for-profit corporations to run the seaway, basically. The minister also has broad regulation-making powers which include the right to transfer property. We will have a not-for-profit organization, yet the minister will retain the right to usurp that function and take it under his own advisement.

That brings us, of course, to the argument of a level playing field. If access to the Consolidated Revenue Fund is available to those operating the seaway, why, for example, can the Port of Halifax not at least obtain a guarantee to back the loans it needs for expansion and growth? It is not just the Port of Halifax, it is all the other ports in that category in Canada — 15 or 16 of them.

I am also concerned that we should ensure that Canada is not acting in breach of any of its international obligations in relation to these proposals for the seaway. I am especially concerned that we should determine whether the statement made in clause 100 is accurate. Clause 100 states:

The appropriate authority in the United States in respect of the Seaway has the powers necessary to enable it to act, in Canada, jointly or in conjunction with the Minister or with any person who has entered into an agreement under subsection 80(5).

I think we should have this confirmation directly from officials of the United States in order to be absolutely certain that the intent of that wording is understood and acceptable to our partners in the seaway business.

The bill also deals with pilotage. The Subcommittee on Transportation Safety has heard from every pilotage authority in Canada, and from some of Canada's major marine services. I believe I can say without fear of contradiction that most are pleased with the pilotage services offered in Canada. While I realize that the government does not want this to be a money-losing proposition, I think we should be very careful with any changes that are being proposed to the system.

Finally, honourable senators, I return to the issue of port police. This bill seeks to disband them and, at the same time, proposes no alternative. It casts them adrift at the mercy of varying law agencies in this country. We should tread carefully with any changes in this area at the present time.

Honourable senators, I look forward to a full discussion of this matter in committee. We owe it to the port community to make sure that that which was not done a year or so ago is, in fact, done now so that we do not have to come back in the year 2001 or 2002 with major amendments because of oversight resulting from a lack of consultation at this point in time.

With those few remarks, let me say that we on this side wish to see this bill referred to the appropriate committee, namely, the Standing Senate Committee on Transport and Communications.

Hon. John G. Bryden: Honourable senators, Senator De Bané's clear and concise description of the substance and principles of Bill C-9 was complete, and needs no amplification from me.

I also wish to say, before I get into my text, that I share a number of the concerns that Senator Forrestall has raised, and also look forward to hearing evidence in our committee.

In general, I welcome the government's initiative to improve our marine transportation system. The main thrust of the bill, as I read it, is the creation of independently managed Canada Port Authorities, or CPAs, to manage our country's largest and busiest ports.

A great deal of consultation and thought went into the provisions of the bill concerning the CPAs. From what I have read so far — and I look forward to learning more in committee — this change will be a step in the right direction for these ports. However, there is concern about the proposed treatment of the small or so-called local and regional ports under the bill and the National Marine Policy that the bill would implement. From what I have been able to determine, this part of the bill and policy has received far less focus and attention than the other elements of the marine initiative. Little, if any, analysis has been directed to the impact this bill and its policy will have on the socio-economic development of communities and regions dependent on these local and regional commercial ports. Very little of the extensive testimony heard in committee in the other place on this bill related to local and regional ports. I hope we in this chamber, and especially in committee, can be more thorough in this regard and examine these issues closely with all due care.

• (1500)

Having lived in Atlantic Canada almost all of my life, I am very conscious of the central role played by the local ports in communities throughout the region. They are much more than a body of water and one or more wharves. In many cases, they are the economic lifeblood of a community or an entire region. Our region is called the Maritimes and Atlantic Canada for good reason: We have always had close ties to the sea, and those ties continue today.

Bill C-9 and the national marine policy it would implement would usher in a new regime whereby all but a few of the very largest and busiest ports across the country would be transferred from the federal government to local interests or would face closure. Many people are concerned that, even with the port assistance fund to aid in the transfer, many of our ports will not be able to achieve continuing financial self-sufficiency and, ultimately, will close. This is a radical change for my region of the country, honourable senators. I believe that this will fundamentally change the face of many communities in Atlantic Canada.

I recognize that change is not always bad. The fact that throughout our history many of our communities have shipped and received goods by sea does not mean that we should do so forevermore. If it is time to change, and that change will enhance the economic vitality of the areas and the communities, then this may, indeed, be the best policy, and Bill C-9 may be the best way to implement that policy.

I am eager to hear the witnesses on the bill and to be convinced that this is indeed the right thing to do for Atlantic Canadian communities now. At the moment, honourable senators, there are a number of questions that need to be answered. I will highlight a few of my concerns.

Less than two years ago, we passed the Canada Transportation Act. Section 5 of that act is a declaration of Canada's national transportation policy; the fundamental principles that we have declared to be the defining characteristics of our transportation policy, whether air, rail or marine. Paragraph (d) of that declaration states:

transportation is recognized as a key to regional economic development and that commercial viability of transportation links is balanced with regional economic development objectives so that the potential economic strengths of each region maybe realized.

This was not a new provision. It was present in the declaration of the national transportation policy found in the old National Transportation Act. In other words, honourable senators, this is a long-standing, fundamental tenet of Canadian transportation policy and is still a valid expression of our national transportation policy. Nothing in Bill C-9 would repeal or amend that section. Part of our job, then, is to ensure that the national marine policy, and especially Bill C-9, are true to that national transportation policy.

Right now, it is far from clear to me that Bill C-9 and especially the policy which Bill C-9 would implement balance "commercial viability of transportation links...with regional economic development objectives so that the potential economic strengths of each region may be realized." I am concerned that the bill and the policy are too heavily weighted in favour of commercial viability, in fact ignoring regional economic development objectives, and that the result may be that the potential economic strengths of certain regions — the Atlantic region in particular — will be frustrated rather than realized.

As far as I have been able to learn, the policy of divestiture of local regional ports referred to in clause 4(g) of Bill C-9 was adopted without any studies having been prepared on the social and economic impact of that policy on the communities where these ports are located. Quite simply, we do not know what will happen. We do not know how many ports will be forced to close as a result of this policy, and we do not know what will happen to the businesses that presently receive or ship goods from those ports. We do not know what other spin-off businesses will suffer if the businesses are forced to locate closer to open ports or other

means of affordable transportation. We do not know how many jobs will be lost. We do not even know when particular ports are scheduled for divestiture so that businesses and communities can prepare. Quite simply, I am not sure that we know what we are setting in motion with this policy for regional and local commercial ports.

Honourable senators, I hope I am wrong. I hope that when the officials who prepared this bill and are responsible for the policy appear before the Senate committee they will be able to show us extensive studies that put my concerns to rest. However, as far as I can determine, no such studies have been produced to date.

There are other concerns as well. The bill seems to set up a two-tiered transportation policy: one for most of the ports that sets a tough standard requiring that each port be financially self-sufficient and either make it on its own, with no government help, or face closure; and another very different policy for the St. Lawrence Seaway that promotes but does not require management in a commercial manner and allows for government financial support.

Honourable senators, the bill contains two very different sets of stated objectives: one called the National Marine Policy, set out in clause 4 of the bill; and the other for the seaway, which is set out in clause 78. I was surprised to see several objectives of the seaway that do not appear for the rest of the marine infrastructure in the country. Clause 78 states an objective of the bill to be to "protect the rights and interests of communities adjacent to the Seaway." That is an excellent objective but one that surely should apply equally to communities adjacent to ports throughout the country. On what basis do we single out communities in one part of the country from the many others that are concerned about this new ports policy? What special protection would they receive under the bill and why?

Clause 78 states another objective of the bill to be to:

(d) protect the long-term operation and viability of the Seaway as an integral part of Canada's national transportation infrastructure.

Once again, honourable senators, why is the seaway any more "an integral part of Canada's national transportation infrastructure" than the many ports in Atlantic Canada or British Columbia? Is it right and proper to single out one element of our national transportation infrastructure in one part of the country as deserving of greater protection than the rest? Can we say with certainty that the seaway is so crucial to our country as a whole that it deserves and requires such singular treatment?

• (1510)

In fact, a recent article in the *Wall Street Journal*, which was reprinted in *The Globe and Mail*, said that the St. Lawrence Seaway, "long hailed as an engineering marvel, has turned into a surprising disappointment." The article noted that:

In the past two decades, traffic has plunged by 45 per cent. The seaway is now transporting about half as much grain as it did in the early 1980s, mainly because demand for North American grain has shifted toward Asia, favouring the west coast ports.

Further, the ships being built and used today simply do not fit in the seaway. They are too big. The article goes on to say:

Seaway officials estimated that it would take \$4 billion to \$5 billion U.S. to expand the system to accommodate the new generation of cargo boats now plying the oceans. But pessimists note that neither the United States nor Canada is eager to come up with the cash to expand the waterway's locks and canals.

If our concern is to ensure that our national marine system is cost effective, competitive and financially self-sufficient, should we be so quick to single out the seaway for special treatment?

The bill would afford the seaway a number of critical privileges expressly denied elsewhere throughout the country. For example, section 25 would explicitly prohibit any parliamentary appropriation for a payment to a Canada Port Authority — the new structure for the major ports — to enable it to discharge an obligation or a liability. By contrast, sections 80 and 81 would allow the Minister of Transport to agree to make financial contributions or grants, or give other financial assistance in respect of all or part of the seaway, and provide that such amounts are payable out of the Consolidated Revenue Fund.

Honourable senators, perhaps the bill's approach to the seaway has it right. Perhaps our national marine infrastructure, a critical part of the fabric of our nation, should receive extra help and support, including financial support from the federal government. In that case, however, I believe we must be fair and even-handed. Those of us from Atlantic Canada know very well that our ports are a critical part of the fabric of our region, and therefore of the country. Certainly, they are important to our region, no less than the seaway is to Central Canada. Indeed, if it is acceptable to have a two-tier policy, does it not make sense to apply the same supportive community and regional development policies that will assure the viability of the communities on the seaway to the local and regional ports in Atlantic Canada, in order to enhance and encourage the economic viability of local and regional communities there?

The Hon. the Acting Speaker: Honourable senators, I regret to interrupt, but the honourable senator's time has expired.

Is leave granted to allow the Honourable Senator Bryden to continue?

Hon. Senators: Agreed.

Senator Bryden: Honourable senators, to put it as succinctly as I can, in addition to the category of large commercial ports such as Montreal, Vancouver and Halifax — there are 15 of them in all — which will make up the category of Canada Ports

Authority, and which can compete profitably on a global basis, and a large category of very small wharves and harbours that can and should be divested with little or no impact on their communities — many of them have been transferred to the DFO already — there should be a category of local and regional commercial ports that may never be self-sufficient in the sense of being profitable, but which contribute sufficiently and so significantly to the economy of their communities or regions that they would have the same safeguards and financial supports as the St. Lawrence Seaway, and for exactly the same objective: "to protect the rights and interests of communities adjacent."

I have a number of technical questions about the bill as well. I have been informed that the policy of divestiture has already begun to be implemented, and that Bill C-9 is not necessary to implement that policy.

Senator Forrestall: They always say that.

Senator Bryden: I know. I want to hear more about that aspect so that I can understand the context under which this policy is now proceeding.

As I read the existing statutes, the authorization to de-proclaim ports and public harbours is quite limited in scope. I believe the relevant section is section 8(2) of the Public Harbours and Ports Act, which authorizes the Governor in Council to "terminate the application of this Act to any public harbour or public port facility if the Governor in Council is of the opinion that the termination will enable the improvement of the administration of the port or facility."

Honourable senators, how does this authorize a divestiture of a port to someone who will tear it down or use it for something else? How does this authorize the closure of a port when it specifically authorizes only a termination for the purpose of improving the administration of the port or facility?

I want to ask also about the \$125-million Port Assistance Fund, and whether it will be truly adequate to help our ports gain the independence to survive on their own. I look forward to receiving the facts and figures that I am sure the Department of Transport officials had in arriving at this figure, in order to be confident that it will do an adequate job.

Prior to now, the government has spent about \$40 million annually on local and regional ports, and still it has not been enough to keep them in good repair. This figure of \$125 million over six years is equivalent to less than half of that amount, and only for a period of six years. How can this possibly be enough to allow the ports to stand on their own feet and face the future on their own?

I have a number of questions about the safety and environmental protection at our ports and harbours after divestiture. If we no longer have federal officials at our ports and harbours, how will we be able to enforce our laws and ensure our ports are safe and environmentally protected?

In 1990, the Brander-Smith report alerted us to the risks of environmental catastrophe at our ports, and singled out Atlantic Canada as facing the highest risk of oil spills. They went on to say:

The overwhelming majority of tanker accidents are caused by human error. Despite this, competitive pressures have reduced manning of vessels to dangerously low levels and made quick port turnarounds a growing priority.

Honourable senators, with this new marine policy, the competitive pressures will only increase. However, now we will not only have dangerously low levels of manning on the vessels, but we will also have dangerously low levels of manning in the ports. What constraint will there be on shipping companies? If there is a problem, who will be on the scene to prevent ships from simply slipping out of the harbour and leaving our jurisdiction?

Honourable senators, I have many other questions and concerns about this bill, including the issue of policing and drug smuggling, but I will leave them for the committee hearings. My objective, like all of us, is to ensure that we have the very best possible marine policy.

I grew up on a farm next to the sea, and that is where I live today. The sea is a vital part of every Maritimer, and the ports are the core of many of our communities. This is not a question of sentiment or nostalgia. Our ports are still a critical part of our economic infrastructure.

Our part of the country has suffered a great deal in recent years, not only because of the collapse of the fishery, but also through the disproportionate impact of government restructuring. We have worked hard to establish and build our agricultural, forestry, manufacturing and other exporting businesses, many of which rely upon our ports.

• (1520)

With this policy or lack of a policy for local commercial ports, are we confident that we know what we are doing; that these businesses and the communities that built them and rely upon them can continue to survive and thrive? To date, I have seen no positive answers to this question.

In the absence of those answers, I have a suggestion: Consideration should be given to providing in Bill C-9 the same or comparable objectives and support to local and regional commercial ports in the Atlantic and other regions of Canada as are provided for the seaway facilities of Central Canada; specifically, that the policy relating to such ports, A, protect the rights and interests of the communities adjacent, clause 78 of the bill, and B, allow the Minister of Transport to make financial contributions and grants or give other financial assistance, and provide that such amounts are payable out of the Consolidated Revenue Fund, pursuant to clauses 80 and 81. Such an approach is not only consistent with but perhaps made necessary by the

Canada Transportation Act, which sets out our national transportation policy.

I should like to close by quoting section 5(d) again:

Transportation is recognized as a key to regional economic development and that commercial viability of transportation links is balanced with regional economic development objectives so that the potential economic strengths of each region may be realized.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Would the honourable senator respond to a couple of questions?

Senator Bryden: Yes.

Senator Kinsella: Could Senator Bryden make some application of some of the principles in his excellent and very important address just delivered?

For example, let us take the Port of Saint John, New Brunswick, and the Port of Digby, Nova Scotia. The first, as I understand the bill, is one of the 18, and the latter would be a local authority. Given that one of the major activities between those two ports speaks directly to the transportation, not only of goods but passengers, would the honourable senator apply some of the issues he raised to those two ports and explicate a little further some of the problems which might apply or that he has in the back of his mind?

Senator Bryden: I will try. They are both treated the same in one sense under the bill, in that you either make it commercially or you are privatized or closed. The Port of Saint John is very healthy. It made a nice profit last year. It even beat Halifax. That port is expected to stand on its own. The other one is not. It lives by the same rules, though; that is it has no access to any extra funds or any support whatever.

The honourable senator has referred to the ferry service that runs back and forth. I do not know the answer to that situation. I know there has been some speculation, and certainly it is something we should determine, that because of the situation in Digby the ferries there will likely end up being privatized. I do not believe they are at the present time.

Senator Forrestall: They are private.

Senator Bryden: They are?

I do not know how you would support the Port of Digby. Presumably it must be supported by something. What I am getting at here, in virtually everything I have said, relates to the smaller ports. Not nearly as much care has been taken in determining the impact of the policies on smaller ports as has been taken in the long analysis, through hearings that took place, in relation to the larger ports and, indeed, in relation to some seaway situations. That may be what is causing the major problem. There just is not enough information.

Senator Kinsella: Honourable senators, Senator Bryden has raised very important concerns. I particularly wish to refer to Senator Bryden's analysis of the bill. We wish to discover what kind of economic analysis was done on those smaller ports, for example, to particularize, the Port of Bayside, or the Port of St. Andrews in the province of New Brunswick, or the Port of Yarmouth, Nova Scotia, or the many ports around the Island of Newfoundland.

Did I understand the honourable senator correctly, that the portion of the bill that deals with the St. Lawrence Seaway appears to have been well crafted with regard to economic considerations, whereas little attention has been paid to the impact on the smaller ports, such as those I have mentioned? Would the honourable senator speak a little further to the practical impact of the policy that underlies this bill, the adverse impact that it could have on ports like Bayside or Yarmouth or these smaller ports?

Senator Bryden: I will be brief because I know I am way over my time. I am not aware of the situation in the ports the honourable senator specifically referred to, but I can give some other examples that are comparable. For example, let me take the two ports on the Miramichi, Newcastle and Chatham. Repap in Newcastle receives the clay for their clay-coated paper by boat right now. Much of the oil and gasoline for that whole area comes into Chatham to Ultramar and other sources.

At the moment, it appears as though both those ports will close, and those materials will have to find their way, if indeed they continue to come there, by other means. If they come by road, then of course they will come by 18-wheel tanker, and we all know what tankers do to highways, particularly at this time of year. It has significant implications.

The major factor here is the implications for the surrounding communities. A port that is not self-sufficient, or that is simply the place where the lumber or produce gets shipped out will not stand on its own as a profitable entity. However, it is the end point of a huge amount of economic activity that goes on all around the region. What will happen?

The worst example is Prince Edward Island. Prince Edward Island will have no port. Immediately Transport Canada people will say that is not true, that they will still have ports but they will not be managed by Transport Canada. As I understand it, the Ports of Charlottetown, Summerside, Souris and Georgetown may be four ports too many. For goodness sake, surely one or two make some degree of sense.

The Transport Canada people will say that they will provide money from that \$125-million transfer fund. The concern of many of us — and Senator Callbeck can speak for herself — is that that may be an end play. The nearest analysis I can give is that for Maritimers it is like buying back the fishing licence. You pay one shot and you are done. You pay your \$2 million towards Summerside and once that has gone, the federal government has discharged its responsibility for that port. The concern is whether they will be viable afterwards.

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

POST-SECONDARY EDUCATION

CONSIDERATION OF FINAL REPORT OF SPECIAL COMMITTEE—
DEBATE CONCLUDED

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. Jean B. Forest: Honourable senators, I am pleased today to have the opportunity to address the subject of post-secondary education in Canada and, more particularly, the report tabled during the last session of the Senate. As you will recall, this study into the serious state of post-secondary education in Canada was initiated by Senator Lorne Bonnell in June 1996, just one month after my appointment to the Senate.

• (1530)

Senator Bonnell invited me to sit on the subcommittee which was to delve into the situation and, given my long-term interest and involvement in post-secondary education, I was delighted to accept.

At the time the committee was established, those involved in post-secondary education were extremely concerned about the decreased level of funding causing what they perceived to be the declining quality of education within the post-secondary sector. On the other hand, there did not appear to be widespread concern on the part of the general public. Over the ensuing months, however, that concern has risen to a level which even Senator Bonnell might not have anticipated. I commend him for his foresight in recognizing this emerging issue and for the initiatives he took to set up the committee and arrange for the cross-country hearings which provided for the widespread level of input required to capture the attention of the Canadian public and, I venture to say, that of the government.

Since Senator Bonnell and several committee members have already given excellent presentations on various aspects of the report of the committee, I will simply highlight my personal impressions of the working of the committee, the more significant information and insights garnered through the public hearings, and the personal contacts made and responses to the recommendations which resulted from our findings.

As a newly appointed member of the Senate, this was my first experience in serving on a committee engaged in public hearings outside of Ottawa, and I wish to report that it was a very positive one. I was impressed with the travelling arrangements made for us, and the preparatory research done by the clerk and other staff members to facilitate our work. I was impressed by the background and commitment demonstrated by my Senate

colleagues, and by the positive working relationships which developed during our time spent together as committee members. I was particularly impressed with the quality of the presentations made by the members of the many diverse groups who participated in the public hearings.

For me, one of the most interesting aspects of those public hearings was the way in which practically all of the stakeholders in the post-secondary sector, along with the institutions which service the student loans, seemed to be singing from the same song sheet with respect to the problems they were experiencing, and recommendations for the changes which were perceived to be required in order to improve the state of post-secondary education in Canada. In all of the years in which I have been involved in the field, I have not encountered that before, namely, substantial agreement between students, faculty members, staff, administrators, lending institutions and the Department of Human Resources, not only upon what ailed post-secondary education but also upon a prescription to ensure its recovery.

The second thing that interested me — indeed, intrigued me — was a call from stakeholders in every province, except Quebec, for a stronger national presence in post-secondary education. This occurred despite the fact that, at the outset of every meeting, the chairman stressed the fact that committee members were keenly conscious of the fact that education fell within provincial jurisdiction, and that we did not want to usurp that authority.

Concerned, however, about the lack of national goals and standards, and about difficulties with respect to student mobility and accessibility, repeated calls came for different ways and means of strengthening the national presence in post-secondary education. Even the stakeholders from Quebec, who were generally opposed to any kind of federal intervention, agreed that there might be room for a national role in areas of facilitation and coordination — provided, of course, that the provincial ministers were in agreement.

Many witnesses noted that few countries were without such national principles and goals in education and that, in the context of today's global knowledge-based society, Canada would not be able to remain competitive without such principles and goals to form the foundation and chart the future for a post-secondary system which could become our flagship in the new millennium.

In a number of instances, the list of five principles upon which the health care system is based was cited as an example of the kind of national signal needed in Canada if our post-secondary education system is to focus upon the level of excellence required to carry us into the next century.

While I found the country-wide consensus on this issue interesting, I found equally interesting the wide range of diversity within the system, among the universities, colleges, and technical schools scattered across the country — each with its own unique mission and mandate, and each responding to the particular needs of the community within which it is situated —

working together to provide a post-secondary system of education that may well be second to none.

We learned that, in Canada, we have the world's highest per capita rate of participation in post-secondary education. We were encouraged to learn of advances being made in the area of post-secondary educational opportunities for francophone, aboriginal and disabled students. We were pleased, also, to learn of progress in the field of international education and instructional technology.

It was also gratifying to learn of new initiatives being undertaken, through partnerships forged between educational institutions and private industry, to provide more opportunities for learning in the workplace, along with provisions for prior learning assessment and recognition of such training to further the career of those involved in programs offered in the workplace.

All that having been said, while the structure for such a system has been put in place and well developed, the level of funding needed to support it has not kept pace with the growing demand for these diverse educational services. Indeed, funding had decreased and has given cause for widespread concern and, in some cases, alarm over the decline in the quality of education being offered to the students.

We were also told at every hearing of the serious financial plight experienced by a growing number of students who, because of increased tuition fees and the lack of summer and part-time jobs, were burdened with a debt load so heavy that it was discouraging some of them from continuing their education, and in some cases even discouraging some from enrolling.

As we travelled across the country, we heard many presentations calling for improvements to the system of loans and grants for students in need of financial assistance. We heard many complaints indicating the serious effects of the financial cut-backs at both the federal and provincial levels, upon teaching and research, and the infrastructure needed to carry them out. We heard many warnings about the way in which our level of scholarship and research, and hence our competitiveness on the global scene, was being compromised by the lack of financial resources, which was causing the brain drain of our brightest and best scholars and researchers to our neighbour to the south and to countries abroad.

• (1540)

We were winding up our hearings in Halifax when last year's budget was tabled, and we were pleased to note that a number of changes which had been called for during those hearings had been included. We were heartened to hear of the government's plan to address the issue of student finance, and to establish the Canadian Foundation for Innovation, an \$800-million foundation geared mainly toward funding for university research, especially in health, the environment, science and engineering.

We had reason to believe that the publicity which followed the public hearings across the country had, to some extent, raised the level of public concern, and this was not lost on the private sector, which has shown increased signs of willingness to become involved in partnerships with institutions of higher learning, nor was it lost on government.

[*Translation*]

Announcements in the most recent budget have heightened committee members' sense of optimism with respect to the state of post-secondary education in Canada. These announcements include: Tax relief for interest on student loans; extended repayment period for those in need; Canada Study Grants of up to \$3,000 per year to help needy students with dependants; the new Canada Education Savings Grant to be provided to families who save for their children's education through registered education savings plans; funding increases for the three granting councils to support advanced research and graduate students; and the establishment of Canada Millennium Scholarships which will increase access to post-secondary education for students of low and moderate incomes and students of all ages. Those will be available for both full and part-time studies.

Honourable senators, if, as we believe, the public hearings which we conducted and the recommendations made by the Special Senate Committee on Post-Secondary Education have played even a minor role in raising the public's awareness of the serious situation which existed in this sector, and if we have contributed even in a small way to persuading the educational institutions, the private sector and the government to address the concerns raised, then the committee has fulfilled its function.

Referring to a copy of the Senate report which was sent to her, Dr. Martha Piper, the president of Canada's second largest university wrote:

I have read it carefully and found it to be an excellent summary of the issues and challenges. I believe you have truly captured the system and what we must do to ensure its continuing success. The budget clearly addresses many of the issues in the report. Bravo!

Honourable senators, at all times, and particularly in times when the Senate is being attacked — as it has been recently — it is important that we take stock of Senate resources and reflect upon the strength that can be drawn from them in taking up the many and varied tasks which can be performed in service to the people of Canada. The work of the Special Committee on Post-Secondary Education is but one of the many examples of such service, in calling attention to matters which are of concern to Canadians and which need to be addressed.

As a relatively new senator, I am very proud of the work we do here. I would hope that longer-serving senators, somewhat jaded, perhaps, by the bad press we have received of late, would feel equally proud of the valuable contributions which they have made over the years.

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

SCRUTINY OF REGULATIONS

CONSIDERATION OF SECOND REPORT
OF STANDING JOINT COMMITTEE—ORDER WITHDRAWN

The Senate proceeded to consideration of the second report of the Standing Joint Committee for the Scrutiny of Regulations (*Royal Canadian Mounted Police Regulations (1988)*), tabled in the Senate on February 26, 1998.

Hon. Céline Hervieux-Payette: Honourable senators, I ask that consideration of this report be withdrawn from the Order Paper because the report was tabled for consultation purposes only and not for discussion.

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

Hon. Senators: Agreed.

[*English*]

THE SENATE

CONCERNS OF ALBERTANS—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Ghitter calling the attention of the Senate to the concerns expressed by Albertans with regard to the Senate as an institution: (a) its effectiveness, usefulness and viability; (b) alternative means by which to select members of the Senate; (c) the nature of its regional representation, particularly a desire to see equal numbers of Senators representing each province; (d) the length of term of office; (e) the role which a revised Senate might take at a national level; and (f) the powers which would be appropriate for it to exercise in harmony with the House of Commons.—(*Honourable Senator Lucier*).

Hon. Paul Lucier: Honourable senators, I wish to begin my remarks by thanking Senator Ghitter for bringing forth this inquiry on the Senate. I may not agree with Senator Ghitter's conclusions, but I do feel, as he does, that as senators we should be putting our views on record at this time. At decent intervals, we need to engage in the critical examination of our role in public life and in governance, both with an eye to how we work today and to meaningful, long-term reform.

Honourable senators, I have a copy of the report of the Special Joint Committee on Senate Reform tabled in both Houses of Parliament in January of 1984, although most of the committee hearings were held in 1983, 15 years ago. The special joint committee was ably co-chaired by our friend and present

Speaker, Senator Gildas Molgat, and by Paul Cosgrove, now a judge, a former MP and as nice a person as you could hope to meet.

I am proud to say that I was a member of that committee from the start. It was a great committee. We travelled across Canada from sea to sea to sea, and we listened to Canadians from all walks of life. We even managed to have a public meeting in Whitehorse. While in Whitehorse, I was able to host the committee to an Alaska king crab dinner in my home.

The first line of the report reads as follows:

We have concluded that the Canadian Senate should be elected directly by the people of Canada.

I do not try to claim credit for many things in this chamber, but I fought not only for those words to be included, but that they be the first words of the report. Fifteen years later, I feel exactly the same way, and I have never wavered.

Does that mean that the Senate, as presently constituted, has not been able to function on behalf of Canadians? Certainly not. I have been truly honoured to work with so many great Canadians during my 22 years in this chamber, including — but certainly not limited to — former premiers, mayors, professors, doctors, and even the odd fire-fighter from the Yukon. In my opinion, the Senate of Canada has been served by the finest group of Canadians society could produce, and many of you are still here today. I am honoured to be in your presence.

Honourable senators, we and our families have had a rough ride since Senator Thompson's attendance record became a lightning-rod for criticism of the Senate by the press and by that undisciplined and superficial group of clowns who call themselves the official opposition in the other place. What a sorry bunch!

Can honourable senators imagine, in their wildest dreams, that such a cynical, unparliamentary, uncontrolled bunch of media hounds would aspire to form the next government? It is difficult to believe that such a party could be led by the son of one of our most distinguished former colleagues, Senator Ernest Manning.

Senator Ernest Manning spent many years in the Alberta legislature and also served as premier of that province. Did anyone question his ethics or accuse him of any foul deeds when he accepted a Senate appointment from Prime Minister Trudeau? Where was the mariachi band and the convertible-riding, flag-waving buffoons from the Reform Party when Senator Manning became a member of this chamber?

Senator Manning spent 13 years in this chamber, and often sat at our Senate dining-room table. It was my pleasure to share many meals with him, and to hear his views on a number of subjects concerning the people of Alberta.

Senator Manning was a true gentleman and statesman. He made a contribution to Canadian public life as a member of the Alberta legislature, as Alberta's premier, and as a senator of Canada. To have his son, who aspires to be prime minister of the country, lead such a vicious, personal attack on this institution, and the people who are appointed to the Senate such as Senator Fitzpatrick and Senator Johnstone, is nothing short of hypocritical, in my opinion.

• (1550)

Many of us spent years as elected politicians. People such as Senators Doody, Berntson, Prud'homme, Corbin, Louis and Fernand Robichaud, St. Germain, and Buchanan, have nothing to learn from the Reform Party about running for public office or serving as elected members of legislatures at the municipal, provincial or federal levels.

In their wisdom, and after much deliberation, the Fathers of Confederation chose an appointed Senate. They chose an elected house, an appointed Senate and a Governor General to form the Parliament of Canada. What was likely the only acceptable solution at that time should, in my opinion, be revisited. Senate reform has been everyone's favourite goal since shortly after Confederation. The Senate has been the favourite whipping boy of many politicians from the other place, yet true, meaningful Senate reform has not yet occurred.

On March 18, 1998, the Prime Minister stated in the House of Commons that he favoured a Triple-E Senate. Canadians should accept nothing less and should demand a properly elected Senate, elected directly by the voters of five regions. The only people who are opposed to an elected Senate, in my opinion, are the premiers. That is strange, since they are the ones who could amend the Constitution and make the Senate an elected chamber. Their fear, of course, is that a truly elected Senate would automatically replace premiers as regional representatives in Ottawa. They want to be the only ones to speak on behalf of their provinces and regions of Canada. They are guarding their power base.

The model being proposed by the Reform Party and the Premier of Alberta would be an absolute disaster. Electing a slate of names during a municipal election, and submitting such names for appointment, would be a guarantee that the people of Alberta would never have an elected Senate, and that the 2.7 million Albertans would always have six senators while the 2.4 million Atlantic Canadians would have 30 senators. The second and more blatant flaw in the Reform plan is that in a six-way race in Alberta, the winner could be 32 years old, win with 22 per cent of the vote, and the Prime Minister would be forced to appoint that person for a term of 43 years. The newly elected appointee would not be accountable to the people who voted, would not even have to speak to them again — ever — would not be censured for not putting forth the views of Albertans, and would have tenure until he or she turns 75, just like the rest of us.

Let us put that plan in the garbage and get on with a truly elected Senate. Replace the present absolute veto with a suspensive veto, give senators one nine-year term, have them elected on a regional basis, and then let us stop kidding ourselves about a non-partisan Senate. Why would you want a group of non-partisans, whatever that means, elected to a partisan chamber? Politics is how we do things in the real world. Have you ever heard of a non-partisan education system or a non-partisan health organization or sports organization? Are the Olympics, law societies, accounting firms, et cetera, non-partisan? Having the senior political body in Canada function as non-political would be quite a trick. I learned more about politics in hockey and in religion than I did in the Senate. Politics is how we do things.

My vision of the new Senate would be a group of elected senators who belong to parties of their choice but who would come together on regional issues. It is not a new concept, honourable senators. Municipal governments have been doing it for years. Hence, Senate reform, resulting in a truly elected, effective and equal Senate, is desirable. It is feasible and it is possible if we, as politicians and Canadians in general, really want to make it happen.

The status quo — primarily the fact that we are appointed, not elected — while totally legitimate, will always deprive us of acceptance by the people we serve, regardless of how hard we work, how good that work is, or what our attendance might be.

Will an elected Senate cure all our political and constitutional problems? Not a chance. Nor will it please everyone. However, I truly believe there is an important role to be played by this chamber.

Let me turn my comments from Senate reform to what we can do now to make our role more meaningful — as Senator Ghitter put it, more effective, more useful and more viable. Ontario has 124 members of Parliament, including 24 senators. The Yukon has two, including one senator. Until my appointment in 1975, the Yukon had never been represented in this chamber. I am honoured to be the first senator to represent the Yukon. I am pleased that, in 1975, we doubled Yukon's representation in Ottawa.

I have had the honour of speaking on behalf of many people in the Yukon who never had a voice in Ottawa. As deputy chairman of the Liberal national caucus for four years, with my good friend House Speaker Gib Parent as chairman, I had weekly access to the Prime Minister, cabinet ministers and committee chairpersons. I fought long and hard for the Yukon on the Meech Lake and Charlottetown Accords. Thanks to my intervention and the understanding and support of our Speaker, Senator Molgat, the only public hearings on Meech Lake held outside of Ottawa were in the Yukon and Northwest Territories.

Since my appointment, all honourable senators have heard my pleas and have made special efforts to take Senate committees to the territories. Honourable senators, I want to make a point here: When I say "all honourable senators," I mean both sides of this chamber. The Yukon aboriginal people, who were assisted by the Senate, recalled to me their fond memories of the fine treatment

they always received from senators, particularly during the passage of self-government and land claims legislation. I fought hard for Yukoners on Bill C-68, the gun control legislation. My office was able to assist Mr. Doug Phillips, then Minister of Justice in the Yukon, by arranging meetings for him when he was here fighting Bill C-68. We were also able to supply committee hearing reports and many pages of material to the people of the Yukon and Northern B.C. We did not win the battle, but Yukoners were heard, and I believe we were able to make a bad piece of legislation better with our comments and suggestions.

I sat on the first Senate Energy Committee, created by Senator Bud Olson to help the Senate deal with the energy policy challenges of the last two decades. I was involved in the Foothills pipeline negotiations, looking after the interests of the Yukon and its residents.

I was fortunate to have an opportunity to serve the Yukon as its first senator. I moved to Yukon in 1949 and have lived and worked there for decades. I served as Whitehorse councillor and mayor for eight years. I raised my children there, and most of family and friends are there now. I took that knowledge of the people, the history and the unique way of life of the Yukon and tried to apply it to the deliberations that I was making in Ottawa. I tried to influence decisions in Ottawa that would affect the Yukon. Travelling back and forth and dealing with time-zone changes has not always been easy, but I loved the opportunity to meet so many people and deal with such a variety of issues.

Health problems have made my attendance more difficult in recent years, but as senators are aware, much of our work occurs outside the chamber. This whole debate was sparked by the issue of Senator Thompson's attendance. I deplore his attendance record and the shame it has brought on this institution and its members. To some extent, the wrong benchmark is being used.

• (1600)

We all know that attendance requires appearing in this place and being recorded as being present, even if only for a moment. We all know that the work of a senator is far more substantial and demanding than that. I have seen senators at work. I can put in a full day working on behalf of Yukoners without showing up in Ottawa. I have telephones, fax machines and other modern conveniences to help me represent the Yukon. I know that my colleagues work hard, and we do our work well.

The Hon. the Speaker: I am sorry to interrupt the Honourable Senator Lucier, but the 15-minute time period has expired. Is leave granted for the Honourable Senator Lucier to continue?

Hon. Senators: Agreed.

Senator Lucier: We do not chase the limelight. We are not always noticed, but we are useful and effective. We are a chamber of sober second thought. We do improve the legislation sent to us from the other place. We are able to provide another method of representing the people in our regions. We produce good studies and add to the quality of government programs and services.

Senator Thompson deserved to be criticized. I am glad that he did the right thing and resigned. However, we do not all deserve to be tarred with the same brush. I am proud of my 27 years of accomplishment working on behalf of Yukoners in Ottawa and in the Yukon. I am proud to be a senator in this assembly with such distinguished colleagues. I will work as hard tomorrow as I did yesterday to improve the quality of life of Canadians. I will do that until real reforms are put in place.

In conclusion, a reformed, effective, elected, equal-by-region Senate is attainable. Some take pride in finding a problem for every solution. My view is and always has been that if Canadians want a reformed Senate, they should make their views known loudly and clearly, particularly to the ten premiers. In that way, true Senate reform will become a reality.

I wish to state clearly that if there is an elected Senate position available in the Yukon, I will step aside immediately and be there to congratulate our first elected senator.

On motion of Senator Di Nino, debate adjourned.

[*Translation*]

INTERNATIONAL FRANCOPHONIE DAY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the Journée internationale de la francophonie, on Friday, March 20, 1998.—(*Honourable Senator Gigantès*)

Hon. Philippe Deane Gigantès: Honourable senators, it is an honour to speak on this important issue raised by our colleague Senator Gauthier. Canada is very fortunate to be a centre of la Francophonie because of the French culture and civilization, which are priceless. Civilizations are not “pure laine”; they are tapestries woven with threads from other cultures. Through communication, civilizations have always been able to draw from one another and to find beautiful threads for their tapestries.

It started with handwriting in China, in the Middle East, followed by the invention of papyrus in Egypt. Then the Greeks invented vowels, which enabled them to learn foreign languages, to transcribe other peoples' ideas and bring them home. That is indeed how trading in the eastern Mediterranean came to be dominated by the Greek currency; the Greeks were great traders who could speak with people from other countries because they had invented vowels.

Other means of communication were invented over time. The most recent ones are quite extraordinary, but basically they were all used to draw on other civilizations and acquire more knowledge. Thus, our francophone component puts Canada in a better position than other countries to benefit from one of the

greatest civilizations in the world, the French civilization. We are enriched by it and by the francophones who live in this country.

Senator Gauthier has done extensive work in this area and we owe him a debt of gratitude. He has been instrumental in preserving the French fact, a feature Canada would not want to do without.

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

On motion of Senator Murray, debate adjourned.

[*English*]

SECURITY AND INTELLIGENCE

ESTABLISHMENT OF SPECIAL COMMITTEE—MOTION
MODIFIED—DEBATE CONTINUED

On the Order:

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

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

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

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

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

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

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

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

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

Hon. William M. Kelly: Honourable senators, I ask leave of the Senate, pursuant to rule 30, for the opportunity to modify the motion presently before us.

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

Hon. Senators: Agreed.

Senator Kelly: Thank you, honourable senators. The modifications are relatively minor. They emerged as a result of conversations I have had with senior officials in the Privy Council Office, the ministry of the Solicitor General, and with the Solicitor General. I move that the motion be amended to read as follows:

That a Special Committee of the Senate be appointed to hear evidence on and consider matters relating to the threat posed to Canada by terrorism and counter-terrorism activities of the Government of Canada;

That the Committee examine and report on the current international threat environment, with particular reference to terrorism as it relates to Canada;

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

That the Committee examine and make recommendations with respect to the threat assessment capability of the Government of Canada relative to the threats of terrorism;

That the Committee examine and make recommendations with respect to the leadership role, preparedness and review of those departments and agencies of the Government of Canada with counter-terrorism responsibilities;

That the Committee examine and assess the level of international cooperation between Canada and its allies with respect to the evolving nature of the terrorist threat;

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

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

That the Committee present its final report no later than September 29, 1998.

The Hon. the Speaker: Honourable senators, the original motion was moved by the Honourable Senator Kelly and seconded by the Honourable Senator Prud'homme. Is it agreed that the revision is now before us and properly moved?

Hon. Senators: Agreed.

Senator Kelly: Honourable senators, I should like to wait until Thursday to speak on this motion in order to give senators a chance to compare the two motions to see whether they have any objections or concerns.

The Hon. the Speaker: Is it agreed, honourable senators, that the matter will stand in the name of the Honourable Senator Kelly?

Hon. Senators: Agreed.

On motion of Senator Kelly, debate adjourned.

INCOME TAX ACT

MOTION PROPOSING AN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Kirby:

That the Senate urges the Government, in the February 1998 Budget, to propose an amendment to the *Income Tax Act* that would increase to 30 per cent, by increments of 2 per cent per year over a five-year period, the foreign property component of deferred income plans (pension plans, registered retirement savings plans and registered pension plans), as was done in the period between 1990 to 1995 when the foreign property limit of deferred income plans was increased from 10 per cent to 20 per cent, because:

(a) Canadians should be permitted to take advantage of potentially better investment returns in other markets, thereby increasing the value of their financial assets held for retirement, reducing the amount of income supplement that Canadians may need from government sources, and increasing government tax revenues from retirement income;

(b) Canadians should have more flexibility when investing their retirement savings, while reducing the risk of those investments through diversification;

(c) greater access to the world equity market would allow Canadians to participate in both higher growth economies and industry sectors;

(d) the current 20 per cent limit has become artificial since both individuals with significant resources and pension plans with significant resources can by-pass the current limit through the use of, for example, strategic investment decisions and derivative products; and

(e) problems of liquidity for pension fund managers, who now find they must take substantial positions in a single company to meet the 80 per cent Canadian holdings requirement, would be reduced.—(*Honourable Senator Gigantès*).

• (1610)

Hon. Philippe Deane Gigantès: Honourable senators, there were some terms in what Senator Oliver said which gave me pause. He used the words “global economy” and said that the fact that we are moving towards a global economy was some sort of justification for what he was supporting — that is, more investment by Canada abroad through RRSPs or whatever.

The other phrase which disturbed me was the one in which he seemed to be suggesting that such decisions had better be left to sophisticated investors, those knowledgeable in such matters. Well, I presume it was such sophisticated investors who poured Canadian money into Latin America not so very long ago.

Senator Di Nino: Asia.

Senator Gigantès: It was Latin America to start with.

They lost their shirts — excuse me, they lost our shirts. Having left Latin America crumbling under a burden of debt at high interest rates, they then proceeded to do the same thing with Africa. These are the sophisticated, knowledgeable investors to whom we should entrust such operations.

What is the state of Africa? Africa is crumbling under a burden of foreign debts. Many of our banks have problems with these debts. The IMF has had to step in and make the people of Africa poorer, hungrier and more miserable than they were.

Having completed that splendid achievement, they moved to Asia. What did they do in Asia? They invested our money in strengthening and multiplying facilities for manufacturing exports. Given that our money was going there, we did not invest enough in making jobs here. Our rate of growth was slower than predicted because those Asian manufacturers could not export according to the targets they had set for themselves, and the consequence was the Asian flu.

Are these sophisticated and knowledgeable investors evil? No, but they are dealing with something that we do not understand. They are dealing with a change that parallels in its intensity and unforeseen consequences the Industrial Revolution, the mechanization of agriculture, the invention of the automobile, the coming of atomic power, and now the sophisticated techniques of communication which have turned the world, indeed, into one money market and one stock market that no one understands but so many can manipulate.

Should we allow the amount of money that can be invested in RRSPs tax free and our pension funds to go up from 20 per cent to 30 per cent? I would like a little bit more certitude that these sophisticated investors know what they are doing in a world of very great incertitude.

On motion of Senator Carstairs, debate adjourned.

REPORTS ON SOCIAL AND ECONOMIC DEVELOPMENT

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to reports on social and economic development.—(*Honourable Senator Carstairs*).

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I rise today to speak because I agree with Senator Kinsella. It is not often that he and I agree, although he and I have come up with some interesting vocabulary about that as a result of our trip to the United Kingdom. You may have noticed the other day his use of the term “dark art,” and he is now using words such as “the usual channels,” both of which refer to that trip. However, I will speak more about that on another occasion.

In his speech of February 10, Senator Kinsella indicated — and this is the comment with which I am in full agreement — that we must spend much more time and attention on the reports that Canada submits to the United Nations.

As you are aware, Canada has been committed to the promotion of human rights since the establishment of the UN. The role of the UN conventions is to recognize and build upon rights, fundamentally using moral suasion, education and public opinion.

Currently, Canada is party to the six principal UN human rights conventions, which are the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Canada in 1970; the Covenant on Civil and Political Rights, ratified in 1976; the Covenant on Economic, Social and Cultural

Rights, ratified in 1976; the Convention on the Elimination of All Forms of Discrimination Against Women, ratified in 1981; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1987; and the Convention on the Rights of the Child, ratified by Canada in May of 1990.

Upon Canada's ratification of each convention, it agreed to implement the convention, to monitor that implementation and to report periodically to the UN. The reports submitted to the UN outline the measures taken by the Canadian government, provinces and territories to help promote social rights. It is the federal government's responsibility to present the reports. However, each provincial or territorial government also has the right to prepare its own report on its human rights activities. The reports parallel a "report card" for Canada, or as Senator Kinsella termed it, a "social audit."

There are several reasons these reports should be given more attention. As Senator Kinsella suggested, awareness can stimulate debate in the House of Commons and Senate and increase Canadian public awareness of the workings of its federal, provincial and territorial governments. Honourable senators, it is to this latter issue that I will speak.

The first reason I suggest that Canada and the Canadian public should be aware of the reports Canada submits is that they can detail to Canadians the workings of government. In the report Senator Kinsella referred to, it specifically states that its purpose is to provide Canadians with the opportunity to become better informed of the obligations undertaken by this country through its ratification of the covenant and to apprise them of measures taken by the appropriate governments.

Take, for example, the International Convention on the Rights of the Child. The 1995 concluding observations of the UN Committee on the Rights of the Child on Canada's 1989 report recommended that educational campaigns be launched with a view to changing attitudes in society on the use of physical punishment in the family and fostering the acceptance of legal prohibition. The UN Committee on the Rights of the Child recommended that all forms of corporal punishment and ill-treatment of children in the home and elsewhere be prohibited, and it requested that Canada reconsider section 43 in light of this recommendation.

Since 1989, when Canada became a signatory to the United Nations Convention on the Rights of the Child, it has come under international criticism — and I think justly — for failing to repeal section 43 of the code, which is in conflict with section 19 of the United Nations convention. Other countries, which are signatories to the UN Convention on the Rights of the Child, such as Sweden, Finland, Denmark, Norway, Austria and Cyprus, have banned the physical punishment of children. I believe it is obligatory for the Canadian government to make its public aware that they have not lived up to this obligation.

A second reason I suggest that the Canadian public be made aware of these reports, honourable senators, is that they can aid in public consciousness of the nation's meritorious record of economic and social development. The reports Canada submits detailing their actions are in many ways commendable. Informing Canadians of their federal, provincial and territorial governments' accomplishments has the potential to facilitate public pride and confidence.

An illustration of Canada's commendable record is the measures the Government of Canada has taken on constitutional, legislative, administrative and other levels to implement the rights set forth in the Convention on the Rights of the Child. For example, the report outlines that several federal departments collaborated in the production and launching of the National Film Board's *Rights from the Heart*, and animated film series for children about their rights.

A further illustration is the federal government's preventive action for children at risk of poverty, abuse and neglect. The same report informs of the Child Development Initiative announced in May 1992, a five-year, \$500-million series of programs which addressed conditions of risk that threatened the health and well being of children.

• (1620)

Honourable senators, let me provide you with a third reason that the reports should be actively introduced to the Canadian public: They detail the government's regular consultation with non-governmental organizations. They inform that public consultation is involved in the functioning of the Canadian government. The silencing of Joe Public's voice, as we know, is always a concern. The reports have the potential to decrease the feeling of alienation, or of not being listened to, on the part of the public.

For example, the Third Report on the International Covenant on Economic, Social and Cultural Rights speaks of the 1996 appointment of a Federal Task Force on Disability Issues, and details its consultation with the disabled community in recommending policy. Quite honestly, I feel that since the community is both consulted and reflected in the reports, it is only proper that the community be made aware of them.

My fourth suggestion for active introduction of the UN reports to the public is that they address, and potentially demystify, issues that Canadians have collectively verbalized opposition against, such as the new Employment Insurance Program. The reports provide a forum for the government in which to contextualize its decisions. As we know, the media, which is the staple of public opinion formation, often presents information out of its context, or not in a complete way.

Using EI as an example, the report makes it clear to the reader that the program is a response to the approaches taken by Canada to the challenges of poverty and hunger. It explains that the new hours-based system is designed to assist unemployed Canadians secure employment, and protect low-income claimants,

particularly those with children, through an innovative Family Income Supplement. How many Canadians are aware that this is one of the reasons that modifications were made to the old UI system?

Honourable senators, making Canadians aware of the important information contained in the reports, of their governments' impressive records of economic and social development, of their governments' ongoing consultation with non-governmental agencies, and contextualizing the public's disapproving national opinion — as well as their failure, on occasion, to live up to what Canadians consider to be their expectations — are important, and are of advantage to our society.

Indeed, Canadians will not agree with everything in the report, but that, too, is important. Facts should be made public because, as we know, anything that is presented as fault-free usually is not.

All of Canada's reports to the United Nations are published in both official languages, distributed domestically, and are in the catalogue of Canadian government publications available to the public. This last report to which Senator Kinsella referred, Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights, is no exception, and the Canadian public, for reasons mentioned, should be made aware of it.

Proactive initiatives need to be taken to inform Canada of its government's stately social audit. Honourable senators, I encourage you to have a look through this most recent report, if you have not already done so. I am sure you will agree with many of its findings.

The Hon. the Speaker: Honourable senators, if no other honourable senator wishes to speak, this inquiry will be considered debated.

ENERGY

SABLE ISLAND GAS PROJECTS—MOTION TO AUTHORIZE ENERGY,
THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TO
EXAMINE AND REVIEW THE PROCESS—
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Simard, seconded by the Honourable Senator Kinsella:

That the Senate of Canada urge the Governor in Council not to give final approval to the project submitted by the consortium that proposed the Maritime and Northeast Pipeline Project until the Government of Canada has fulfilled its obligation to hold full and fair hearings on the proposals submitted by all interested parties, including the

TransMaritime Pipeline Proposal, considering the following:

- (a) the natural resources of Canada are the property of all Canadians;
- (b) the needs and interests of Canadians should be considered first and foremost in the exploitation, development and use of Canada's natural resources;
- (c) the recommended Maritime and Northeast Pipeline proposal overwhelmingly favours American interests over the interests of Canadians by channelling 83% of the natural gas extracted from the Sable Offshore Energy Project to the United States, while a mere 17% will be allocated to only two Canadian provinces, Nova Scotia and southern New Brunswick;
- (d) the TransMaritime pipeline proposal places the interests of Canadians first by allocating 64% of the Sable Offshore natural gas to four Canadian provinces, including 34% to Nova Scotia and New Brunswick, as opposed to a total volume of only 36% to the United States;
- (e) the TransMaritime proposal allows the provinces of Ontario and Quebec to benefit from any natural gas from the Sable Offshore Energy Project;
- (f) the TransMaritime Pipeline proposal offers support for Canadian industry and security of energy supplies for central Canada, and offers more Canadians a greater supply of natural gas at a lower cost;
- (g) the TransMaritime Pipeline proposal generates employment opportunities and provides long-term benefits to disadvantaged northern New Brunswick;
- (h) the TransMaritime Pipeline proposal will unite Canada, since it sends a positive message of inclusion, security, opportunity, and sharing within the Confederation, to Canadians in four provinces, including Acadians, Quebecers and francophone Ontarians;
- (i) the refusal of the Sable Offshore Energy Project Joint Review Panel and the National Energy Board to hear the proposal submitted by TransMaritime Pipeline may seriously prejudice the rights of Canadians in the development and use of their energy resources and may undermine Canada's sovereignty over these resources;
- (j) a significant amount of time will not be saved in the development of one pipeline instead of the other; and
- (k) deciding the matter without considering all available options may be more damaging than any relatively minor delay that could result from a thorough and fair review;

That the matter of the process undertaken by the Sable Offshore Energy Project Joint Review Panel and the National Energy Board, in recommending that the Maritime and Northeast Pipeline project be allowed to proceed, be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources and that the Committee be authorized to examine and report upon the matter; and

That the Committee present its final report to the Senate no later than February 28, 1998.—(*Honourable Senator Carstairs*).

Hon. Jean-Maurice Simard: Honourable senators, may I ask a question of Senator Carstairs? It has been three months and a week since Senator Carstairs adjourned the debate on this motion. Can you tell us, Senator Carstairs, whether or not you intend to address this issue?

Hon. Sharon Carstairs (Deputy Leader of the Government): No, honourable senators, it is not my intention to participate in the debate, but anyone else who wishes to do so is more than welcome.

Order Stands.

HUMAN RIGHTS IN ASIA

INQUIRY—DEBATE ADJOURNED

Hon. Consiglio Di Nino rose pursuant to notice of December 10, 1997:

That he will call the attention of the Senate to the matter of human rights in Asia with particular emphasis on China and Indonesia and the Government of Canada's policy with respect to this matter.

He said: Honourable senators, over the past number of years I have risen on a number of occasions to draw attention to the question of human rights in Asia. During the course of my different interventions, I have attempted not only to inform but to provoke a greater understanding of the issues surrounding this question.

As many of you are aware, the question of Chinese repression in Tibet is one close to my heart. I have referred to it as Tibet's nightmare, a nightmare of invasion, repression, and slow, inexorable cultural genocide. That was a few years ago. Today, the situation is no better. In fact it is worse, as China pursues its aggressive policy of integrating Tibet economically and politically through massive population transfers. Unfortunately, Tibet is not alone. In many areas of Asia, persecution and abuses of human rights remain all too common.

Despite the gloomy situations in many parts of Asia, there is hope. This hope is being borne by the winds of democracy, of evolution, and of enlightenment that have, in the last few years, brought the fall of the Soviet Bloc in Europe and the dismantling

of apartheid in South Africa. There is hope that the same winds will sweep over Asia and bring change to places like China, Tibet and Indonesia.

However, hope is not enough to bring about change. There must be action, backed by consensus. Here we run into difficulty. While there appears to be a general consensus that the situation in parts of Asia is bad, there has been little action to bring about change. This is particularly so in the case of Canada.

In 1994, I said Canada had come to a fork in the road as far as its promotion of human rights was concerned. We were in danger of straying from the path we had followed for so long. Today, sadly, this has come to pass. We have strayed too far; we have lost our way. The values which guided us, counselled us and gave purpose and meaning to our positions and policies have disappeared. Respect for human rights, standing up for the less fortunate, and the promotion of democracy and the rule of law have been replaced by new values like greed, pragmatism and *realpolitik*. The fault for this unfortunate waywardness, for Canada having gone astray, lies squarely with the present government and, more particularly, with the Prime Minister.

Until the present government came to office in Canada, we were known worldwide for our stance on human rights. The promotion of human rights was an integral part of our foreign policy. It set us apart from other nations. We promoted human rights not by going to war or with flowery turns of phrase, but through practical means like bilateral aid and, occasionally, sanctions in countries such as Chile, Uganda, the former Soviet Union, South Africa, China and Indonesia.

Following the 1993 election, this policy began to change. Prime Minister Chrétien and his foreign ministers made trade the pivot around which this country's foreign policy was henceforth to revolve. Human rights were relegated to the footnotes. Suddenly Canada was selling millions of dollars worth of military goods to countries such as Indonesia, and subverting Canadian environmental law in order to sell nuclear reactors to China.

Naturally, and with good reason, the government was criticized for these actions. In order to try to deflect some of the heat, it took a series of stands on human rights abuses in countries such as Burma, Haiti and Nigeria. However, the public was not appeased. If the government was ready to take firm action with regard to human rights abuses in these countries, why not do the same in places such as China and Indonesia? Why was it that in the case of these countries, the Liberal's previous firm resolve suddenly melted into a meandering muddle of shifting and shifty jabberwocky. Why, indeed?

• (1630)

The answer was not long in coming. According to the Prime Minister, this was the way of the world. This was how things would be done in the big leagues. Canada, he said, was far too small and unimportant a nation. It would be futile, indeed silly, to expect that our concerns about human rights would be taken into consideration by countries such as China.

When I heard this startling admission by the Prime Minister, for a moment I was at a loss for words. I asked myself: What would cause Mr. Chrétien to say such a thing? Surely, he is aware that Canadians have rights and freedoms and liberties only dreamed of in other parts of the world. Mr. Chrétien's role is to espouse these rights and freedoms and to promote them, it is not his role to shrug his shoulders and to mutter that there is nothing he can do. What kind of signal does this send to millions of people who look to Canada as a beacon of enlightenment and hope? What signal does it send to NGOs working diligently to improve conditions and stop abuses in many parts of the world and that also look to Canada for inspiration and leadership? What message does it convey to the different governments guilty of human rights abuses?

The present government's attitude underscores a fundamental point that few appear to have seized upon, namely, that the Liberals are simply going through the motions with regard to human rights. They are paying lip service to traditional values that we once promoted proudly.

Yes, I know the government can point to the Red Book and the various statements by the Prime Minister to the effect that his is a caring government and one committed to bettering the human rights situations around the globe, but I — and many others — can point, too. We can point to the fact that when in opposition, the Liberals were often at the barricades calling for action over Indonesia, which they claimed had one of the worst human rights records in Asia. We can also point to their 1993 promise to lead the international community in what they called the revitalization of the concept of human rights; or their promise to publish an annual human rights report on all countries receiving aid from Canada. I need not remind honourable senators that neither of these promises have been kept. That should not surprise anyone. This government and kept promises are hardly synonymous.

The present government's foreign policy can be summarized in one word: profit. This is the one common denominator that links together the bizarre collection of contradictory pronouncements and actions that Canada has presented to the world since 1983. Profit and profitability are the new Canadian values, the altar upon which Canada's history of moral leadership on the issue of human rights has been sacrificed.

This is not to say that the Prime Minister has been silent. He and his foreign ministers are forever talking about something called "dialogue." Mr. Chrétien is quick to wax eloquent about his many meetings with foreign leaders. His press office claims that the Prime Minister discusses human rights abuses constantly. It is too bad he never does so publicly so that we can judge for ourselves. Mr. Chrétien had a perfect opportunity to do so during Chinese President Jiang Zemin's visit to Canada in 1997. He failed to do so. Instead, we were told, once again, that he had "raised the issue" during meetings. As a verb, I am sure you would agree that "raise" is a rather passive word. It is a far cry from "insist" or "promote."

The Liberals tell us that when you get right down to it, this is all simple: Either we trade or we do not. If we criticize people, we isolate them. There is no middle ground. The weaknesses of this argument are easily seen. First and foremost, by stating that we will no longer speak out, we are giving up that option. We are giving credence to the idea that it is not for us to comment on other countries' internal affairs, no matter what the issue. Second, it presupposes that all criticism is necessarily blunt and confrontational, which obviously is not the case. Third, it precludes a whole range of options that Canada can use to encourage change and stop human rights abuses.

Mr. Chrétien's claims to the contrary, Canada is not a country of no consequence. We are not impotent. We are not eunuchs. We are among the world's most advanced economies. We are a major player in the Commonwealth, la Francophonie and, increasingly, the OAS. We belong to the World Bank, the IMF and the WTO. We have access to a myriad of institutions of power and influence — institutions which play a role in Asian countries. We can use our position and influence in these bodies to put human rights on the international agenda. We can strive to build a consensus for change.

The possibilities for change, the different options open to us, are many. A few years ago, my colleague Senator Ghitter outlined a few of them. They bear repeating today. Senator Ghitter suggested we begin by exposing and criticizing nations whose human rights records are unacceptable. We could also refuse to buy goods manufactured under slave labour conditions and call on our allies to follow suit. We could also promote and participate in the building and implementation of non-corrupt judiciaries.

There are, of course, many other possibilities, but the point I wish to make is that we must do something. We must move beyond the rhetoric and dialogue. It is too simplistic to say that trade will bring economic growth which will some day, hopefully, engender political reform. We must get back to the situation where our foreign policy has some depth and some imagination. We need a foreign policy that melds a certain degree of idealism with concrete, practical proposals for change and improvement in areas such as human rights. More important, we need a foreign policy that reflects the fundamental values of our society as a whole, not simply those of the business community.

The present government's foreign policy is based on customers. This must be changed. People must be brought back into the equation. Canada must be a beacon of hope for those suffering from abuse by the state. It must keep a light in the window for those nations which have fallen by the wayside and have begun to abuse their citizens. As a country, we have a commitment to the development of human rights, democracy and the rule of law. We cannot turn our backs on this heritage. For millions of people around the world, we are a model of peace,

tolerance and respect for diversity. We must not abandon this for profit. The question is: Does this government have the political will to change course, to get back to basics, to renew Canada's commitment to human rights and to carry out vigorous policies of promoting them, despite the inevitable costs and criticisms? My hope — and I am not alone — is that they do.

Instead of sitting on its hands, Canada should be sending a message — and forcefully so — that people have a right to live free, free from intimidation, free to enjoy their customs, cultures and religions without constraint, free from fear of reprisal. In the case of Tibet, we must continue to speak out, to condemn the abuses grown common in that country and to push for change that will allow a non-violent people to live their own lives as they see fit in their own particular corner of the world.

The key is international pressure. We must act with others in a concerted and coordinated fashion. Simply amassing information about what has been happening in Asia with regard to human rights is not enough. We must act. This does not mean isolating countries. On the contrary, we should encourage contact, for it is in isolation, away from the spotlight of world opinion and opprobrium, that abuses are allowed to continue unchecked. By keeping channels of communication open, by offering constructive criticism and by linking trade and human rights, we provide hope for the people in Asia suffering from abuses that peace will come again to their countries.

Make no mistake, societies where human rights abuses are common, societies such as Tibet, Burma and Indonesia, are not peaceful places. They are societies at war with themselves, the oppressor against the oppressed. They are societies where rape, torture, murder, intimidation and harassment are daily occurrences. They are societies where the state attempts to break the spirit and the will of its citizens. To trade with countries guilty of such practices without any strings attached, without any attempt to make things better, is to become party to the crimes and oppression there committed.

Honourable senators, human rights is a tough issue. It is a contentious and complex issue and is one which this government has largely sought to avoid. I do not think it is an exaggeration to say that the majority of its actions in field of human rights have been largely passive and superficial. To coin a phrase: Nice show, no plot. The problem is the past government has been far more interested in winning quick media approval in deflecting criticism than at making any real attempt at progress. The Prime Minister vaunts the success and dollar value of his many trade trips abroad, but at what cost and lost opportunity to improvements in human rights in those countries?

• (1640)

The Hon. the Speaker: I regret to interrupt the honourable senator, but your 15-minute speaking period has expired. Are you requesting leave to continue?

Senator Di Nino: I request leave, yes.

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

Hon. Senators: Agreed.

Senator Di Nino: One gets the impression that for Mr. Chrétien campaigning for improvement in human rights rates with tilting at windmills. His government is wilfully and systematically ignoring and neglecting Canada's international commitments to the protection and promotion of human rights. This does not appear to bother him a wit; however, it should.

Canada's reputation as a defender of human rights is a boon to our trade prospects in many parts of the world. Moreover, Canada's previous insistence on linking human rights and foreign aid is a valuable foreign policy tool. Today, the G-7 rules the roost. This will not always be the case. In Asia and Africa, economies are emerging that alone or in combination will, in years to come, rise to challenge the G-7's hegemony. As new alliances form in reaction to these developments, Canada will be well placed to profit from its long commitment to human rights and its interest in the welfare of the people in emerging nations. The present government, by ignoring Canada's long tradition in this area, is being tragically short-sighted. This government is thinking tactically, when it should be thinking strategically.

Honourable senators, the international community, of which Canada is a leading member, has an obligation to support, morally and politically, democracy, human rights and the rule of law in countries where these are absent or where they are under attack. It is our duty to support these, the foundation stones of free, progressive and stable societies. The present government, to its shame, has abandoned this obligation.

This government's backsliding on the issue of human rights has been underlined by a series of events since the beginning of the new year. In late January, the minister for international cooperation announced with great pomp that Canada, through CIDA, was supporting a pilot project to promote human rights in Thailand, the Philippines, Malaysia and Indonesia. Somehow China was not included in this list. In February, the Prime Minister refused to take a few minutes of his time to meet with Wei Jingsheng when he was here in Ottawa, a Nobel Prize nominee and father of the democracy movement in China. In early March, the foreign minister referred to those qualities that characterize Canada which are reflected in our foreign policy. He failed to mention human rights.

A little less than two weeks ago, in Washington, the American House International Relations Committee and Senate Foreign Relations Committee both approved motions calling on the Clinton administration to introduce a resolution condemning China's human rights abuses at the upcoming meeting of the United Nations Human Rights Commission in China. The next day, the United States Senate as a whole approved a similar motion. In Canada, nary a word was heard from the government. Officials from foreign affairs later sent out a short press release, calling China's announcement at the meeting that it would sign the International Covenant on Civil and Political Rights a welcome move.

Honourable senators, it would be most welcome for this government to put human rights back into its foreign policy. I am in agreement that we are sometimes obliged to do business with people we would not necessarily invite to our home for dinner. However, just because we have to do business with them, does not mean we must accept their views and ways of conducting themselves. Just because we wish to trade with a country it does not mean that we must put our principles in our back pocket, that we must forget our commitments or that we must ignore abuses that would not be tolerated in Canada.

We used to be known as a country that stood for something. We were a bit stuffy, perhaps, however we made it clear that there was a right and acceptable way. I am not sure this is true today. In a few short years, the present government has squandered our hard-won reputation. Commitment has been replaced by dithering and policy by platitudes. We have forsaken the thousands if not millions who have looked upon us and counted on us for leadership in the area of human rights. We can only hope that cabinet will see the error of its ways and will convince the Prime Minister and the Minister of Foreign Affairs to put human rights back in the forefront of Canadian foreign policy.

Hon. Jeremiah S. Grafstein: Honourable senators, I do not think anyone can quarrel with Senator DiNino's objectives on human rights and democracy. However, some of his facts bother me.

Today in *The New York Times* the Dalai Lama indicated that he was in full support of the new leadership in China and he welcomed changes. Senator Di Nino seems to indicate that there appears to be almost no change on that front. Can the honourable senator explain the difference between his position stated in the house today and the Dalai Lama's own position as stated in *The New York Times*?

Senator Di Nino: Honourable senators, I have not read what the Dalai Lama said in that magazine. However, on three occasions I have had private audiences with him. I know his concerns from a face-to-face meeting with him.

In the past number of years, this man of peace has expressed sincere frustration to the world over his thwarted attempts at finding common ground with the Chinese leadership. I stress that none of the Dalai Lama's criticism has ever been directed at the Chinese people but rather at the Chinese leadership.

Senator Grafstein: Honourable senators, I do not want to take the words out of context, but according to *The New York Times* article, the Dalai Lama was applauding the new leadership and was looking forward to positive change. That was today.

Senator Di Nino: I have not read that article, but as late as four or five months ago when we were at a meeting on the issue, the position of the Tibetan government in exile, including the Dalai Lama, was one of tremendous frustration in trying to get to the table with the leaders of China to commence some reasonable dialogue to solve the problems.

I cannot comment on the article. I have not seen it. I do not know if it is correct. I can tell honourable senators, from personal experience and discussions with the Dalai Lama and his chief ministers, that the article may be referring to a sincere hope for change. I certainly hope so.

Senator Grafstein: Perhaps we can go back and read the article. The Senator might be able to then provide clarification.

Senator Di Nino also spoke of a lack of democracy in China, and many of us who have been observers of Chinese politics agree with that statement in general terms. However, by the same token, the senator made no reference to the fact of the growing democratization from the villages, the grass roots, in China. Would the honourable senator enlighten the Senate about that situation? No reference was made to that at all. Is this not happening?

As the honourable senator will know, in thousands of villages throughout China, officials are now being elected, with debate and exchange of viewpoints. That has been recently documented.

Senator Di Nino: I am happy to engage in a lengthy debate on this issue, but let me tell what I know.

We are speaking in this debate about China only as it applies to Indonesia. The issue of dialogue between the oppressor and the oppressed is an issue which has been raised in many ways, including by a motion in this chamber. Many have requested that the leadership in China engage, without pre-condition, in discussion with the Dalai Lama to attempt to resolve this impasse.

There are several reports from the United Nations, AsiaWatch and other respected organizations on abuses in China, and one must ask: Who do I believe? In my opinion, the Chinese leadership has made absolutely no attempt in this regard. On the contrary, they have stymied any opportunity for dialogue with His Holiness in attempting solve this problem. I do not consider that a positive move.

• (1650)

Senator Grafstein: Honourable senators, I listened to the objectives of Senator Di Nino's speech, but am still bewildered by the absence of facts on positive changes in China.

Another example is the rule of law. In terms of increasing trade, the rule of law that was absent under the older regimes in China now appears to be blossoming at the grass-roots level. Our common law started in the same way, by way of the commercial rule of law. We see the same thing happening in China. Senator Di Nino made no reference to that.

I do not disagree with the senator's making some general points, but I would hope that in this chamber we would have a better fact base upon which to engage in a dialogue that might be positive with regard to our policy, and perhaps enlighten the public.

Senator Di Nino: Honourable senators, I am not making general points; I am making specific points. There are issues relating to China which have been widely reported by respected organizations, including the United Nations. These organizations have given us information about very serious abuses which include incarceration, denial of the right of religion, denial of the right of culture, sterilization, and forcing people to learn a language which they do not chose to learn. These are not my comments but the comments of organizations such as the United Nations.

Specifically, in the past two weeks both Congress and the Senate of the United States of America have passed a resolution condemning China for its human rights abuses.

I believe that you are correct in saying that there is a movement toward change. I welcome and applaud that, but I think we are a long way from being able to suggest that China is a democratic country.

Senator Grafstein: Canada needs no moral lessons whatsoever from the Senate or the Congress of the United States with respect to our relationship with China. We were the first in the world to open the China door. The United States followed us. They were not the leaders. The way we are proceeding demonstrates sensitivity and leadership of a more complex nature, but that is for another day.

Hon. Philippe Deane Gigantès: Honourable senators, I wish to ask a question of Senator Di Nino. I was surprised by a remark he made at the beginning of his speech. He said that the Canadian government seems to be acting only for profit. Considering his career and that of some of his colleagues, and considering how many Canadian businessmen who support his party have been trading with Indonesia and China, that remark surprised me.

Will he advise businessmen who support his party to have nothing to do with China?

Senator Di Nino: The simple answer is yes, and I have.

On motion of Senator Gigantès, debate adjourned.

[Translation]

CIVIL CODE OF QUEBEC

DIFFICULTIES AND PROBLEMS ARISING FROM
SECTION 35—INQUIRY—DEBATE ADJOURNED

Hon. Jacques Hébert rose pursuant to notice of Tuesday, March 17, 1998:

That he will call the attention of the Senate to the difficulties and problems raised by section 35 of the new *Civil Code of Quebec*.

He said: Honourable senators, on Thursday, February 26, 1998, during the period set aside for senators' statements, I

wanted to comment on the new section 35 of the Quebec Civil Code. I explained that this section had been redrafted and interpreted absurdly. Unfortunately, I did not have enough time to express my full opinion, as I could not continue past the three minutes allocated for statements by senators.

Section 35 of the Civil Code states clearly that everyone has a right to respect for his reputation. It also says that no one may invade the privacy of another without the consent of the individual or his heirs unless authorized by law. This relatively new provision was passed as part of the revision of the Civil Code in January 1994. Section 35 is based on certain provisions of the Quebec Charter of Rights and Freedoms, which recognizes the basic right to privacy. I quote section 35:

Every person has a right to the respect of his reputation and privacy. No one may invade the privacy of a person without the consent of the person or his heirs unless authorized by law.

Clearly, few people would question the need to protect one's privacy to a certain point. However, without the permission of all the heirs of a deceased individual, it appears impossible under section 35 to publish a biography even of historical figures. If an author fails to find all heirs to obtain their approval, publication of his book or film or article or play may be prevented. This sort of requirement is totally absurd.

There is currently a case before the courts, in which one of the parties is invoking section 35. It is this case that got me interested in the issues it raises. The case involves well-known historian and writer Pierre Turgeon, who was twice the recipient of the Governor General award, and Quincailleries Réno-Dépôt, a chain of hardware stores, and its president, Pierre Michaud. I will not get into the details of this civil case. God forbid.

However, to illustrate what I am talking about, I will give an outline of the dispute, which has been making headlines for over a year. Pierre Michaud is trying to prevent, through a permanent injunction, Mr. Turgeon from publishing a book that he wrote about his great-uncle, Paul-Hervé Desrosiers, who died in 1969. One of the arguments invoked by the businessman before the Superior Court is the now famous section 35, adopted in 1994. It is the first time that this section is used before the courts. Pierre Michaud also claims that, in his capacity as his great-uncle's universal legatee, he has ownership of the facts surrounding the life of that man, and that he can dispose of them as he pleases.

Several of my colleagues have heard about Paul-Hervé Desrosiers, or P.H. to his friends. Some senators even knew him personally. Here is a brief description for those who know nothing about this colourful character.

P.H. Desrosiers, who came from a very modest background, was born in 1898, in a small Quebec town. He was an ordinary tradesman who went on to become one of the most powerful business leaders of the Duplessis years. P.H. mingled with the political elite and prospered. His companies experienced such growth that, in his biography of Duplessis, Conrad Black referred

to P.H. as a very colourful entrepreneur who had benefited from government contracts awarded under the Duplessis government. Within a few decades, Val-Royal, which was founded in 1933, became one of Quebec's main employers, providing building materials in every corner of the province. In order to consolidate his control, P.H. sat on the boards of directors of major mining and manufacturing companies. He was also a contributor to the party led by Maurice Duplessis and he had a great deal of influence on several premiers. When he died, Paul-Hervé Desrosiers, who did not have children, left Val-Royal to his great-nephews, Pierre and Claude Michaud, who decided to rename it Réno-Dépôt.

Along with the Michaud brothers, this hardware chain, which has annual sales of half a billion dollars, is seeking a publication ban on the book written by Pierre Turgeon.

• (1700)

On February 3, 1998, in reaction to section 35, the Association des historiens made the following statement in *La Presse*:

A historian cannot undertake research on "X" from currently accessible archives without first looking up the living descendants of Marie de l'Incarnation, Wolfe, Thérèse de Casgrain, Louis Riel, or Jos Montferrand, and without obtaining their agreement... How, in such a world, can history be other than compliant and silent? Freedom of expression is very much at stake. What is to be remembered?

A number of other organizations have expressed similar concerns, including the Union des écrivains du Québec, the Fédération professionnelle des journalistes du Québec, the Civil Liberties Union, the Montreal Historical Society, the Institut d'histoire de l'Amérique française, SARDEC or Société des auteurs, chercheurs, documentalistes et compositeurs, the Union des artistes, the Association des réalisateurs de films et de télévision, the Association des producteurs de films, and the Association nationale des éditeurs de livres.

In an unprecedented event, historians, writers, journalists and artists have joined forces with the culture industry in calling for the abolition of a clause of the Civil Code which endangers their freedom and the very possibility of pursuing a career as creators or researchers. This outcry comes not only from the cultural community but also from the general public, as shown by the Fédération des travailleurs du Québec's support of Pierre Turgeon, through its president, Clément Godbout, who states categorically:

All the evidence here points to a true act of censorship.

I would point out, in passing, that all the unionized workers of Réno-Dépôt are also represented by the FTQ, and they feel they have as much right as their bosses to know the real history of the business. In an editorial in *Le Devoir* on Saturday, March 14, Gilles Lesage stated as follows:

These disquieting restrictions affect researchers and historians, genealogists and archivists, journalists, and finally all of us as citizens.

Another remarkable thing about this case is that it has succeeded in uniting anglophones and francophones, Quebecers and Ontarians. Pierre Turgeon has received the support of the Writers Union of Canada and the Canadian Historical Association, whose president, Judith Fingard, wrote him as follows:

[English]

Historians are naturally concerned that provincial and federal laws may be used to block access to our sources of information.

[Translation]

Moreover, *La Presse*, *Le Devoir* and the *Gazette* have been unanimous in calling for a total reform of the Civil Code on all privacy issues.

In a *Maclean's* article on the Pierre Turgeon case which appeared on May 5, it was reported that, while researching his biography of Lucien Bouchard, author Lawrence Martin received a warning letter from a Mr. Laprise, a lawyer representing Jocelyne Côté, the first Mrs. Bouchard. Invoking section 35 and the following sections of the Civil Code, the lawyer insisted the biographer cease his research immediately. Mr. Martin, a *Maclean's* journalist, stated:

[English]

How far can this thing go? Can you be charged with an offence for simply asking questions? In terms of free speech it is very threatening and quite absurd.

[Translation]

It would be very naive to think that the actions involved in such a serious attack on freedom of expression will be limited for much longer to the Canadian information media.

All the legal experts consulted agree that there is no other democracy in the world that has adopted a legal provision such as article 35, which bequeaths to heirs, and leaves up to their individual judgment, right of ownership over the very reputation of the dead, whether or not they were historic figures, for centuries to come, if not for eternity.

But how did an article as unfair and ridiculous slip into the Civil Code unbeknownst to the learned jurists who drafted it? This question becomes all the more relevant when we learn from the architect of the revised Civil Code, Paul-André Crépeault, that article 35 appeared nowhere in the reform he proposed in 1978, that he does not know where the article came from, and that he finds devoid of meaning a clause that claims to bequeath

to heirs extrapatrimonial property that can only belong to a living person, that is to say respect for privacy. How did article 35 slip into the heart of the new Civil Code, just before it was unanimously passed by the Quebec National Assembly in 1994?

Perhaps future historians will be able to tell us — if we give them permission to do their work!

In closing, I would like to point out that article 35 creates two categories of Canadians: those who have true freedom of expression, and who therefore are entitled to tell their stories and those of their ancestors unimpeded; and those covered by article 35, who must obtain permission from a myriad of descendants in order to get at the historic truth. Must Quebec's historians emigrate to Ontario in order to recount the history of their ancestors or, more ridiculous still, must they leave this task to their colleagues in other provinces? It is my belief that, if it is to have any meaning, our Constitution must give all Canadians the same rights.

I therefore add my voice to the voices of all the groups and organizations trying to defend freedom of expression for all Canadians. And I urge the Senate to do likewise, because this is an issue that ultimately affects the spirit of our Charter of Rights and Freedoms and that will accordingly have an impact on every citizen of Canada.

[English]

Hon. Jeremiah S. Grafstein: I want to ask Senator Hébert one or two questions. First of all, I had not focused on this matter but his argument is very compelling. Has he looked at the application of the Charter in this matter? Has he looked at the question of whether the federal power of disallowance applies to this subject-matter?

Senator Hébert: No, Senator Grafstein, I did not. I was counting on you or a jurist of your calibre to do that.

Senator Grafstein: That is not a responsive answer but I welcome the opportunity to do that. I will look into the question.

On motion of Senator Prud'homme, debate adjourned.

THE SENATE

VACANT ONTARIO SEAT—INQUIRY—DEBATE ADJOURNED

Hon. Lowell Murray rose pursuant to notice of March 18, 1998:

That he will call the attention of the Senate to the vacancy in the Senate created by the retirement of the Honourable Richard Doyle of Ontario; to the long-standing tradition of appointing a senior journalist from Ontario to the Senate; and to some helpful suggestions for the Prime Minister in this regard.

He said: Honourable senators, before I address the specific subject-matter of my inquiry, let me say a word about the tradition. The great George Brown, founder of the *Globe* and father of Confederation, was a senator until he was assassinated by a disgruntled employee. I hasten to add that the disgruntled employee was an employee of the *Globe*, not of the Senate. God forbid. Then as now, disgruntled employees of the Senate were non-violent protesters, expressing their disgruntlement by sitting on their hands in the fashion later made famous by Mahatma Gandhi. The British Raj was as stymied by this passive resistance as our own Internal Economy Committee is today, but I digress.

In 1945, Prime Minister Mackenzie King plucked his favourite reporter right out of the parliamentary press gallery and appointed him to the Senate. His name was Charles Bishop. He had been born in Nova Scotia and graduated from Acadia University. However, after 40 years in the gallery, he was able to sit in more or less good conscience as a senator from Ontario. He was not the last Nova Scotian to have done this. Senator Bishop had worked for *The Ottawa Citizen* and for Southam newspapers. Needless to say, he was a Liberal.

• (1710)

Awaiting him on his arrival in the Senate was Senator William Rupert Davies, who had been appointed by Prime Minister King in 1942. Senator Davies was President of the *Kingston Whig Standard*. Needless to say, he too was a Liberal. He was the author of a book entitled *Pilgrims of the Press*, which may or may not have been an account of how he and others from the gallery made it to the Senate.

When the Progressive Conservatives came to office in 1957, the obvious appointment to the Senate from the world of journalism was Grattan O'Leary, the much loved editor of the *Ottawa Journal*. He had to wait five years for his preferment because he had backed the wrong horse at the Tory leadership convention in 1956.

Prime Minister Diefenbaker finally relented in 1962. Grattan O'Leary, then 74 years of age, came to the Senate and regaled Parliament with his wit, wisdom and eloquence for another 14 years until his death in 1976 at the age of 88.

In drawing your attention to the Senate vacancy caused by the retirement of the former editor-in-chief of *The Globe and Mail*, the Honourable Richard J. Doyle, I do not mean to suggest that there are no journalists or former journalists left in this chamber. To name a few, Senator Corbin had been a journalist, but he came to the Senate after 16 years in the House of Commons. Senator Gigantès and Senator Fairbairn had been journalists, but they came here after a period of political indoctrination in the Prime Minister's office. Senator Graham amassed his first fortune writing for the *Antigonish Casket* when they paid by the column inch, but any spark of independent thought, much less of independent expression, was ruthlessly extinguished by a spell of

service in the ministerial office of the Honourable Allan J. MacEachen. In advocating the appointment of another journalist to the Senate, I am talking about someone who is, as they say, “hot off the press” and who is now engaged in what is loosely described in the world of journalism as full-time employment.

I trust honourable senators are under no illusion, and do not think I am under any illusion, that appointing another journalist to this place will improve our media coverage. Indeed not. In fact, choosing one of their number over the many journalists who are aspirants to a seat in the Senate just makes the others more resentful and their coverage of our activities more bilious and virulent. Theirs is not the gentle, good-natured envy that we sometimes remark among our compatriots as we make our appointed rounds of the country. The scorned “wannabee” senators in the gallery are so blind with bitterness and jealousy with regard to the Senate that it is almost pathological. Senator Kinsella, who was trained in moral theology, would understand when I say that such covetousness is, objectively speaking, sinful.

Some of the pundits who long for a Senate seat desperately tried to draw our attention, and especially that of the Prime Minister, to their qualifications by pontificating almost daily on “all weighty and arduous matters which may the Senate and Defence of Canada concern.” As if they were in the Senate already. It is really rather pathetic.

No, it is not in hope of getting decent media treatment for this place that I look for the appointment of another journalist to the Senate. It is, rather, because we senators respect tradition. You may say that this is a bad tradition, but I say that a bad tradition is better than no tradition at all.

Who, then, to fill the place of our esteemed emeritus colleague, Richard J. Doyle?

When it comes to Canadian media barons, there are not many left, a state of affairs inquired into by a previous Senate committee under Keith Davey, and by a royal commission under Tom Kent. There is Conrad Black, but he is understood to have his heart, if he has one, set on a seat in the British House of Lords, and would probably consider an appointment to the Canadian Senate a poor consolation prize; and there is Kenneth Thompson, who is already a member of the upper house in the U.K., having succeeded to his late father’s peerage.

Which brings us to the present editor-in-chief of *The Globe and Mail*. While I cannot really claim to know Mr. Thorsell, I think it may be fairly said of him that he is a man who is endowed with a proper measure of ambition and even of vanity. Some years ago, in one of those personally signed columns that adorn Saturday’s editorial page in *The Globe and Mail*, Mr. Thorsell wrote of his boyhood years working in his grandfather’s general store somewhere in Alberta. He did not credit God’s mysterious providence, but throughout this piece there was a strong sense of conviction that his departure from rural Alberta to — eventually — the editorship of *The Globe and*

Mail had been essential to his own fulfilment and a benefaction for humanity at large.

With the utmost respect, I say that neither of these propositions is proven nor is capable of proof this side of the grave. Who knows what Mr. Thorsell might have achieved had he stayed at the general store. As a Catholic, I can say with some confidence that he might have saved at least as many souls as manager or even assistant manager of the general store as he has done at *The Globe and Mail*, perhaps including his own. He might even have had a better chance of being appointed — or elected, as he would have it — to the Senate. Here, he could have acquired the gift of linear thinking, which makes possible a perspective on life that is not just temporal but eternal.

Speaking of which, it will be a cold day in hell before Bill Thorsell is appointed to the Senate by Jean Chrétien, unless the Prime Minister is taking advice from Preston Manning, which is unlikely.

If Mr. Chrétien is looking for a Liberal loyalist — and on his record to date, it is a safe assumption that he is — he will find them not on the editorial pages of *The Globe and Mail* but in its news columns. The name of Susan Delacourt springs to mind. Ms Delacourt has recently graduated from the news pages to the editorial staff, and Mr. Chrétien may want to leave her there, believing that he is entitled to a break from that quarter at long last. But let me, on her behalf, testify to her steadfast loyalty to the Liberal cause, in good times and bad, uninfluenced in her reporting by current fashion, public opinion or even by uncongenial facts. This Liberal spinster — and I use the term in its current vogue, meaning as a propagandist rather than as a description of *état civil*, of which I know nothing — should not be long denied her reward. However, my duty of candour to the Prime Minister obliges me to note just one or two possible stains on an otherwise unblemished record of loyalty. She was a charter member of the Allan Rock supper club and leadership campaign committee. She later jumped to the Paul Martin fan club and is now an honorary member of his campaign committee. I think we would all understand if the Prime Minister felt that these enthusiasms were a bit premature and if he sought other possible candidates for the Senate vacancy.

Fortunately, others come to mind. There is Graham Fraser, whose Liberal pedigree stretches back many generations to Cape Breton. With this background he should be on the Prime Minister’s short list but, unfortunately, he seems to have developed a penchant for weighty analysis during his years as a foreign correspondent. This is not something highly esteemed in the Liberal whip’s office, where it is regarded as evidence of unreliability with perhaps even a potential for mutiny.

The Prime Minister’s Senate appointments over the past four years indicate a remarkable preference for meritorious senior citizens. In that category, none is more deserving than Hugh Winsor, nor more devoted to the Liberal cause. However, with advancing age, Mr. Winsor’s latent and perhaps hitherto repressed taste for *la dolce vita* has become all too painfully apparent. Goodness knows we do not need another of those in here.

It may be that the Prime Minister has decided regrettably, and perhaps regretfully, that there is no one quite suitable enough at *The Globe and Mail* to succeed Senator Doyle. What about other centres of journalistic thought? There are, of course, the *Sun* papers in Toronto, Ottawa and Edmonton. Douglas Fisher, their “nostalgia” editor, appears regularly in those papers and is the dean of the Ottawa pundits. He routinely excoriates the Senate, but I ask you, would he have accepted an appointment to this place had it been offered? Ha! Recently he has taken to advocating a freeze on salaries of honourable senators. However, I think it is significant that he slyly refrained from making any such proposal until he had passed his seventy-fifth birthday and thus became ineligible for appointment. He nursed his ambition in secret all those years, too proud to ask. Now that he is nursing his hurt and frustration, I am sure we will hear more from this sénateur manqué, and none of it will be pleasant. It is probably just as well he was not appointed. The Senate is no place for people who are pompous and opinionated.

The Hon. the Speaker: Honourable senators, the honourable senator’s time has expired. Is leave granted to continue?

Hon. Senators: Yes.

Senator Murray: I do not wish to impose on honourable senators, but this is an important subject.

Finally, there is *The Toronto Star*. How could successive Liberal Prime Ministers have overlooked the *Star* and its loyalty to the Liberal Party in season and out? Could it be that, like so many millions outside Metro Toronto, they do not read it? Well, they are missing something.

First, they are missing Richard Gwyn. Mr. Gwyn was a member of the Ottawa establishment for so long that people who do not read the *Star* may be forgiven for thinking that he died with Mackenzie King. Those who do read the *Star* may be forgiven for thinking his columns have been recycled from that era. He is alive and well, writing his redraft of history every week and, in my humble opinion, would be a prime candidate for a sinecure if he did not already have one.

Also a columnist with the *Star* is Dalton Camp. Like Mr. Fisher, he has passed the age of eligibility. In other words, he is too old. If I may say so as a devoted friend and advisor, he is too far left for today’s Liberal Party and too cranky for this chamber of serene and sober second thought.

In the Sunday *Star*, there appears a thought-provoking if sometimes overwrought and overwritten column by Michelle Lansberg. Ms Lansberg is often a bit tendentious when writing about social matters, but quite charming when describing everyday experiences of life. One such column that appeared several years ago related the strategy she had devised against the squirrels that were invading the bird feeders in her backyard. As this is an experience known to many, urban dweller and country person alike, the column conveyed an empathy which was warmly reciprocated by the reader. It also confirmed the

existence in Ms Lansberg of a nice killer instinct where rodents are concerned which, under appropriate circumstances, is not entirely out of place in politics, not even in the Senate.

My late father-in-law, who was a warden in the Cape Breton Highlands National Park, used to say that the squirrel was first cousin to a rat, and I believe he was right. Again I digress. Ms Lansberg would make a fine senator, but Mr. Chrétien should be advised that she is probably NDP. However, this did not stop her spouse, Stephen Lewis, from accepting a patronage appointment as ambassador to the United Nations when it was offered by former prime minister Mulroney. He has been dining out on it ever since — Mr. Lewis, that is, not Mr. Mulroney.

All of these candidates are worthy of consideration but, as honourable senators will have noted, none is without flaw. As close as I can come to a flawless candidate from Mr. Chrétien’s point of view, is John Honderich, the publisher of *The Toronto Star*. Mr. Honderich has everything going for him. Party loyalty? The man is a brick. Or is it a plank? I can never remember. Tradition? He inherited his liberalism from his father, the revered Beland Honderich, who inherited it from a long line of *Star* publishers who never wavered in their devotion to the cause. Not long after the Second World War, the *Star* described a political alliance between the Tory premier of Ontario and the Union Nationale premier of Quebec as an “Axis,” borrowing the label which had been attached to the Hitler-Mussolini wartime Nazi front. You can be sure that Mr. Honderich is of the same stamp; the same stamp as earlier *Star* publishers, not the same stamp as Hitler and Mussolini, God forbid. Mr. Honderich was in the Parliamentary Press Gallery some years ago and stood out even then as a young man of promise. He has indeed more than realized his earlier promise and he has gone far in his chosen field. He is a liberal whip’s dream and he is ready for the Senate.

If, for some reason, Mr. Honderich is unavailable or considered undesirable by the Prime Minister, two other names come to mind. A former editor of *The Globe and Mail*, and also of the *Montreal Gazette*, is Mr. Norman Webster. Mr. Webster had two grandfathers who sat in the Senate; one as a Liberal, one as a Tory. Mr. Webster may thus be said to be doubly qualified for appointment to the Senate. After all, Senator Meighen and Senator Lynch-Staunton got here with only one grandfather who was a senator — one grandfather each, that is. I did not mean to imply that Senator Meighen and Senator Lynch-Staunton had the same grandfather. Were that the case, Senator Meighen and Senator Lynch-Staunton would be cousins, which, obviously, they are not. The genetic pool in English Montreal may have thinned out somewhat in recent years, but it has never come to this, thank God! Again, I digress.

• (1730)

Speaking of “thinning out,” there is the case of Mr. Mike Duffy to be considered. It is understood that while Mr. Duffy would be honoured to sit as a senator from his native Prince Edward Island, he would not accept appointment as an Ontario senator. This, however, remains to be confirmed.

In conclusion, while my favourite candidate is obviously Mr. Honderich, I thought it would be helpful to the Prime Minister if I gave him a brief sketch of others who would be on a Liberal short list for appointment to the vacant journalist's seat in the Senate. There are many vacant journalists but those who I have mentioned seem to me to be the most worthy.

Hon. Philippe Deane Gigantès: Honourable senators, I wish to ask the honourable senator how he can be so witty.

Hon. Marcel Prud'homme: Honourable senators, I wish to speak on this subject, but not today. However, I have a quick question for my honourable colleague.

The honourable senator has forgotten to mention two people from Toronto. First, I wish to know his view on Ms Carol Goar. I will speak about her in my speech tomorrow. Second, has he forgotten about Barbara Amiel? Does the honourable senator have any comments about whether or not these two people should be included on a short list?

Senator Murray: Concerning the latter, her husband is a candidate for the British House of Lords. I do not think it would be possible for her to accept an appointment to the Canadian Senate.

As for Ms Goar, I must confess that I overlooked her. I once knew her when she was in the parliamentary press gallery. She is writing editorials for *The Toronto Star*.

The Prime Minister has shown great preference for appointing women to the Senate and commendably so. If Mr. Honderich is willing to stand down, Ms Goar might be available. I encourage my friend to place her qualifications before the Senate at the first opportunity.

Senator Prud'homme: The honourable senator mentioned that Ms Amiel's husband is a candidate for the House of Lords. How can we reconcile the possibility that he is a member of the Queen's Privy Council for Canada and a member of the British House of Lords? I was appointed the same day as Mr. Black was appointed by the Queen, namely, July, 1992. He was sitting with

me and we were happy to be members of the Privy Council of Queen Elizabeth II, Queen of Canada. Mr. Black told me at that time that free trade was the first step. He said that first there should be economic union, and then it would make sense to eventually have political union. I am confused as to Mr. Black's future. Would the honourable senator enlighten me?

Senator Murray: Naturally, I thought about that a great deal. The Honourable Conrad Black is indeed a member of the Queen's Privy Council for Canada. The question is: Could he also sit as a member of the House of Lords?

My researchers indicate that there is a precedent in that the Duke of Edinburgh is a member of the Canadian Privy Council and also a member of the House of Lords.

Hon. Jeremiah S. Grafstein: Honourable senators, the honourable senator has made reference to his research. Did his researchers come across an interesting series of articles or comments about another media-worthy Ontarian who has requested to be a member of the Senate and would not feign to let this cup pass from his lips? Has the honourable senator come across that piece of research?

Senator Murray: I do not know.

Senator Grafstein: I just criticized Senator Di Nino for his lack of research and here we have Senator Murray doing the same thing. If he would make a careful analysis of the research he would find that Mr. Larry Zolf has made application to the Senate of Canada time and time again.

Senator Murray: Mr. Zolf is a native of Manitoba and I think he should look there first.

Senator Grafstein: He is president of the CBC in Ontario and he would be considered a resident for the purpose of the Senate.

On motion of Senator Prud'homme, debate adjourned.

The Senate adjourned until Wednesday, March 25, 1998, at 1:30 p.m.

CONTENTS

Tuesday, March 24, 1998

	PAGE		PAGE
Visitors in the Gallery		Senator Graham	1245
The Hon. the Speaker	1243		
The Senate		Human Rights	
Welcome to New Page	1243	Organization of American States—Timing for Ratification of Inter-American Convention on Human Rights—Government Position. Senator Kinsella	1246
Page Exchange Program with House of Commons		Senator Graham	1246
The Hon. the Speaker	1243		

SENATOR'S STATEMENT

The Francophonie Games	
Senator Simard	1243

ROUTINE PROCEEDINGS

The Estimates, 1997-98	
Report of National Finance Committee on Supplementary Estimates (B) Presented and Printed as Appendix.	
Senator Cools	1244

Business of the Senate

Adjournment. Senator Carstairs	1244
Senator Murray	1244
Senator Kinsella	1244
Senator Prud'homme	1244

Canada-Europe Parliamentary Association

Council of Europe Parliamentary Assembly, Paris and Strasbourg, France—Report of Canadian Delegation Tabled.	
Senator Milne	1244
Council of Europe Parliamentary Assembly, Committee on Economic Affairs and Development, London, England— Report of Canadian Delegation Tabled. Senator Milne	1245

National Unity

Position of British Columbia on Quebec's Status— Notice of Inquiry. Senator Carney	1245
---	------

QUESTION PERIOD

Human Rights

Possible Promotion by Prime Minister of International Human Rights—Government Position. Senator Oliver	1245
Senator Graham	1245

Federal-Provincial Relations

Prospect of Funding for Clean-Up of Halifax Harbour— Government Position. Senator Forrestall	1245
---	------

ORDERS OF THE DAY

Mackenzie Valley Resource Management Bill (Bill C-6)

Second Reading—Debate Adjourned. Senator Forest	1246
---	------

Canada Marine Bill (Bill C-9)

Second Reading—Debate Continued. Senator Forrestall	1248
Senator Bryden	1250
Senator Kinsella	1253

Post-Secondary Education

Consideration of Final Report of Special Committee— Debate Concluded. Senator Forest	1254
---	------

Scrutiny of Regulations

Consideration of Second Report of Standing Joint Committee— Order Withdrawn. Senator Hervieux-Payette	1256
--	------

The Senate

Concerns of Albertans—Inquiry—Debate Continued.	
Senator Lucier	1256

International Francophonie Day

Inquiry—Debate continued. Senator Gigantès	1259
--	------

Security and Intelligence

Establishment of Special Committee—Motion Modified— Debate Continued. Senator Kelly	1260
--	------

Income Tax Act

Motion Proposing an Amendment—Debate Continued.	
Senator Gigantès	1261

Reports on Social and Economic Development

Inquiry—Debate Concluded. Senator Carstairs	1261
---	------

Energy

Sable Island Gas Projects—Motion to Authorize Energy, the Environment and Natural Resources Committee to Examine and Review the Process—Order Stands. Senator Simard	1264
Senator Carstairs	1264

PAGE

PAGE

Human Rights in Asia

Inquiry—Debate Adjourned. Senator Di Nino	1264
Senator Grafstein	1267
Senator Gigantès	1268

Civil Code of Quebec

Difficulties and Problems Arising from Section 35—Inquiry— Debate Adjourned. Senator Hébert	1268
--	------

Senator Grafstein	1270
-------------------------	------

The Senate

Vacant Ontario Seat—Inquiry—Debate Adjourned. Senator Murray	1270
Senator Gigantès	1273
Senator Prud'homme	1273
Senator Grafstein	1273



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