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(HANSARD)

Wednesday, April 1, 1998

**THE HONOURABLE GILDAS L. MOLGAT
SPEAKER**

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

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THE SENATE

Wednesday, April 1, 1998

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

THE LATE M. MAXWELL COHEN, O.C., Q.C.

TRIBUTES

Hon. Gérald-A. Beaudoin: We have just lost a great Canadian.

[English]

Born in Winnipeg in 1910, Maxwell Cohen had a remarkable academic career. Professor of law and a prolific writer, he was Dean of Law at McGill University from 1964 to 1969. It has been my good fortune to know Maxwell Cohen for 30 years.

Without any doubt, Maxwell Cohen was one of the great jurists of his generation. He was an outstanding scholar in public international law, constitutional law, human rights and air and space law. He served as Judge *ad hoc* at the International Court of Justice. His reputation was both national and international.

[Translation]

He played a lead role in numerous academic, professional, and legal activities. He left his mark on the Canadian Bar Association, the International Commission of Jurists, and the Royal Commission on Hate Propaganda, which he chaired. The many high honours awarded to him, while too numerous to list, include the Samuel Bronfman Medal for service to the Jewish community, and the John Read Medal for his work within the Canadian Council on International Law.

[English]

Last year, in August, a colloquium on the "Federalism of Tomorrow" was held at the University of Ottawa. The proceedings of that colloquium will be published in June. I wish to say that Maxwell Cohen was in good part responsible for that colloquium. He first had the idea for that colloquium while at the University of Ottawa, where he was Scholar-in-Residence.

[Translation]

Maxwell Cohen was a highly talented jurist. He will long be remembered for his writings, his books, his journal articles, and his remarkable — unique, even — ability to synthesize a subject. His was a long and glorious career.

My deepest sympathy goes out to his wife, a remarkable person in her own right, and to all the family.

[English]

THE SENATE

TIME ALLOCATION FOR DEBATE

Hon. Consiglio Di Nino: Honourable senators, on two occasions last week I sought, and received, permission from this chamber and from all colleagues on both sides to extend my presentation in excess of the 15 minutes allowed by the rules. I wanted to thank honourable senators once again, and to express my gratitude for that indulgence.

However, over the weekend it struck me that there are many issues — particularly the one with which I was dealing, namely, Senate reform — that require a great deal more than the time allowed. In taking this opportunity to express my gratitude, I wish to suggest that the Standing Committee on Privileges, Standing Rules and Orders should be instructed to take a look at this matter so that we can revisit the issue. I have found that the 15-minute period for debate is not adequate for the putting forth of a valid argument on certain issues.

Once again, I wish to thank honourable senators for the privilege of addressing you longer than I should have, and I hope that the Rules Committee or those members of the committee who are here today are listening. I hope that they will visit this matter again in the near future.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence in our gallery of a group of visitors. They are a group of 16 students accompanied by four coordinators from the Long Plain First Nations, and they are part of the Long Plain Youth for Tomorrow project.

The group is accompanied by their coordinators Margaret Assiniboine, Mary Wichmartin, Mary Perswain and Robert France. I must add, of course, that they come from that great province of Manitoba.

THE SENATE

WELCOME TO NEW PAGE

The Hon. the Speaker: Honourable senators, I should like to introduce to you the latest addition to our Senate Page Programme. Next to me is Keli Hogan, who lives in Hull, Quebec. She is presently in her third year of honours at the University of Ottawa, enrolled in the Faculty of Social Science, where she studies political science and psychology.

Welcome to the Senate.

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

FIRST NATIONS GOVERNMENT BILL—NOTICE OF MOTION
TO AUTHORIZE COMMITTEE TO APPLY MATERIALS
AND EVIDENCE GATHERED ON EXAMINATION
OF PREVIOUS BILLS TO STUDY OF CURRENT BILL

Hon. Charlie Watt: Honourable senators, I give notice that tomorrow, Thursday, April 2, 1998, I will move:

That the papers and evidence received and taken by the Standing Senate Committee on Aboriginal Peoples during its study of Bills S-10 and S-12 (An Act providing for self-government by the First Nations of Canada) in the 35th Parliament be referred to the committee for its present study of Bill S-14.

QUESTION PERIOD

DELAYED ANSWER TO ORAL QUESTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on March 25, 1998 by the Honourable Senator Tkachuk regarding war veterans allowance programs and changes to regulations governing casual earnings.

NATIONAL FINANCE

WAR VETERANS ALLOWANCE PROGRAM—
CHANGES TO REGULATIONS GOVERNING
CASUAL EARNINGS—GOVERNMENT POSITION

(Response to question raised by Hon. David Tkachuk on March 25, 1998)

The revised definition of income will take effect in the 1999 taxation year. Officials are studying ways in which the

appropriate changes can be made to the War Veterans Allowance program to ensure that no War Veterans Allowance recipient suffers any loss as a consequence of the change.

ORDERS OF THE DAY

CANADA-YUKON OIL AND GAS ACCORD IMPLEMENTATION BILL

THIRD READING

Hon. Paul Lucier moved the third reading of Bill C-8, respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas.

Motion agreed to and bill read third time and passed.

[Translation]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon, pursuant to notice given Tuesday, March 31, 1998, moved:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings on Bill C-9, Canada Marine Act, with the least possible disruption of its hearings.

Motion agreed to.

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING
SITTINGS OF THE SENATE—DEBATE ADJOURNED

Hon. Lise Bacon pursuant to notice of Tuesday, March 31, 1998, moved:

That the Standing Senate Committee on Transport and Communications have power to sit at 4:00 p.m. on Tuesdays for the duration of its study of Bill C-9, the Canada Marine Act, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

[English]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, perhaps the mover of this motion would provide the chamber with an explanation.

[Translation]

Senator Bacon: Honourable senators, given the number of witnesses we have to hear during our study of Bill C-9 and the fact that the committee deliberations will be televised — a motion to that effect has just been agreed to — we should begin at precise times, since many people in the Maritimes are interested in this bill and want to watch the debate. If committee hearings start at 4:00 p.m., it will permit people to follow the debates. It would then be 5:00 p.m. in the Maritimes.

[English]

Senator Kinsella: I thank the honourable senator for that explanation. This raises a very serious matter to which we have alluded on previous occasions in the recent past. To have a standing committee of the Senate meeting at the time when the Senate itself is sitting is contrary to our rules. There is a principle and there is history behind that rule which speaks to the primacy of this chamber and the work conducted in this chamber.

• (1350)

I know that there are exceptional circumstances which present themselves from time to time, such as the schedule of a minister from whom a committee is very anxious to hear, or a special witness from out of town who might be available.

However, honourable senators, if you read this motion carefully, it is a motion requesting a standing order of the house that on every Tuesday at 4:00 p.m., for the duration of its study, this committee would be sitting even though the Senate may then be sitting. I believe that to be a very bad precedent. We do not know how long that committee will be conducting its study. To acquiesce to such a motion would be giving blanket permission for that committee to meet when the Senate is sitting.

Looking at the time line that is involved, they are requesting permission to meet at 4:00 p.m. on Tuesdays. Over the past few months, our practice on Tuesdays has been to rise at approximately 5:30 or 6:00 p.m. It seems to me that if this committee wishes to meet on Thursday evenings at that time, 4:00 p.m., they could sit a little later.

There are, of course, two days of the week when, as a general rule, the Senate is not sitting, namely Mondays and Fridays. It would be my preference to have committees look at those two days rather than trying to squeeze into Tuesday, Wednesday and Thursday, elongated periods of time for committees to meet because there are other committees that are also meeting at those same times. I know there are many honourable senators who are members of several committees, and it is not uncommon that some senators are finding themselves in the awkward position of having two of the committees of which they are members sitting at the same time.

If we allow this motion to carry, the senators who are members of that committee will be placed in the awkward position of having to decide whether to attend the committee meeting or the daily sitting of the Senate in the chamber. There might be an item on the Order Paper for that day that is of particular interest or importance to one of those senators, affecting his or her region. Will I attend committee A or committee B? The whips try to organize the committee schedule so that we avoid these kinds of conflicts, and so that there is some sort of practical management of our business, both in the chamber and in the committee. That whole infrastructure would be affected were we to give what effectively would be standing permission, should this motion pass.

In any event, it seems to me that there is not much government business before us. Today we had no debate on any government business. Yesterday, we spent a very brief period of time on government business. The reality is that we are not receiving any legislation from the other place that we cannot deal with efficiently and refer to our committees.

We are about to take the two-week break that is envisaged for the Easter period, and I would suggest that committees might sit on that third week, rather than have the chamber come back, given the paucity of legislation that we are likely to receive.

For these and other reasons upon which I wish to reflect concerning this motion, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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