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(HANSARD)

Wednesday, November 4, 1998

—

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

CONTENTS

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

OFFICIAL REPORT

CORRECTION

Hon. J. Michael Forrestall: Honourable senators I have a correction to Hansard.

The change I would like to make is to yesterday's Hansard, November 3, at page 2115. In the opening sentence of the final paragraph, I said:

Since we know that the number 2 engine came off the Labrador that crashed...

Of course, if an engine falls off, an airplane will crash. The "engine came off" is, in part, jargon. That sentence should read as follows:

Since we know that the number 2 engine was shut down on the Labrador that crashed...

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THE SENATE

Wednesday, November 4, 1998

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

Prayers.

ROUTINE PROCEEDINGS

BUSINESS OF THE SENATE

COMMITTEES PERMITTED TO MEET DURING SITTING OF THE SENATE

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

That all committees have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, by way of explanation, we have called two votes for 5:30 this afternoon. However, we will finish our Order Paper business much before that time. We will then suspend the session and come back for the votes at 5:30 p.m.

Both sides wanted to make it possible for the committees that had planned meetings at 3:30 p.m. to hold those meetings. However, technically, the Senate will still be sitting at that time, so we need this motion to make it possible for those meetings to be held. I would expect all honourable senators to leave their committees and return for the vote for 5:30 p.m.

Hon. Marcel Prud'homme: Did you say that the vote would be at 5:30, or that the bell will ring then?

Senator Carstairs: The vote will be at 5:30 p.m. The bell will ring at 5:15.

Motion agreed to.

QUESTION PERIOD

NOVA SCOTIA

TRANSFER OF LAND HELD BY SHEARWATER DEVELOPMENT CORPORATION TO PROVINCE—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I have two questions to ask of the Leader of the Government in the Senate.

I have learned, from responses to questions that I have asked of the various ministries, that the Government of Canada is now prepared to transfer, or perhaps already has transferred, the lands held by Shearwater Development Corporation, totalling about 375 hectares, to the Province of Nova Scotia for less than \$1.6 million. Can the minister comment on this transfer and give us some indication as to why this has been such a secret process?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not think it has been a secret process. As the Honourable Senator Forrestall would know, the Shearwater Development Corporation has been seeking these very valuable lands for industrial development for some time. The project has been under consideration by both the Government of Canada and by the Province of Nova Scotia. However, I would be happy to bring forward a full statement so that we can be clear on just what has transpired.

Senator Forrestall: Could the minister also find out for us why the development corporation spent the development money in its entirety on nothing that would serve the long-term stability of that base? Is it because they did not want to attract any businesses to the base and, thus, keep it open for another kind of development that might have been marginal or otherwise not acceptable to the federal government?

•(1340)

Senator Graham: Honourable senators, I am sure that is not the case because the development corporation is made up of very earnest people who are anxious for industrial development that is appropriate for that particular part of Nova Scotia. I am sure that the development corporation would not be discouraging any kind of investment in that particular area. However, as I have said, I will be happy to provide information and a more complete statement.

NATIONAL DEFENCE

LACK OF ACTION ON PLANNED REDUCTION IN FIGHTER FORCES— GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I have another question I should like to put to the Leader of the Government in the Senate.

Many honourable senators will recall that the 1994 Defence white paper set forth a number of parameters, ostensibly policy, with respect to government activity. The white paper states under the portion entitled "Operational Air Forces," third paragraph on page 48:

Expenditures on fighter forces and support will be reduced by at least 25 per cent as recommended by the Special Joint Committee on Canada's Defence Policy. To achieve these savings, the Department will retire the CF-5 fleet, cut the cost of fighter-related overhead, reduce the annual authorized flying rate, and cut the number of operational aircraft from 72 to between 48 and 60.

The white paper states that expenditures on fighter forces will be reduced by at least 25 per cent. A review of the comparison charts that flow from this policy recommendation, which concern the numbers of aircraft that are flying, states that the operational number is not between 48 and 60, but still at the full number. In fact, there have been no cuts from that date in 1994 to the present time.

For fiscal year 1997-98, the CF-18 fighter fleet cost \$175 million to maintain. On the other hand, the Aurora, Hercules and Sea King fleets together cost about \$184 million. That figure is for three fleets. I had my office call our two fighter bases and, in fact, 61 CF-18s are flying at Cold Lake and 30 CF-18s are flying at Bagotville. Six aircraft out of Bagotville are now in Italy in support of the operation in that part of world.

Is the white paper the defence policy of Canada, or is it not and therefore open to wide discretionary interpretation?

I am not against the CF-18s but, clearly, the air force is flying more by about 30 aircraft than should be the case. How can the government justify the spending of \$175 million a year to maintain a fighter fleet at Cold War levels when it spends approximately \$10 million a year on the Labrador Search and Rescue fleet and claims it cannot afford immediate replacements of either leased aircraft or advanced EH-101? Where is the government's priority in these matters? Why would it mislead the Canadian public into believing that there is a significant reduction in the number of CF-18s flying when, in fact, if we had that money we might well have bought the new equipment so sadly needed?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am sure the government is not misleading anyone. They are merely following the recommendations of the Armed Forces personnel. As usual, Senator Forrestall's information is impeccable with respect to numbers. I congratulate him for the kind of research that he undertakes.

The needs of our Armed Forces are under constant review, both in terms of strength and in terms of equipment. We have had discussions over the replacement of the Labrador helicopters, as well as the critical situation that currently exists.

I can anticipate a further question from the Honourable Senator Forrestall, namely, with respect to the replacement of the Maritime helicopters. I want to assure him that this matter is still under review.

I believe that we do have our priorities straight. There is a changing world out there with respect to the kinds of equipment that is required. The 1994 defence report is, indeed, a milestone document. I am sure it is constantly being referred to by those in charge of our Armed Forces personnel as well as by the Minister of National Defence. I will also attempt to bring forward a statement on the observations made by the Honourable Senator Forrestall. He covered so much territory that I am sure he would not anticipate that I would respond readily at the moment. I will bring forward a more complete answer.

REPLACEMENT OF SEA KING HELICOPTERS— PLANNED DIRECTION TO MINISTER—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I appreciate very much the latter part of the leader's answer.

Since up to this point, as far as the public knows, there has been no request from the department to the military to come forward with a plan for replacement of the Sea Kings, could the minister tell us whether or not the government is anticipating directing the Minister of National Defence to ask for such a requisition from the military?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I discussed this question as recently as this morning with the Minister of National Defence. He assured me that the matter is under ongoing review.

ORDERS OF THE DAY

THE ESTIMATES, 1998-99

SUPPLEMENTARY ESTIMATES (B) REFERRED TO NATIONAL FINANCE COMMITTEE

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of November 3, 1998, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 1999, with the exception of Parliament Vote 10b and Privy Council Vote 25b.

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

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

PARLIAMENT VOTE 10B REFERRED TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice given on November 3, 1998, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10b of the Supplementary Estimates (B) for the fiscal year ending March 31, 1999; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

Motion agreed to.

[English]

•(1350)

PRIVY COUNCIL VOTE 25B REFERRED TO
STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of November 3, 1998, moved:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25b of the Supplementary Estimates (B) for the fiscal year ending March 31, 1999; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Consiglio Di Nino: I have a question for clarification, honourable senators.

Senator Carstairs, in your verbal expression on the motion, I believe you referred to Vote 25b, but the Order Paper says 25. Can you tell me which is correct?

Senator Carstairs: That would be a mistake on the Order Paper, and not in the motion.

Senator Di Nino: The Order Paper should then be amended accordingly.

Motion agreed to.

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

TWENTY-SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-sixth report of the Standing Committee on Internal Economy, Budgets and Administration (supplementary budget—Social Affairs, Science and Technology Committee), presented in the Senate on October 29, 1998.

Hon. Bill Rompkey moved the adoption of the report.

Motion agreed to and report adopted.

[Senator Carstairs]

[Translation]

INCOME TAX ACT

INCREASE IN FOREIGN PROPERTY COMPONENT
OF DEFERRED INCOME PLANS—MOTION PROPOSING
AN AMENDMENT—ORDER STANDS

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%, by increments of 2% 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% to 20%, 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% 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% Canadian holdings requirement, would be reduced.—*(Honourable Senator Carstairs).*

Hon. Eymard G. Corbin: Honourable senators, Motion No. 45, introduced on December 17, 1997, is to resume debate on the motion moved by the Honourable Senator Meighen and seconded by the Honourable Senator Kirby. This motion urges the government, in the 1998 budget, to propose an amendment to the Income Tax Act. The 1998 budget has been tabled, reviewed and passed. It seems to me that this kind of motion is superfluous.

Either the date is changed from February 1998 to February 1999 to make the motion applicable to the next budget or the motion is simply dropped from the Order Paper. This is a done deal. Why keep this motion on the Order Paper? I suggest that it be dropped or that its sponsors either move an amendment or reintroduce the motion to have it deal with the next budget the Minister of Finance is likely to table in February 1999.

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I can give an explanation here. I pointed out this discrepancy to Senator Kirby, and through him to Senator Meighen. I know that it is their intention to change the motion to refer to February of 1999. However, both senators have been travelling extensively with the Standing Senate Committee on Banking, Trade and Commerce and have not been able to bring that amendment to our attention.

Perhaps Senator Corbin would be willing to wait until those senators return to the chamber next week, at which time they can make the appropriate amendment.

[Translation]

The Hon. the Speaker: I hope this answers the question you had raised. It is not up to the Speaker or to Table Officers to amend a motion. It is the responsibility of its sponsors.

[English]

Senator Corbin: I am happy with the explanation given by the Deputy Leader of the Government.

Order stands.

THE SENATE

CONCERNS OF ALBERTANS—INQUIRY—ORDER STANDS

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 Carstairs*).

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I regret that I do not have a speech prepared in response to Senator Ghitter's motion. However, on the first day back after our week-long break, I hope to be prepared to participate in this very interesting and provocative inquiry. Indeed, this is an inquiry in which all of us should participate.

Order stands.

[Translation]

OFFICIAL LANGUAGES ACT

PROGRESSIVE DETERIORATION OF FRENCH SERVICES AVAILABLE TO FRANCOPHONES OUTSIDE OF QUEBEC— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the Inquiry by the Hon. Senator Simard, calling the attention of the Senate to the current situation with regard to the application of the Official Languages Act, its progressive deterioration, the abdication of responsibility by a succession of governments over the past 10 years and the loss of access to services in French for francophones outside Quebec.

Hon. Gerald J. Comeau: Honourable senators, on June 3 last, our colleague Senator Jean-Maurice Simard gave notice of his intention to call the attention of the Senate to the current situation with regard to the application of the Official Languages Act, its progressive deterioration, the abdication of responsibility by a succession of governments over the past 10 years, and the loss of access to services in French for francophone and Acadian communities in a minority situation.

This notice was followed by a speech by Senator Simard on June 17, 1998 in which he referred to his intention to consult major associations dedicated to the defence and promotion of language rights in Canada, as well as major political parties in each province and at the federal level to obtain information relating to their political positions and their intentions on this issue.

In his speech he also mentioned his intention to contact other associations and the general public for their ideas. The outcome of his research will be presented next February in this chamber.

Senator Simard reminded us that, over the last decade, federal governments have concentrated their efforts on the need to balance the budget and seem to have relegated the promotion of Canada's two official languages to a position of secondary importance.

After reflection, we find there has been a deterioration in the federal government's desire to implement the conventions of the Official Languages Act. This is unfortunate, because the change coincides with English-speaking Canadians' increased recognition of the benefits of having a country with two official languages.

Canadians in general and young people in particular recognize the advantages of linguistic duality in the global village. Anti-French sentiments are far less evident now than in the past. Nevertheless, there are exceptions. I quote here the Reform Party, which is still trying to foment anti-French feelings, even though the Reform Party leader recognizes the advantages of bilingualism. This is why he is taking French language training in Quebec.

We all know that the leader of the Reform Party likes to use services he recommends others not use. I wonder who is paying for this language training?

I am disappointed to see the federal government abandoning its responsibility toward communities in a minority situation, because it is on the basis of precedent that the provinces and public and private institutions will offer similar services.

Honourable senators, our colleague takes this situation seriously. I am sure his research will be well done and well documented. It is not, however, for me to prejudge the results; I am sure this research is relevant and important to Canada's future.

I should mention that, yesterday, Senators Simard and Kinsella and I met delegates of the *Fédération des communautés françaises et acadienne du Canada*. These people are very concerned about the matter of francophones in minority situations, who do not want an English Canada and a French Quebec, and the danger this poses to Canada's national unity. We want a bilingual Canada recognizing both official languages from coast to coast.

In closing, I take the liberty of saying this project is most praiseworthy, and I congratulate Senator Simard on his initiative. I look forward to reading his report.

Hon. Rose-Marie Losier-Cool: Honourable senators, I move the adjournment of the debate.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): I would like, if I may, to put a question to Senator Comeau. What sort of cut-backs have there been in the official languages sector?

Senator Comeau: The cut-backs are affecting primarily those communities providing community services, that is, agencies working for the development of minority language communities. Generally, they have suffered the greatest cut-backs. Volunteers are doing much more work now. They have almost reached their limit.

These cut-backs affect the administrative decentralization of services to minority francophone communities. People who were accustomed to being served by the federal government are now being told that service will be provided where numbers warrant.

This should perhaps be taken further to include situations where numbers make it necessary because minority francophone communities are being assimilated. The federal government should acknowledge that these francophones are still important to the national unity of our country. The cut-backs worry us because they affect groups that provided services on a voluntary basis to our minority community.

Senator Kinsella: I thank Senator Comeau for this explanation. It is true that the official languages program in the Department of Canadian Heritage has seen its budget cut by 40 per cent compared with previous years. If these figures are accurate, what is the impact on communities in Nova Scotia and New Brunswick? At least in the past, the Secretary of State's official languages program was very important for these communities. I know that our colleague Senator Joyal who was

Secretary of State, was aware of this official languages program, which played a key role in many respects.

Senator Comeau: Perhaps I could give the example of my region of St. Mary's Bay, in Nova Scotia, which has a population of about 10,000 francophones. There are other communities across Nova Scotia, but I am talking about the region where I live.

People in that region are beginning to wonder whether there is a future for French-speaking minorities. They wonder if the government is abandoning them and reconsidering the future of the Canadian linguistic duality. Yes, some funds are set up for French-language school boards. But if there are no services in French other than education, if there are no commitments on the part of the federal government to ensure the future of our linguistic duality, people will begin to wonder. They will ask themselves if it is worth preserving our language. This is very serious. I was raised in French. It is disturbing to see our minority communities begin to question the government's commitment to the future of Canada's linguistic duality.

This is the result of the meanness of some parties, such as the Reform Party in Western Canada that wants to end this commitment to our linguistic duality.

This is in reaction to a situation. For a number of years, no opposition party in the House of Commons raised the issue of linguistic duality. The Bloc Québécois formed the official opposition and the western party showed absolutely no interest in the linguistic duality.

For a number of years, the government may have lost sight of its commitment to minority communities, with the result that this commitment is not as firm.

The government must reaffirm its commitment. This is obvious when we meet representatives from Canada's francophone and Acadian communities. These communities are realizing that there is no such commitment on the government's part. I am convinced that, historically, the Liberal Party — that is the government currently in office — has supported the linguistic duality and was able to provide services to our minority community.

Right now, in the area of Nova Scotia with the greatest number of francophones, the area where I live, we still do not have RDI, the French-language news service available almost everywhere in Canada.

We do not have French-language dailies. Our only access to French-language telecommunications is Radio-Canada, which is largely aimed at the Quebec market. I have nothing against my colleagues from Quebec, but sometimes we would like to have media speak of Acadians and francophones in minority communities.

As a representative of Acadians in a minority community, I find it sad that we are still having to fight. We try to encourage our government and other governments to recognize that we have a valuable future that will be forever lost if these communities are left to be assimilated.

I call on the government to take a second look, to acknowledge the importance of not abandoning Acadians and francophone minority communities in Canada. If it does not, it will be sorry.

Hon. Louis J. Robichaud: Honourable senators, I would like to put a question to Senator Comeau, but first I would like to congratulate him on his courage and on his fight, on behalf of francophone minority communities across the country, for more money from the federal government. I agree with him 100 per cent.

Is Senator Comeau aware that the eminent professor and economist, Donald Savoie, has been mandated to study the very issue that concerns us? First, is the senator aware of the terms of reference for that study and, second, of when the report is to be submitted to the government?

Senator Comeau: No, I was not aware that Mr. Savoie had been asked to examine this issue. Certainly, I will be following his work and terms of reference very closely. I will have some comments to make to him about his report.

Hon. Eymard G. Corbin: I listened to Senator Comeau's intervention. I have a lot of sympathy and support for the region he represents, which I am familiar with. I even taught in Nova Scotia a long time ago.

When we talk about linguistic minorities in the country — anglophones in Quebec and francophones in the other provinces — we are forgetting part of the equation. I am not saying things are distorted, but it seems to me that we sometimes put too much emphasis on the absolute role of the federal government in maintaining the gains of the linguistic minorities.

I have always thought that provincial and regional authorities also have a very important role in this matter. I subscribe to P.E.I.'s only French-language weekly, in which I have been following certain issues for a long time.

In the province of Prince Edward Island we have to fight inch by inch to keep our gains and to advance. To get a French-language school we must overcome many obstacles and we often have to take the matter to court in order to obtain a decision years later that is sometimes in our favour, sometimes not.

In Nova Scotia, in your opinion, is the provincial government doing its duty in this matter?

Senator Comeau: Up to now, we have seen open-mindedness. The federal government has been involved in establishing homogeneous schools. The current government and its predecessor have not always supported us.

Francophones are wondering if this is necessary and if the provincial government has done its job. Its responsibility was much broader than that required by the law. The federal and the provincial governments have not done enough.

The Hon. the Speaker: The 15-minute period for speeches has expired. Honourable senators, is leave granted to continue?

Some Hon. Senators: Agreed.

Hon. Marie-P. Poulin: I thank Senator Comeau for raising this difficult issue. All members of this house are extremely concerned about the need to show respect for minorities from coast to coast and to help them thrive.

Could you tell me what you think of the decisions made by the Government of Ontario concerning the delivery of health care services in French, specifically those provided by the Montfort Hospital in Ottawa?

Senator Comeau: I do not support Mr. Harris' approach. I am from a different school of thought.

Montfort Hospital is very important to Ontario francophones and I would have liked to see more sympathy for this cause.

Hon. Serge Joyal: Honourable senators, I agree with the remarks made by the honourable senators opposite who raised this issue. I shall be brief, as there will be other opportunities to address this issue later.

I would like to remind my honourable colleagues that the Government of Canada is the trustee of minority rights in every region of the country. This is an ongoing responsibility which requires us to ask ourselves every day what we are doing in this respect.

Like you, in the past few years, I have noticed not only the shrinking of the overall budget for official language communities, but also the elimination of a number of programs.

While I do not wish to put a partisan slant on things, as Senator Kinsella has said, the Court Challenges Program — which I put in place during my time as Secretary of State — led to the program which now gives official language minorities in this country the right to administer their own schools. Not only do they have the right to be educated in their own language, but also the right to administer their own schools. That right was not formally recognized in the Charter when we adopted it in 1982.

The program I created with the support of the House was abolished over time for budget reasons. I am not imputing any motives to anyone, but it was the other government that abolished it. The first step taken by this government with respect to its responsibility for official language communities was to restore the program and its budget.

I am always reluctant to speak of this program because it has more of a confrontational aspect than a complementary one. What we need to develop with the provincial governments is complementarity.

When it was my responsibility to negotiate transfer agreements for funds for second-language education support, I managed to convince the Davis government in Ontario to provide us with a breakdown of funding in Ontario according to urban and rural communities. As the honourable senator said, the official language communities in the most precarious positions are not the ones in major urban centres, as one might think, but distant communities, most of these rural.

If this government wishes to put additional funding into supporting official language teaching and communities, this must be done efficiently.

[English]

Whatever our mother tongue, we all share a Canadian responsibility, and that responsibility is to ensure that, in our souls and hearts, we ask ourselves each day: What do we do to support the official language minority? To me, this is a Canadian responsibility that we all share.

I feel a little strange when such a debate starts in any house, be it this one or the other place, in that most of the people who stand up and speak are, unfortunately, the ones who speak for themselves. I do not say that in any way to accuse any of you of not assuming responsibility; however, this is a Canadian challenge. We all share a responsibility for it.

I am happy to see that we have Premier Buchanan and Premier Robichaud here, because we have gone a long way in the last 30 years. It has not been easy, honourable senators, and there is still a long way to go. We would so much like to go hand-in-hand.

Hon. Orville H. Phillips: Honourable senators, I wish to intervene in English because of the remark made by Senator Corbin concerning Prince Edward Island. I point out to him that there were French schools in Prince Edward Island prior to Confederation. There are still French schools in Prince Edward Island today. The first rural high school built in the province was provided to the Evangeline region of Prince Edward Island, which is the main Acadian French-speaking area in Prince Edward Island. I am sure Senator Corbin did not intend to overlook that and leave an inference that French schools were not provided in Prince Edward Island.

Senator Corbin: If I may respond to my honourable colleague: Of course not. I should have mentioned that. I took it for granted that people knew —

[Translation]

The Hon. the Speaker: Honourable Senator Corbin, do you wish to take part in the debate? You need to tell me what you are doing.

[English]

Senator Corbin: Honourable senators, I rise on a point of clarification. I think I was misunderstood, not misinterpreted. That is clearly provided for in the rules.

My honourable colleague from Prince Edward Island is entirely right. I knew there was a French school. There is also an effort, which has been ongoing for close to two years, to obtain another French school. That is what I was referring to. It has gone before the courts. It is still before the courts.

I was simply indicating that it is more difficult for French-speaking people anywhere in Canada outside Quebec,

with the exception, possibly, of New Brunswick. We in New Brunswick have put our house in very good order, and I am proud of that. Much of that is due to the Honourable Senator Louis Robichaud and his successors. I give them all credit.

However, the fact is that when French-speaking people cannot obtain what they perceive to be a basic recognition of their basic rights, their only other option is to take the matter before the courts. That is a long and expensive and highly frustrating process and procedure. There is one such case going on in Prince Edward Island.

I give credit to the Government of Prince Edward Island. It has a minister who is in charge of the French-speaking minority. However, the problem is that things are not moving to the satisfaction of that minority.

Hon. Eugene Whelan: Honourable senators, some of you may be surprised that I am standing. I congratulate Senator Comeau for bringing this matter to the attention of the chamber.

I ask the honourable senator this question: Does he know where River Canard, LaSalle, Belle River, St. Joachim, Pointe-aux-Roches, and Paincourt are?

Senator Comeau: They are near Windsor.

Senator Whelan: They are in the most southern part of Canada. It was my constituency for 22 years.

The biggest disappointment in my political career was that I never had the advantage of learning the other official language because the Ontario government, through many different governments, never lived by the Constitution and provided that kind of education in our community.

Our granddaughter now goes to a French school in the old town of Amherstburg, an old English town that was first English and French mixed. Katie is six-and-a-half years old and in her third year of school. I said, "Katie, why are you studying French?" I was sort of teasing her. She looked at me with a look on her face and said, "Grandpa, I already know English." Her name is Katie Renée Whelan Dupont, and her grandfather comes from St-Lazare in the great province of Manitoba. He studied medicine at Laval and married a Bernier from Quebec City.

That area has maintained its language under most difficult conditions. They settled in that area about 270 or 280 years ago, and they were abandoned by Quebec at that time. They were captured by the natives and lived for three years under native rule.

• (1430)

The steps they have taken are tremendous. I agree with some of the statements made here about the cut-back in the funding. That is simply terrible and I intend to take a bigger part when we get into a debate on this matter.

On motion of Senator Losier-Cool, debate ajourned.

[Translation]

JUDGES ACT

NOTICE OF MOTION TO REFER CLAUSE OF BILL TO AMEND
TO LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE—
ORDER STANDS

On the Order:

That, the Senators being in agreement on the salary increase for section 96 justices, and the Senators wishing to proceed forthwith to consider and pass into law that clause regarding this salary increase, being clause 5 of Bill C-37, An Act to amend the Judges Act and to make consequential amendments to other Acts, that it be an instruction of this Senate to the Senate Standing Committee on Legal and Constitutional Affairs that the Committee divide Bill C-37 and deal separately and independently with clause 5, the salary increase, therein to advance without any delay, the Senate's swift and smooth passage of this salary increase into law, while yet enabling the Senate Committee's continued thorough study of the remainder of Bill C-37.

Hon. Eymard G. Corbin: Honourable senators, I rose earlier today to move withdrawal from the Order Paper of a motion that I found superfluous and no longer relevant.

Motion No. 85 falls into the same category. On September 29, 1998, the Honourable Senator Cools moved — I do not think the motion was ever debated in this chamber — that Bill C-37 be divided at committee stage.

This bill has been studied in committee. A report was tabled and it was debated in this chamber. We are now at third reading stage. I fail to see the point of keeping this motion on the Order Paper.

As with the preceding motion, there may be some reason for doing so, but I do not know what it is.

[English]

We should not clutter the Order Paper with motions that seemingly do not have any application whatsoever. Of course, I recognize the freedom of speech and the right of any senator to maintain on the Order Paper matters which may lead to debate and the airing of issues; however, in this case, the calendar has caught up with us. Unless I am otherwise informed, I do not see the need to maintain the item on the Order Paper any longer.

[Translation]

The Hon. the Speaker: Honourable senators, Senator Corbin has raised a point of order. If no other senator wishes to speak, I can only repeat that this decision is not up to the Speaker or the Table Officers. If, after a certain time, debate is not resumed, the motion is dropped from the Order Paper. When that time comes, unless the senator who moved the motion wishes to withdraw it,

the motion will be dropped from the Order Paper pursuant to the *Rules of the Senate*.

Order stands.

[English]

[Later]

The Hon. the Speaker: Honourable senators, we have now reached the end of the Order Paper. According to the agreement of the Senate, I will leave the Chair to return at 5:15, when the bells will ring for the votes at 5:30.

The sitting of the Senate was suspended until 5:30 p.m.

•⁽¹⁷³⁰⁾

BILL TO AMEND—THIRD READING—
MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Milne, for the third reading of Bill C-37, to amend the Judges Act and to make consequential amendments to other Acts, as amended,

And on the motion in amendment of the Honourable Senator Cools, seconded by the Honourable Senator Robertson, that the Bill be not now read the third time but that it be amended in clause 6, on page 4, by adding the following after line 14:

“(8) Nothing in this Act abrogates or derogates from any of the privileges, immunities and powers referred to in section 4 of the *Parliament of Canada Act* or section 18 of the *Constitution Act, 1867* or from the authority of the Parliament of Canada to fix the salaries, allowances and pensions of judges under section 100 of the *Constitution Act, 1867*.”

POINT OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Your Honour, with leave of the house I should like to raise a point of order which, if heard, would help clarify and make the vote more acceptable.

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

Hon. Senators: Agreed.

Senator Lynch-Staunton: Yesterday, Your Honour advised us that there were flaws in the amendment and that he would bring corrections today. It was then suggested that Your Honour's authority to do so may have expired since the amendment had already been moved and subjected to a voice vote and was, therefore, on the Order Paper for today.

I raise this matter because His Honour said that the problem made the amendment invalid and that if we proceed with the vote, we would, in effect, be voting on an invalid item.

It would be a most unusual situation, if not unique, if the Senate were to knowingly vote on an item that it knows to be invalid. I believe that to correct this situation, with leave the necessary corrections could be brought by the sponsor of the amendment or by His Honour himself who has, I assume, suggested wording. I believe that the changes will not affect the purpose of the amendment, but are simply a matter of pagination and clause numbering. If those changes were accepted now, we would be voting on the same amendment with only the necessary corrections to make it valid.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I agree completely with the position taken by Senator Lynch-Staunton. For additional clarity, this would in no way be a new or different amendment. It is the same amendment, without the flaws.

The Hon. the Speaker: Honourable senators, the changes to be made are purely changes of form. There is no change of substance.

Hon. Anne C. Cools: Honourable senators, I wish to thank His Honour Senator Molgat and Senator Lynch-Staunton for their watchful eyes and their comments yesterday.

There is a typographical flaw in the amendment which I believe renders it flawed and defective and not worthy of being voted upon by us. I put the matter in your hands. It would be improper, undesirable and unworthy of us to vote on any question that we knew to be flawed.

I was not present last night when the exchange took place. Had I been, I certainly would have added my remarks at the time. Having discovered that the amendment was flawed, I was prepared to vote against it myself. It is unusual to vote against one's own motion, but in the interests of upholding the integrity and propriety —

The Hon. the Speaker: Senator Cools, I am sorry to interrupt you, but would you please read the new wording.

Senator Cools: Honourable senators, I move, seconded by Senator DeWare:

That Bill C-37, as amended by the Fourteenth Report of the Standing Senate Committee on Legal and Constitutional Affairs, be not now read a third time, but that it be amended in clause 5 by adding after subsection 26(7) the following:

“(8) Nothing in this Act abrogates or derogates from any of the privileges, immunities and powers referred to in

section 4 of the *Parliament of Canada Act*, or section 18 of the *Constitution Act, 1867* or from the authority of the Parliament of Canada to fix the salaries, allowances and pensions of judges under section 100 of the *Constitution Act, 1867*.”

The Hon. the Speaker: It is agreed, honourable senators, that this new wording will replace the wording of the amendment that presently appears in the Order Paper and Notice Paper?

Hon. Senators: Agreed.

The Hon. the Speaker: Very well.

It was moved by Honourable Senator Moore, seconded by the Honourable Senator Milne, that Bill C-37 as amended be now read the third time. It was moved in amendment by the Honourable Senator Cools, seconded by the Honourable Senator DeWare —

Hon. Senators: Dispense.

The Hon. the Speaker: Will those in favour —

[*Translation*]

The Honourable Eymard G. Corbin: In French, please.

The Hon. the Speaker: The question before the Senate is on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Milne, for the third reading of Bill C-37, to amend the Judges Act and to make consequential amendments to other Acts, as amended,

And on the motion in amendment moved by the Honourable Senator Cools, seconded by the Honourable Senator DeWare, that Bill C-37, as amended by the fourteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, be not now read the third time, but that it be amended in clause 5 by adding after subsection 26(7) the following:

[*English*]

Hon. Senators: Dispense.

Hon. Wilfred P. Moore: Honourable senators, I rise on a point of order.

The Hon. the Speaker: I am sorry, I cannot accept points of order, unless there is unanimous consent.

Some Hon. Senators: No.

The Hon. the Speaker: There is not unanimous consent.

Motion in amendment of Senator Cools negated on the following division:

YEAS

THE HONOURABLE SENATORS

Atkins	Gustafson
Balfour	Keon
Berntson	Kinsella
Buchanan	Lavoie-Roux
Cochrane	LeBreton
Comeau	Lynch-Staunton
Cools	Murray
DeWare	Phillips
Di Nino	Rossiter
Doody	Simard
Forrestall	Stratton—23
Ghitter	

NAYS

THE HONOURABLE SENATORS

Adams	Lawson
Andreychuk	Losier-Cool
Bacon	Maheu
Beaudoin	Mercier
Bryden	Milne
Butts	Moore
Callbeck	Nolin
Carstairs	Pearson
Chalifoux	Poulin
Cook	Prud'homme
Corbin	Roberge
De Bané	Robichaud
Fairbairn	(<i>L'Acadie-Acadia</i>)
Ferretti Barth	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Gill	Ruck
Grafstein	Spivak
Graham	St. Germain
Grimard	Stewart
Hays	Stollery
Hervieux-Payette	Watt
Johnstone	Whelan
Joyal	Wilson—44

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

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The Hon. the Speaker: Honourable senators, we will now proceed with Bill C-29 and vote on the amendment that was put forward. We will return to third reading on Bill C-37 later.

CANADIAN PARKS AGENCY BILL

THIRD READING—MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Ruck, for the third reading of Bill C-29, to establish the Parks Canada Agency and to amend other Acts as a consequence,

And on the motion in amendment of the Honourable Senator Ghitter, seconded by the Honourable Senator Kinsella, that the Bill be not now read the third time but that it be amended:

1. in the preamble, on page 2, by replacing line 29 with the following:

“(1.1) to effect the conservation of ecosystems and natural areas that extend beyond national park boundaries by working in co-operation with adjacent landowners, and being involved in research, environmental assessment and planning processes within the region, and”.

2. on page 8, by adding after line 8, the following:

“**12.1** (1) The Minister shall appoint a Consultative Committee consisting of 12 persons with expertise in park management and conservation biology and interested in matters for which the Agency is responsible to hold office for a term of no more than five years.

(2) The Consultative Committee shall, at least once in each quarter of the calendar year, meet with the senior management officials of the Agency for the purpose of discussing any issues of national interest related to the management of national parks, national historic sites, and other protected heritage areas and heritage protection programs.

(3) No member of the Consultative Committee may receive pecuniary gain or remuneration for service in connection with the Agency but members may be paid for any reasonable out-of-pocket expenses incurred by them for services rendered to the Agency.”.

3. in Clause 32, on page 15:

(a) by adding the following after line 15:

“(1.1) The Agency shall, before any management plan referred to in subsection (1) is provided to the Minister under that subsection, hold a public hearing to hear all persons having an interest in and wishing to be heard in connection with the management plan.”;

(b) by replacing line 18 with the following:

“protected heritage area every two years and”; and

(c) by adding the following after line 21:

“(3) A public hearing to hear all persons having an interest in and wishing to be heard in connection with any amendments made to the management plan shall be held before any amendments are tabled in either House of Parliament.

(4) The Agency has, in relation to any public hearing under this section, the powers of a Commissioner under Part I of the *Inquiries Act*.

(5) A public hearing under this section may be held at such place in Canada or at such places in Canada by adjournment from place to place as the Agency may designate.

(6) The Agency shall give notice of any public hearing under this section in the *Canada Gazette* and in one or more newspapers in general circulation throughout Canada, and in particular in those areas of Canada where, in the opinion of the Agency, there are persons likely to be interested in the matters to be considered at the hearing.”.

The Hon. the Speaker: Honourable senators, the question before the Senate is the motion by the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Ruck, that Bill C-29 be now read the third time.

In amendment, it was moved by the Honourable Senator Ghitter, seconded by the Honourable Kinsella, that Bill C-29 be not now read the third time, but that it be amended:

1. in the preamble —

An Hon. Senator: Dispense!

The Hon. the Speaker: The immediate question is the motion in amendment put forward by the Honourable Senator Ghitter, which is one amendment with many sections. Will those in favour of the motion in amendment please rise?

I am sorry, Senator Maloney, but I cannot accept your vote. We will proceed with the vote at this time.

Motion in amendment of Senator Ghitter negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	Keon
Atkins	Kinsella
Balfour	Lavoie-Roux
Beaudoin	LeBreton
Berntson	Lynch-Staunton
Buchanan	Murray
Cochrane	Nolin
Comeau	Phillips
DeWare	Roberge
Di Nino	Rossiter
Doody	St. Germain
Forrestall	Simard
Ghitter	Spivak
Grimard	Stratton—29
Gustafson	

NAYS THE HONOURABLE SENATORS

Adams	Joyal
Bacon	Lawson
Bryden	Losier-Cool
Butts	Maheu
Callbeck	Mercier
Carstairs	Milne
Chalifoux	Moore
Cook	Pearson
Cools	Poulin
Corbin	Prud'homme
De Bané	Robichaud
Fairbairn	(L'Acadie-Acadia)
Ferretti Barth	Robichaud
Fraser	(Saint-Louis-de-Kent)
Gill	Ruck
Grafstein	Stewart
Graham	Stollery
Hays	Watt
Hervieux-Payette	Whelan
Johnstone	Wilson—38

ABSTENTIONS THE HONOURABLE SENATORS

Nil

JUDGES ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Milne, for the third reading of Bill C-37, to amend the Judges Act and to make consequential amendments to other Acts, as amended.

The Hon. the Speaker: Honourable senators, we will now proceed with the third reading of Bill C-37.

It was moved by the Honourable Senator Moore, seconded by the Honourable Senator Milne that this bill, as amended, be read a third time now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill, as amended, read third time and passed.

CANADIAN PARKS AGENCY BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Ruck, for the third reading of Bill C-29, to establish the Parks Canada Agency and to amend other Acts as a consequence.

The Hon. the Speaker: Honourable senators, we will now proceed to the third reading of Bill C-29. It was moved by the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Ruck, that this bill be read the third time.

Hon. Lowell Murray: Honourable senators, I intend to speak to this matter tomorrow. Therefore, I propose to move the adjournment of the debate.

On motion of Senator Murray, debate adjourned.

The Senate adjourned until tomorrow at 2:00 p.m.

CONTENTS

Wednesday, November 4, 1998

PAGE

PAGE

ROUTINE PROCEEDINGS

Business of the Senate

Committees Permitted to Meet During Sitting of the Senate.	
Senator Carstairs	2132
Senator Prud'homme	2132

QUESTION PERIOD

Nova Scotia

Transfer of Land held by Shearwater Development Corporation to Province—Government Position. Senator Forrestall	2132
Senator Graham	2132

National Defence

Lack of Action on Planned Reduction in Fighter Forces—Government Position. Senator Forrestall	2132
Senator Graham	2133
Replacement of Sea King Helicopters—Planned Direction to Minister—Government Position. Senator Forrestall	2133
Senator Graham	2133

ORDERS OF THE DAY

The Estimates, 1998-99

Supplementary Estimates (B) Referred to National Finance Committee. Senator Carstairs	2133
Parliament Vote 10b Referred to the Standing Joint Committee on the Library of Parliament. Senator Carstairs	2133
Privy Council Vote 25b Referred to Standing Joint Committee on Official Languages. Senator Carstairs	2134
Senator Di Nino	2134

Internal Economy, Budgets and Administration

Twenty-Sixth Report of Committee Adopted.	
Senator Rompkey	2134

Income Tax Act

Increase in Foreign Property Component of Deferred Income Plans—Motion Proposing an Amendment—Order Stands.	
Senator Corbin	2134
Senator Carstairs	2135

The Senate

Concerns of Albertans—Inquiry—Order Stands.	
Senator Carstairs	2135

Official Languages Act

Progressive Deterioration of French Services Available to Francophones Outside of Quebec— Inquiry—Debate Continued.	
Senator Comeau	2135
Senator Losier-Cool	2136
Senator Kinsella	2136
Senator Robichaud	2137
Senator Corbin	2137
Senator Poulin	2137
Senator Joyal	2137
Senator Phillips	2138
Senator Whelan	2138

Judges Act (Bill C-37)

Notice of Motion to Refer Clause of Bill to Amend to Legal and Constitutional Affairs Committee—Order Stands.	
Senator Corbin	2139
Bill to Amend—Third Reading—Motion in Amendment Negatived	
Point of Order. Senator Lynch-Staunton	2139
Senator Carstairs	2140
Senator Cools	2140
Senator Moore	2140

Canadian Parks Agency Bill (Bill C-29)

Third Reading—Motion in Amendment Negatived.	2142
---	------

Judges Act (Bill C-37)

Bill to Amend—Third Reading.	2143
-----------------------------------	------

Canadian Parks Agency Bill (Bill C-29)

Third Reading—Debate Continued. Senator Murray	2143
--	------



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