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Wednesday, September 30, 1998

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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Wednesday, September 30, 1998

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

Prayers

[*Translation*]

SENATORS' STATEMENTS

INTERNATIONAL DAY OF OLDER PERSONS

Hon. Marisa Ferretti Barth: Honourable senators, I am deeply honoured to have this opportunity to tell you about the official launch of the International Year of Older Persons and to mention that tomorrow, October 1, is International Day of Older Persons.

In order to pay tribute to the rich contribution of older persons to society, the United Nations General Assembly declared 1999 the International Year of Older Persons. The theme "A Society for All Ages" is designed to increase public awareness of the essential role that older persons have always played, and still do, in all sectors of activity, including the volunteer sector.

As a member of the Bureau québécois de l'Année internationale des personnes âgées, I will have the honour tomorrow of taking part in the official launch of the International Year of Older Persons.

Honourable senators, the purpose of the International Year of Older Persons is to promote certain principles to do with the independence and participation of seniors, stimulating their interest in new horizons, the care they receive and their dignity.

We are also hoping to improve their quality of life. I would like to take this opportunity to mention the contribution made by community centres. Through their work, their activities and their involvement in the community, they have succeeded in creating a network that helps seniors to find support, referrals, and friends, as well as to put their many years of experience to good use. Through the wonderful work these centres do, they have not only brightened the daily existence of seniors, but added a few years to their lives.

I therefore encourage you to take part in the various activities being held as part of the International Day of Older Persons, and to celebrate year round the important contribution made by seniors to society as a whole.

THE LATE ABE STERN

TRIBUTE

Hon. Lucie Pépin: Honourable senators, on the occasion of Yom Kippur, I would like to pay tribute to a friend, a great Canadian, who passed away last week, Abe Stern.

Born in Romania, Abe Stern was the youngest of 10 children and the only member of his family to survive the concentration camps.

When people said they did not believe in the Holocaust and everything that had gone on in the concentration camps, Mr. Stern always said, "I, too, experienced it, I, too, was a victim, and still I have trouble believing it all happened."

In 1947 he immigrated to Montreal and began his life there under very humble conditions. His many talents and his determination to make a better life for himself saw him prosper, however.

Not content to rest on his laurels, this generous man looked for ways to share his wealth that included creating the cancer research fund at Jewish General Hospital and becoming the biggest donor to the foundation for the Université du Québec à Montréal.

[*English*]

Honourable senators, I should like you to bear with me for a few moments as I pay further homage to this man by reading into the record the eulogy given by his son, Seymour Stern, on September 25. Who better than a son to sum up the life of this remarkable man, and to evoke his marvellous memory? Seymour said:

We write our own destiny; we become what we do.

The Talmud speaks of two ships sailing; one setting forth on a voyage, the other coming home to port. Everyone cheered the ship going out, but the ship sailing in was scarcely noticed. A wise man said: "Do not rejoice over a ship that is setting out to sea, for you cannot know what storms it may encounter. But rejoice rather over a ship that has safely reached port, and brings home all its passengers in peace."

And this is the way of the world: When a child is born, all rejoice. When a man dies, all weep. We should do the opposite. No one can tell what trials await a child; but when a man dies in peace, we should rejoice. For he has completed his long journey, and he is leaving this world with the imperishable crown of a good name.

This year marks the 50th anniversary of my father's arrival in Canada from Europe. Over the span of all those years, Dad never forgot his humble roots. He always felt a deep gratitude to the community, its institutions, and the country that took him in, and he never stopped showing that gratitude. Well-mannered, charming, compelling yet soft-spoken, he was a man of deeds, not words.

•(1340

Rabbi Yochanan ben Zakkai once said to his disciples: "Go out and discern which is the proper way to which a man should cling."

I think their answers, one after the other, befitted my father.

One rabbi said a man should have a good eye and should show tolerance and benevolence to others. Dad had a remarkable ability of relating to an issue with an acute level of attention. When a topic would be raised, whether by him or someone else, and particularly regarding one's needs, whether trifling or of serious consequence, it became at that moment his only priority and received all his attention until the issue was resolved.

The Hon. the Speaker: Honourable senators, I regret to interrupt but the allotted time has expired. Is leave granted for Senator Pépin to continue?

Hon. Senators: Agreed.

Senator Pépin:

His advice was specific, but always with the other person's good in mind. Tender but persuasive, he offered of himself in a simple and basic manner. His help was effortless; no issue was too big, as his approach was never complicated nor convoluted. Simplicity and consistency were his mark.

The next rabbi said a man should be a good friend. Dad would not hesitate to do anything for a friend, and he kept the same circle of loyal friends throughout his life. It appealed to him to give opportunities to others. There seems to be no end of stories and people who tell us about how they were helped by my father, whether it was monetary help, good advice or being put in touch with someone else who could further a person's interests.

Another rabbi said a man should be a good neighbour. My father expressed this through his never-ending regard for the community. His help to the State of Israel, the Hebrew Free Loan Association, to hospitals and to educational institutions from a humanitarian point of view, crossing barriers of language and religion rather than remaining

insular, leading to his being awarded the Order of Canada for Philanthropy.

The next rabbi was of the opinion that one should be able to consider the outcome of a deed, that is, not to be prophetic but to foresee the consequences of his actions. Dad always knew where he was going, and never lost sight of the target. Not impulsive, he did nothing without thinking it through at his leisure, seriously considering matters in his own time frame. He did not know the word "can't." Once making a decision, he never looked back.

Patient, thoughtful, soft-spoken and conservative, he may be best remembered by most people as one who was ready at any time to give advice or arbitrate a situation. He had a strong opinion on every matter, but his opinion could never be ignored in its wisdom.

The last rabbi stated a man should have a good heart, to which Rabbi Yochanan added that this attribute encompasses all the others, as it is at the root of every endeavour, aspiration, spiritual tendency and achievement. Dad always showed his appreciation and gratitude to others when they gave of themselves to him. He loved to help the underdog, and he loved life. All who saw his battle in the last fourteen months witnessed a man who would not give up. I remember, not long after this ordeal began, that my sisters and I were already listing the miracles that seemed to be transpiring as he defied the odds repeatedly due to his intense will to live.

The Book of Proverbs says: "Children's children are the crown of old men, and the glory of children are their fathers." My father's crowning achievements were his children and his grandchildren. The closeness in our family could always be felt streaming through as a continuum from one generation to the next, from my father's brief recollections of his father, down to our own children and their love for their Zaydie. My father's pride in his wife, Gaby, and his children was always evident. His family was his first and foremost priority. I don't recall an instance when he did not give me his full, uninterrupted and unlimited attention when I needed and asked for it.

In his own way, he was a very pious man, and an integral part of his legacy to his family is his meaningful attitude to life, religion and God. I feel very deeply blessed, and I speak for my sisters as well, that the ethics by which I lead my life are due to his example of exercising the highest moral values, passing them to future generations.

Honourable senators, I feel privileged today, as members of the Jewish faith celebrate Yom Kippur, to commit to the public record Seymour Stern's moving testimony, and to rejoice in Abe Stern's ship having safely reached port and returned him home in peace.

ROUTINE PROCEEDINGS

DNA IDENTIFICATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-3, respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts.

Bill read first time.

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

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Tuesday, October 6, 1998.

[*Translation*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-FIFTH REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Pierre Claude Nolin, Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

WEDNESDAY, September 30, 1998

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

TWENTY-FIFTH REPORT

Your Committee recommends the adoption of Supplementary Estimates of \$3,261,200 for the fiscal year 1998-99. Since the Senate had a carry-forward balance of \$1,273,000 from 1997-98, the new funding requirements in the Supplementary Estimates is \$1,988,200.

This Supplementary Estimate is required to meet operational shortfalls in Committees; to provide for salary increase resulting from signed collective agreements; and to provide funds for projects which were not anticipated at the time of the Main Estimates.

A significant part of the Senate's role is to carry out in depth studies by its committees of issues which are important to Canadians. This year's studies have included an examination of the Canadian financial system, issues relating to the harvest of the Boreal Forest, the state of transportation safety, issues relating to custody and access arrangements after separation, Aboriginal self-government and security and intelligence questions. It is the established practice of both Houses of Parliament to fund special studies, special committees and joint committees from

Supplementary Estimates. The total amount sought for committees is \$1,200,000.

The Supplementary Estimates also covers funds to provide greater public access to the work of Senators, including funds to implement an agreement with the House of Commons to provide technical and production crews for broadcasting Senate Committees, and to purchase the relevant equipment. The funds required for broadcasting and communications is \$463,000.

Supplementary funds amounting to \$230,000 are also required to ensure the continued usefulness of Committee rooms and to allow access to interpretation systems for public seating in compliance with the Official Languages Act.

Funds totaling \$58,200 are also required to cover the cost of two Parliamentary Associations over and above those funded through the Main Estimates and which were recommended by the Joint Senate — House of Commons Interparliamentary Council.

The remaining \$1,310,000 of the requested Supplementary Estimates covers upgrades to information technology to keep the Senate compatible with the parliamentary internet system, as well as funds for additional research expenses and tenant services not expected when the Main Estimates were prepared 12 to 18 months in advance.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

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

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

[*English*]

PRIVACY COMMISSIONER

ANNUAL REPORT—NOTICE OF MOTION TO REFER TO COMMITTEE OF THE WHOLE

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I give notice that on Thursday next, October 1, 1998, I will move:

That the report of the Privacy Commissioner for the period ended March 31, 1998, tabled in the Senate Tuesday, September 29, 1998, be referred to the Committee of the Whole for the purpose of hearing witnesses and making a report; and

That the committee report no later than February 15, 1999.

QUESTION PERIOD

HUMAN RIGHTS

CANADIAN RACE RELATIONS FOUNDATION—CHANGE IN INDEPENDENT ADVOCACY ROLE—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the Canadian Race Relations Foundation and to Bill C-44, which is now in the other place and shortly to come here.

Buried deep in Bill C-44, an omnibus Treasury Board bill dealing with dozens of agencies under the guise of clarification, there is a change in the mandate of the Canadian Race Relations Foundation. The foundation is being stripped of its original advocacy role of:

...promoting the development of effective policies and programs for the elimination of racism and racial discrimination.

•(1350)

Instead, it will act merely as an information clearing-house, focusing on the dissemination and gathering of information about racism. In short, this will virtually render the foundation powerless.

The act's main clause regarding the facilitation of consultation and collaborating with business, labour, voluntary, community and other organizations is to be repealed. This forces the foundation into a much more passive role.

My question for the Leader of the Government in the Senate is this: For what reason does this government not want to have an independent foundation promoting effective policies? Is this gutting of the mandate more anti-visible minority racism in disguise?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer to the last question is, absolutely not.

I appreciate Senator Oliver's concerns. He has championed them in the Senate and on other occasions, namely, at universities, schools, and publicly.

With respect to Bill C-44, Senator Oliver has alerted us as to what is contained in that bill. I have not had an opportunity to examine the contents of the bill, but I certainly will do so based on the representations made by Senator Oliver today.

Senator Oliver: Honourable senators, by way of a supplementary question, the briefing note accompanying the bill says that this is housekeeping. Since when does stripping an agency of a mandate to promote effective policies constitute housekeeping? Is the Liberal idea of housekeeping sweeping away a policy that might promote good ideas to which the

government does not want to listen? Is the government afraid of making minorities equal?

Senator Graham: This government has never been afraid of making minorities equal. One of the time-honoured positions of the Liberal Party and this government is that all people are equal whether or not they belong to a minority.

Senator Lynch-Staunton: Like those students in Vancouver. Do you pepper spray everyone?

Senator Graham: As I said, I will be happy to take into consideration the representations made by Senator Oliver, and I will examine Bill C-44 very carefully.

REDRESS ON PAST TREATMENT OF CHINESE— GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): The question just raised by Senator Oliver relating to the Race Relations Foundation reminds me of the time that the government of Prime Minister Mulroney brought forward the Japanese redress program. It was pursuant to that program of Japanese redress that the endowment fund that created the Race Relations Foundation was established.

My supplementary question to the minister is the following: Is it the government's position that it will follow the lead of the Mulroney government in dealing with the Japanese redress by soon coming forward with a redress program affecting the Chinese head tax, something which no doubt will be of interest to our latest member of the Senate?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of any consideration on that particular subject at the present time.

SOLICITOR GENERAL

COMMISSION OF INQUIRY INTO TREATMENT OF PROTESTORS AT APEC CONFERENCE BY RCMP—PROVISION OF FUNDS FOR DEFENCE OF STUDENTS—APPROPRIATENESS OF FORUM— REQUEST FOR RESPONSE AND PARTICULARS OF MEMBERSHIP OF FORUM

Hon. Pat Carney: Honourable senators, last week, I asked the Leader of the Government in the Senate whether the government would be providing financial assistance to the students who were pepper sprayed and strip-searched at the APEC demonstration. The leader undertook to raise my concerns and seek an answer. I am asking, who did the leader ask and what did they say?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that matter has been discussed with my colleagues in cabinet. With respect to what may or may not have been raised in cabinet itself, that is not something that I can discuss publicly. My honourable friend, as a former member of cabinet herself, will understand.

However, as far as I know, there will be no assistance provided to the complainants.

Senator Carney: My honourable colleague correctly pointed out that the commission involved, which is the RCMP Public Complaints Commission, was set up by our government to hear complaints against the RCMP. However, this situation is unique. I myself have demonstrated on the University of British Columbia campus on issues concerning freedom rights, and I have never had the misfortune to have my rights violated, as have some of the students.

Since this inquiry will report to the Superintendent of the RCMP, and since the RCMP has already exonerated its officers in their interim review, why does the government feel that this is a satisfactory response to this violation of Canadians' basic human rights?

Senator Graham: I should point out to Honourable Senator Carney that the RCMP Public Complaints Commission consists of a chairman, a vice-chairman, a member for each province or territory that contracts for RCMP services, and no more than three other members. They are appointed by order of the Governor in Council. No member of the RCMP is eligible to be appointed to the commission.

Senator Carney: Honourable senators, the leader has promised my colleague Senator Stratton to supply the names of that commission to this house. Can he tell us when he will be ready to do that?

Senator Graham: Honourable senators, I was hoping to have the answer to that particular question today. I can say that it was the Chair of the RCMP Public Complaints Commission, Shirley Heafey, who announced the establishment of the public interest hearing into the facts arising from the particular events to which my honourable friend refers. Commission member Gerald Morin of Saskatchewan will chair the panel, which will also include members Vina Starr of British Columbia and John Wright of the Yukon.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the act provides that only the RCMP can investigate complaints against itself before the commission. Because of the unique complaint that is before the panel right now, would the government not agree that it should ask that the complaints commission hire other than the RCMP to look into the matters before it?

Senator Graham: That would be up to the commission itself.

Senator Lynch-Staunton: I am asking the minister whether he would support such a request by the commission, that it hire other than the RCMP to investigate actions by the RCMP.

Senator Graham: Honourable senators, I am not the minister responsible for the RCMP. However, if a request of that nature were made by the commission itself, I am sure that there are those in the government who would readily agree to such a request.

Senator Lynch-Staunton: Does the minister suggest I direct my question to the Prime Minister's Office?

Senator Graham: That is a prerogative of the Leader of the Opposition at any time.

SECURITY ARRANGEMENTS AT APEC CONFERENCE—
RESPONSIBILITY FOR BRIEFING OF PRIME MINISTER—
GOVERNMENT POSITION

Hon. David Tkachuk: Honourable senators, last week, on September 23, in response to a question I asked the Leader of the Government about the role of the Prime Minister in security arrangements at the APEC conference, he told this chamber that the Prime Minister never spoke to the Solicitor General. In fact, he said:

The Prime Minister has made it perfectly clear to every one — as a matter of fact he has made it perfectly clear to me personally — that he did not talk to the Solicitor General.

Since the Prime Minister was the chairman of the conference, and since, I would think, the Solicitor General is the one person he should speak to about security arrangements at the APEC conference, I ask the Leader of the Government who the Prime Minister did speak to and who briefed the Prime Minister on security arrangements at APEC.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will have to ask the Prime Minister exactly what briefings took place. Presumably it would be his staff members who briefed him.

Senator Berntson: I think it was Suharto's goons.

Senator Tkachuk: Honourable senators, the Prime Minister's staff members were briefing him on security arrangements. From what I can gather, the Prime Minister has said his office had nothing to do with security arrangements at the APEC conference. Who in the staff was the person responsible for working with the Solicitor General to ensure that the leaders of the foreign nations participating at APEC were secure?

•(1400)

Senator Graham: I will ask the question of the Prime Minister's office as to who, if anyone, was in direct contact with the Royal Canadian Mounted Police. As my honourable friend knows, this matter is before the RCMP Public Complaints Commission. Those hearings will begin on October 5, and in these circumstances I feel it would be inappropriate to comment further.

Senator Tkachuk: That answer will lead to another supplementary. Last week the Leader of the Government was inadvertently attacking members on this side, insinuating that in some way we were attacking the RCMP by raising these questions. I resent that, and I believe that other members on the opposition side of this chamber also resent it. We have an inquiry taking place to investigate what occurred at APEC. The Prime Minister and the Prime Minister's Office have a responsibility to Parliament in relation to their actions, not to the commission of inquiry.

Hon. Senators: Hear, hear!

Senator Tkachuk: We are not required to sit here and listen as members of the government lecture us on how we are attacking the RCMP, considering how those same government members have hung the RCMP out to dry in relation to the Brian Mulroney affair, and are hanging them out to dry here again. We have asked these questions before, and I will continue to do so on this matter. Someone in the Prime Minister's Office was obviously dealing with the Solicitor General, because it was not the Prime Minister.

In making his inquiries, would the Leader of the Government in the Senate also ask if these dealings took place verbally or by letter?

Senator Berntson: Have they been shredded?

Senator Graham: I would be happy to bring forward any information I can that is requested by my honourable friend.

There is one piece of correspondence that I can release to the public. Perhaps it has already been released. It is from the President of the University of British Columbia and it is addressed to Mr. Goldenberg of the Prime Minister's Office, dated November 24, 1997. It says:

Dear Eddie,

Just a note to thank you, once again, for everything you did to assist in resolving the issue surrounding protest space at UBC for the APEC meeting. Your intervention made a real difference on this campus — and for that I am grateful.

Also, special thanks for finding time for lunch...

And so on. It then says "Yours sincerely, Martha." That is Martha C. Piper, the President and Vice-Chancellor of the University of British Columbia.

Senator Tkachuk: Thank you for that letter. I have another supplementary. Ms Piper wrote the letter to Mr. Goldenberg, thanking him for the great job that was being done at the APEC conference. I believe many members on this side and many Canadians elsewhere would take issue with that.

Therefore, when you are asking all of these questions, would you also ask specifically if Mr. Goldenberg was in charge of security arrangements at the APEC conference?

Senator Graham: I always ask the questions that are asked of me.

COMMISSION OF INQUIRY INTO TREATMENT OF PROTESTORS
AT APEC CONFERENCE BY RCMP—ASSURANCE OF INDEPENDENCE
OF FORUM—GOVERNMENT POSITION

Hon. Marjory LeBreton: I have a comment in response to that revelation. For people to say that the Prime Minister's Office was not involved, and then for Eddie Goldenberg to get a letter thanking him for being involved, that is an interesting little juxtaposition.

In any event, the evidence is mounting, and clearly demonstrates that the Prime Minister was directly involved in the trampling of the constitutional and moral rights of Canadian citizens. The most recent revelation is particularly damning to the Prime Minister's believability. Robert Vanderloo, the foreign affairs department official in charge of organizing the Asia-Pacific Economic Cooperation Summit, stated in a September 12, 1997, memo:

PMO has expressed concerns about the security perimeter at UBC, not so much from a security point of view but to avoid embarrassment to APEC leaders. The response (as suggested in fact by Peter Donolo, Director of PMO Communications) is that we have to find a balance that meets both concerns (we do not wish student demonstrations and efforts by the government to suppress the freedom of expression to become a major media story).

My question is: Since the Prime Minister's involvement in the APEC security arrangements falls outside the scope of the Public Complaints Commission inquiry, will Senator Graham explain to Canadians how the allegations that the Prime Minister's Office was directly involved in ordering the crushing of peaceful demonstrations can be given a fair and independent hearing by this commission?

Hon. B. Alasdair Graham (Leader of the Government): I am sure that it will be given a fair and independent hearing by the commission because the commissioners will demand that it be fair.

Senator LeBreton: The Leader of the Government in the Senate made much of the fact that the Public Complaints Commission was set up by our government. I am proud to say that it was. We should let the process work, he says. The Public Complaints Commission was established to give Canadians a venue in which to launch complaints against the actions of the RCMP. The commission meets, assesses the complaint and reports its findings to the Commissioner of the RCMP and the Solicitor General.

Since it has no mandate to include the role of the Prime Minister's Office, or anyone else for that matter, I ask again if the government leader in the Senate will ask his government to open up the process and set up an independent inquiry to take this serious situation out of the hands of a body with limited scope and refer it to a forum wherein everyone can be properly and fairly heard?

Senator Graham: This will be an excellent test to determine whether the RCMP Complaints Commission has the appropriate mandate to carry out the work as it was originally tasked to do by the previous government. I am sure that the public will give this more than passing attention. I feel that we should wait for the results to determine whether or not the mandate is adequate, or whether it should be opened up further.

COMMISSION OF INQUIRY INTO TREATMENT OF PROTESTORS
AT APEC CONFERENCE BY RCMP—PROVISION OF FUNDS FOR
LEGAL REDRESS FOR STUDENTS—GOVERNMENT POSITION

Hon. Marjory LeBreton: The mandate is very clear. The mandate only deals with the public's complaints, as the title suggests, about the RCMP. My colleague Senator Carney addressed that in her question. However, yesterday, a class action lawsuit was filed against the Prime Minister and the Minister of Foreign Affairs, among others, by Craig Jones, one of the demonstrators. Obviously, the Prime Minister and his officials, will have the legal resources of the government on their side for this case, and also if they appear before some other inquiry.

Even though the Leader of the Government in the Senate has answered this question, I am appealing to the government to provide legal assistance to those students who, because of the actions of this government, are now in a position of having to defend their rights. It is not too much to ask, since they are up against the resources of the government, and since they did nothing to get themselves into this position. The government owes it to them to provide them with some legal services as well.

Hon. B. Alasdair Graham (Leader of the Government): The people who put themselves into that position are the complainants.

Senator Lynch-Staunton: Asking for their rights to be respected?

Senator Graham: I am referring to those involved in the class action lawsuit, which must be certified by the British Columbia Supreme Court before it can proceed.

SECURITY ARRANGEMENTS AT APEC CONFERENCE—
CONTAINMENT OF PROTEST—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): I have a supplementary question, honourable senators. The Honourable Leader of the Government read from a letter. We would ask that he table that letter at the appropriate time.

In that letter, as he read it, there is a line from the President of the University of British Columbia stating that some space has been set aside for protest, and she is happy with that. If I understood that correctly, is the Leader of the Government in the Senate telling Canadians, and this chamber, that the right of association and the right of expression is legitimate only in sanitized circumstances and set-aside places?

Hon. B. Alasdair Graham (Leader of the Government): My honourable friend knows that special circumstances surround international meetings of this kind. Indonesia was one of 17 member states in APEC in 1997. Hosting APEC, and other important international gatherings, carries with it the responsibility to receive and provide hospitality and security. There is no discretion to pick and choose invitees.

It is important, and rather interesting, to note that prior to coming to APEC in Vancouver, Canada, President Suharto had been invited to visit South Africa by President Nelson Mandela, which he did.

SECURITY ARRANGEMENTS AT APEC CONFERENCE—
ROLE OF PRIME MINISTER—GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, I am sure the Leader of the Government will agree with the position stated by Senator Tkachuk, to the effect that the Prime Minister is accountable and answerable to Parliament and not to the RCMP Public Complaints Commission. Is that not the basis on which the Prime Minister would decline, as has been indicated, an invitation or subpoena to appear before that commission? I should like to have the leader bring in a prepared statement as to the government's position on that point.

I would also ask the Leader of the Government: In view of the fact that Parliament is intensely interested in the role the Prime Minister played in this saga, what special arrangements will the government make for the Prime Minister to reply to questions in an organized and coherent way? For example, I have in mind a prepared statement by the Prime Minister, who would then submit himself to questioning in the House of Commons and an arrangement whereby questions from honourable senators on this matter would be replied to in an organized and coherent way.

Finally, I ask the Leader of the Government whether he agrees that it is an invalid invocation of the *sub judice* rule of Parliament to suggest that this rule applies in the case of a civil suit that is about to be launched in British Columbia. All the precedents indicate that that is not the case.

Hon. B. Alasdair Graham (Leader of the Government): In response to the honourable senator, I point out that the Prime Minister is accountable to Parliament through the House of Commons each and every day.

I do not know whether the Prime Minister will agree to a prepared statement as suggested by Senator Murray. What special arrangements might be made in terms of a reply to the questions that are raised in the Senate is something else again. The Prime Minister does not respond directly in this chamber; that is my responsibility, as my honourable friend who was Leader of the Government in an earlier time will know. Certainly, as the matter is pursued, I shall endeavour as best I can to determine all the facts that are available to present to this chamber.

In the meantime, the matter is before the RCMP Public Complaints Commission and those hearings will begin on Monday.

Senator Murray: The Prime Minister's conduct is not before the RCMP Public Complaints Commission, nor should it be; it is before Parliament.

TREATMENT OF PROTESTORS AT APEC CONFERENCE
BY RCMP—ARREST OF STUDENT PRIOR TO CONFERENCE—
GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, my question to the Leader of the Government pertains also to the subject of the APEC investigation. I questioned the Leader of the Government in the Senate last week about the UBC student, Mr. Jaggi Singh. Mr. Singh was arrested while walking between buildings on the UBC campus not for what he did, but for what he thought.

In response to Senator Kinsella, the Leader of the Government implied that the RCMP has the right to arrest a student for whatever reason they deem fit. Did you or did you not say that?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I did not imply any such thing.

Senator Lynch-Staunton: You said to protect international conferences.

Senator Stratton: Honourable senators, is that what the leader believes? Is he saying the RCMP has the right to walk in and arrest people? Did you or did you not say that?

Senator Graham: No, I did not say that.

Senator Lynch-Staunton: Why did they do it then?

Senator Graham: Senator Stratton, you are being overly presumptuous. You are trying to put words in my mouth. You are coming at this subject to make it as convoluted as possible. This matter is now before the RCMP Public Complaints Commission. Let the commission do its work.

Senator Stratton: Honourable senators, the Leader of the Government also said that when foreign government officials come into Canada, the RCMP has the right and the duty to ensure security for those people who are visiting and for the people of Canada. I agree, but does this role extend to having the right to arrest a student for walking between buildings when he did not do anything? That is my fundamental question.

Senator Graham: Honourable senators, if we want to be at the table, we have to carry out our responsibilities. Canada is a leading member of APEC.

Senator Lynch-Staunton: Answer his question.

Senator Graham: Indonesia is one of the member states of APEC. I believe the membership is now up to 21. APEC hosts bear the responsibility of providing security as well as privacy to permit the meetings to proceed in an atmosphere that encourages discussion on the substantive issues. We have a responsibility for the security of those visiting heads of state.

Senator Stratton: Honourable senators, according to *The Globe and Mail*, law student Craig Jones, who now has launched a class action suit, knew something was strangely wrong with security for the Asian economic summit when, moments after refusing to stop brandishing protest signs, police pushed his face into the damp ground, hand-cuffed his wrists and hauled him into the back of a police cruiser. What does the leader call that?

Senator Lynch-Staunton: Shocking behaviour.

Senator Stratton: Is that human rights? Is that following the Charter of Rights and Freedoms?

Senator Lynch-Staunton: Suharto's rights come first.

Senator Graham: Honourable senators, those are matters which I am sure will be fully addressed before the RCMP Public Complaints Commission.

JUSTICE

REPORT OF AUDITOR GENERAL ON CANADIAN HUMAN RIGHTS COMMISSION AND TRIBUNAL—TIMELY IMPLEMENTATION OF RECOMMENDED MEASURES TO STREAMLINE PROCEDURES AND COSTS—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, my question is for the Leader of the Government and it is on the subject of human rights. I wish to refer to the Auditor General's report. Canada has put in place a Human Rights Commission to resolve complaints about human rights quickly, impartially and expertly for Canadian citizens. We led the world when we established the institution. Mr. Max Yalden travelled to many different countries as a proponent of this type of structure.

The Auditor General's report appears to indicate that our legislation is no longer serving Canadians and that we are falling quickly behind in dispensing justice on the issue, and also as an example to the world.

In his report, the Auditor General stated that, in 1977, Parliament established the Canadian Human Rights Commission and the Human Rights Tribunal panel to resolve complaints about human rights quickly, impartially and expertly. This model was chosen as an alternative to the formal, legal Canadian Human Rights Commission and the Human Rights Tribunal panel processes of the Federal Court. However, the approach that has evolved is cumbersome, time-consuming and expensive.

How does the government intend to respond to these allegations about the process? How soon will the government place this issue as a top priority on its agenda?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the Minister of Justice, who is responsible for the Human Rights Commission, has begun an examination of the Auditor General's report.

We are all grateful to the Auditor General and his officials for what might be termed a thoughtful and detailed audit of the Canadian Human Rights Commission, as well as the Human Rights Tribunal. While much of the report addresses the internal procedures of the commission and the tribunal, it is noteworthy that the Auditor General has recommended a variety of measures to improve the efficiency of the human rights complaint structure. Those recommendations will be reviewed in detail by the Minister of Justice through the review of the Canadian Human Rights Act.

• (1420)

Senator Andreychuk: Honourable senators, I am well aware that the minister has indicated that there will be a review. My difficulty is that when we run into difficulties, even difficulties as meritorious as this, there appears to be a trend towards having omnibus bills and omnibus studies, which we know take years to complete.

Will the government undertake to make some of the recommended changes immediately for the benefit of the people who, in outstanding cases, are being disadvantaged by that process? In particular, I should like departments and officials to be obligated to provide responses to the Human Rights Commission when it requests information. There are all kinds of techniques used by the bureaucracy for delaying information. Reasons such as, "We need to do an exhaustive study, and we need to do it well" are often used.

Will a time-limit be set by the minister for this study in general, and will the correction of some of the immediate problems — which corrections are being requested by the Auditor General's report — be proceeded with immediately, despite the ongoing investigation?

Senator Graham: Honourable senators, as I have said, we are all grateful to the Auditor General for his report and for his observations, particularly with respect to the Human Rights Commission and the Human Rights Tribunal.

This government, and predecessor governments, have made Herculean efforts to reduce delays. The handling of complaints takes much too long. The process takes an average of two years for the commission and one year for the tribunal. In my opinion, that is too long. The government, through the Minister of Justice, will endeavour to take appropriate action to address this situation. I am very mindful of Senator Andreychuk's suggestion for a more rapid response system. We will endeavour to take her views into consideration.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

Senator Andreychuk: Honourable senators, I have a supplementary question.

The Hon. the Speaker: Is leave granted to extend the time for Question Period, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: Honourable senators, the issue of human rights is fundamental to Canadian people, and it is an issue that requires review. The Leader of the Government in the Senate has indicated there will be a report, and I am pleased that the Department of Justice will do that. However, this is an issue for the Canadian people. Will the government consider a process of re-evaluating the mechanisms, the needs, and the priorities of human rights within a parliamentary context?

Senator Graham: Honourable senators, the answer is in the affirmative. I should remind honourable senators that many of the concerns with respect to the issues of independence and accountability outlined by the Auditor General were addressed in this government's recent amendments to the Canadian Human Rights Act. I believe that was done through Bill S-5, which received Royal Assent in June of this year.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have responses to

questions raised in the Senate on September 22, 1998 by the Honourable Senator Stratton and by the Honourable Senator St. Germain regarding the cost of establishing a firearms registry, and the timing for fee increases to gun owners.

JUSTICE

COST OF ESTABLISHING FIREARMS REGISTRY—TIMING FOR FEE INCREASES TO GUN OWNERS—DELAY IN ESTABLISHING FIREARMS REGISTRY—ESCALATION IN COSTS TO LAW ENFORCEMENT AGENCIES—GOVERNMENT POSITION

(Response to questions raised by Hon. Terry Stratton and Hon. Gerry St. Germain on September 22, 1998)

The government released its cost estimates publically this Spring. The anticipated costs comprise three items: running the current system; setting up the new system; running the new system.

We know that the cost of operating the current system is about \$12M per year. The cost for setting up of the new system was originally estimated at about \$85M. This has increased due to additional elements requested by Parliament (spousal notification, additional screening of applicants) and external elements such as the cost of setting up operations in provinces that have opted out of administration of the *Firearms Act*. The cost of setting up the system is now expected to be about \$120M. The costs of running the new system will depend on the final outcome of negotiations with the provinces and territories. These are not now complete. When those expenses are known they will be made public. These, and the other costs for administering the program, will be recovered from the licensing, registration and business fees.

The figure of \$133M is the maximum budget for this year that we disclosed in the Spring. This annual budget is the highest that we expect to incur and incorporates the cost of operating the current program until December 1, the remainder of the start up costs for the new system and the cost of operating C-68 for the rest of the fiscal year (to March 31, 1999). The annual operating budgets will decrease significantly in the future and will approximate the annual costs of similar agencies in government, such as the Passport Office.

As reviewed by both chambers of Parliament this past Winter, the *Firearms Act* regulations do provide for fee increases. For the first year, reduced fees for registration and licencing are described in the regulations. These are to encourage early entry into the system. The \$10 fee for registration will rise to \$18 by 2001. The fee of \$10 for a firearms licence will increase to \$60 in the same period. Any future increases that could be considered will be subject to scrutiny in both Houses, as required by s.118 of the *Firearms Act*, before they can be made by the Governor in Council.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I call for Orders of the Day, I wish to call your attention to some distinguished visitors in each of our three galleries today.

In the centre gallery —

[*Translation*]

— we have with us today a delegation from the European Parliament for Relations with Canada, led by Mr. Pietro Antonio De Prima of Italy.

Distinguished European parliamentarians, we extend to you a welcome to the Senate of Canada.

[*English*]

In the left-hand gallery, I wish to call your attention to a group from the Merchant Navy Coalition for Equality, the Naval Officers Association of Canada, the Company of Master Mariners, and the Canadian Merchant Navy Veterans Association.

Hon. Senators: Hear, hear!

The Hon. the Speaker: On behalf of all honourable senators, welcome to the Senate.

In the right-hand gallery, we have a group of parliamentary clerks and officials who are participating in the fall session of the Parliamentary Cooperation Seminar. This group comes from all different parts of the Commonwealth and from one province in Canada, Manitoba.

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

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

COMPETITION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Catherine S. Callbeck moved the second reading of Bill C-20, to amend the Competition Act and to make consequential and related amendments to other acts.

She said: I am pleased to have the opportunity to speak on Bill C-20, to amend the Competition Act. The bill before us will update and modernize the Competition Act. It will give consumers better protection from telemarketing fraud. It will provide better control of misleading advertising and deceptive

marketing practices. As well, it will provide for much more efficient treatment of mergers.

When the Competition Act was introduced in 1986, the full force of globalization was yet to be felt. The telemarketing industry, if not still in its infancy, was barely an adolescent. The forces of advertising and marketing were not nearly as all-persuasive as they are today.

The intervening 12 years have brought remarkable changes. An act that was drafted in 1986 cannot be expected to respond adequately to such phenomena as the great rise in the use of telemarketing that we have experienced since then, the ever-increasing growth in the importance of advertising and marketing, or the mega-merger wave that is currently so prominent.

However, while it needs to be modernized and updated, the Competition Act has served Canadians very well. The amendments to this act contained in Bill C-20 are not an in-depth reform of the legislation. They are refinements which will make the Competition Act more responsive to the realities of the day, and to the needs of an ever-changing market-place.

Broadly speaking, we can divide the amendments into two main categories. First, there are specific targeted measures to help Canadians in very concrete ways, such as the new, effective telemarketing provisions. Second, there are changes to the act which are designed to make it a more effective piece of market-place legislation. These changes will improve the overall functioning of the act. They will give the Director of the Competition Bureau a better and a wider range of instruments with which to obtain compliance.

I would ask honourable senators to consider this fact alone: Every year in this country, Canadian consumers and businesses lose \$4 billion. That \$4 billion is lost in the form of telemarketing scams — phoney prizes, loan scams, false investment schemes, fund-raising scams, and who knows what other imaginative and deceptive lies. All are used to cheat Canadians. As I said, fraudulent telemarketing costs us \$4 billion per year. This works out to roughly \$11 million being given every day to telephone fraud artists.

•(1430)

These telephone con artists prey on trusting people. They often deliberately target people whom they perceive to be vulnerable, such as the disabled and senior citizens. I am sure that we have all heard stories of this type. Therefore, we need to do everything possible to give our law enforcement officials better tools to clamp down on those who wilfully disobey the law, defraud innocent customers and cast a shadow over Canada's legitimate telemarketing sector.

Legitimate telemarketing is an important business. It employs tens of thousands of Canadians many of whom live in rural areas or areas where there is little economic activity. Thanks to advances in telecommunications, the telemarketing industry is bringing new employment and new prosperity to these areas.

Many of our most prominent corporations, whether they are in financial services, merchandising, manufacturing, or the high-tech sector, depend on telemarketing. Many of our most important charitable organizations would find it impossible to do fund-raising without telemarketing. Increasingly, however, telemarketing is being put at risk. Often, our law enforcement people do not have the best legal tools or the powers to attack deceptive telemarketing, which is one of the main reasons that the government, in renewing the Competition Act, has included some important amendments aimed specifically at the swindlers who use the telephone to prey upon Canadians.

Bill C-20 contains a wide variety of measures which will address deceptive telemarketing and which will close significant loopholes in existing laws. It creates a specific new criminal offence provision to deal with deceptive telemarketing practices. Telemarketers will have to give certain information at the beginning of their calls. It will be an offence to conduct a promotional contest where delivery of a prize is conditional upon making a payment.

Special provisions will make officers and directors responsible for the actions of their employees so that the people who actually run the scams will not be able to distance themselves from these schemes. It will be easier for the Competition Bureau to get injunctions to halt the activities of allegedly fraudulent operators. In especially serious cases, law enforcement officials will be able to use wire-taps to gather evidence of deceptive telemarketing. This provision will also apply to the serious crimes of conspiracy with regard to price fixing and to market share. As well, it will be used in bid rigging. This step will only be used after other investigative techniques, including search and seizure, have been exhausted.

As Marnie McCall of the Consumers' Association of Canada stated in her brief to the House of Commons Industry Committee:

The CAC does not object to the inclusion of provisions permitting the use of wire-taps to obtain evidence of deceptive telemarketing and other offences, provided that the provisions remain parallel to those in the Criminal Code.

Under this legislation, the use of judicially authorized wire-tapping that this bill would permit will be under the safeguards currently set out in section 186 of the Criminal Code, and will be used only after all investigative techniques have proven to be ineffective.

This provision is also supported by a number of other organizations and individuals who have been consulted specifically on this provision and this bill. They include the Canadian Advertising Foundation, the Canadian Federation of Independent Business, the Canadian Association of Chiefs of Police, the Canadian Jewellers Association, and the Canadian Direct Marketing Association.

In addition to all of these specific telemarketing measures, this legislation will do much more. It will greatly improve our

approach to misleading advertising and to deceptive marketing practices. At present, misleading advertising and deceptive marketing practices are criminal offences under the Competition Act. They can have serious economic consequences, consequences that can merit a criminal sanction. They hurt consumers and competitors who are engaged in honest promotional efforts.

However, our present use of the criminal law exclusively to deal with misleading advertising has a number of drawbacks. In particular, it is not an effective way to stop misleading advertising quickly.

Bill C-20 retains criminal provisions for very serious cases of misleading advertising and deceptive marketing practices. As well, it also introduces a whole range of civil remedies, and these are remedies that can be applied promptly. There is a variety of measures that will cause the offending behaviour to be stopped or changed quickly. They will ensure a much quicker response and a more effective protection for all Canadians. These measures will have the same standing as an order of a court. These misleading advertising provisions have certainly been welcomed by the business community and consumers alike.

This legislation also contains provisions that will significantly improve the mergers and prenotification provisions of the Competition Act. The information required will be more relevant to the business concerned. The Competition Bureau will be given greater flexibility on time limits. There will be easier access for the Competition Bureau to interim orders from the Competition Tribunal. If concerns arise over a proposed merger, the director of the bureau, with permission of the tribunal, will be able to delay closing the transaction.

Honourable senators, this bill will also protect whistle-blowers, and it will retain provisions relating to double ticketing. Every time we read or see or hear an advertisement, we rely on the misleading advertising provisions of the Competition Act as a guarantee of accuracy. Every time we trust that vigorous competition in the market-place will bring us quality products and services at competitive prices, we rely on the Competition Act. Every business that wants to compete in a fair and competitive market relies on the Competition Act. By passing this legislation, we will be making some very important and very necessary improvements to our lives. As I indicated earlier, these changes are welcomed by the consumers and by the business community.

•(1440)

Bill C-20 has been widely discussed. It has been analyzed in detail in the House of Commons Standing Committee on Industry and by stakeholders, many of whom I referred to earlier. Now it is time to act on the wishes of the many individuals, organizations and businesses that have stated their desire for the passage of Bill C-20.

On motion of Senator Oliver, debate adjourned.

BUSINESS OF THE SENATE

Hon. J. Michael Forrestall: Honourable senators, I ask leave to bring forward Order No. 1 on the Order Paper under Senate Public Bills, the second reading of Bill S-19. This matter has been set down for October 6, but apparently the chamber will not be sitting that week.

The Hon. the Speaker: Is it agreed, honourable senators, to give leave to proceed with this item now?

Hon. Senators: Agreed.

MERCHANT NAVY WAR SERVICE RECOGNITION BILL

SECOND READING—DEBATE ADJOURNED

Hon. J. Michael Forrestall moved the second reading of Bill S-19, to give further recognition to the war-time service of Canadian Merchant Navy veterans and to provide for their fair and equitable treatment.

He said: Honourable senators, it is with some sadness but also a great deal of honour that I rise today to speak on private member's Bill S-19 entitled the Merchant Navy War Service Recognition Act. I want to thank the Office of the Law Clerk of the Senate, his staff, the staff of the Library of Parliament, and, above all, Joe Varner, my senior advisor, who has spent four or five months with many of the people in the gallery today in making sure that this bill does not transcend that sacred and sacrosanct order having to do with the raising and expenditure of money.

Honourable senators, author Ralph Allen wrote:

For Canadians, World War I reached its depth of misery and entrapment in the trenches of Ypres and Passchendaele. In World War II the trenches were the cold, dark, rumbling bellies of the escort ships and the merchant vessels.

Imagine yourself, honourable senators, in a convoy on the sea in the dark of the night, 1941, in the middle of the winter, if you will. The sky lights up in a brilliant flash, and then — the explosions start. The cries of men for help in darkness; the sound of explosions all around you; the engines of ships pounding away as they pick up speed; and the death groan as an old cargo ship sinks to the bottom of the black Atlantic, taking many wounded with her.

Merchant sailors lived that horror from 1939 to 1945. Many drowned in what must be the loneliest way to die, on the high seas, far from ones they loved. Many others were burned and disfigured. After the war they were forgotten and denied benefits by the government and the people of our country who they fought so hard to protect.

By the end of the Second World War, Canada had a merchant fleet of 180 ships and some 12,000 mariners. Eighty ships were lost during the war, 1,509 merchant mariners were killed, and 198 were captured. The merchant navy suffered a higher rate of casualties than any other service.

The Government of Canada on May 19, 1941, by Order in Council P.C. 14/3550 stated:

The merchant marine on which our seaborne commerce depends is, under present conditions, virtually an arm of our fighting services, and the provision of merchant seamen, their training, care and protection is essential to the proper conduct of the war, and vitally necessary to the keeping open of the sea lanes on which the successful outcome of the present conflict so largely depends.

After November 1942, merchant seamen were officially called the Canadian Merchant Navy. Merchant mariners were treated as prisoners of war by multinational agreement after 1942. They were subject to military law under admiralty orders and disciplined by the Navy Judge Advocate General's Office.

Merchant seamen were placed under the notorious "sail or jail" order by Order in Council P.C. 4751, the Merchant Seamen Order of 1941, and P.C. 4312, the Merchant Seamen Foreign Jurisdiction Order of 1944. They died in the Battle of the Atlantic with members of the Royal Canadian Navy, Royal Canadian Air Force, and the Canadian Army. Our merchant seamen are buried in war cemeteries.

Honourable senators, those are some facts; indeed, they are inescapable. An old legal saying goes something to the effect that if it looks like a duck, sounds like a duck and acts like a duck, then it probably is a duck. These people are war veterans and they should be recognized as such. Merchant mariners should have been recognized as veterans in 1945 but were not.

The Government of Canada denied these people the status of veterans after the war and, therefore, the same benefits under legislation given to veterans. They were not given retraining as other veterans were. They were not assisted in attending university to further their educations. Merchant Navy veterans were denied access to assistance to set up farms, other business ventures, and to low-cost home loans. Lastly, they were not given the benefit of preference in hiring for the public service. Merchant seamen were credited by Sir Winston Churchill with winning the Battle of the Atlantic, but later were to be denied all benefits and recognition given to their brothers in arms in the other services. It was not right; it was not just — nor is it any more so today.

After the war, honourable senators, some government action was taken to redress the injustices of the past. Merchant Navy veterans were brought under the 1962 Civilian War Benefits Act and Allowances Act and the 1976 Compensation for Former Prisoners of War Act. Many of you will recall that our own Senator Jack Marshall, an old friend and dear colleague, attempted with his own private member's bill to right these wrongs and, though unsuccessful, spurred the drafting of Bill C-84. Thus, in 1992, the Government of Canada moved to make them civilian war veterans under Bill C-84 of the Merchant Navy and Civilian War Veterans-related Benefits Act, with the same benefits as other service veterans. Unfortunately, honourable senators, they have not received equal access, and it has not been enough.

It is time to right the wrongs of the past, and it must be done soon. There are only an estimated 2,400 Merchant Navy veterans left, and that number is rapidly declining. I, for one, do not want them to leave this world feeling betrayed by either their country or their government. I do not want that to happen. It is time to say, "We were wrong. We made a mistake. We are sorry."

The Minister of Veterans Affairs promised this summer to make these long forgotten and trampled upon Canadians equal with their brother and sister veterans through a proposed omnibus bill. The piece of legislation before you, Bill S-19, will complement the forthcoming omnibus bill. Bill S-19 does not spend money and is about the past and the future.

Honourable senators, the preamble of Bill S-19 sets out the bill's frame of reference, and it is about the past. It is long awaited recognition and, in some respects, it is a deep apology for the fact that the war service of Merchant Navy veterans has never been fully acknowledged by the Government of Canada; that Australia, the United Kingdom and the United States have taken action to more fully recognize their Merchant Navy veterans; that Merchant Navy veterans are now about 80 years of age and little time is left to redress this injustice; that many merchant ships were armed, mariners received gunnery training and thus the Merchant Navy service was equal to the other armed services of Canada; and that they are truly war veterans.

Clause 1 of Bill S-19 states in its short title, the "Merchant Navy War Service Recognition Act."

Clause 2 establishes a broad definition as to who would qualify as a Merchant Navy veteran. Any Canadian and Newfoundland national who had service on a Canadian or allied ship in World War I or World War II or Korea would be considered a Merchant Navy veteran. Additionally, any Canadian and Newfoundland national committed to serve on a ship but killed, injured or disabled during training through no fault of their own would also be considered a Merchant Navy veteran. This is a broader definition than found in the Merchant Navy Veteran and Civilian War-related Benefits Act, which limits the definition to a "high seas voyage" in terms of World War I and World War II; or a "high seas voyage in dangerous waters" in terms of the Korean War. The problem with "high seas voyage" in terms of the Second World War is that vessels lost to enemy action in coastal waters are excluded.

Honourable senators, anyone who knows Canadian naval history knows that during World War II merchant ships were sunk off Halifax Harbour and that the sinkings were so bad in the Gulf of St. Lawrence that some of Canada's armoured units made a tour of the Gaspé region to quiet down a wave of panic over losses in Canada's coastal waters. As some of you will recall, the gulf was actually shut down to shipping traffic for a significant period during the Second World War. U-boat crews referred to this period of coastal attacks in the spring and summer of 1942 as "the happy times."

Veterans and colleagues who served on ships in coastal waters have been excluded from legislation for too long. This past

injustice is righted in Bill S-19, which gives a broader definition to just who is a Merchant Navy war veteran.

Clause 3 onward is about the future. It sets out the purpose of Bill S-19, which is:

...to compel the end of legislative and government discrimination against merchant navy war veterans in the distribution of awards and benefits and in public ceremonies of acknowledgement for war-time services...so that merchant navy war veterans will, in the future, receive similar and equitable treatment to that provided to the war veterans of the armed forces of Canada.

It is a bill of rights for the Merchant Navy war veterans that will protect them in the future from discrimination.

Honourable senators, clause 4(1) would invalidate any future federal act,

...that would make any provision for a financial or other benefit to war veterans of the armed forces of Canada who served in World War I, World War II or the Korean conflict or their dependants...unless the Act makes provision for a like benefit to merchant navy war veterans or their dependants.

In the future, there should not be second-class citizens in Canada. Bill S-19 would create, through legislation, a level playing field.

Clause 4(2) is an escape clause that would allow the Government of Canada to override Bill S-19, but in the future it must state expressly why it is discriminating against Merchant Navy veterans.

Honourable senators, clause 5 states that:

The Government of Canada shall not participate in or participate in the funding or organizing of any ceremony in Canada or abroad for Remembrance Day, the Battle of the Atlantic, or to remember prisoners or casualties of World War I, World War II or the Korean conflict...unless a recognized representative of the merchant navy war veterans of Canada has been invited to attend and participate in the ceremony in like manner...

That is to say, they will be on an equal basis as that of other war veterans of the armed services. At present, this is not the case. This must change.

Lastly, clause 6 states that, Bill S-19 would not restrict or prejudicially affect Merchant Navy veterans' efforts to achieve equal treatment under other federal acts and their regulations, particularly with regard to benefits and awards already provided to veterans of the armed forces.

In summary, honourable senators, the only Canadian to ever command a strategic theatre of operations, Admiral L.W. Murray, Commander-in-Chief Canadian North West Atlantic, said:

The Battle of the Atlantic was not won by any navy or air force. It was won by the courage, fortitude and determination of the British and Allied Merchant Navy.

Without these brave men, Merchant Navy war veterans, the longest battle of the war, the Battle of the Atlantic, would have been lost. After the war, these men and their families were excluded from government assistance that was given to other veterans and denied recognition. Bill S-19 will not right all of the past wrongs, but it will recognize Merchant Navy war veterans for their service to Canada, ensure equal treatment in the future and ensure that they participate in Remembrance Day services on an equal footing with their brother and sister veterans of the three other armed services.

The bill does not spend money; it is simply a matter of long, overdue justice. I ask for your support in this regard.

I want to read to you a few heart felt lines from *The Naval Hymn*, which I believe are especially pertinent today. It states:

O hear us when we cry to Thee.
 For those in peril on the sea.
 O Trinity of love and power.
 Our brethren shield in danger's hour.
 From rock and tempest, fire and foe,
 Protect them wheresoe'er they go.

Protect them, honourable senators — wherever they go. Let us stop the injustice of the past here and now so that all Canadian veterans are treated equally for their service in the cause to rid the world of tyranny and to ensure liberty.

It is with humility that I dedicate this bill to the gentlemen in the gallery above us.

Hon. Senators: Hear, hear!

On motion of Senator Perrault, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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