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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, December 10, 1998

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to eight distinguished diplomats who are present in our gallery. They are the deans of the regions of the diplomatic corps in Ottawa, accompanied by the Chief of Protocol for the Department of Foreign Affairs, Mr. Alain Dudoit. Honourable deans, we welcome you to the Senate of Canada.

THE LATE SHAUGHNESSY COHEN, LL.B., M.P.

TRIBUTES

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is not normally the tradition in the Senate to comment on events in the other place. However, yesterday there occurred a tragedy on the floor of the other place — a most profound loss that has touched every one of us as members of Canada's Parliament.

•(1410)

In the immediate shock of the loss of Shaughnessy Cohen, we all struggle for words which best encompass the remarkable life force of a woman who touched all she knew.

Shaughnessy was magic. She was a joyful spirit of delicious wit and rapier sharp intellect. She was a friend to all in need. She was the tough and tenacious Crown prosecutor. She was a woman of a generous and courageous heart. She brought us all the strength of her stormy passion for justice, as well as the depth of her friendship and the sunshine of her laughter. Yes, the member for Windsor—St. Clair was, indeed, magic.

Shaughnessy personified all that was good and noble about political life. She was a dynamic reformer with a dramatic inability to accept the status quo. She spent all of her tireless energies in the pursuit of a better country and a better world. She was a shining star in the pursuit of justice, the pursuit of justice and freedom and human rights — justice for victims of crime and social inequity; justice for victims of discrimination; and justice for little people to whom she gave a voice, hope, and the commitment of her powerful advocacy, of her great capacity to love.

Today, we mourn a woman who died too young — a woman who was many things to many people. She was a tireless crusader, a passionate Canadian, and a loyal and delightful friend to all who had the privilege of her company.

I will think of Shaughnessy always as a strong and abiding light — a light which shone on all who had the privilege of knowing her and a light which we who serve in political life will always remember. That memory will make us strong and it will make us resolute, because the memory of Shaughnessy Cohen will forever be magic.

We join hands and hearts, as a parliamentary family, in extending to her husband and daughter an expression of great sorrow and heartfelt sympathy.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, on behalf of my colleagues on this side of the chamber, and in my own name, I wish to express our sincere condolences to the family of Shaughnessy Cohen and to all our colleagues in the national caucus of the government for the terrible loss and the tragedy that occurred yesterday, which has so suddenly taken Mrs. Cohen.

Shaughnessy had many friends in Parliament. She was a genuine defender of human rights. A few days ago, some of us were joined by Shaughnessy as we lunched with Mary Robinson, the United Nations High Commissioner for Human Rights. Shaughnessy Cohen embraced human rights and she embraced public affairs and politics — all to the good of Parliament and all to the good of the people of Canada.

May she now be embraced in peace in the bosom of Abraham.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I wish to add my tribute to those of senators Graham and Kinsella. I came to know Ms Cohen through my heavy involvement in the parliamentary associations.

Let me tell you, when Mrs. Cohen, along with her very good friend Mrs. Finestone, took part in the activities of the Parliamentary Union, people listened. I have had the pleasure of travelling with her on several occasions always in connection with International Parliamentary Union meetings.

[*English*]

Everything about this tragedy has been printed in the press, which I read this morning. I went to see the Honourable Sheila Finestone this morning because I know how close she was to Shaughnessy, and to other colleagues here. She was a tough and intelligent parliamentarian. She was also an independent-minded person — the type of person who should be multiplied many times in both Houses.

I want to pay homage to her and join with Senator Graham and others in offering her family our deepest sympathy.

Hon. Eugene Whelan: Honourable senators, I rise today to pay my respects to Shaughnessy Cohen.

I am greatly saddened by the loss of our sister, our colleague and our very dear friend, Shaughnessy. She had a passion and a sincere dedication not only to the job that she did but also to the people who she represented. This, coupled with her incredible energy and vitality, earned respect from all who knew her.

As has been said by the previous speakers in much better words than I can put together, there is no doubt in my mind that the impact that she has had not only in the riding of Windsor—St. Clair but throughout Canada was tremendous. She was a really true Canadian.

Shaughnessy was a valued and hard-working young woman. She forged her mark in the House of Commons in the different duties that she carried on, such as chair of the House Justice Committee. I fondly remember when she was president of my riding association of Essex—Windsor. Our daughter, Susan, who is now the member for Essex, the adjoining constituency of Shaughnessy's, has fond childhood memories of Shaughnessy. Susan remembers Shaughnessy taking part in my riding activities. Susan has lost not only a good friend but also an adopted sister.

Shaughnessy's dynamic personality, her wonderful sense of humour, her life and her genuine care for people will surely be missed.

I and my wife, Liz, offer our deepest sympathy to Jerry and her daughter, Dena. Our thoughts and prayers are with them during this most difficult time.

Shaughnessy was the oldest of five girls. Her dad liked to hunt. Shaughnessy was what you might call his "oldest son" because her father made her go hunting with him. They lived in a small town called Thamesville, Ontario, between the cities of Chatham and London. Shaughnessy's father is still an active pharmacist there. About a week ago she told me, "I forgot to call my dad on his birthday, so I called him the next day. The other pharmacist in the pharmacy told me, "It is too late, Shaughnessy. Your dad has already gone to the bank and taken the will out of the safety deposit box and cut you out of it!" She had that great sense of humour, and she came from a wonderful family.

•(1420)

After Shaughnessy was in university, her father and mother, who are still alive, adopted three native boys, who have all been very successful in life. This is the kind of family she came from — a community-minded, caring family.

She not only knew Windsor, Toronto and Ottawa, but she knew rural Canada, and she loved it. As chair of the Justice Committee, she made sure that she just did not stay behind these stone walls in marble halls. She went to where the people were, because that was Shaughnessy Cohen's way. We have heard it expressed so well about how she dealt with the committee and how she dealt with witnesses who came before the committee. This was the Shaughnessy Cohen we knew.

After the Ontario caucus met yesterday, the southwestern Ontario caucus met. There were 10 or 11 of us there. Shaughnessy was making representation on behalf of the distillers for some regulations that needed to be changed by cabinet. As a former cabinet minister, I told her how we would do it just like that, and she said, "They better do it just like that while I am here, too."

She talked about a member of the Parliament who had lost her husband, and how we must do something to help. She contacted other caucus colleagues to make sure that this member of Parliament from the North, who has four children and had just bought a house, also needed help. As I said, she was a caring person.

After that, she opened her purse and took out a bottle. It was not what you think; it was a bottle of shoe polish. She polished her shoes, Karen Redman polished her shoes, Roger Gallaway polished his shoes, and then I polished mine. I do not know if anyone has noticed that my shoes were a little bit better looking than they are normally. That was the kind of person she was, and the kind of person with whom we had the pleasure to be associated.

Honourable senators, we have lost the member of Parliament for Windsor—St. Clair, but her husband, Jerry, has lost a wife and companion of over 25 years. I offer my sincere condolences to her family — her husband, Jerry, and her daughter, Dena, her mother and father, her sisters and brothers, and all of their families.

As the Irish say, I am sure Shaughnessy is gone to the happy hunting ground, and I am sure the little people she always cared for will look after her.

Hon. Mabel M. DeWare: Honourable senators, I rise with sorrow this afternoon to pay tribute to the Liberal member of Parliament, Shaughnessy Cohen.

Everyone was shocked and saddened by Shaughnessy's sudden and unexpected collapse and death yesterday. We are also profoundly shaken. This tragedy was a chilling reminder of our own mortality. More than that, though, it helped those of us in other parties to focus on the things that are really important. However, a woman as full of vitality as Shaughnessy Cohen would surely wish to be remembered for more than the manner of her passing, so today I would like to say a few words about her remarkable life, her warm and fun-loving personality, and her parliamentary contributions.

Before she entered public life, Shaughnessy worked in law, a field for which she had a deep and abiding passion. After being called to the bar in 1979, she put this enthusiasm to work for clients as a criminal defence lawyer in Windsor. Thanks to her hard work, she later became a part-time assistant Crown attorney and a federal prosecutor for Essex County.

For almost a decade, Shaughnessy was the only female lawyer in Windsor's criminal courts. It must have been difficult for her at times, yet she did not falter. Perhaps this was a factor in her dedication to feminist causes, which was apparent to the very end.

Honourable senators, Shaughnessy first entered federal politics as a candidate in the 1988 election. She did not succeed but, as in many other things, she persevered. Her efforts paid off in 1993 when she was swept to Ottawa. Mrs. Cohen was a proactive, popular MP willing to stand up for her constituents, who re-elected her handily in 1997.

She was not afraid to speak out on matters of fairness and principle, and she never minced her words when she did. This earned Shaughnessy the respect not only of her constituents, but also of politicians on all sides.

In addition to her commitment to public service, she also had a warm, fun-loving side of her personality that endeared her to all her colleagues. Her keen wit, her mischievous sense of humour and her no-nonsense irreverent attitude ensured things were never dull when she was around. Her good-natured pranks and political jokes have become the stuff of legend on Parliament Hill; but most of all, these actions remind us all not to take ourselves too seriously.

I remember in particular a meeting this fall of the Joint Parliamentary Committee on Custody and Access. Shaughnessy was an occasional member of that committee. It was the night of the Halloween party in the West Block. She came over to the committee and dumped her bag of candy on the table at the back of the room, sorted it all out like our kids do after Halloween night, and proceeded to give everyone some of it. As we all munched on candy, the mood in the room lightened, and the members became much more cooperative and willing to listen to each other.

Mrs. Cohen also had a finely honed sense of professionalism, which she applied in her committee work. She distinguished herself as chairwoman of the Justice Committee in the other place, and was serving her second term in that position. She impressed everyone who was familiar with her work, even though they may not have agreed with her.

Honourable senators, Parliament has lost an impressive member who will be sorely missed. Shaughnessy's colleagues join me in expressing our sadness at the untimely death of this remarkable person and parliamentarian. We would also like to offer our sincere condolence to her husband, Jerry, and her stepdaughter, Dena.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I call for Senators' Statements, I should like to draw your attention to the presence in the gallery of a group of young Canadians from the Hunt Club Girl Guides, the Lisgar Collegiate Institute, and la Polyvalente Grande-Rivière, who are participating in events to commemorate the 50th anniversary of the Universal Declaration of Human Rights.

These young people came to the Hill to participate in a program prepared for them, but because of the unfortunate death of Shaughnessy Cohen, the program could not be continued. I will host them in my chambers later today to commemorate human rights day.

On behalf of all honourable senators, I welcome you here to the Senate on this very important universal day of human rights.

SENATORS' STATEMENTS

UNITED NATIONS

FIFTIETH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, when the Universal Declaration of Human Rights was proclaimed in a resolution of the General Assembly of the United Nations 50 years ago today, Canadians took great pride in the fact that John Peters Humphrey, a Professor of Law at McGill University, prepared the first draft of the declaration and guided it to its adoption. By his side was the great Nobel Laureate and resistance fighter, René Cassin of France, and subsequent drafters such as the gifted Eleanor Roosevelt, Dr. Charles Malik of Lebanon, and Dr. P.C. Chang of China — all of them brilliant, staunch internationalists who knew that peace was a long journey, and that there are no shortcuts to freedom. They conceived the document whose principles we celebrate today — principles which were not really constructed in 1948 but were revealed in 1948; principles which all the world's great religions have held to be true. As Dr. Chang pointed out at the time, Confucius articulated these same universal rights in ancient China.

•(1430)

Thus, this ringing declaration, which states that all human beings are born free and equal in dignity and rights, was born and became the moral conscience of mankind. On that December 10, in Paris 50 years ago today, the conscience of mankind said, "Never again." Never again to the dehumanization and horror that resulted in the Buchenwalds of that time; never again to the barbarous acts that revolted and chilled an entire wartime generation.

They took that first step in Paris, knowing full well that the journey ahead of them was long and full of danger. They took that first step in that assembly of citizens of the world. In doing so, they turned a corner in the course of history into the first dawn of rights and freedoms, a world in which human beings would have freedom of speech, freedom of belief, freedom from want and freedom from fear.

Today, in 1998, many of us look back to the idealism of those early defenders of human rights, all those who had such hope for humanity. We look back at them and see that the record is rather mixed. We look at international tribunals that have been frustrated in their attempts to prosecute the perpetrators of genocide and murder. We look at unconscionable social and economic inequities that, in our time, are growing. We look at all the violence of unrestrained ethnic and racial conflicts across the planet.

However, on this day of celebration, we must look a little closer, and the look must be heartfelt. We must look at the evolution of a new, interventionist-minded, global community, and at the trends toward increasing democratization and the growing importance of global governance.

Many of us may think these trends are impossibly slow in coming; many of us may feel frustrated in the face of the new horrors that greet us daily on CNN; many of us do not see the power of the growth of the international conscience of man in our time; but that conscience is growing and the winds of change are all around us. That conscience is growing in small places close to home in our communities, in our neighbourhood schools, and in all the little places that, as Eleanor Roosevelt once said, are often too small to be on the maps of the world, but where every man, woman and child seeks equal justice, equal opportunity and equal dignity without discrimination. That conscience is growing as part of the complex web of international regimes and normative wisdom and human rights laws that are all part of the infrastructure of a new world emerging from the old.

While many of us worry about the unruly frontier society, which is the dark side of the Internet, I believe it to be an unparalleled agent of human rights advocacy. I think of information technology as giving power to the disenfranchised, as reshaping the constellation of international actors, as a soft world giving courage to citizens seeking democratic change under repressive regimes. I think of vital channels to the newly minted International Criminal Court and of links between women's groups, links that cut across the developing and developed world, links forged in cyberspace.

I think of the power of the new communications in the land mine campaign, for example, when the Internet gave people around the globe a powerful incentive to work toward shared objectives. I think of our young people discovering their ideas, and that ideas and information have become a force more potent than tanks or automatic weapons.

On this special day, I think back to the General Assembly meeting in Paris, when the first step in the long journey toward a freer, fairer world was taken. I think about the power of freedom and the ringing declaration that gave all of mankind a glimpse of what was possible, a declaration that changed the world forever.

I think of human rights, which are as essential to our lives as air or water — timeless truths that cut across the centuries and give mankind the strength to cross any border, to climb any mountain, to defy any oppressor, no matter how cruel.

Honourable senators, on this fiftieth anniversary of the signing of the Universal Declaration of Human Rights, we must think with the heart. We must remember our humanity and, as Bertrand Russell once counselled, if we do that, we can forget the rest.

Hon. Consiglio Di Nino: Honourable senators, today, as we mourn the tragic loss of our colleague Shaughnessy Cohen, a lady who had obvious high standards of values and enormous respect for human rights, it is an honour for me to join my colleague and friend Senator Graham in speaking to you on the Universal Declaration of Human Rights.

Today, December 10, 1998, is the fiftieth anniversary of this powerful testament to freedom, to dignity and to the resilience of the human spirit. It is important that Canadians take note of this day for several reasons.

First, the Universal Declaration of Human Rights was conceived as a common achievement for all peoples and all nations. This description is both rich and thought-provoking. When the declaration is viewed in this way, it is clear that human rights transcend the political experience, state ideology, government or individual leaders. They also transcend any barrier of time, space or geography.

The rights set out in the declaration are universal and timeless. No law or decree may limit them. The universal declaration is significant since it has inspired the creation and implementation of a number of other protocols, conventions and agreements. Virtually all endeavours dealing with international human rights refer to the declaration.

Perhaps the most important function of the declaration, however, is that it is a beacon of hope for millions of oppressed people around the world. We Canadians are very lucky; the vast majority of us do not fear for our lives every waking moment; we do not live in constant fear of torture, enslavement, arbitrary arrest or detention. Sadly, the same cannot be said for hundreds of millions of men, women and children in too many places around this world.

Yesterday, I co-hosted a press conference for Palden Gyatso, a Tibetan monk who, for some 33 years, was jailed, tortured and enslaved by the Chinese for daring to believe in freedom. In 1991, he was released from jail as a result of a worldwide intervention led by Amnesty International. He is this year's recipient of the John Humphrey Freedom Award given by the International Centre for Human Rights Development. For Palden Gyatso, and all the oppressed peoples of the world, the Universal Declaration of Human Rights is a ray of hope for emancipation, democracy and, most important, freedom.

One year ago today, Progressive Conservative senators reflected on the various articles of the universal declaration. Since then, we must ask ourselves: What has the Government of Canada done to promote and defend those articles both at home and abroad? What have we done to ensure that fundamental human rights are not only affirmed but defended? That is something upon which we should reflect.

Honourable senators, the universal declaration is a shining light that cuts through the darkness of authoritarianism and repression.

•(1440)

Let me remind honourable senators that it was a Canadian citizen, as Senator Graham said a moment ago, Professor John Peters Humphrey, who prepared the draft for this Magna Carta of the 20th century. That was a monumental achievement of which we should be proud, considering Canada's long and hallowed tradition of being a global peacekeeper.

Honourable senators, the universal declaration is a benchmark against which international human rights are measured. These rights, however, are not universally observed. So long as a single person's dignity is violated by a government or a regime, we as Canadians must defend the rights contained in the universal declaration loudly, openly, and without the slightest of hesitation.

Hon. Calvin Woodrow Ruck: Honourable senators, I rise to make a few remarks concerning the Universal Declaration of Human Rights.

That declaration has had a personal effect on my life as a member of a minority group. The opening chapter states that all men are created equal, and they are endowed by their Creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness. Those words do not always apply to minority persons, as many of you are aware.

We have seen many changes come about since the declaration. We have seen the Government of Canada set up a human rights commission. We have seen the various provinces set up human rights commissions. This has opened many doors to visible minorities. There were times previous to that when we as visible minorities could not go into barbershops in the city of Dartmouth, and many other cities in Nova Scotia. I cannot speak for other parts of Canada, but I know we in Nova Scotia have benefitted immensely from that declaration.

I was able to purchase land that previously had been declared out of bounds to members of the black community. I was able to raise a family there and see that they were properly educated. My oldest son went on to become a lawyer, and he is now the provincial ombudsman for the Province of Nova Scotia, so you can see how that declaration has impacted on the rights, privileges, and opportunities of minority persons.

The winds of change are blowing throughout this country, and the declaration has had a major impact with respect to those winds. We have come a long ways. We can now go into barbershops in the city of Dartmouth. It took a number of years before I was admitted, but human rights law brought that into being. In theatres in some parts of Nova Scotia, we could only sit in the balcony. They had a phrase for that, but I will not use that phrase right now. Doors have opened. Things have improved. We now have many members of our community working in department stores and in banks as bank clerks. There was a time when we could not borrow money from banks, much less work in a bank.

Things have changed. I thank God. I am proud to be a Canadian. Our country has come a long ways, but there is still some ways to go. My presence indicates some of the changes that have taken place. Minority people have become members of Parliament. Not too many years ago that was unheard of, so progress has been made, and I am very proud to stand here this afternoon.

NUCLEAR DISARMAMENT

REPORT OF COMMONS FOREIGN AFFAIRS COMMITTEE ON POLICIES GOVERNING NUCLEAR WEAPONS

Hon. Douglas Roche: Honourable senators, I call to your attention two remarkable press conferences that were held this morning, back to back. The first was called by representatives of the five political parties representing the Foreign Affairs Committee in the other place which had just issued its report on Canada's policies on nuclear weapons, and the second was called by a number of Canadians, including three former ambassadors, who worked for the Canadian government in the field of disarmament, namely Geoffrey Pearson, Peggy Mason, and myself, along with Ernie Regehr, the director of Project Ploughshares, a leading non-governmental organization that instigated the study in the first place.

All of the above, with the exception of one that I will come to, strongly supported the committee's report, and for good reason. It is a landmark document and deserves the support of all Canadians. After two years of study, the committee has exposed the fallacy that nuclear weapons provide security, and it urges the Government of Canada to play a leading role in finally ending the nuclear threat overhanging humanity. The report's leading recommendations would, if implemented, put Canada squarely in the body of mounting world opinion that the time has come to move away from the Cold War doctrine of nuclear deterrence.

I will mention one recommendation contained in the report, namely, that Canada should work with our NATO allies and the New Agenda Coalition — and I know the Leader of the Government will be especially interested in this recommendation since we have been discussing it this fall — to encourage the nuclear weapons states to demonstrate their unequivocal commitment to enter into and conclude negotiations leading to the elimination of nuclear weapons. That is just one of the important recommendations that was contained in this report.

The recommendations reflect the views of the International Court of Justice, the Canberra Commission, leading world military and civilian figures, and the New Agenda Coalition. They reflect the views of 92 per cent of Canadians who, in an Angus Reid poll in 1998, said they wanted Canada to take a leadership role in promoting an international ban on nuclear weapons.

Finally and unfortunately, I draw the attention of the Senate to the fact that the Reform Party did file a minority report, which is mystifying, because they did not dissent from any of the recommendations but did say that they did not support the broad conclusions of the report. In so doing, honourable senators, the Reform Party has separated itself from the international process started by the International Court of Justice, including the non-proliferation treaty signed by 187 nations which imposes a binding legal obligation on all parties to negotiate the complete elimination of nuclear weapons. The other four parties, representing 80 per cent of the popular vote in the 1997 election, namely the Liberal Party, the New Democratic Party, the Bloc Québécois, and the Progressive Conservative Party, all deserve the congratulations of the Senate for contributing to the advancement of global security.

NEWFOUNDLAND

HISTORY OF NURSING EDUCATION IN PROVINCE

Hon. Joan Cook: Honourable senators, in June 1998, the last graduates of the Newfoundland General Hospital School of Nursing received their diplomas, thus ending almost 100 years of educating nurses. The alumni of over 3,500 graduates viewed the occasion as an opportunity to celebrate the life of the school and the contribution of its graduates to nursing and health care provincially, nationally, and internationally. The theme "Celebrating 95 Years of Leadership in Nursing Education" was chosen to reflect its leadership role both in provincial nursing education and practise.

In 1902, Mary Southcott was appointed to establish the first training school for nurses in the colony. She was the first to recognize that educated nurses were essential in providing quality patient care.

In 1903, four candidates entered the nursing school. For the first time, those wishing to be nurses were required to have a high school education and to participate in regular, scheduled classes in recognition that nursing was both a science and an art. Within 10 years, the school had established such a favourable reputation that Canadian provinces were recruiting General Hospital graduates to work in their hospitals.

•(1450)

With an increasing enrolment and need for additional learning resources, Mary Southcott succeeded in having a nurses' residence built in 1911. In 1913, she formed the Graduate Nurses Association of Newfoundland that established a registry of nurses endorsed by the association. She sought affiliation with the Canadian Nurses Association but, as Newfoundland was not part of Canada, the application was not accepted. This association became the forerunner to the provincial nursing association that today is responsible for the licensure of nurses.

Ms Southcott had expected strict adherence to standards, which was to be an underlying value for graduates of the program. In 1923, in order to improve their practice and education, nurses sought registration with the General Council of England and Wales and many graduates began to travel to the United States and Canada to upgrade their qualifications.

In 1925, the school established a uniform standard for the education of nurses by adopting Ontario's minimum curriculum for nursing education and, in 1926, the alumni was formed to support professional development of the graduates.

One of the alumni's first acts was to purchase textbooks and journals for the nurses and students, thus establishing one of the finest nursing resource libraries in the colony.

In 1944 and 1945, nurses from the General Hospital School of Nursing travelled to Montreal and Toronto to do post-graduate studies in nursing in preparation to teach in the school and to assume leadership positions in the hospital. This practice continued until a university nursing program was created in the province in the mid-1960s.

In 1946, an external review program was conducted by the Council for Nurse Education, in Toronto. This was the first review of its kind in the province and set the precedent for the existing approval of provincial schools of nursing by the professional association.

Throughout the 1950s to 1970s, the General Hospital School of Nursing established many firsts in nursing education in Newfoundland and Labrador. It was the first to recognize the role of students in planning their own education, and subsequently a student nurses' association was established to provide a medium for students to voice their opinions and concerns. It was the first school to provide essential student support. The school was the first to admit male and married students to the program. The school was the first to establish an advisory committee that included public and student representation.

In 1982, at the Canadian Nurses Association biennial convention in Newfoundland, a graduate of the school of nursing made history in Canadian nursing by proposing that the entry requirement to the nursing profession by the year 2000 would be a university degree.

Throughout its existence, the school has initiated or participated in activities to ensure high standards in nursing education and practice. The impact of the school is best reflected in a quote from Joyce Nevitt's book, *White Caps and Black Bands*:

Mary Southcott created a precedent. The school for nurses was established on a sound basis and she would see it grow into one of the finest schools on the North American continent.

[Translation]

UNITED NATIONS

FIFTIETH ANNIVERSARY OF THE SIGNING OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Thérèse Lavoie-Roux: Honourable senators, on the occasion of the fiftieth anniversary of the signing of the Universal Declaration of Human Rights, I would like to take a few moments to draw your attention to the Convention on the Rights of the Child.

The Convention on the Rights of the Child is the most heavily ratified human rights treaty in history. Its own history goes back to 1979, the International Year of the Child. The convention was adopted unanimously on November 20, 1989 by the United Nations General Assembly. On January 26, 1990, the convention was signed by 61 states. Such a spontaneous response was a historical first.

Since then, all member states, except two, have ratified the Convention on the Rights of the Child. This human rights instrument is exceptional in the way it sets out the rights of children, their civil, political, economic, social and cultural rights, and establishes the legal criteria and moral requirements to protect their rights. In short, the convention defines what the world wants for its children. The convention's ability to protect the rights of children depends first and foremost on the support

of world institutions. The convention works by changing laws and institutions and then guidelines, practices and mentalities. The United Nations committee on the rights of the child lies at the heart of the process and is comprised of elected international experts. The committee oversees the implementation of the convention and recommends to governments the measures that give children a higher priority. A coalition of over 50 NGOs are currently preparing a report with representatives of the Canadian government. The report will be tabled with the committee on the rights of the child in June 1999.

In addition, Canada is attempting to append two optional protocols to the Convention on the Rights of the Child. The first concerns child soldiers and prohibits the recruiting and participation of children in armed conflicts. In the convention, a child is defined as a person under 18 years of age.

Not that long ago, Canadian soldiers 16 and 17 years old were still taking part in armed combat. The Department of National Defence has since revised its policy and raised the legal age for taking part in hostilities to 18, thus reflecting Canada's agreement with the convention's principles.

The second protocol establishes measures to criminalize the worst forms of child exploitation: the sale of children, child prostitution and child pornography. The Criminal Code has been amended so that those who engage in child sex tourism can be prosecuted, although more needs to be done. The reports we are hearing from the Dominican Republic in particular, as well as from many other countries, are terrible.

It is hoped that this protocol will encourage other countries to adopt similar measures against the exploitation of children. Quality of life is strongly influenced by socio-economic changes, the evolution of family structures, job trends and public services. Article 3 of the Convention on the Rights of the Child provides that, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Do we have the best interests of the child at heart when we allow the minimum wage and social assistance to drop below the cost of living or when we amend custody and access legislation? Do the cuts in child welfare, education programs and health services have the best interests of the child at heart? Our children deserve the best there is. Let us make their rights our priority every day.

[English]

THE HONOURABLE JOHN LYNCH-STAUNTON

CONGRATULATIONS ON FIFTH ANNIVERSARY
OF ASSUMING LEADERSHIP OF
PROGRESSIVE CONSERVATIVE PARTY IN THE SENATE

Hon. Ron Gitter: Honourable senators, today we celebrate the 50th anniversary of the signing of the Universal Declaration of Human Rights. Those of us on this side of the house wish to note that December 15 is also an anniversary of significance to all of us, that being the fifth anniversary of the leadership of Senator John Lynch-Staunton as our leader in the Senate.

Some Hon. Senators: Hear, hear!

Senator Berntson: Four more years!

Senator Gitter: When Senator Lynch-Staunton first took over the leadership of the PC Senate caucus from Senator Murray who did such an outstanding job, it turned out he not only had the responsibility of providing leadership in his Senate capacity, but also for the PC Party generally, as we were going through a rebuilding process with only two members in the House.

This resulted in additional responsibilities falling on the shoulders of our leader. For, in many ways, it was the PC Senate caucus that provided the assistance that the party so badly needed during those difficult days. It was here in the Senate that such issues as Pearson airport, Somalia, the helicopter debacle, APEC and countless others drew the attention of all of us and challenged the many talents of Senator Lynch-Staunton. He performed admirably and he continues to do so.

Senator Lynch-Staunton is a Canadian dedicated to his country, his province, the Senate of Canada and his political party. He has proven his dedication in countless ways by his tireless work in the Senate and in our caucus.

When Senator Lynch-Staunton stands up to speak, all senators in the Senate listen because he is worth listening to. He is known for his sharp wit, his incisive and articulate thinking, and his ability to keep our caucus family together. That ability to keep our caucus family together, not always an easy task, has brought to him the well-earned respect of both sides of this chamber. He walks his talk, he leads by example, and we are all enriched by his efforts and commitment.

•(1500)

Senator, on this, the eve of your fifth anniversary as our leader, I know that I express the views of our entire caucus when I thank you for all you have done for us and our party. You enjoy our support, our love, and our admiration. Five more years, at least, under your leadership would be most welcome.

NATIONAL DEFENCE

COMMEMORATION OF COMMISSIONING
OF NEW WARSHIP HMCS SASKATOON

Hon. David Tkachuk: Honourable senators, my wife, Sharon, and I had the opportunity to attend the commissioning of the *HMCS Saskatoon* this past Saturday. I was impressed by our navy's newest ship and proud that it was named after my home town of Saskatoon.

Senators may not be aware that one of the highest honours the navy can bestow on a city is to name a ship after it. It helps to develop the identity and traditions of the ship, and serves as a rallying point for the ship's company, building morale and esprit de corps. It provides a link to communities across the country and ships frequently develop their own personalities, drawing, in large part, from the characteristics of the community for which they are named.

In all, 12 Canadian communities were selected for names for Canada's newest Kingston-class warships currently under construction in Halifax — two more ships are coming, I understand — and in the great Canadian way we will name one for each province and territory. Eventually, there will be six ships stationed on each side of the country.

The *HMSC Saskatoon* is Canada's newest warship. She left Halifax Harbour on Friday, August 28 for her new home in Esquimalt, B.C., via the Panama Canal. This is the tenth ship of this class delivered to the Canadian Navy, weighing in at 970 tonnes.

The ship is under the command of Lieutenant-Commander E.M.J. — Mark — Richardson and will be crewed by 42 men and women of the Naval Reserve. The *HMCS Saskatoon* will conduct missions ranging from sovereignty patrols, search and rescue and mine countermeasures, to Naval Reserve training, route survey and assistance to other government departments.

I am sure all honourable senators will join me in congratulating Vice-Admiral G.R. Maddison, Chief of the Maritime Staff, and Rear-Admiral A.D. Buck, Commander Maritime Forces Pacific, on a great commissioning ceremony. The base at Esquimalt is to be commended for their organization. Also, special thanks to Mayor Dayday of Saskatoon for a wonderful reception.

On behalf of all citizens of Saskatoon, I want to extend a special thanks to the commissioning volunteer committee chaired by John Duerkop, Captain John Dalzell, Chris Dekker, Joan Steckhan and, of course, former lieutenant governor Sylvia Fedoruk, who was the sponsor. As well, thanks to all the businesses and organizations which lent their support to the celebration.

I love the blessing that was read at the launching. Since it is the Christmas season, and considering the tragedy that took place in the House of Commons yesterday and the fragility of human life, I will read it into the record:

Almighty and eternal God, the strength and support of those who put their confidence in you, be pleased, we beseech you, to bless Her Majesty's Canadian ship *Saskatoon* which is being commissioned today; guard and protect her from all dangers and from all adversity; protect her against the visible and invisible snares of the enemy that she may defend the paths of justice and overcome, with your help, the powers of the enemy. Amen.

[Translation]

UNITED NATIONS

FIFTIETH ANNIVERSARY OF THE SIGNING OF
THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Gérald-A. Beaudoin: Honourable senators, I should like to say a few words on the Universal Declaration of Human

Rights and the role our highest court has played in this area. In a June 1998 decision, *Pushpanathan v. Canada*, Mr. Justice Bastarache, speaking for the majority, writes:

For example, determinations by the International Court of Justice may be compelling. In the case *United States Diplomatic and Consular Staff in Tehran*, the court found:

To wrongfully deprive human beings of their freedom and to subject them to physical constraint in conditions of hardship is in itself manifestly incompatible with the principles of the Charter of the United Nations, as well as with the fundamental principles enunciated in the Universal Declaration of Human Rights.

The Supreme Court has referred to the 1948 Universal Declaration in interpreting our Charter, for instance in *Keegstra*, which addresses hate propaganda and freedom of expression; *Kindler*, on the death penalty and section 12 of the Charter; *Edmonton Journal*, on freedom of the press; *McKinney*, on equality rights (mandatory retirement); *Children's Aid Society of Metropolitan Toronto* on freedom of religion; *O'Connor*, on the principles of fundamental justice (full answer and defence); *Lavigne*, on freedom of association and freedom of expression; *Finta* on fundamental justice; *Généreux*, on judicial independence and courts martial; *Tran*, on the right to an interpreter; and *Lucas*, on freedom of expression and defamatory libel.

In *Keegstra*, the Court wrote:

Generally speaking, the international human rights obligations taken on by Canada reflect the values and principles of a free and democratic society, and thus those values and principles that underlie the Charter itself...

In *Kindler*, it wrote:

Canada's commitment to human dignity has a lengthy and respected history in international affairs. This commitment is exemplified by its accession to the United Nations Charter on November 9, 1945, its vote in favour of the Universal Declaration of Human Rights on December 10, 1948...

These few words explain our highest court's recourse to the Universal Declaration of Human Rights in interpreting and applying our constitutional and quasi-constitutional laws in Canada. Everything would indicate that this practice will continue for a long time to come in our country.

Hon. Marcel Prud'homme: Honourable senators, on the subject of this great and important Universal Declaration of Human Rights, I will draw on the Chicoutimi paper *Le Quotidien*, which said:

There has never been as much killing, pillaging and raping as there is now. And we are talking about great conflicts.

In *The Ottawa Citizen*, we were reminded that it is a good thing in Canada to look back in history.

[English]

...was unenthusiastic about the declaration, so much so as to abstain in a key vote on its adoption. Denounced for doing this both by the United Kingdom and the United States, the Canadian government did a quick volte-face and endorsed the declaration at the U.N. General Assembly.

There are many items dealing with this matter on our Orders of the Day, one of which is the excellent report of our colleague Senator Stewart. Another will be put forward later by Senator Andreychuk. At that time, we will be able to speak on this matter at greater length.

I only wish that we will reflect today on the meaning of the Universal Declaration of Human Rights. I hope and pray that we would not be selective.

•(1510)

As I get older, I love to repeat this lesson, taught to me when I was very young by my father. You cannot pick and choose. If you believe in the universality of something, you do not pick and choose. You believe in the universality or you remain silent.

Today, on the eve of the visit of President Clinton to the Middle East, I want to again be on record for the forgotten people, the Palestinian people. Why do I insist on speaking about them? It is because this is a just cause. When a cause is just, it does not die. A just cause does not pass away. This has been haunting us ever since November 19, 1947, when two prominent Canadians, Lester B. Pearson, as an ambassador for Canada, and Ivan Rand, were highly responsible for a report that gave birth to a resolution called Resolution No. 181. That resolution was voted after a lot of twisting and a lot of hesitation by a vote of 33 in favour, 13 against and 10 abstentions, mostly by Christian countries, to create, on the land of Palestine, two states, one for the Jews and one for the Palestinians.

It seems to me that Canadians have forgotten what they did on November 29, 1947. We voted to make two countries on someone's land. I accept the resolution. I accept that it means two states, but look at where we are today: There is only one state; people are killing each other with passion over a piece of land which should represent peace and justice for all on earth.

I would hope that some colleague of mine will pay a little more attention to what has taken place since 1947 in that part of the world, which seems to be forgotten by everyone when we make speeches on human rights. We forget about that part. Look at the hate that is growing there. Everything that takes place in the Middle East has its birth on that day. The situation in Algeria is the culmination of hate. What happened in Iraq and in Libya with nuclear arms has its birth in that region of the world because one of the powers there has nuclear arms. We have an arms race of the same kind that took place between the United States and the Soviet Union in the old days.

I would hope today, as we reflect on every other atrocity that is taking place, we will pay attention to some people who beg for just a piece of land that is theirs, who beg for water that is being taken away from them, who beg for justice.

I am not defending any political regime nor any organization or association, as corrupt as they may be on both sides. I am defending the just cause of giving justice to people who have been begging and begging and who only receive in answer a kind silence.

As the Honourable Senator Heath Macquarrie used to say, I find it strange that scholars and politicians and parliamentarians have an opinion on everything else but if I ask them what they think of the Palestinian people, they start talking about hockey, religion or sex. They all try to escape talking about what is contaminating not only the Middle East but sometimes contaminating relationships here between senators and between us and members of the House of Commons.

I have gone through that for 35 years. I have seen that contamination. I have never answered back because I believe in being good. I believe that if we are good, we will understand that there is a part of the world that is also asking for justice. Today we should at least have a moment of reflection for those people and we should work a little bit harder to find a solution.

That is Canada's role at the United Nations Security Council. It will be very interesting to see how Canada will vote in the next two years as a member of the Security Council.

PORT OF HALIFAX

CONGRATULATIONS ON SELECTION AS MEGAPORT FINALIST

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, may I have leave to make a very brief statement about the Halifax port and the post-Panamax vessels. I have already made an intervention under Senators' Statements.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Graham: I have just received word that the Port of Halifax has been selected as one of three finalists for the location of the new Maersk/Sealand container super-terminal. I have here the official announcement from the Sealand and Maersk companies.

The finalists are the ports of Halifax, Nova Scotia; Newark, New Jersey; and Baltimore, Maryland. The carriers are still reviewing if one megaport is the most effective option or if volumes should be split over more than one northeast port facility to meet their service and cost requirements.

Of course, this is very good news for Nova Scotia. It is wonderful news for Atlantic Canada. It is great news for all of Canada. Given Halifax's natural advantages, including its deep, ice-free harbour, I am not surprised that Halifax is on the short list. Canadians, of course, will eagerly await the selection of the winner. Certainly, it is still to be determined whether one port will get all of the business or whether it will be shared by more than one port, as indicated by the official press release.

The Province of Nova Scotia has made a request to the federal government for financial assistance. This is one of my top priorities as a regional minister and I will continue to work with my cabinet colleagues to make it a priority for the Government of Canada. Investing in the future of the Port of Halifax, I am sure all honourable senators would agree, is an important step towards getting the economic fundamentals right in our region by creating opportunity, jobs and growth for Atlantic Canadians and, indeed, for a very large part of our country.

THE SENATE

PROVISION IN RULES FOR MINISTERS' STATEMENTS

Hon. Lowell Murray: Honourable senators, I rise not to comment on the minister's statement but to point out that when we brought in the new rules a few years back, we neglected to provide an item under the daily routine of business for "Ministers' Statements," as distinct from "Senators' Statements." I suppose a minister could make a statement under "Tabling of Documents," but what the statement just given is not technically the tabling of a document. It occurs to me that this oversight should be corrected soon in our rules.

While I am on my feet, I want to ask the Leader of the Government in the Senate whether he will take advantage of the opportunity that is his now to make the statement which he promised to make on the subject of the Cape Breton Development Corporation and its future. This is a statement which he undertook to make before we rise for the Christmas holidays.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I recognize Senator Murray's question. His suggestion is very worthwhile. Before the day is out, I do hope to ask leave to revert to statements so that I can make some comments with respect to the future of the Cape Breton Development Corporation.

Hon. J. Michael Forrestall: The point made by Senator Murray is valid. The reason for changing the rules to bring in a legitimate spot on the scroll for ministerial statements would be to allow time for comment from the opposition.

ROUTINE PROCEEDINGS

TOBACCO ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 10, 1998

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SEVENTEENTH REPORT

Your Committee, to which was referred Bill C-42, to amend the Tobacco Act, has, in obedience to the Order of Reference of Tuesday, December 8, 1998, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

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

On motion of Senator Milne, bill placed on the Orders of the Day for third reading later this day.

INSURANCE COMPANIES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-59, to amend the Insurance Companies Act.

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 Monday, December 14, 1998.

CARRIAGE BY AIR ACT

BILL TO AMEND—FIRST READING

Leave having been given to revert to Introduction and First Reading of Government Bills

Hon. Sharon Carstairs presented Bill S-23, to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier.

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 Orders of the Day for second reading on Monday, December 14, 1998.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

APRIL SESSION OF PARLIAMENTARY ASSEMBLY, STRASBOURG,
FRANCE—REPORT OF CANADIAN DELEGATION TABLED

Hon. Peter Stollery: Honourable senators, I have the honour to table the report of the Canada-Europe Parliamentary Association, which represented Canada at the April session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from April 20 to 24, 1998.

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

Hon. Peter Stollery: Honourable senators, I have the honour to table the report of the Canada-Europe Parliamentary Association, which represented Canada at meetings of the Council of Europe Parliamentary Assembly, held in Paris and Strasbourg, France, from June 17 to 26, 1998.

SECURITY INCIDENT AT VANCOUVER APEC CONFERENCE

NOTICE OF MOTION TO ESTABLISH SPECIAL COMMITTEE

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I give notice that on Tuesday next, December 15, 1998, I will move:

That a Special Committee of the Senate be appointed to examine and report upon the conduct of the Prime Minister, the Prime Minister's Office, the Minister of Foreign Affairs, the Solicitor General and the Privy Council Office in the security arrangements for the Asia-Pacific Economic Cooperation Conference held in Vancouver in November 1997, and any issues subsequently arising therefrom.

In particular, that the committee examine the allegations that political motivations rather than security considerations were used unlawfully, which resulted in the violation of the constitutional right to freedom of expression, freedom of assembly, and freedom of association of certain Canadian citizens and the suppression of legitimate protest;

That seven Senators nominated by the Senate Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

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

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That the Committee be empowered to adjourn from place to place, within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that, if the Senate is not sitting, the report shall be deemed submitted on the day such report is deposited with the Clerk of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF SENATE

Leave having been given to revert to Notices of Motion:

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

That the Standing Senate Committee on Internal Economy, Budgets and Administration have power to sit at 7:00 p.m. today, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

VOLUNTEERISM AND THE INTERNATIONAL YEAR OF OLDER PERSONS

NOTICE OF INQUIRY

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, on behalf of Senator Maloney, I give notice of an inquiry that pursuant to rule 57(2), on Wednesday, February 3, 1999, she will call the attention of the Senate to volunteerism and the international year of older persons.

QUESTION PERIOD

SOLICITOR GENERAL

SECURITY ARRANGEMENTS AT APEC CONFERENCE— ROLE OF PRIVY COUNCIL OFFICE—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, the “fortress of darkness,” otherwise known as the Langevin Block, houses the Prime Minister’s Office and the Privy Council Office, and the apprentices of the “forces of darkness” all.

In a document B-50, contained in the set of documents that were attached to the letter from the British Columbia Civil Liberties Association, which all honourable senators now have, we find a memorandum to the Prime Minister from the Clerk of the Privy Council, Jocelyne Bourgon, dated September 19, 1997, in which she tells the Prime Minister that President Suharto may not come to the APEC meeting in Vancouver because the Indonesians are:

...intent upon avoiding any embarrassment to the President.

•(1530)

The memo states further that:

Ambassador Parwoto is apparently sceptical about the degree to which Canada is prepared to take action to avoid embarrassment to President Suharto.

My question to the Leader of the Government is this: Would he explain what role the Privy Council Office played in the security arrangements for the APEC conference in Vancouver, and what steps were taken to ensure that President Suharto would not be “embarrassed” while attending the APEC conference in 1997?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as my honourable friend knows, the host country for any APEC conference is responsible for the security of all of the delegates, be they heads of state or members of a particular delegation, just as any host country would be responsible for the security of our Prime Minister.

I am not aware of the particular role that the Privy Council Office would play specifically in providing security arrangements, but I am sure that all of that information would come forward as soon as the Public Complaints Commission is allowed to get on with its work, and to hear from all of the relevant witnesses.

Senator Kinsella: Honourable senators, would the Leader of the Government in the Senate advise us whether he recognizes in this documentation the distinction that is clear between the matter of security, on the one hand, and to use Jocelyn Bourgon’s language, the more important avoiding of embarrassment?

Senator Graham: Honourable senators, I think security and embarrassment in this particular situation could obviously be

linked, because if proper security arrangements were not provided for a visiting head of state, that could be highly embarrassing to the host country.

Senator Kinsella: Honourable senators, how does the Leader of the Government explain that, as the documents point out, when the RCMP had determined the control lines for security purposes, only after a visit from officials in the Prime Minister’s Office was that security line changed and pushed back. The RCMP had not predetermined, on a security basis, where the line had to be.

Senator Graham: Honourable senators, I am sure the answer to that question will come in testimony before the Public Complaints Commission. However, as indicated earlier, the President of the University of British Columbia had expressed some concern about security to the Prime Minister’s Office, and a representative of the Prime Minister’s Office acted accordingly, and swiftly. I understand that the lines to which my honourable friend refers were adjusted accordingly, and were very satisfactory to the President of the University of British Columbia, on whose property the events were being held.

SECURITY ARRANGEMENTS AT APEC CONFERENCE—DETAILS CONTAINED IN DOCUMENTS TABLED—GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, I have not been taking part in these exchanges in recent weeks, but in the last few minutes I have been passing time leafing through some of this documentation.

I should like to ask the Leader of the Government in the Senate about a document that apparently came from the NCO in charge of the APEC Threat Assessment Joint Intelligence Group. I can quote from it. It is very brief:

Two members of the media attending UBC last night as invited observers were noted to be overly sympathetic to the APEC Alert protesters. Both subjects have had their accreditation seized.

The report goes on:

The first subject is Dr. Joan RUSLOW federal leader of the Green Party. Second subject Dennis PORTER’s accreditation states he is a journalist employed by Working TV. It should be noted that PORTER’s hair as of Nov. 22 was bright orange.

My question is this: Is this an aesthetic judgment, a fashion statement or a security assessment?

Hon. B. Alasdair Graham (Leader of the Government): It could be all three.

Senator Berntson: There is no answer, so save your breath.

Senator Graham: It may be that hair tint could be one of the subjects to be investigated when the Public Complaints Commission has an opportunity to get on with its hearings.

Senator Lynch-Staunton: Spoken like a true prince.

PARKS CANADA

DELINEATION OF BOUNDARY OF TUKTUT NOGAI NATIONAL PARK—GOVERNMENT POSITION

Hon. Willie Adams: Honourable senators, my question is to the Leader of the Government in the Senate. Between cabinet and Parks Canada, the Inuvialuit in the last couple of years has tried to negotiate the boundary of Tuktut Nogait National Park. How much longer will the cabinet and Parks Canada ignore the Inuvialuit?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not think that the cabinet nor Parks Canada have ever ignored any representations made by that particular community.

I respect the concerns of Senator Adams on this particular issue. I have some fleeting familiarity with the area. Not too many people have visited an area such as Paulatuk. I am among those who have had a wonderful time in that particular part of the North. I did so some several years ago, along with the then commissioner of the Northwest Territories, Stuart Hodgson. I have a lasting impression of the wonderful hospitality of the people in that area, and how concerned and cooperative they were with respect to the future of the area.

Honourable senators, as Leader of the Government in the Senate I would be very happy to take any representations made by honourable senators to my cabinet colleagues. I wish to assure Senator Adams and others that I will put forward my best efforts to ensure that justice is done in all federal matters.

Senator Adams: Honourable senators, in the last hour and a half, we have heard many good things about human rights, but what about the rights of aboriginal people? We do not have a voice. That is my concern. The Inuvialuit own the property already. The Government of Canada and Parks Canada have been ignoring them for the last couple of years, even after an agreement was signed. All they are asking for is a piece of land. We have all the information you tabled.

Yesterday, Senator Carstairs read into the record a letter from Minister Andy Mitchell. It was exactly the same thing as we heard from him before. It did not mean anything; the \$2 million means nothing. He had money for that before.

Later today, we will vote on Bill C-38. The Inuvialuit merely want to negotiate a piece of property, but Parks Canada says an agreement is already in place. However, those people still own the land. They did sign over a piece of land for the park, but not for the boundary.

Senator Graham: I would urge all honourable colleagues in the chamber to read carefully the letter that was sent to me, dated December 9, from the Honourable Andy Mitchell, Secretary of State for Parks Canada.

•(1540)

When Senator Adams suggests that there are no spokespersons for that particular community, or that part of Canada, I think he is

an eloquent and persuasive spokesperson for the people who reside in that part of our great country.

NATIONAL FINANCE

POSSIBLE NEW FRINGE BENEFITS POLICY— GOLF CLUB MEMBERSHIP FEES PAID FOR CROWN CORPORATIONS EMPLOYEES

Hon. Roch Bolduc: Honourable senators, will the Leader of the Government in the Senate tell us whether there is a new fringe benefits policy concerning the paying, with public money, of membership fees to golf courses for employees of Crown corporations and your officials?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am certainly not aware of any such policy. Crown corporations generally act at arm's length from the government, and develop their own policies under which they operate.

Senator Bolduc: Honourable senators, does the Leader of the Government mean that the government will not intervene but will go on doing that, while we are cutting funds to the hospitals in the provinces?

Senator Graham: Honourable senators, I am not aware of the point that Senator Bolduc is trying to make.

NORTH ATLANTIC TREATY ORGANIZATION

REITERATION OF POLICY ON DISARMAMENT WITHIN PROPER FORUM—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I wish to ask a follow-up question to the one I raised yesterday as the time allotted for Question Period was running out.

Honourable senators, I want to make it absolutely clear that I support a policy of total disarmament, something which I think most Canadians support. I also support the right of the House of Commons committee to put some interesting proposals to the government with respect to disarmament and the use of nuclear weapons. I also support the initiatives of Senator Roche in that regard.

However, my concern is for a tradition and practice in NATO that we do not act unilaterally, or form opinions that may prejudice our partners until those issues have been properly discussed within the NATO context.

Will the Leader of the Government in the Senate undertake to ask the Minister of Foreign Affairs to restrict his comments on the changes within the nuclear policy to the right forum, namely, the forum within the NATO context?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I presume the honourable senator is referring to the article which appeared in *The Globe and Mail*, written by Mr. Sallot.

I should attempt to clarify the Foreign Minister's comments. The author claims to have cited the text of Mr. Axworthy's interventions in the North Atlantic Council meeting in Brussels, as well as notes that he took from a telephone interview, presumably with Mr. Axworthy. The article states that Canada has set itself up to lead a potentially divisive debate between the NATO non-nuclear states and the Alliance's nuclear powers, such as the U.S., the U.K., France, and others. Presumably, those are the comments to which Senator Andreychuk is referring.

The text of the Foreign Minister's speech which Mr. Sallot cites does not appear to be what Mr. Axworthy actually said within the confines of the North Atlantic Council meeting. We understand that the minister's actual intervention did not address nuclear matters at length. He focused instead, as I understand it, on the progress that NATO has made in responding to new challenges, such as the crisis in Kosovo.

Senator Andreychuk: Honourable senators, if I understand what the minister is indicating, then all issues of changing NATO policy will be discussed within the confines of NATO with our partners.

My concern is that if we put our position out unilaterally first and then move on it, then others will do so; others who, perhaps, do not have our objectives in mind.

Senator Graham: Honourable senators, as an active member of the Alliance, Canada is participating in a review of the strategic concept that is currently under way. The review will address a wide range of issues, including the changed environment of Euro-Atlantic security, NATO's role in peacekeeping operations and responding to the spread of weapons of mass destruction. We expect that the revised strategic concept will be ready to be issued at the next NATO summit which will be held in April.

TRANSPORT

PORT OF HALIFAX—SELECTION AS MEGAPORT FINALIST— REQUEST FOR TABLING OF NEWS RELEASE

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. It has to do with his brief indication to us of the very welcome news that Halifax is one of three cities short-listed for post-Panamax operations. I am curious as to whether or not the announcement by the minister contains any details as to when the final decision will be taken, or whether there is any detail with respect to the level of financial commitment that the Liberal government is prepared to put forward.

As honourable senators will be aware, Nova Scotia, with 3 per cent of the population of Canada, has already absorbed 16 per cent of the federal cuts. Sadly, we will have a mothballing of four of our frigates, and the tying up of two of our TRUMP destroyers, adding another 2,000 to the list of federal employees cut from the payrolls in Nova Scotia. The minister will understand our concern as to some of the details.

Is the minister in a position now to table a document? It did not appear that the minister was reading from a document. Has

he simply been apprised of this information, or does he have at hand a press release or any other document which he might care to table in the Senate?

Hon. B. Alasdair Graham (Leader of the Government): I would be happy to do that, honourable senators. This is a news release by way of Canada Newswire. It was just sent into me in the chamber. Any other comments that I made were purely on my own behalf. I would be happy to table the news release, if it is agreeable with all honourable senators.

Senator Lynch-Staunton: Is it only in English?

Senator Graham: Honourable senators, I will not table it because I do not have a translation of it. However, I would be happy to distribute a copy of the release.

PORT OF HALIFAX—SELECTION AS MEGAPORT FINALIST— REQUIREMENT FOR FEDERAL FUNDING AND PUBLIC CONSULTATION ON LOCATION OF POST-PANAMAX FACILITY—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, would the minister undertake to include with the document which he will distribute some indication of the current federal position with respect to funding?

At the same time, would the minister urge upon the government the sensitivity and the sensibility of public hearings being held for the purpose of discussing the location of the new intended pier facility, the post-Panamax facility?

There seems to have been nothing short of an arbitrary decision to extend the pier requirements in the Fairview Cove area. As everyone knows, there is no back-up land there, and that is on the edge of an expensive residential area. On the other hand, in the heart of the largest industrial complex in eastern Canada, namely Dartmouth's Navy Island Cove, there are upwards of 100 acres of waterfront land, with more shallow water for container recovery operations.

In other words, the facility could be built a lot cheaper, and the residents of Halifax, Dartmouth, and the Bedford Basin area should have some public way of making some serious input.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that is an important intervention by the Honourable Senator Forrestall.

With respect to the government's current position, my colleague might understand that I would not be rising in my place and talking about a statement of this kind if I had not been raising this matter with my colleagues.

I have been working continuously with my colleagues at the federal level. There was an all-party delegation from the province of Nova Scotia. We have also held meetings with people in the community who have an interest in the project. I detect a great deal of support for this project, not just in that particular region but also across the country. It is not Halifax in competition with the rest of the country; it is Canada versus the United States.

With regard to the sensitivity of this issue that my honourable friend raises as it relates directly to the location and the land that might be made available, I will bring that matter to the attention of those people who are most directly responsible: the port corporation, the Province of Nova Scotia, and those at the federal level who will be working on this particular file.

Senator Forrestall: Honourable senators, I have one final supplementary question.

I thank the minister for many courtesies he has extended to me over the last year. I assure him that I would not raise these matters unless I too believed that they were of a deep and continuing concern.

Could the minister tell us why the federal government has been so reluctant to accept the nominees to the port corporation. As he will be aware, there has been some concern about the rejection of nominees from at least two of the ports affected.

Senator Graham: Honourable senator, that matter is under continuing discussion. When the details become more readily available, I will be glad to bring forward a report.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on November 26, 1998 by the Honourable Senator Michael J. Forrestall regarding the Aurora Maritime Patrol aircraft fleet.

NATIONAL DEFENCE

AURORA MARITIME PATROL AIRCRAFT FLEET—REPLACEMENT OF KAPTON WIRING IN FLEET AND OTHER AIRCRAFT—STATUS OF LIFE EXTENSION PROGRAM—GOVERNMENT POSITION

(Response to question raised by Hon. J. Michael Forrestall on November 26, 1998)

1. All 18 Aurora aircraft have polyimide wiring (Kapton is a trademark of the DuPont Company for polyimide wiring). In 1992, a phased wire replacement program was initiated for the Aurora to replace the polyimide wiring located in areas most susceptible to premature degradation as a result of exposure to severe environmental conditions. This replacement program was completed in November 1998. In a continuing effort to ensure flight safety, a detailed analysis is being conducted of the remaining polyimide wiring located in areas of the aircraft where the wire is less susceptible to degradation. It should also be noted that, as part of the normal depot level inspection and repair cycle, exposed aircraft wiring continues to be visually inspected for defects. The three Arcturus maritime patrol aircraft that were manufactured in the early 1990s do not have polyimide wiring.

2. The Aurora Life Extension Project (ALEP) has yet to be approved.

3. In addition to the Aurora aircraft, the CF-18, Airbus and Challenger fleets have polyimide wiring.

ORDERS OF THE DAY

NUNAVUT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Pépin, seconded by the Honourable Senator Poulin, for the second reading of Bill C-57, to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence.

Hon. A. Raynell Andreychuk: Honourable senators, since Senator Pépin has put forward the elements of the bill so fully, I do not propose to detail them at any length.

This bill arises out of the creation of Nunavut, a policy that was started by the previous government after much consultation with the aboriginal and northern communities. The concept of Nunavut grew out of a long and extensive record of consultation and expressed wishes by northern people. They have identified their own problems — social problems, financial problems, cultural problems, and problems as citizens within Canada. Nunavut is a concept and a process they have arrived at, and I believe that all Canadians are supportive of the Nunavut process at this time.

This bill deals particularly with the creation of the Nunavut Court of Justice. The issue of justice is one of the most fundamental and important issues facing northern people. I have personally had the opportunity to travel in the North as part of the judicial process. It is one of the most interesting to see and one of the most difficult to bear.

Court means that judges, prosecutors, defence counsel, court workers, court reporters, and court clerks all travel from settlement to settlement. The same concepts of justice that we have in urban areas are expected to come into play. Often there are delays, understandable delays, because the court attempts to serve so many isolated settlements.

“Flattening” the courts, creating a more responsive system and integrating more people from the North into their own justice system is a laudable goal, and Bill C-57 addresses that goal.

I look forward to our committee having an opportunity to study this bill, clause-by-clause, to ensure that what we are attempting to do can be done and administered by the provisions of this proposed legislation. Our committee will try to ensure that we can accomplish the ends set out in this bill.

I would, however, remark in passing that justice for the northern people will require more than what is contained in Bill C-57. It will demand proper training and access to education so that the judicial system in the North can become a truly northern justice system involving aboriginal peoples. It will take some time, it will take some training, and it will take an enormous effort by the justice system throughout Canada to support this new process.

Honourable senators, I know that we require unique answers to address questions of sentencing in the North. Perhaps, in time, we will have rules and processes in place that fit the aboriginal people in the North and the northern people.

One need only live or travel in the North to know that the challenges in the North are not only related to distance. They are multidimensional, and many problems can only be solved by those who live in those communities. Thankfully, there is a growing sense of awareness of community responsibility and community creativity that is allowing for the kinds of responses to the justice system that will truly work for our aboriginal peoples.

I hope that the provisions of this proposed legislation will not be used as a tool by which the government will cut back funding to northern justice. In fact, this should be an opportunity to increase the moneys and the access to expertise that will be required to be put it into place.

We must understand that crime is not the root cause of many problems in the North. The lack of integration of the people into modern society is a large part of the problem. Another part of the problem can be related to what is contained in the Universal Declaration of Human Rights. Our agenda as it relates to our aboriginal peoples has been left unfinished. If we address the issues within the aboriginal concept, we would have less difficulty in the justice system. They are oversubscribed in our penal system. In addressing aboriginal justice, we must find answers in preventative measures, rather than turning to punitive measures.

I am pleased that the government has introduced this bill within the time limits and that our committee will have time to study it in detail. We will have an opportunity to put questions to the minister on the entire concept of justice and not just the court systems in the North.

I am pleased to speak in favour of the concept of this bill.

The Hon. the Speaker: Honourable senators, it was moved by Honourable Senator Pépin, seconded by Honourable Senator Poulin, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Pépin, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

TOBACCO ACT

BILL TO AMEND—THIRD READING

Hon. Francis William Mahovlich moved the third reading of Bill C-42, to amend the Tobacco Act.

He said: Honourable senators, I am pleased to address the Senate on the government's proposed amendment to the Tobacco Act. I should like to take this opportunity to commend the Minister of Health for this important amendment which, if passed, will make Canadian tobacco legislation among the toughest in the world.

Honourable senators, let me note that when the minister appeared before the Standing Senate Committee on Legal and Constitutional Affairs yesterday evening, he responded in a positive manner to a request made to him. The minister took under serious advisement the suggestion that the Senate be consulted on proposed regulations under the Tobacco Act in the same manner as the House of Commons. In giving the committee his assurance that he will consult with his colleagues on this proposal, the minister has demonstrated his willingness to work in a non-partisan way to reduce youth smoking.

Honourable senators, this amendment is good news for all Canadians, particularly Canadian youth.

We all know that youth are the most tragic casualties of tobacco use and addiction, and we know that youth are the most vulnerable to tobacco promotion. Today, more than one in four of our young people smoke. Half of these young smokers will die prematurely from smoking-related causes. This is why the government's priority in developing this amendment and in its overall tobacco strategy has been young people.

The amendments eventually ban the promotion of tobacco sponsorship. That is combined with a reaffirmation of the government's commitment to spend \$100 million on initiatives to reduce tobacco use. This is a huge step forward in our battle against smoking.

Clearly, the most significant portion of this amendment is a proposal for a total ban on tobacco sponsorship promotion following a five-year transition period. Currently, sponsorship promotion allows tobacco companies to link their deadly products with exciting events, such as music festivals, tennis tournaments, fashion shows, and motor racing. These sponsorships provide an opportunity for embedded advertising that creates a friendly familiarity between tobacco and music and sports enthusiasts, many of whom are children and adolescents. These positive images of tobacco are precisely what young people need to feel reassured about smoking. This is why the government's amendment to the Tobacco Act is so crucial to our efforts to protect the health of Canadian youth.

By introducing a ban on the promotion of tobacco sponsorship at sports and cultural events, this amendment effectively breaks the link between lifestyle events and smoking. As Minister Rock has observed, this is a very significant achievement.

Honourable senators, with the proposal of a complete ban on tobacco sponsorship and a substantial investment in public education, the government is demonstrating its commitment to protecting the health of Canadians, particularly young people. These measures also highlight the government's desire to work in partnership with groups from across society to create a smoke-free future for Canada's youth.

I call on all members of this house to join me in supporting this important amendment, which represents a major step in building a safer, healthier and more productive future for Canadians.

Hon. Colin Kenny: Honourable senators, I rise to speak at third reading of Bill C-42. I congratulate Senator Mahovlich on successfully steering his first bill through the intricacies of the chamber and on his excellent speech.

I must confess that I have some concerns about the direction the government is taking in terms of tobacco policy. I stand here knowing that 40,000 Canadians die from smoking each year. I stand here knowing that 85 per cent of those who smoke make that decision before the age of 19. I also stand here knowing that there is nothing in Bill C-71, or in Bill C-42, the amendment to Bill C-71, that provides for funds to address this problem of youth smoking.

More to the point, the federal government collects \$2.3 billion a year in excise taxes from tobacco, some of which has been specifically designated to combat youth smoking, yet the government is not spending that money today. In the last fiscal year, of the total of \$10 million that was set aside, the government only spent 55 per cent of the amount set aside for enforcement and it only spent 2 per cent of the amount set aside for youth education.

I feel a sense of mixed emotions regarding Bill C-42. On the one hand, if we just left the Tobacco Act as it is, we would have had bans starting last October. Bill C-42 pushes the bans out further — five years further, in fact. That is a problem, because in each of those five years, we will see more people die, more young children addicted and very little happening. On the other hand, Bill C-42 does contain some good news, in that it brings in a total ban on sponsorship, which did not exist under the old Tobacco Act.

I noticed that, in his comments, Senator Mahovlich made reference to the fact that Mr. Rock promised last night to try to make up for the deficiency in the bill that required the regulations to be dealt with only in the other place. That is not good enough. This problem is one that comes up time after time on pieces of legislation that come before a wide variety of committees. Senators who have been serving here for a while have seen frequently legislation of this kind come over after it has been reported back to the other place or is dealt with in the other place after it was passed.

•(1610)

It is my view that we should not receive legislation if the reporting will only go to the other place or if the regulations will

only be dealt with in the other place. It is not good enough when we get to committee stage to simply say to the minister: "Gosh, we are unhappy. We do not like it. Could you please give us a comfort letter?" I must confess that I have been party to asking for those comfort letters in the past. They are not worth the paper they are written on.

I have received those comfort letters and I have been told that I have had the minister's commitment. Ministers change and you go back to the next minister and the message you get is: "Well, that was then and this is now."

In Bill C-42, we have what I hope is the last bill that we will accept that provides for information going to only one of the two chambers. I believe that the only way we can correct this problem is if, collectively, when we see a piece of legislation coming before us like that, we say: "No, we are sorry, but we will amend it and we will send it back to you, fixed up, so that it reports to both chambers."

If we send that message loudly and clearly enough, and if enough of us do so it now, then the Commons will not send us legislation such as this in the first place and we will not have to send it back.

On balance, I do not have difficulty with Bill C-42. I mentioned the trade-off. The trade-off is more time for a more complete ban. That is something that is probably worthwhile and merits the support of the house.

I do have some difficulty with the Tobacco Act. It is incomplete. It reflects an incomplete strategy. It does not reflect the appropriate level of commitment that this government and this Parliament owe to Canadians.

I believe that in the coming months we should address this issue more thoroughly, more comprehensively, and come forward with better proposals to deal with "youth smoking."

[*Translation*]

Hon. Gérald-A. Beaudoin: Honourable senators, I have a few words to say on the legal and constitutional issue involving Bill C-42. We all know that Canada's Parliament can legislate on substances that present a danger because of its jurisdiction over criminal matters. Tobacco presents a health hazard. Canada's Parliament is inspired to intervene in this matter, particularly because it has considerable legislative authority, in my opinion. The provinces, of course, have jurisdiction in health matters and they too can intervene, but they do not intervene in the same way and for the same reasons as Parliament. They are in their field, that is property and civil law under section 92.13, whereas the federal government bases its legislative jurisdiction in criminal matters on section 91.27. Another problem is that of tobacco advertising.

A total ban on advertising contravenes the Canadian Charter of Rights and Freedoms under freedom of expression, but a relative and not absolute ban is acceptable according to current case law at the highest legal level.

I am glad that we covered this thoroughly in the Standing Senate Committee on Legal and Constitutional Affairs because the issue has not been resolved.

That having been said, I personally find the bill perfectly acceptable.

[English]

Hon. Lorna Milne: Honourable senators, I want to add briefly to this discussion of Bill C-42 and to reinforce what Senator Mahovlich has said.

While this bill was passed without amendment this morning after a lengthy committee meeting last night, your committee does have a concern in relation to this bill. It is a concern that has been raised, as Senator Kenny has pointed out, many times in this place and in our committee.

According to section 42.1 of the Tobacco Act, proposed regulations must only be presented to the other place for review. Frankly, the committee slipped up when we considered the first Tobacco Act. I asked the minister to make a commitment to change this situation, even though it was not specifically part of this present bill.

While he refused — justifiably, I believe — to directly commit himself to such a change, Minister Rock promised to take the issue under advisement. To quote the minister:

This is something I should consider, and I will respond to you in due course once I have had that opportunity.

Furthermore, the minister promised to consult with his colleagues about the possibility of a change in government policy on the issue parliamentary review of regulations.

Honourable senators, this is an important issue for this place. As a chamber of sober second thought, we must be included in any regulatory review process that the other house is included in.

I shall be sending a letter to the minister to remind him of his commitment on this issue and to emphasize that members of this committee are awaiting his response.

Hon. Consiglio Di Nino: Honourable senators, I wish to ask a question.

I am delighted with that I have heard. I am in total agreement with my friend Senator Kenny. This is not something that has recently been happening. It happened with the previous government as well.

Would Senator Milne consider making her letter a letter of discomfort?

Senator Milne: I can assure the honourable senator that I shall make the letter as sharp as possible.

Hon. Serge Joyal: Honourable senators, I rise this afternoon in support of Bill C-42 to share with you some comments and deep conviction.

Last night, we had the opportunity to receive the Honourable Minister of Health. Our chairman, the Honourable Senator Milne, exercised leadership, dedication and ability which is vested in her capacity as the chair over our work. She took upon herself to ask for the minister the following:

Since we are talking about the regulation and since the minister was talking about the regulation in response to Senator Kenny's question, this committee has lately been asking ministers who come before us to ensure that both the other place and the Senate are treated equally in the matter of the bills that come before it.

When I look back through Bill C-71, this did not happen in that when you do come down with regulations you must only lay them before the House of Commons. I think it might be appropriate, certainly not in the form of an amendment, but in a commitment, that when you lay them before the House of Commons, as now has been put into other bills, you also lay them before the Senate.

Mr. Rock: Are you inviting me to make that commitment?

The Chairman: Yes.

Mr. Rock: I will not give you a commitment at this moment, but I will be happy to take it under advisement. It is something I should consider, and I will respond to you in due course once I have had that opportunity.

Honourable senators, I am appalled. I have been sitting in this chamber for one year. During that time, we have dealt with Bill C-52, the comprehensive nuclear test-ban treaty bill; and Bill C-3, the DNA bill. Those two bills contain exactly the same provisions barring us from receiving the annual or five-year implementation report.

•(1620)

Last night, we were studying amendments to the tobacco bill adopted less than a year and a half ago. That bill does not respect our role under the Constitution. This is not a fantasy of the Honourable Senator Milne pleading with a minister to get the regulations. Senator Milne is respecting the Constitution of Canada.

I shall quote Chapter IV of the Canadian Constitution which is entitled "Legislative Power," the marginal note of which reads, "Constitution of Parliament of Canada." Section 17 reads:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

At Chapter VI, section 91, the marginal note is "Legislative Authority of the Parliament of Canada." The section reads:

It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons...

Honourable senators, our role, privileges and powers are on the same footing as those of the House of Commons. I respectfully submit that if we do not live up to those standards, we should not expect to be treated equally by the other place.

We will receive bills containing provisions such as the one the Honourable Senator Milne raised last night. We will receive other bills, such as the one sponsored by Senator Corbin, and the DNA bill sponsored by Senator Bryden. Yet, we will not receive the implementation report reviewing the way those bills are dealt with by the administration.

When I was called to this place, when I was sworn in at the Table, and when I took this seat, I had the conviction that I would exercise exactly the same legislative authority as when I was sitting in the other place. This must end.

We are regularly attacked by the opposition party in the other place and by the press who say that we are not doing our job. In the last two months, the Standing Senate Committee on Legal and Constitutional Affairs has amended two bills and approved one bill. We are reporting this bill with the conviction that we should follow up on the regulations, because the regulations tell more than what is contained in the bill.

The Constitution of Canada expects us to follow up on the evaluation process in the same way as they do in the other place. If we do not do that, neither the government side nor the opposition side there will respect this place.

Honourable senators, in supporting this bill at third reading, we should maintain a clear perception of the status we want to maintain in the Parliament of Canada. This Parliament is composed of two units: the Senate and the House of Commons, equal in status, equal in privilege, equal in roles, and equal in power. If we do not exercise our powers, we will become obsolete.

Some Hon. Senators: Hear, hear!

[Translation]

Hon. Roch Bolduc: Honourable senators, I would just like to point out to Senator Joyal that, in the case of the bill with respect to approval of an international treaty, I remember that we proposed an amendment and that the minister approved it. If we follow your logic, should we not move an amendment at third reading?

Senator Joyal: Honourable senators, this idea certainly occurred to senators Beaudoin, Grafstein, Bryden and Milne, and myself. We considered the order of reference. It did not concern an amendment to section 42, which refers specifically to the authority of the Governor in Council to make regulations, but rather the addition of sections 24 and 25.

We felt that that would have been considered irregular. Senator Milne did, however, make it very clear to the minister that she would intervene and follow up so that we would not find ourselves in the situation Senator Kenny described of constantly complaining but never actually taking any specific action.

Senator Bolduc: Honourable senators, Senator Kenny maintains that letters to the minister are of dubious worth because the minister may not be there. That is precisely the case, and he is likely not to be there in February.

Senator Joyal: Honourable senators, at the initiative of my colleague Senator Corbin we amended Bill C-52 and, at the initiative of Senator Bryden, we obtained a written commitment, a firm commitment, from the Solicitor General. He is to table within 18 months a bill containing two elements. One of these, proposed by Senator Nolin, would make the members of our Armed Forces subject to the same system as that provided in Bill C-3, while the other would ensure that clause 13 of Bill C-3, which we passed this week, would be amended to do justice to the point raised by Senator Bolduc.

If we had done the same thing this week, however, we would have delayed implementation of the bill. We had a firm commitment from the minister that he would return. That is why we passed, without amendments, the report presented by Senator Milne and the bill.

Have no fear, Senator Bolduc, I believe that all members of the Legal and Constitutional Affairs Committee firmly share the conviction that we must take every opportunity to reaffirm our role. Since doing so often requires us to make amendments to bills, amend them we will.

Senator Bolduc: This position is inconsistent. We have a committee, the Standing Joint Committee for the Scrutiny of Regulations, whose role is precisely to examine regulations we have not seen before. This makes no sense.

[English]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I am not quite sure whether this last exchange has moved me from my state of uncertainty as to how I should vote on this bill, but I am now leaning toward voting against it. I agree with everything that Senator Joyal has said. The logical conclusion at which I arrive, by implication rather than inference, is that this is not a good bill. It is not a good piece of legislation and, therefore, we should not accept it.

[Translation]

Hon. Pierre Claude Nolin: I thought my colleagues had said everything, but the remarks by my colleague Senator Kinsella warrant my speaking.

I share the concerns raised by all of my colleagues on committee. I think we must support this bill. We are being asked to amend clauses 24 and 25 of the bill. Do we want to have tobacco companies promoting sports and cultural events for an unlimited time as the House agreed to a year and a half ago or do we, rather, want the practice to stop in 2003?

It would be a good thing for it to stop at some point. I did not think so 18 months ago, but now I am convinced. This is not section 42 of the act we have before us. To comment on the remarks of Senator Milne, this is no mistake. There were no slips 18 months ago. I would remind Senator Milne that we did introduce an amendment to correct section 42. For a whole lot of

reasons that have nothing to do with the powers of this House and a lot more to do with the power of the Prime Minister to call an election, the amendments were not passed. That is ancient history. Let us look to the future. One day we will certainly have to look at section 42 of the Tobacco Act. At that point, we will make sure that the appropriate amendments are made. I will support the bill and I encourage my colleagues to do likewise.

Hon. Lowell Murray: My question is for Senator Joyal. I accept his opinion that an amendment to section 42 would be out of order. It seems to me that an amendment in this regard could be made through a private bill. Senator Joyal wants a stronger commitment from the minister. In the absence of such a commitment, will Senator Joyal undertake to introduce a bill in this regard?

Senator Joyal: Honourable senators, without any hesitation. I am sure that, with the support of all our colleagues, this bill would be passed faster than any other in the history of the Senate of Canada.

[English]

•(1630)

The Hon. the Acting Speaker: Honourable senators, it was moved by the Honourable Senator Mahovlich, seconded by the Honourable Senator Butts, that the bill be read the third time now.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

POINT OF ORDER

Hon. Marcel Prud'homme: Honourable senators, I rise on a point of order. It might not be a bad idea to add to the message to the House that this bill was passed without amendment but on division. In this way, they will begin to question for themselves the bills they produce in future.

The Hon. the Acting Speaker: It will be noted in the *Journals of the Senate* that the bill was passed on division.

CANADA CUSTOMS AND REVENUE AGENCY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Deputy Leader of the Government) moved the second reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence.

She said: Honourable senators, I am pleased to rise today to ask the support of this chamber for Bill C-43. This bill is a major piece of legislation. It represents, I believe, a milestone in the

evolution of customs services and tax and trade administrations in Canada.

What is proposed in Bill C-43 is the creation of a Canada Customs and Revenue Agency. The mandate of the new agency will encompass the current mandate of Revenue Canada for federal tax, tariff and trade administration, will allow the agency to administer taxes or other programs for provinces or other public bodies, and will allow the agency to administer programs for other federal government departments or for aboriginal governments.

In short, this bill will create a single window for tax collection. What this means for governments, honourable senators, is reduced overlap, duplication and red tape. More important — and I think this is the most important aspect of this bill — it will mean a reduction in the compliance costs and paper burdens of ordinary Canadians throughout this country.

I must tell you that the concept of this bill is not a new one. The delivery of tax administration through a government structure other than that of a federal department was first examined over 30 years ago by the then Royal Commission on Taxation, the Carter commission.

[Translation]

The government first mentioned the idea in the February 1996 throne speech. It was then officially announced in the federal budget of March 1996. In the budget speech, the establishment of this agency was again described as being part of the government's commitment to strengthening the Canadian economy and the economic union.

These announcements were followed by consultations with the provinces and territories and with stakeholders.

[English]

Honourable senators, Revenue Canada has consulted not once, but three times, with the provinces and territories, with tax specialists, with customs specialists, and with other trade professionals and business associations on the appropriate framework, structure and organization of this new agency. Revenue Canada has also consulted with its employees and continues to seek their input and that of their representatives.

In April 1997, Revenue Canada released its first progress report based on an initial round of consultations. As part of the second round of consultations, it established a special advisory committee to provide comments and views on the operational structure of the new agency.

In January 1998, Revenue Canada released a second progress report which provided additional refinements and modifications based on further consultations.

During these consultations a wide cross-section of people and organizations from across the country offered advice and recommendations, to which the Minister of Revenue Canada responded. Therefore, the bill now before us is a product of vast consultation. It has generated considerable support from all areas.

Many witnesses came forward during the committee hearings in the other place to offer their support for the concept of the agency. The Canadian Institute of Chartered Accountants, the Canadian Tax Foundation, the Canadian Bar Association, the Canadian Importers Association, the Tax Executives Institute, l'Association de planification fiscale et financière, and the Canadian Federation of Independent Business.

Mr. Robert Spindler of the Canadian Institute of Chartered Accountants stated:

It is clear that comments provided during the consultations were heard and taken into account. We're pleased to see that under Bill C-43, the Minister of Revenue will retain responsibility for this Agency and it will be structured to allow for close Ministerial oversight and, in particular, that the Minister's power of inquiry into any activity of the Agency will be maintained.

[Translation]

I think that the bill before us is well drafted and reflects the point of view of the provinces and territories. It also reflects the views of stakeholders and of Revenue Canada employees. But, above all, it takes into account all the important issues raised by Canadians during the minister's three rounds of consultations.

[English]

Much of the debate on this bill has revolved around the issues of provincial and territorial participation, potential cost savings, human resources, accountability and fairness.

•(1640)

Allow me now, honourable senators, to touch on these areas one by one to illustrate to you how I believe the bill we have before us addresses these concerns in each of these areas.

First, what does this bill mean for the provinces and territories? Why have they not all signed it? In short, this bill is about creating options for the provinces, giving them alternatives so that, together, we can better serve the public interest. It means reduced overlap and duplication between federal and provincial revenue administrations.

Bill C-43 will give the provinces an increased voice in tax administration for, if passed, the provinces and territories will be able to supply lists of nominees from the private sector for 11 of the 15 director positions on the agency's board of management, which will direct the business planning of the agency.

I must emphasize, honourable senators, that the participation of the provinces and territories in this agency is completely voluntary. The provinces will continue to control their provincial tax policies, while the proposed new agency will administer these policies. It is expected that the agency will attract increased business from the provinces once it proves it can deliver services more efficiently.

However, I must add that three Atlantic provinces, Newfoundland, Nova Scotia and New Brunswick, asked for this

agency as part of the HST agreements. In fact, as recently as October 13, 1998, Revenue Canada concluded a service contract with the Province of Nova Scotia in anticipation of this agency.

[Translation]

Five other provinces are working actively with Revenue Canada to determine whether the agency could improve administration of their programs and thus reduce costs. In addition, although none of the provinces have officially indicated their support for the agency, none, with the exception of Quebec, have rejected the idea of doing business with it.

It should be pointed out that the agency's purpose is not to usurp provincial or territorial authority, but to provide a basic structure that will work for the benefit of the provinces.

[English]

In that sense, I am confident that the agency will establish the right conditions for greater coordination of federal and provincial tax administration.

The second issue, often discussed surrounding this bill, is cost savings. What are they based on? How much will we save? These are the common and realistic questions to ask.

In January, 1998, the Public Policy Forum released an important study on the costs of compliance with Canada's tax systems. They estimate that it currently costs Canadian business approximately \$3.4 billion each year to comply with federal and provincial or territorial taxes. At the same time, governments spend \$2.2 billion in administering their tax systems. The public policy forum estimates that with a single administration, and without the Province of Quebec on board, Canadian businesses stand to benefit by saving between \$116 million and \$193 million annually in compliance costs.

Governments would save between \$37 million and \$62 million in administrative costs. These are quite significant savings, honourable senators, that will be felt by Canadian taxpayers.

[Translation]

The Agency's impact on Revenue Canada staff is another aspect of the bill that has stirred up discussion. It should be pointed out first of all that, from day one, all Revenue Canada employees will become agency employees. What is more, all indeterminate agency employees will be guaranteed two years of work. The new Customs and Revenue Agency will offer a certain number of advantages to Revenue Canada staff.

[English]

It will provide faster, simpler and more transparent human resource processes. It will make it easier for employees to move between jobs. It will mean vacancies will be filled faster. It will result in less time waiting for promotions and transfers. For recourse, instead of the complex and legalistic processes that now exist, employees will have access to different options that are fair and timely and include access to an independent third party.

Honourable senators, the agency status set out in Bill C-43 will permit a human resources framework that can be customized precisely to meet the needs of Revenue Canada employees and the clients that they serve, namely, the people of Canada.

This bill is also about accountability and fairness. First, fairness is an essential foundation of the entire revenue administration. It is a system based on voluntary compliance. If Canadians do not believe they are being treated fairly, one cannot expect them to comply voluntarily. The commitments that Revenue Canada makes to fairness will be the commitments for the Canada Customs and Revenue Agency.

In addition, the Minister of National Revenue launched a fairness initiative last spring with the Conference Board of Canada, to look at the fairness with which Revenue Canada presently operates. Canadians from all over the country were consulted. According to the conference board's independent report, Revenue Canada is well regarded among Canadians.

[*Translation*]

Honourable senators, as well as being fair, the new agency will be responsible. I must make it clear that full ministerial responsibility for taxation and customs legislation, as well as the general control of the agency by the government, will be maintained. Bill C-43 establishes a number of accountability mechanisms which will make the agency accountable to Parliament. The customers it serves are the general public.

[*English*]

Some of the accountability measures written into the bill include the following: The minister remains accountable, as provided for in clause 6 of the bill; the Auditor General continues as the agency's auditor, as stipulated in clause 87 of the bill; there will be a legislative review after five years, as specified in clause 89 of the bill; and a corporate business plan is to be submitted to the minister for recommendation to Treasury Board for approval, and the minister then tables the summary of the approved plan in Parliament, as provided for in clause 49 of the bill. An annual report on operations will be tabled by the minister in Parliament, as stipulated in clause 88 of the bill. The Public Service Commission can periodically review the compatibility of the principles governing the agency's staffing program with those governing staffing under the Public Service Employment Act, and may report its findings in its annual report as outlined in clause 56(2); and there is a mandatory review of recourse mechanisms by a third party after three years, as provided for in clause 59 of the bill, and a summary of the results will be included in the agency's annual report to Parliament.

Honourable senators, I can assure you that ministerial accountability, overall control by government and parliamentary oversight, will be maintained in the new agency. As we move into a new millennium we need to move to a more modernized system of tax collection. Technology is changing the way Canadians do business and also the way they do their taxes. There is now the option for individuals to submit their tax returns electronically, and at present 25 per cent of Canadian taxpayers choose to utilize this option.

I would suggest to you, honourable senators, that this number will grow in the future, as more people begin to take advantage of the Internet and electronic commerce. However, to offer this option to the public and to carry it out costs money. It can require huge sums of money to develop such programs. If each province and territory is spending its own money to develop these options, we will have 14 different systems in Canada and, in my view, a great deal of wasted money.

•(1650)

It would make more sense to develop such programs on a national basis, with one point of contact to administer and develop these new programs. This is what Bill C-43 hopes to achieve — excellent service for all Canadians. Bill C-43 represents many benefits for Canadians, and it is for this reason, honourable senators, that I urge we give it speedy passage.

I should like to add one further comment.

Honourable senators, when I went through my briefing with the representatives from Revenue Canada, I asked them for an absolute assurance that any responsibility given to the House of Commons for review of any aspect of this legislation would be a responsibility also given to the Senate of Canada. I will be the first one to move such amendment if it is not according to the way in which they have told me it is.

Hon. Roch Bolduc: Honourable senators, I agree that Revenue Canada has some serious human resource problems that urgently need to be fixed. For example, problems in hiring and keeping auditors, particularly in Southern Ontario — one of the richest parts of Canada — carry a price tag of some \$500 million a year in lost government revenue. I also agree that in an ideal world, paying taxes would be a lot simpler for taxpayers and collecting them would be a lot simpler for governments.

Where I part company with the government and its approach is that I have problems both with the principle of changing Revenue Canada into an agency and with some of the details in this bill. The government continues to stress human resource problems as the number one justification for this agency. We are told that Revenue Canada's unique contracting and personnel needs cannot be met within the rules that apply to the entire public service. It takes months to hire the staff it needs, and competent people are leaving for better paid private sector jobs.

Honourable senators, Revenue Canada employs a quarter of the public service, some 40,000 people. It is not the only department facing personnel problems. If there is a problem with the government's biggest employer, then there is a government-wide problem that we should be fixing.

Will Statistics Canada be turned into a special operating agency because it cannot hire enough economists? Is the Department of Justice to become a special operating agency because it takes too long to hire lawyers? Will Public Works become a special operating agency to meet its need for engineers? We do not need to fix Revenue Canada; we need to fix the hiring of the Treasury Board.

Honourable senators, I should like to draw your attention to two points from last week's report of the Auditor General. The first concerns the way one branch of Revenue Canada, the International Tax Directorate, has mismanaged its staffing over the past four years. According to the Office of the Auditor General, it has known since 1994 that it is in need of a proper human resources plan and yet has done nothing. The potential for tax loss is serious. Yes, most auditors have little experience. Potential new hires are lost, as it takes months to fill advertised positions. Key positions, including those of leadership, are filled by people borrowed or redeployed from elsewhere. The Auditor General tells us that the department has not made effective use of the tools it already has at its disposal to speed up hiring. Why should we believe that things will be any different after the department becomes an agency?

The Auditor General has stressed that turning Revenue Canada into an agency will not, in itself, solve the problem. What is needed is a plan, as soon as possible, to hire, retain and train key employees. It is also interesting to note that three years after becoming a special operating agency, the Canadian Food Inspection Agency still does not have a human resources plan. Will this agency be any different?

The Auditor General's second point concerns the general, government-wide dissatisfaction with human resource management. He says in his chapter on matters of special interest:

Dissatisfaction with existing human resource management is also reflected in the interest among government officials in alternative service delivery mechanisms. One of the driving factors has been that present staffing, classification and compensation systems are too unwieldy and inflexible. The government needs to ensure that the rush to get "outside the system" does not divert attention from "fixing the system."

Honourable senators, I agree. Instead of allowing Revenue Canada to join other departments such as the Canadian Food Inspection Agency in getting outside of the system, it is time to fix the system.

Honourable senators, the other argument we hear in support of this bill is that an agency will save money and make life easier for both governments and the taxpayer. Revenue Canada would have us believe that governments could save between \$97 million and \$162 million per year if all provinces participated. Business compliance costs could fall by between \$171 million and \$285 million per year, we are told.

The provinces, very simply, are not interested. They do not want to lose the flexibility and control they now have. There is no business case for this agency because right now there are zero prospects for any sales. The best the government has been able to come up with to date is a minor agreement with Nova Scotia to collect Workers' Compensation payments.

Honourable senators, can you imagine Mr. Bouchard's reaction when this agency starts to pitch tax collection services to

local municipalities in Quebec? This agency will not advance the case of national unity, believe me.

Nor is an agency necessary to collect taxes. Ottawa has been doing this for years for personal income taxes in nine provinces and now collects sales taxes in three. I agree that it would be easier to write one cheque than two. The real problem is not the number of cheques, but the number of rules. Businesses must comply with two different criteria for what is income, what is taxable and what is deductible. Simply dealing with one tax collector will not make life much easier unless the provinces harmonize all their sales and income tax rules with Ottawa. This is not on, as the provinces are not willing to surrender such power. Even if it was on, the tax collection agreements that have been in place for years show that you do not need an agency to do this.

[*Translation*]

If I may, honourable senators, I will raise another matter of concern to us all. Many Canadians fear that the agency will hold too much taxpayer information in one place.

They fear that this super-tax collector will have too much in the way of personal information, which would give it undue power over individuals, while being less accountable than a department would be to Parliament, since the minister would not be directly involved in day-to-day activities.

We are assured that confidentiality safeguards will be integrated into the system. Honourable senators, all the safeguards in the world will be pointless if someone with evil intent really wants to wreak havoc.

This bill will bring to 60,000 the number of federal employees who staff special service agencies. The 40,000 Revenue Canada employees will be added to the 20,000 former public servants who now look after the park system, the air traffic control system and food inspection.

Honourable senators, these special operating agencies are neither departments nor Crown corporations. They are not accountable in the same way as full departments, but they are not entirely independent of the government. Is this the right approach?

Service is provided in one of three ways. In the first instance, government departments provide it under the direction of a minister, who reports to Parliament. In the second instance, and this is in very exceptional cases only, the agency reports to government but is completely independent, as in the case of the Bank of Canada. In the third instance, the private sector is responsible.

The case before us is a hybrid agency, whose work comes under either the government, which at the moment is fully responsible, or the private sector. Either you are in the government sector, or you are in the private sector, but you cannot be in both.

[English]

Ministerial accountability is at the heart of our system of parliamentary democracy. Surely there is no area within the government where such accountability is more important than in the area of taxation and tax collection.

We are told that accountability will be retained, as the agency will report to Parliament through a minister. Honourable senators, this is not full accountability. With the minister removed from day-to-day operations and decision making, we will have a minister explaining the action of others, rather than defending what he or she has done.

Within the context of accountability, I want for a minute to raise the issue of user fees. Special operating agencies, if they cannot live within the appropriations granted by Parliament, can pad their operating budgets with user fees. Could the day come, for example, when businesses are charged a \$50 annual fee for the privilege of having a GST number?

•(1700)

Could the day come when Mrs. Tremblay is charged \$100 to appeal her assessment? Could the day come when, after the death of a loved one, you are charged \$100 for a certificate of clearance from Revenue Canada? Could the day come when you are charged a \$10 processing fee for the privilege of going through Canada Customs?

Without proper political control and without someone to say "no," this could become a reality, regardless of what the minister may or may not promise us in committee.

[Translation]

I remind you of what Senator Kenny said about ministers' promises.

[English]

Ministers come and go.

Honourable senators, there are other issues that need to be raised as well. First, one of the criticisms coming from the union is that the agency will be able to pay top level executive salaries to its senior level officials. If this is correct, it could help to explain why senior officials in the departments are pushing for this agency. Could we end up with a situation a few years from now where the head of this agency makes twice as much money as the Deputy Minister of Finance who, as we know, is advising the government on economic and monetary policy?

The working relationship between government departments is also a matter of concern. Today, the Deputy Minister of Finance deals with the Deputy Minister of National Revenue as an equal. Finance makes policy; Revenue carries it out. Two years from now, the relationship will be that of a deputy minister dealing with a commissioner. Traditional bureaucratic relationships will be turned upside down.

Finally, I wish to draw to the attention of the Senate the opposition of the unions that represent Revenue Canada's

employees. They are concerned about possible lay-offs, which can be expected from any union looking out for the interests of its members. However, they are also concerned with clause 54, which states that no collective agreement may deal with matters governed by the staffing program.

Honourable senators, if this is the key to fixing Revenue Canada's staffing problems, an agency is not needed to do it. The removal of staffing from collective agreements can be negotiated, or it can be imposed by legislation — an agency is not needed to do it.

The bill also says that the agency must develop a program governing staffing, including the appointment of and recourse for employees. It does not say that the merit principle must be respected in hiring. It does not say that the recourse mechanism should be developed in consultation with the employees or those who represent them.

Honourable senators, I am not convinced that this bill will save money; that it is necessary to fix Revenue Canada's human resources problems; or that it will advance the cause of national unity. Unless the government can make a convincing case in committee, my view is that this bill should be withdrawn.

On motion of Senator Murray, debate adjourned.

[Translation]

EXTRADITION BILL

SECOND READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Ruck, for the second reading of Bill C-40, An Act respecting extradition to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence.

Hon. Gérald-A. Beaudoin: Honourable senators, I should like to say a few words on Bill C-40, respecting extradition.

The bill's sponsor, Senator Fraser, thoroughly described the content of Bill C-40, such that I will keep to its broad principles. I will also say a word about three Supreme Court decisions on extradition, namely *Singh*, *Cotroni* and *Kindler*.

The primary purpose of Bill C-40 is to modernize the law with respect to extradition by simplifying procedures and shortening delays. In the process, two statutes are repealed: the Extradition Act and the Fugitive Offenders Act.

As the summary of Bill C-40 points out, the new extradition legislation will allow for the admission into evidence of documentation contained in a certified record of the case. In addition, it provides that extradition will be based on the principle of dual criminality, providing that the conduct would be

punishable both in Canada, if it had occurred in Canada, and in the jurisdiction of the extradition partner by deprivation of liberty for no less than a specified minimum period, as set out in the act or an extradition agreement.

I note that under paragraph 44(2) of the bill, the minister may refuse to make a surrender order if the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the requesting state.

In Canada, the death penalty was abolished in 1976. In this respect, Canada respects the relevant provisions of the International Covenant on Civil and Political Rights. Canada respects its international obligations. In this connection, I think it is worth repeating Mr. Justice Cory's remarks about the death penalty in *Kindler*. I am aware that his was a dissenting opinion, but he did not differ on this particular point. He wrote:

The international community has affirmed its commitment to the principle of human dignity through the various international instruments discussed above. Except for the United States, the western world has reinforced this commitment to human dignity, both internationally and nationally, through the express abolition of the death penalty. Canada's actions in the international forum affirms its own commitment to the preservation and enhancement of human dignity and to the abolition of the death penalty.

He also goes into the matter of the scope of section 12 of the Charter of Rights and Freedoms. This provision protects the individual against cruel and unusual punishment. Mr. Justice Cory writes, in connection with section 12 and the death penalty:

If corporal punishment, lobotomy and castration are no longer acceptable and contravene section 12 then the death penalty cannot be considered to be anything other than cruel and unusual punishment. It is the supreme indignity to the individual, the ultimate corporal punishment, the final and complete lobotomy and the absolute and irrevocable castration.

As the ultimate violation of human rights, the death sentence in Canada clearly opposes the protection provided by section 12 of the Charter. Capital punishment is cruel and unusual.

Bill C-40 also talks of mutual legal assistance between Canada and other governments and amends the Mutual Legal Assistance in Criminal Matters Act. In so doing, Bill C-40 complies with the *ratio decidendi* in *Cotroni*.

I recall that, in *The United States v. Cotroni*, the Supreme Court held, in a majority decision, that the extradition of a Canadian citizen to the United States for a crime committed in Canada but with international ramifications contravenes subsection 6(1) of the Charter, but is justified under section 1.

Mr. Justice La Forest, who wrote the majority notes, felt that extradition was a *prima facie* violation of the right of any Canadian citizen to remain in Canada. He said:

The right to remain in one's country is of such a character that if it is to be interfered with, such interference must be

"justified" as being required to meet a reasonable state purpose.

Extradition therefore seems to be a "justified" interference, according to Mr. Justice La Forest. Extradition seeks to satisfy urgent and real concerns: criminal proceedings, suppression of crime, protection of the public, and maintenance of peace and public order are important factors authorizing interference with paragraph 6(1) of the Charter. Mr. Justice La Forest wrote:

Extradition thus shares one of the basic objectives of all criminal prosecutions: to discover the truth in respect of the charges brought against the accused in a proper hearing.

However, Judge La Forest applied a less stringent version of the proportionality test described in *Oakes*. He explained his reasoning in the following terms:

In the performance of the balancing task ... it seems to me, a mechanistic approach must be avoided. While the rights guaranteed by the Charter must be given priority in the equation, the underlying values must be sensitively weighed in a particular context against other values of a free and democratic society sought to be promoted by the legislature.

In sensitively weighing the values guaranteed under paragraph 6(1) of the Charter, Judge La Forest concluded that extradition constitutes a minor violation of the Charter and that it interferes with it as little as possible, while respecting the requirements of due process.

Judges Wilson and Sopinka state in their dissenting opinion that extradition of a Canadian citizen for a crime committed in Canada constitutes not a minor violation of the Charter, but on the contrary a very serious one.

Bill C-40 will therefore allow Canada to better respect its international commitments with respect to extradition, including those relating to international criminal tribunals, and to take more effective steps against international crime.

I would point out in passing the importance of respecting the principles of fundamental justice set out in section 7 of the Canadian Charter of Rights and Freedoms. Moreover, in *Singh*, the Supreme Court of Canada reaches the conclusion that subsection 71(1) of the 1976 Immigration Act does not apply to citizens from other countries applying for refugee status. These aliens are entitled to a hearing by the Immigration Appeal Board, in keeping with the principles of fundamental justice. Judges Dickson, Lamer and Wilson use section 7 of the Charter as their basis, while Judges Beetz, Estey and McIntyre use section 2(e) of the Canadian Bill of Rights. In this case, emphasis is placed on the fact that the word "everyone" in section 7 encompasses any person who is located in Canada. An alien can, therefore, invoke this section.

•(1710)

I do not want to reiterate the remarks of my colleague Senator Fraser, who, as I mentioned earlier, summarized the substance of Bill C-40 very well.

Subject to more in-depth study in committee, I think that, at first glance, Bill C-40 constitutes a balanced exercise of Parliament's jurisdiction over extradition, an exercise that respects the rights and freedoms granted under the Canadian Charter of Rights and Freedoms and is in keeping with the jurisprudence of the Supreme Court of Canada in this matter.

[*English*]

The Hon. the Speaker: Honourable senators, under the provisions of rule 66(3), I must now terminate the discussion and ask that the bells be rung for a vote to be held at 5:30.

Debate suspended.

•⁽¹⁷³⁰⁾

NATIONAL PARKS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Butts, seconded by the Honourable Senator Milne, for the third reading of Bill C-38, to amend the National Parks Act (creation of Tuktut Nogait National Park),

And on the motion in amendment of the Honourable Senator Adams, seconded by the Honourable Senator Corbin, that the Bill be not now read a third time, but that it be referred to the Standing Senate Committee on Aboriginal Peoples for further consideration.

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Kinsella
Andreychuk	Lavoie-Roux
Atkins	LeBreton
Beaudoin	Lynch-Staunton
Berntson	Murray
Bolduc	Nolin
Buchanan	Oliver
Cochrane	Phillips
Cohen	Prud'homme
Comeau	Roberge
Corbin	Robertson
DeWare	Rossiter
Di Nino	Simard
Doody	Sparrow
Forrestall	Stratton
Gill	Tkachuk
Gustafson	Watt—35
Kelleher	

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Losier-Cool
Bryden	Lucier
Butts	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Cook	Moore
Cools	Pearson
De Bané	Pépin
Fairbairn	Poulin
Ferretti Barth	Poy
Fitzpatrick	Robichaud
Fraser	(<i>L'Acadie-Acadia</i>)
Grafstein	Robichaud
Graham	(<i>Saint-Louis-de-Kent</i>)
Hervieux-Payette	Roche
Johnstone	Rompkey
Joyal	Ruck
Kenny	Stewart
Kirby	Taylor—40

ABSTENTIONS

THE HONOURABLE SENATOR

Whelan—1

The Hon. the Speaker: Honourable senators, I will now put the question on the main motion for third reading of this bill.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators who are in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are against the motion please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen.

The Hon. the Speaker: Honourable senators, we will have a standing vote.

The whips advise me that they have agreed to a 15-minute bell. It is now 5:40 p.m. Therefore, the vote will be at 5:55 p.m.

Please ring the bells.

The Hon. the Speaker: Honourable senators, we are now voting on the main motion for third reading of Bill C-38.

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Austin	Lucier
Bacon	Maheu
Bryden	Mahovlich
Butts	Mercier
Callbeck	Milne
Carstairs	Moore
Chalifoux	Pearson
Cook	Pépin
Cools	Poulin
De Bané	Poy
Fairbairn	Robichaud
Ferretti Barth	(<i>L'Acadie-Acadia</i>)
Fitzpatrick	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Grafstein	Roche
Graham	Rompkey
Hervieux-Payette	Ruck
Johnstone	Sparrow
Joyal	Stewart
Kenny	Stollery
Kirby	Taylor
Kroft	Whelan—43
Losier-Cool	

NAYS
THE HONOURABLE SENATORS

Adams	Kinsella
Andreychuk	Lavoie-Roux
Atkins	LeBreton
Beaudoin	Lynch-Staunton
Berntson	Murray
Bolduc	Nolin
Buchanan	Oliver
Cochrane	Phillips
Cohen	Prud'homme
Comeau	Roberge
DeWare	Robertson
Di Nino	Rossiter
Doody	Simard
Forrestall	Tkachuk
Gustafson	Watt—31
Kelleher	

ABSTENTIONS
THE HONOURABLE SENATORS

Corbin—1

EXTRADITION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Ruck, for the second reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence.

The Hon. the Speaker: Honourable senators, we interrupted the proceedings on Bill C-40. Do any senators wish to speak to Bill C-40?

If no other senator wishes to speak on Bill C-40, I shall proceed with the motion for second reading.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Fraser, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[*Translation*]

ROYAL ASSENT

NOTICE

The Hon. the Acting Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 10, 1998

Mr. Speaker,

I have the honour to inform you that the Honourable Charles Gonthier, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 10th day of December, 1998, at 9:00 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Anthony P. Smyth

Deputy Secretary; Policy, Program and Protocol

The Honourable
The Speaker of the Senate
Ottawa

[English]

•(1800)

The Hon. the Speaker: Honourable senators, it is now six o'clock. Under the rules, I must leave the Chair and return at eight o'clock.

Hon. Sharon Carstairs: Honourable senators, I believe it is the will of the chamber that we not see the clock.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

THE SENATE

The Hon. the Speaker: Honourable senators, before we proceed to any other item, I should like to inform you that the funeral for Shaughnessy Cohen will be held at St. Anne's church in Tecumseh, near Windsor, on Saturday, December 12, at noon. A special DND flight will be leaving Ottawa from hangar 11 on Saturday at approximately 9:00 a.m. and will return after the funeral. Honourable senators who are interested in boarding the plane must call the Government Whip's office in the House of Commons, at 995-7774.

I also wish to inform you that there will be a book of signatures in the hallway of the Speaker of the House of Commons' office tomorrow morning for those who wish to sign it.

CAPE BRETON DEVELOPMENT CORPORATION

Leave having been given to revert to Senators' Statements:

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as promised here in the chamber earlier this week, I rise today to address the current situation of the Cape Breton Development Corporation. In 1990, the federal government mandated Devco to become financially self-sufficient and gave the corporation \$155 million over five years to meet that objective.

In 1996, it became apparent that the coal mining operation could not meet that objective and therefore had to request an additional \$69 million by way of loan from the federal government in its attempt to become a commercially viable enterprise.

Despite the best efforts of the government, Devco management and the workers since that time, many obstacles still stand in the way of commercial viability. Since September, both Devco mines, Phalan and Prince, have experienced shutdowns caused by geological and mechanical problems. Devco's board of directors recently identified an operating shortage of \$41 million for 1998-99. Today, the federal government responded with funding to cover this shortage. This federal government funding

of \$41 million would address the short-term cash flow problems at Devco.

The Minister of Natural Resources Canada, the Honourable Ralph Goodale, reassures me that as a result of this new funding injection of \$41 million, the employees need not be concerned about their salary situation for the balance of the fiscal year. As for the long-term future of the Crown corporation, there have been many statements in the press in recent days about privatizing Devco. I can assure honourable senators that no such decision has been made. No one has been authorized to negotiate the sale of Devco.

There have been many discussions among my cabinet colleagues, the Province of Nova Scotia, the board of directors and Devco, and all the stakeholders as to Devco's future. I wish to state unequivocally that Mr. Minister Goodale and other cabinet colleagues are committed to finding a satisfying long-term solution to alleviate the uncertainty for the people of Cape Breton.

Hon. John Buchanan: Honourable senators, I have a few comments to make about the minister's announcement.

First, it is good news that the men will be receiving their pay, particularly before Christmas. I do not think there was any doubt in anyone's mind that that would happen.

As far the comment that there are no plans for privatization, that is good news. However, what the government has not said is not good news. The minister knows that the problems at Phalan and Prince colliery are not over. He also knows that over the last few years the Nova Scotia Power Corporation has done something that it has never done before, and that is to buy American coal.

During my time in politics in Nova Scotia, we always said that there would be no coal brought to Cape Breton from the United States or anywhere else. We have our own indigenous coal and we certainly do not need coal from the United States. Now, it has happened — not once or twice, but three times. It has involved not just a few thousand tonnes but hundreds of thousands of tonnes. We hope that that would never happen again. However, if the problems, particularly Phalan, continue, then there will be more coal brought in from the United States.

The leader referred to ending the uncertainty. What he said does not end the uncertainty for the miners and their families. There is a ratio of about three to one, so we are talking about 6,000 indirect and direct jobs in the area of Glace Bay, New Waterford and Reserve Mines in the great little town of Dominion.

I repeat again what I have said on many occasions, going back to 1980 when the government of Nova Scotia paid for the drill ship to be brought in off Morian to delineate the coal seams of the Donkin area in the Sydney coal fields. Those drill ships found good, low sulphur coal in the middle. Approximately \$80 million was spent on two tunnels and the groundwork on the surface. It is still there. The honourable senator was with us when we went there last year.

The problems associated with Devco will not be solved by statements such as, "The uncertainty is now ended," because the uncertainty is not ended. The uncertainty will end only when the decision is made to spend money to open the new Donkin mine and assure the future of the coal industry of Cape Breton.

We have spoken about this since 1980, when the drill ship was brought in. We have spoken about it since 1985-86, when the tunnels were drilled and completed. In the period between 1980 — in particular, between 1990 and the present — we have witnessed shut downs at Phalan, rock falls and rock bursts at Phalan, and problems at Prince colliery. These problems have not gone away. The uncertainty still exists. The men who work for Devco will be pleased that they will receive their pay, but it will not end the uncertainty for those 3,000 or 5,000 or 6,000 direct and indirect jobs associated with Devco.

I know exactly where the honourable senator's heart lies. I again implore you to talk to the Government of Canada and to do the right thing by the people of Cape Breton and all of Nova Scotia.

•(1810)

I know what that poll said. Quite frankly, I have always believed that the answers you get in polls depend on the questions you ask. I talked to many people who were surveyed in that poll and they did not understand the question. They do not want to end coal mining in Cape Breton. The government should not be guided by a poll that says that 40 per cent of the people of Nova Scotia want to privatize Devco.

Both of my grandfathers worked in the coal mines, and my father worked for the coal company until his death, so of course I have much to say about the coal industry. It helped to bring me up.

I thank you for the announcement that Devco will fund the \$41 million and ensure that those miners get paid, but let us get down to the real business and either secure the coal industry of Cape Breton or end the uncertainty. Those people cannot live from week to week. They want to know that they will have jobs next year and the year after with a new coal mine.

In the late 1960s and the 1970s, the federal government developed new coal mines and closed the ones that were inefficient. One of those new mines was Phalen. We know that if Phalen goes down and Prince is left, the government will have no control over what will happen. Coal will be brought in and natural gas will probably come in.

I have information that natural gas and the coal industry can coexist; so that is not an excuse for closing the coal mines. Let us get on with the real job. Let us open the new Donkin mine. There may not be as many men working there, but at least it will secure the future. The Nova Scotia Power Corporation will continue to buy coal from Devco. Let us make 1999 a good year for the coal industry of Cape Breton. Let us end the uncertainty by doing the right thing.

COMPETITION ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Callbeck, for the third reading of Bill C-20, to amend the Competition Act and to make consequential and related amendments to other Acts,

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

(a) in clause 19

(i) on page 14, by deleting lines 31 to 46;

(ii) on page 15, by deleting lines 1 to 42.

(b) in clause 47, on page 39, by

(i) deleting the heading before clause 47 and clause 47;

(ii) renumbering clauses 48 to 55 as clauses 47 to 54 and any cross-references thereto accordingly.

Hon. Donald H. Oliver: Honourable senators, I seek the unanimous consent of the house to withdraw the portion of the amendment that does not deal with whistle-blowing, but to leave as is the portion of the amendment that does deal with whistle-blowing.

The Hon. the Speaker: I am sorry, but you will have to be more precise.

Senator Oliver: I ask for leave to delete from the motion in amendment:

(b) in clause 47, on page 39, by

(i) deleting the heading before clause 47 and clause 47;

(ii) renumbering clauses 48 to 55 as clauses 47 to 54 and any cross-references thereto accordingly.

I ask that we retain in the motion in amendment:

(a) in clause 19

(i) on page 14, by deleting lines 31 to 46;

(ii) on page 15, by deleting lines 1 to 42.

The Hon. the Speaker: Is leave granted, honourable senators, to delete those portions as requested by Honourable Senator Oliver?

Hon. Senators: Agreed.

The Hon. the Speaker: Does any honourable senator wish to speak to the motion in amendment, as amended?

As no honourable senator wishes to speak, we will proceed to the vote.

It was moved by the Honourable Senator Carstairs, seconded by Honourable Senator Callbeck, that Bill C-20 be read the third time now.

It was moved in amendment by Honourable Senator Oliver, seconded by Honourable Senator Tkachuk:

That the bill be not now read a third time now but that it be amended:

(a) in clause 19

(i) on page 14, by deleting lines 31 to 46;

(ii) on page 15, by deleting lines 1 to 42.

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

Hon. Senators: Agreed.

Motion agreed to.

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

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

CHILD CUSTODY AND ACCESS REFORM

CONSIDERATION OF REPORT OF COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the final report of the Special Joint Committee on Child Custody and Access entitled: "For the Sake of the Children", tabled in the Senate on December 9, 1998.— (*Honourable Senator Pearson*).

Hon. Landon Pearson: Honourable senators, I should like to elaborate briefly on the remarks I made yesterday, when I tabled the report of the Special Joint Committee on Child Custody and Access entitled "For the Sake of the Children."

At the press conference after the tabling, my co-chair, Roger Gallaway, and I were asked several times what we meant by calling it a "child-centred report." This question deserves an answer if our report and recommendations are to be fully understood.

One could say, of course, that since the whole report is about child custody and access, naturally it is child-centred. However, as we travelled across the country we discovered that the needs and best interests of children were frequently the last thing considered by warring parents, so we tried to put children back at the centre of the issue. I believe that we have done so in three notable ways that will, if our recommendations are accepted, improve outcomes for children of divorce.

First, we paid attention to child development. We heard from a number of knowledgeable witnesses about the importance of parenting plans being responsive to the developmental needs of children. We also had numerous discussions among ourselves about this. We know that the separation of a child's parents, however amicable — and I have my doubts about whether any divorce is truly amicable, although most, thank goodness, do not go on to litigation — is very stressful for that child. We also know that children go through various stages as they grow and develop, and that how well they navigate one stage will determine to some extent how they will manage the next one, and the next one after that, right into adulthood.

It is very important to know what stage a child is at when his or her parents break up so that the appropriate support can be provided. That is why we feel so strongly that recommendation 16, the "best interests" criteria, be included in the Divorce Act, as well as recommendation 10, the positive benefits to be derived from "parenting after divorce" sessions, and recommendation 14, the preparation of a parenting plan flexible enough to change as the child matures.

•(1820)

As preventative measures, we strongly recommend public education programs about the impact of divorce on children in recommendation 28; and programs for couples wanting to avoid separation and divorce in recommendation 29.

In recommendation 22, we suggest that improved professional development for judges and other relevant professionals, including information about child development, will help.

The recommendations with respect to unified family courts are aimed at ensuring greater sensitivity to the developmental needs of children by all the people concerned.

The second way in which the report is child-centred is in its focus on children's rights. Again and again, we heard about children being tossed back and forth like so much baggage, the unhappy carriers of one parent's anger against the other. Our child witnesses told us about their total sense of disempowerment. One 15-year-old said:

They are deciding your life but they don't even know you.

The children want a voice in what will happen to them and we agreed that they should have it. Many witnesses, when speaking on behalf of children before the committee, referred to the United Nations Convention on the Rights of the Child, particularly to

article 3 which makes the best interests of the child a primary consideration. Article 9 deals with the right of a child to contact with both parents if separated from one. Article 12 deals with the right of children to express their feelings freely in matters affecting them.

The first recommendation in our report, as agreed by the whole committee, puts children's rights front and centre by asking that the Divorce Act be amended to include a preamble alluding to the relevant principles of the Convention on the Rights of the Child.

In recommendation 3, we clarify the implications of the right of the child to be heard and how to ensure that it happens. This would include the power of the court to appoint an interested third party — an extended-family member, a public health nurse or other such person — to act as a friend of the child and to support and represent the child when he or she is experiencing difficulties during parental separation and divorce.

In the criteria that describe the best interests of the child, in recommendation 16, we include the views of the child where such views can reasonably be ascertained. In the recommendation on federal leadership, we include the idea of a children's commissioner to promote the interests of children at the federal level.

All these recommendations demonstrate that the committee heard what the child witnesses told us — that if they are not given the opportunity to participate and they feel that important decisions are made without consulting them or considering their wishes, then they will have a very difficult time adapting to changed circumstances and will be doubly wounded, first, by the fact of their parents' separation and, second, by the way in which it is done.

Children do not, however, want to be forced to make the decision themselves as to where to live or with whom. They want a voice, not a choice. Respecting their rights in this matter, the committee determined, is not only their due but it will also benefit all concerned.

The third way in which this report is child-centred is in our approach to children whose parents are engaged in highly conflicted and acrimonious divorces. In listening to the witnesses and reading the evidence, most of us tried to put ourselves in the places of the children who were being torn apart. It was very disturbing. Most children can manage a certain amount of stress without long-term harm, but conflict without resolution puts them into a state of almost unbearable tension, particularly, but not only, if the conflict is accompanied by violence.

Just to survive emotionally, children are often forced to choose one parent over the other and to suppress that part of themselves that the other parent represents. That is the reason that we recommend that professionals who meet with children experiencing parental separation recognize that a child's wish not to have contact with a parent could reveal a significant problem and should result in an immediate referral of the family for therapeutic intervention.

The children of highly conflicted divorces are children at great risk. We need to protect them. Yet, we also need to enable them to integrate the experiences they are undergoing and reassemble the different parts of themselves so that they can mature as whole persons. This is why we recommend fast-tracking high-conflict divorces; augmenting the services available at unified family courts; enhancing the sharing of relevant information between the child protection agencies and the court; and ensuring the availability of supervised parenting programs to serve Canadians in every part of Canada.

At the same time, we have aimed a number of recommendations at diminishing incentives for unilateral actions, such as taking off with a child without alerting the other parent, except in an emergency, and by stating that the parent should not be permitted to rely on the resulting period of sole care and control of the child as a basis for a sole parenting order.

Other recommendations try to discourage outright child abduction across national and international borders and the use of false allegations of abuse or neglect. Both practices are extremely harmful to children. Violence or the threat of violence by one parent against the other, or by either or both parents against the child, is an emergency signal for society to rally round and act as a support.

The committee recognized that we must develop a better capacity to understand the dynamics of family violence under stress if we are to avoid unintended harm to the children. Our text speaks to the need for much greater research.

Honourable senators, when you are child-centred and a mother and grandmother, you ache to set things right. Listening to the distressing stories related to us by witnesses and trying to imagine the emotions of the children who were caught in the vortex of parental strife, we were moved by pity and deep concern but, in the end, there is only so much that a Parliament can do. During our highly charged hearings in Toronto, a thoughtful witness, sensing my frustration, brought me a quotation from Samuel Johnson which I carried with me to the end of our deliberations. It helped me to keep my balance.

Since we in this chamber are all law-makers, I would share with you this quotation. It is my final comment today on this complex and difficult issue:

How small of all that human hearts endure,
That part which laws or kings can cause or cure.

On motion of Senator DeWare, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-ninth report of the Standing Committee on Internal Economy, Budgets and Administration (supplementary budgets of certain Committees) presented in the Senate on December 9, 1998.—
(Honourable Senator Rompkey, P.C.).

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move that the report of the Standing Committee on Internal Economy, Budgets and Administration be adopted.

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

Motion agreed to and report adopted.

HUMAN RIGHTS

MOTION TO ESTABLISH STANDING COMMITTEE— MOTION IN AMENDMENT ADOPTED

On the Order:

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

That Rule 86(1) of the *Rules of the Senate* be amended by inserting immediately after paragraph (q) the following new paragraph (r):

“(r) The Senate Committee on Human Rights and Fundamental Freedoms, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to the protection of human rights and fundamental freedoms”.— (*Honourable Senator Andreychuk*).

Hon. A. Raynell Andreychuk: Honourable senators, I brought this motion because of what I have heard both in this Senate chamber and without, particularly this week as we paused to note the importance to us of the Universal Declaration of Human Rights and Fundamental Freedoms.

There is much that I could say in this chamber but, in light of the late hour, I would simply state that there many reasons why a human rights committee is necessary within the Senate with the most important and fundamental mandate of the committee being to ensure that the work of the committee complies with our basic values on human rights.

•(1830)

We would have a mechanism to ensure that we stand for all of the issues we say we stand for, by weighing our actions and words against our mandate within a human rights committee. It would also ensure that the basic values and fundamental freedoms we hold so dear are complied with. We could specifically look at implementation mechanisms for national and international treaties, covenants and laws by which we are bound. We could see whether we have followed and are in compliance with them.

We could scrutinize many of the reports from the Human Rights Commission, from the Privacy Commissioner and other

bodies within the government structure that are tasked with following human rights issues. We could create a forum that would allow us to air our differences and to look at where we can find common ground in good governance, the pursuit of democracy and the furtherance of human rights.

Honourable senators, I could put these points to you in long form, and I hope the arguments would be compelling. However, I believe all senators within this chamber have spoken on the issue of human rights at one time or another. Many have done so this week. If we look back into the record, many other senators have stood and asked for a human rights committee. Other senators have written about the need for such a committee. Therefore, I believe this motion is on behalf of all senators in an effort to narrow the distance between our words and to put our words into action. If we seriously believe in human rights as fundamental freedoms, this forum, which is tasked to look at national interests, regional interests and minority interests, surely should have as its top priority a human rights committee.

We have delayed establishing a committee. We have said there are valid reasons for finances and for the rationalization of such a committee.

Honourable senators, I do not believe the issue of human rights can wait any longer. If we continue to have special committees empanelled, if we continue to have standing committees, and if we believe human rights is a fundamental issue, we should not delay any further. Let us constitute a human rights committee.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, at the present time the Rules Committee is debating, discussing and deliberating on the entire structure of the committee system. One of the issues to come up, time and time again, through various proposals submitted to the Rules Committee has been the formulation and development of a new committee called the Human Rights Committee. I think there is a great deal of interest in the establishment of this committee on both sides of the chamber.

However, I do not think it would be appropriate for us, as the Senate, to take away from the power of the Rules Committee. It is important for the Rules Committee to not only examine this committee in all of its strength of purpose, which I think it has, but also within the context of the entire review, which has been ongoing now for some months and which I hope will be brought to fruition in February when we return.

MOTION IN AMENDMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Joyal:

That the motion be not now adopted, but that it be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.

Hon. Joyce Fairbairn (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

Motion in amendment agreed to.

HEALTH

MOTION TO CONGRATULATE THE GOVERNMENT OF ONTARIO ON RECOMPENSING VICTIMS OF HEPATITIS C IN BLOOD SYSTEM—DEBATE CONCLUDED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:

That the Senate congratulate the Government of Ontario for providing financial assistance to all those who contracted Hepatitis C, regardless of when the infection occurred.—(*Honourable Senator Carstairs*).

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I wish to say a few words on this particular motion.

The motion before us calls for the Senate, a federal parliamentary body with a tradition of being sensitive to regional concerns, to congratulate the Province of Ontario for doing something that every other province has refused to do.

When it decided to compensate all those who contracted hepatitis C from the blood supply before 1986 and after 1990, Ontario formally broke ranks with all other provinces and the federal government, which earlier this year reached a unanimous agreement for the compensation of hepatitis C victims. To date, only the Province of Quebec has indicated that it may follow Ontario's example. However, from the remaining provinces, there have been no messages of congratulations to Ontario.

My home Province of Nova Scotia, for example, remains committed to the unanimous agreement reached on March 27, 1998. Consequently, the Nova Scotia Legislative Assembly is not sending a message of congratulations to the Government of Ontario; neither is the Newfoundland House of Assembly or that of New Brunswick. This is not because a particular political party happens to form the government of those provinces.

The Conservative Government of Prince Edward Island has refrained from sending Premier Harris a message of congratulations. Conservative Premier Filmon of Manitoba and Conservative Premier Klein of Alberta have not tabled motions in their respective legislatures along the lines proposed by my honourable friend the Leader of the Opposition.

The NDP Romanow Government of Saskatchewan and the NDP Clark Government of British Columbia, likewise, have not sent letters of congratulations to Premier Harris.

I begin my remarks in this way in order to place the motion into a wider national context. I think it is important to recognize that this motion is asking that we congratulate a provincial government for taking a position that is not supported by the vast

majority of other provinces and regions of the country. To adopt such a motion would be most unusual for a chamber that prides itself on being sensitive to the views of the provinces and the regions. Perhaps the answer is that the issue itself is so critical and that the actions of the federal government and other provinces have been so reprehensible that such a resolution by this chamber is called for. However, when one examines the facts, I do not believe that such a conclusion is warranted.

First, let us be clear that we are all in agreement that the plight of those infected with hepatitis C through the blood system is a painful and tragic one; but let us also be clear that it is a matter that rests within the exclusive jurisdiction of the provinces.

Unfortunately, even as the dimensions of the problem became apparent, the provinces refused to respond. It is no secret that one of the most vigorous opponents of any compensation scheme was the current government of the Province of Ontario.

•(1840)

Minister Rock, as the Minister of Health for the entire country, thought that this was a very unfair outcome, and he initiated a dialogue with the provinces.

After long months of cajoling and arguing, unanimous agreement was reached to offer compensation to those infected between 1986 and 1990, when it would have been possible to screen the blood supply had scientifically recognized tests been used. All provinces were in agreement with the proposal.

The federal government committed \$800 million, while the provinces committed \$300 million. However, in response to public and political pressure, Ontario and Quebec called for the agreement to be reopened. The other provinces, apart from British Columbia which stayed on the fence, disagreed. They wanted the agreement to remain intact.

In June of this year, the Senate passed a motion that, in its second paragraph, called upon, and I quote:

...the Government of Canada and the Governments of the Provinces and Territories to take positive action to address the needs of those who suffer ill-effects from hepatitis C contracted through the blood system;

On September 18 of this year, Minister Rock presented to his provincial colleagues, on behalf of the federal government, a comprehensive proposal to address the needs of all Canadians who have been infected with hepatitis C through the blood system. The proposal, with a value of up to \$825 million, consists of four main elements.

First, the federal government would pay one-half of the estimated \$600 million required to ensure that all those who contracted hepatitis C through the blood system have long-term access to medical services beyond those which would be available to hepatitis C sufferers through their provincial health insurance programs. Honourable senators, this would provide drugs and medical services, such as nursing care at home. These people were infected through the blood system. They should not have to bear the expenses of medical treatment that is not covered by their provincial health plans.

The second element of the proposal made by Minister Rock is that the federal government will also pay one-half of the cost of provincial and territorial look-back, trace-back initiatives. That is up to \$50 million.

These initiatives are a crucial step in helping to identify people infected through the blood system and those who have donated infected blood. Many of these people are not aware that they are infected and, thus, are not being treated.

Third, the federal government will devote \$125 million in new resources to strengthen Canada's blood regulation and disease surveillance capacity so that the risk of future blood tragedies is minimized.

These changes will implement the recommendations made by the Krever commission. As we all know, the final report of the Krever commission told Canadians a very detailed story about how the blood system in Canada has operated over the past several decades. It recommended extensive structural reform to improve both risk management and operational aspects of the blood system.

As the fourth element of the proposal, the federal government will also devote \$50 million for medical research, physician education and community-based support programs for those with hepatitis C. The Medical Research Council will coordinate the efforts to find new treatments and, we hope, an eventual cure for the hepatitis C virus.

Honourable senators, in summary, the federal government's package, together with the \$800 million already pledged, brings the total federal commitment to \$1.3 billion. The specific offer made to the provinces on services is a fair response to those who received hepatitis C through the blood system outside the period from 1986 to 1990. It is an appropriate response to hepatitis C, as it is a disease requiring treatment, not payment and care, not cash.

The federal government believes that the offer respecting services to the provinces will meet Canadian's test of fairness and compassion. The issue, honourable senators, is not, and never has been, simply about providing people with cash; it is about providing fellow Canadians, who are in need, with help. The federal government believes the proposal does just that.

The federal government has been negotiating with the provinces and territories to try to solve this difficult issue of those individuals infected through the blood system before 1986 and after 1990. The federal government has made a proposal. We have confidence that the provinces will put politics aside and join the federal government in helping out fellow Canadians who are in need.

The federal government has displayed leadership in attempting to resolve the hepatitis C question. We are all aware of the difficulties and emotional content of the issue. Let us wish the ministers of health from both the federal and provincial-territorial governments well in their ongoing efforts to deal with this very difficult issue. In the meantime, I do not believe it would be helpful to those ongoing efforts if this chamber passed the motion proposed by my honourable friend the Leader of the Opposition, particularly since it would fail to

recognize the very divergent position that has been taken by the vast majority of provinces which we, as senators, reside in and represent.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am surprised, not to say shocked, that the Leader of the Government has conveniently forgotten that he joined, with all members of this chamber, on June 18 —

The Hon. the Acting Speaker: Honourable senators, I draw to the attention of honourable senators the fact that, if Senator Lynch-Staunton speaks now, he will be closing the debate.

Senator Lynch-Staunton: On June 18, Senator Graham joined with all the members of this chamber in support of a motion in amendment made by Senator Kirby, which reads that this chamber supports:

— recommendation 1 of the Commission of Inquiry on the Blood System in Canada which calls upon provinces and territories to respond to the needs of those who suffered due to the management of the blood supply system;

This chamber on June 18, on the recommendation of the government side, amended a motion made on this side to support compensation to all victims of tainted blood or tainted blood products.

To ensure that we knew exactly to what we were committing ourselves in supporting recommendation 1, Senator Carstairs said:

Honourable senators, the purpose of the original amendment, I believe, and that of the motion proposed by the Honourable Senator Lynch-Staunton, was to support the report of the Krever inquiry. The Krever inquiry was very clear. It said that the provinces and territories had a responsibility.

The motion supports that recommendation, in other words.

•(1850)

Therefore, both Senator Kirby and the deputy leader confirmed that the motion in amendment supported recommendation 1 of the Krever inquiry, which urged all provinces and territories to devise a compensation package for which all victims, not just those within a stated period of years, of tainted blood and blood products be eligible.

The Province of Ontario announced in May that it would devise such a compensation package, and last month it gave the details of it. I think it is only normal that we pride ourselves in taking some credit — whether deserved or not, I think we can — because a copy of our motion was sent to all Ministers of Health in the provinces and territories, as well as to the federal Minister of Health. We should take some satisfaction, if not pride, in the knowledge that at least one province, and the largest one at that, has agreed with our motion and has followed its recommendation.

The least we can do is congratulate that province and hope, though it is not written in the motion, that other provinces will follow suit.

If honourable senators decide not to support this motion, they will be, in effect, contradicting the position they took in June. This motion is a natural outcome of the position we took on June 18. It has nothing to do with the position of the provinces regarding the compensation package — who is in favour and who is not, who is sending motions of congratulations and who is not. It is asking the chamber to congratulate a province which took the lead in devising a package applicable to all and confirming a position which was taken in this chamber.

A vote against this motion is a vote against the position taken in June. Putting ourselves in such a contradictory position will be very difficult to explain.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Will those honourable senators opposed to the motion please say “nay.”

Some Hon. Senators: Nay.

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

And two honourable senators having risen.

The Hon. the Acting Speaker: Call in the senators. We will have a 10-minute bell, which means the vote will take place at 7:05 p.m.

•(1900)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Keon
Atkins	Kinsella
Beaudoin	Lavoie-Roux
Berntson	LeBreton
Bolduc	Lynch-Staunton
Buchanan	Nolin
Cochrane	Oliver
Cohen	Prud'homme
Comeau	Robertson
DeWare	Rossiter
Di Nino	Simard—23
Forrestall	

NAYS
THE HONOURABLE SENATORS

Bacon	Lucier
Bryden	Maheu
Butts	Mahovlich
Callbeck	Mercier
Carstairs	Milne
Chalifoux	Pearson
Cook	Pépin
Cools	Poulin
Corbin	Poy
De Bané	Robichaud
Fraser	(<i>L'Acadie-Acadia</i>)
Gill	Robichaud
Graham	(<i>Saint-Louis-de-Kent</i>)
Hervieux-Payette	Rompkey
Johnstone	Stewart
Joyal	Stollery
Kenny	Taylor
Kirby	Watt
Kroft	Whelan—37
Losier-Cool	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

•(1910)

UNIVERSAL DECLARATION OF HUMAN RIGHTS

COMMEMORATION OF FIFTIETH ANNIVERSARY—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Wilson calling the attention of the Senate to the fiftieth anniversary year of the Universal Declaration on Human Rights, and its implications for Canada.—
(*Honourable Senator Roche*).

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, the inquiry Senator Wilson has on the Order Paper calls our attention to the 50th anniversary of the Universal Declaration of Human Rights and its implication for Canada. As we heard during Senators' Statement earlier today, today we mark the 50th anniversary, to the day, of the proclamation of the universal declaration by the General Assembly of the United Nations in Paris.

We have on our record many important historical notes and much analysis on the universal declaration to which all honourable senators have contributed in our various debates and statements in this chamber. I wish not to repeat those but to draw our attention to the fact that, whilst the Canadian record in the area of human rights is not too bad, that does not mean there is not room for improvement.

We know that until a couple of days before the signing of the Universal Declaration of Human Rights in 1948, it was not certain that Canada would sign it. Fortunately, the problems that were perceived at the time were overcome, and Canada did sign the Universal Declaration of Human Rights.

On the eve of 1999, indeed, on the eve of the millennium, it is important to draw attention to the fact that the universal declaration contains not only an outline of many civil and political rights or classical freedoms — such as the right to life and liberty — but recognizes and articulates a large array of economic, social and cultural rights.

For example, I draw your attention to article 22, which provides that everyone, as a member of society, has the right to social security. Article 23 provides that everyone has the right to work. Article 24 provides that everyone has the right to rest and leisure. Article 25 provides that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services. Article 26 recognizes the right to education.

Honourable senators, I believe that economic, social and cultural rights will be the area of human rights that will attract our attention over the next few years in a very concerted fashion.

Canada's report under the International Covenant on Economic, Social and Cultural Rights was examined by the committee which serves as the social auditor for the compliance of state parties such as Canada under that covenant. On December 4, 1998, that committee released its concluding observations on the level of compliance by Canada to the economic, social and cultural rights which are our treaty obligations under that covenant.

In that report, the human rights committee points out a number of positive aspects of Canada's report of compliance. The committee notes, for example, that, for the last five years, Canada has been ranked at the top of the United Nations' Development Program's human development index. The HDI indicates that, on average, Canadians enjoy a singularly high standard of living and that Canada has the capacity, therefore, to achieve a high level of respect for all of these social, economic and cultural rights obligations. That this, however, has not yet been achieved is reflected in the fact that the UNDP's human poverty index ranks Canada tenth on the list for industrialized countries.

The committee further stated that, whilst they welcome the Canadian Human Rights Commission's statement that the protection and enjoyment of economic and social rights in Canada is something that our federal Human Rights Commission

monitors, they were concerned with the observation by our Human Rights Commission to the effect that the protection and enjoyment of economic and social rights in Canada is inadequate. It also welcomes its proposal for the inclusion of those rights in the human rights legislation which had been recommended by our Human Rights Commission as long ago as 1993.

The Human Rights Committee of the United Nations notes that, since 1994, in addressing the budget deficits by slashing social expenditure, Canada has not paid sufficient attention to the adverse consequences for the enjoyment of economic, social and cultural rights by the Canadian population as a whole, and by vulnerable groups in particular.

Honourable senators, the committee observes as well that it is gravely concerned that such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada's ten largest cities have now declared homelessness a national disaster.

The committee also states in its report issued last Friday that they are concerned that loan programs for post-secondary education are available only to Canadian citizens and permanent residents and that recognized refugees who do not have permanent resident status, as well as asylum seekers, are ineligible for these programs.

The committee also views with concern the fact that tuition fees for university education in Canada have dramatically increased in the past years, making it very difficult for those in need to attend university in the absence of a loan or grant.

A further subject of concern is the significant increase in the average student debt on graduation.

The committee is concerned about significant cuts to services on which people with disabilities rely, such as cuts to home care, attendant care, special-needs transportation, and tightened eligibility rules for people with disabilities. They say that programs for people who have been discharged from psychiatric institutions appear to be entirely inadequate.

Although the government failed to provide to the committee any information regarding homelessness among discharged psychiatric patients, the committee was told that a large number of those patients end up on the street while others suffer from inadequate housing with insufficient support services.

Honourable senators, the committee again urges federal, provincial and territorial governments to expand protection in human rights legislation to include social and economic rights, and to protect poor people in all jurisdictions from discrimination because of social or economic status.

•(1920)

Honourable senators, by unanimously supporting Bill S-11, we have embraced that principle, and it is hoped the Minister of Justice will mend her view and join the millions of Canadians who would want to see social condition in the list of prescribed grounds of discrimination in the Canadian Human Rights Act.

Honourable senators, the UN Committee on Economic, Social and Cultural Rights has simply done a social audit that looked at a report prepared by Canada, a preparation that involved not only the Government of Canada but also the governments of each of the provinces and the territories. It was submitted to this committee in Geneva. The committee examined it and posed a series of 81 supplementary questions. There was some difficulty, as honourable senators have learned from Senator Andreychuk, in having Canada appear quickly before the committee. Finally, when we did appear a few weeks ago, led by a Canadian ambassador, we were in for a very serious grilling. We have been found wanting. In earlier times, I had the opportunity to mark examinations at this time of the year. I am afraid that our report got only a D, which is barely a passing grade.

Our challenge, honourable senators, in the field of human rights during this period when we celebrate the fiftieth anniversary of the universal declaration, is to give greater focus to the economic, social, and cultural rights outlined in that declaration. Much more work and progress needs to be made in that area. That is the challenge that faces Canada, in my view, in the human rights agenda over the coming years. For me, that is the implication for Canada with regard to the universal declaration, to which Senator Wilson drew our attention.

Hon. John B. Stewart: Would the Honourable Senator Kinsella accept a question?

Senator Kinsella: Yes.

Senator Stewart: The honourable senator has told us, based on the report of the Human Rights Commission of the United Nations, how badly we have done in fulfilling our undertakings under the Universal Declaration of Human Rights. He has detailed those things which we ought to have done and which we have not done. I understand his challenge, and I do not disagree with what he said on that.

My question relates to our international relations. Let us assume that we all agree that what Senator Kinsella has said about our sins of omission is correct. Does that not mean that we lack a secure basis from which to criticize our trading partners, especially in Asia? How can we, with a straight face, talk to some of these countries when our own performance is so dismal?

Senator Kinsella: I thank the honourable senator for the excellent question. It underscores the importance that we in Canada, particularly in Parliament, must give to our domestic human rights record.

This report from which I have been reading was a report prepared by those outside of Canada who examined a report prepared by those of us inside Canada against the norm which grew out of the universal declaration, the norm being the International Covenant on Economic, Social and Cultural Rights, which Canada ratified in 1976 with the written approval of every jurisdiction in Canada. We all agreed to accept this norm of economic, social and cultural rights.

My view is that under the civil and political rights covenant, we have a very enviable record. Our record is not so good as

judged by the social auditor in the area of economic, social and cultural rights.

In specific answer to Senator Stewart's question, I should think that people to whom we are attempting to provide assistance in the area of democratization and civism to improve their domestic systems of human rights would look with jaundiced eyes — or questioning eyes, at least — at a situation which the committee in Geneva drew to our attention, and which was admitted to by our ambassador and the officials appearing before the committee — the fact that almost one-quarter of aboriginal household dwellings in Canada require major repairs for lack of basic amenities. The committee pointed out that there are thousands of households in Canada without running water and indoor toilets. They cannot understand how a country as wealthy and as blessed as Canada would not have its social priorities in order and would be faced with that kind of violation or, quite frankly, failure to meet the obligation of housing rights provided for in the covenant.

For our interlocutors in other countries around the world, economic, social and cultural rights are human rights just like civil and political rights. There is a unity to human rights. It is just that in the area of promotion and the fullness of the realization of the rights and the enjoyment of the rights, economic, social and cultural rights are more programatic by nature and require ongoing programs of the state. When the committee looked at some of the areas, such as post-secondary education, which Article 13 provides should become progressively freer, they saw that the opposite was the case.

Countries that accept the universal declaration as a statement of a complete universal standard and that there is unity and integrity to all of the rights must raise their eyebrows in question. Therefore, it seems to me that it is important for Canada to give focus to greater delivery in the areas of economic, cultural and social rights to our own people, if we wish to have credibility with those with whom we interact.

Senator Stewart: I thank the honourable senator for that response. However, he continues to emphasize our own sins of omission. Of course he encourages us to do much better.

My question is quite practical. If the senator had the opportunity to meet with the Standing Senate Committee on Foreign Affairs, he might appreciate the practicality of the question. It is simply this: Given the bad record that we have, would it be better if we stopped haranguing some of the Asian countries until we have put our own house in order? How do we avoid the practical problem of appearing to be hypocrites?

Senator Kinsella: Honourable senators, the fact of the matter is that our credibility will be enriched if we take seriously the recommendations that have been made under this mechanism and take the necessary steps.

•(1930)

Senator Stewart: I understand that.

Senator Kinsella: If we fail to take those steps, we will be judged to be hypocritical, and perhaps rightly so.

Senator Stewart: Until those steps have produced results, is it your argument that we should keep our mouths shut?

Senator Kinsella: Absolutely not. The promotion and the protection of human rights is an obligation which falls on all our shoulders. It is an obligation that falls on our shoulders because of the solidarity of all the peoples of the world. It would not be acceptable for us to be silent. The judgments that we make, I do not believe, are judgments in the order of morality nor in the order of, "We are better than you." This norm is universal. This is not a Canadian norm.

We are participating in a universal struggle for the promotion of human rights just as we participated in the promotion of the worldwide movement to eradicate racism in all its forms, including apartheid. We did so notwithstanding the fact that there are many cases of racism in Canada, to wit the reports of the Human Rights Commission that deal with them.

Rather than us adopting a position of silence, we want Canada to be more vigorous and to recognize that we can learn from other communities. In the dialogue and the discourse on human rights, it is important for Canada to be fully engaged.

On motion of Senator Carstairs, debate adjourned.

HISTORY OF THE CHINESE IN CANADA

NOTICE OF INQUIRY—ORDER STANDS

Leave having been given to revert to Notice of Inquiries:

Hon. Vivienne Poy: Honourable senators, I give notice that my inquiry on the history of the Chinese in Canada will commence on February 2, as opposed to February 9.

The Hon. the Acting Speaker: Honourable senators, is it agreed?

Hon. Senators: Agreed.

CHILD CUSTODY AND ACCESS REFORM

CONSIDERATION OF REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the final report of the Special Joint Committee on Child Custody and Access entitled: "For the Sake of the Children", tabled in the Senate on December 9, 1998.— (*Honourable Senator Pearson*).

Hon. Anne C. Cools: Honourable senators, as always I feel indebted to honourable senators. I rise to speak to this committee's report, "For the Sake of the Children."

The tears of this nation that have been shed over the children of divorce are a river. The tears of the children of divorce may

flow well into their adulthood as many are robbed of their childhood. Canadians have wept, like Jacob's wife, Rachael, for the children of divorce. Honourable senators, their suffering is our suffering.

Honourable senators, these issues have been my work throughout my adult life. I recall my maiden speech here in this chamber made in response to the Throne Speech of the newly elected Conservative government of Prime Minister Brian Mulroney. That day, December 4, 1984, I spoke about divorce and families. I said:

In the section on social justice, the government makes a great commitment to women. I plead and pray that this commitment to women is real and not part and parcel of the rather hysterical, cosmetic, so-called "justice for women" which seems to be running rampant these days, particularly in the newspapers. This woman is one who believes she can have her personhood without robbing other human beings of their personhood. I hope the commitment in the Throne Speech is to a genuine and real womanhood.

About divorce and the government's then intention to bring a bill, I continued:

I intend to work towards ensuring that the new legislation will include, or at least that an attempt will be made to have it include the new concept of shared parenting, joint custody, so that one spouse is not isolated from parenting at the wish and whim of the other. I hope the new legislation will reduce the deleterious effects on children of these marital disputes.

The speech mentions enforcement of maintenance orders, but it does not mention an amendment to the Income Tax Act so that perhaps spouses who are paying support for children over 18 years may be permitted to pay the children directly rather than making payments to the spouse, so that those paying spouses can glean some sort of shelter under the Income Tax Act.

I repeat, in 1984, I proposed and supported shared parenting.

Honourable senators, in 1996 and 1997, during Senate debate here on Bill C-41 amending the Divorce Act to implement the federal child support guidelines, I drew a line in the sand. I asserted that the children of divorce deserve the financial, emotional and psychological support of both their parents. I have asserted repeatedly that children of divorce deserve the love and support of both their parents, both mother and father, and that it is the duty of Parliament to vindicate the need of the children of divorce for both their parents.

Honourable senators, my point of view is well supported by the public. This was ably demonstrated by the very recent Southam News-Compas poll conducted in October and reported in *The Ottawa Citizen's* front page article, November 23, 1998, headlined, "Public backs fathers' rights: "Astonishing" majority wants change to laws on access to children, Compas poll shows."

The pollster, Dr. Conrad Winn is quoted as stating that:

I can't find an adjective to describe the intensity of public dismay over family issues and the unfulfilled rights of fathers and children...

I'm surprised because these issues haven't been on the agenda of Canadian politics for a very long time. The most astonishing thing is the absolute consensus among men and women about how the rights and obligations of fathers and children are being ignored.

That same poll told us that, of the respondents, 70 per cent of Canadians believe that children of divorce receive too little attention and 62 per cent said that fathers receive too little attention. Eighty per cent of those surveyed felt it was very important for children of divorced parents to maintain an ongoing relationship with the non-custodial parent. When one looked at younger Canadians, those 30 years and under, that number rose to 86 per cent. That poll very clearly told us that there is a growing commitment among younger Canadians to parenting and family life.

These poll results show very clearly that Canadian public opinion is in tune with the finest of this joint committee's recommendations, which are the recommendations for shared parenting. Canadians care, and care passionately, about the children of divorce.

•(1940)

Honourable senators, this committee's recommendations 5 to 9 are dramatic; they recommend a major shift in the divorce law and the divorce culture of Canada. They recommend shared parenting as a legal and statutory concept. Recommendation 5 reads:

This Committee recommends that the terms "custody and access" no longer be used in the *Divorce Act* and instead that the meaning of both terms be incorporated and received in the new term "shared parenting," which shall be taken to include all the meanings, rights, obligations, and common-law and statutory interpretations embodied previously in the terms "custody and access."

This means a transfer of the legal meaning and power of the terms "custody and access" to the term "shared parenting."

Recommendation 6 reads:

This Committee recommends that the *Divorce Act* be amended to repeal the definition of "custody" and to add a definition of "shared parenting" that reflects the meaning ascribed to that term by this Committee.

Recommendation 8 reads:

This Committee recommends that the common law "tender years doctrine" be rejected as a guide to decision making about parenting.

Finally, recommendation 9 reads:

This Committee recommends that both parents of a child receive information and records in respect of the child's development and social activities, such as school records, medical records and other relevant information. The obligation to provide such information should extend to schools, doctors, hospitals and others generating such information or records, as well as to both parents, unless ordered otherwise by a court.

Honourable senators, this recommendation says very clearly that no parent of a child is to be denied information by any school principal about a child, and that the principal must not be put in a difficult position. Both parents will have an entitlement in law to that sort of information about their child.

Honourable senators, it is very important that we understand this, because last year when we fought here on Bill C-41, we fought because the federal Divorce Act is one of the few places in federal legislation that ever ascribed any entitlement to children. Most children's issues are dealt with provincially. One of the reasons I objected so strongly last year was that I saw that the repeal of a particular section was the removal of an historical right of children, which was recorded and articulated in the Divorce Act. The only other place in federal legislation that the rights of children were articulated was the Juvenile Delinquents Act. I have said in this chamber before that Sir Wilfrid Laurier had been inching his way to bring the issues around children into federal purview, and that had motivated the Juvenile Delinquents Act in 1908.

Honourable senators, these recommendations propose a new Divorce Act which will vindicate, in statute, the entitlement of children to their two parents so as to bring forward a modern, contemporary and balanced law to meet the year 2000. Two parents by the year 2000 is my new motto. You could call it "two by two."

Honourable senators, this committee for me, personally, has been the "committee from hell." I borrow that metaphor from Toronto author Wendy Dennis's just published book, *The Divorce from Hell*. She wrote about the divorce inferno that has consumed so many families emotionally and financially. I describe it as the "committee from hell" because of the persistent derision and maligning directed towards me from certain quarters, aggression which has only added to my character and strengthened my resolve to bring some light to this darkness, as some children of divorce, sometimes described by me as the children of Sisyphus, are held hostage to conflict, even hatred, while the courts and Parliament have seen fit to do little or nothing to correct the obvious injustice and the anguish of so many. This silence is indicative of our human paucity, the paucity and imperfection of human nature, and the paucity of the human condition. That, honourable senators, is a grand mystery of life, which is only understood in the long run by having a spiritual set of beliefs.

Honourable senators, I have travelled the width and breadth of this country on these issues. I have spoken to thousands of Canadians in person and to millions in media interviews. They, the public, have spoken to me; their support is enormous and, I would add, very humbling. The public mind of this land and the public heart have spoken. In fact, the public will of this land has overtaken the committee's report. The report of the committee has been overtaken by the developments in the public mind and the public realm. The public of this land wants the Minister of Justice, Anne McLellan, to act speedily, without delay, to bring a new Divorce Act to reflect contemporary Canadian values of fairness, balance and equality for children, parents and families in divorce. Canadians want our government to adopt aggressive policies and values on family and family life. Change is necessary.

Honourable senators, you would have to know my family and how I grew up, but I was raised to believe that one person can make a difference. I hope that I have made a difference. I have certainly tried very hard to do so.

Honourable senators, I would like to close by quoting Psalm 127, verse 3:

Children are a gift from the Lord;
They are a real blessing.

Honourable senators, I sincerely believe this. As persons, as individuals and as parliamentarians, and on behalf of the Sovereign, the Supreme Parent, the *parens patriae*, we are the stewards of the children of this land.

Honourable senators, the name of this report is "For the Sake of the Children." Had I had the opportunity to choose the name of this report, I would have chosen the title "Children of the Spring."

I thank you, honourable senators, for your attention.

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

•(1950)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY HELD IN
STRASBOURG, FRANCE—INQUIRY—DEBATE ADJOURNED

Hon. Lorna Milne rose pursuant to notice of December 1, 1998:

That she will call the attention of the Senate to the journey of the Canada-Europe Parliamentary Association delegation to the Council of Europe Parliamentary Assembly, in Strasbourg, France.

She said: Honourable senators, I rise tonight to discuss my trip to Strasbourg, France, where I attended the Parliamentary Assembly of the Council of Europe from September 21 to 25,

1998. Honourable senators may remember that I tabled the official report of the delegation last week.

Six Canadian parliamentarians were there as official observers, led by the chair of the Canada-Europe Association, member of Parliament Charles Caccia. The other members of the delegation were Senator Roch Bolduc, members of Parliament Raymonde Folco, Francine Lalonde and Gary Lunn. We were joined in Strasbourg by John Noble, our new ambassador to Switzerland, who also acts as Canada's permanent observer with the Council of Europe, and by Anthony Burger from the Canadian Commission to the OECD.

At the assembly, we Canadians were able to participate fully in the debates because of our new status as official observers. The discussions focused on many different areas, including relations with the Organization for Security and Cooperation in Europe; Fisheries Policies and the State of the Oceans; and the European Union's proposed Code of Conduct on Arms Sales. At the request of members of the European Union, I spoke to Canada's strong support of this initiative, but of our concerns that stronger and enforceable action in some legally binding form, such as a treaty, would ultimately be needed.

The Canadian delegation took an active role in amending the report of the Committee on Economic Affairs and Development to strengthen its draft resolution in the areas of action on youth unemployment, controlling short-term speculative capital flows, and setting democratic conditions for the OECD's negotiations toward a Multilateral Agreement on Investment, MAI.

Canadian Don Johnston, Secretary General of the OECD, spoke to the Enlarged Assembly setting the tone for this unusual debate and vote on the committee's report, in which Canada could not only join in the debate but also, as a member of the OECD, could vote, as could Japan, Mexico and Korea. Senator Bolduc also spoke to the Enlarged Assembly on this subject. The final version of the resolution adopted by the assembly on September 23 had a great deal of Canadian input.

In addition, urgent debates were held on the desperate situations in Albania and in Kosovo, in which I presented a speech stating Canada's sense of urgency that the UN and NATO should act to stabilize the situation. Throughout the entire week, many references were made to the terrible situation in Kosovo. At that time they figured that at least 150,000 people were seeking refuge and fleeing over the borders into the rest of Europe, looking for safety. Most of those sheltering in the forests have no homes to which they can return. To add to the suffering, the harvest has been totally destroyed. At the time, I wrote that it truly is a humanitarian catastrophe in the making, and this winter will be terrible for these unfortunate innocents.

All members of our delegation spoke during the assembly debates, with our total of nine interventions being the most ever by Canadian parliamentarians in a Council of Europe session.

Strasbourg itself is a beautiful city that was founded by the Romans in 12 BC on the West Bank of the Rhine in the Alsace area of France. It was built around an extensive river and canal system. Many of the older buildings have both French and

German names, for the area changed hands many times over the centuries, until it was again brought under French control after World War II.

The oldest area of the city, la Petite France, was just a few blocks away from our hotel. I spent as much spare time as I had, which was very little, wandering around the cobbled streets and around and through and over the old mills and mill dams that are built there on a series of small islands. The area has been well restored and rebuilt after centuries of wartime destruction and is full of 500- and 600-year-old half-timbered buildings that hang out over the narrow cobblestoned streets.

Another of the incredible sites in Strasbourg is the cathedral, an enormous and highly ornate medieval building that was started in 1176 on earlier foundations. The great rose window was completed in about 1340, and the spire, the tallest structure in Western Christendom for over 400 years, was added from 1419 to 1435. The cathedral still has much of its original medieval stained glass windows surviving, which is very unusual in this area that has been fought over so many times. Apparently, they were protected during both world wars by the citizens of the area who removed and hid them.

While this was a wonderful educational experience, I must say that we worked very hard while I was there, as Senator Bolduc can testify. Mr. Caccia had us all up at 6:30 a.m. every morning and discussing the day's planned events by seven o'clock in the morning over breakfast. The first session began daily at eight o'clock. We attended the various debates all day long, broken only by a short trip to a cafeteria for lunch. After the day's sessions ended at about seven o'clock each evening, we would attend an evening function which was usually an extension of our diplomatic efforts and contacts.

An example of one such evening was hosted by Madam Helle Degn of Denmark, the chair of the Committee on Economic Affairs and Development, to thank those delegates who had worked so hard on the amendments that her committee had presented. It was a pleasure to meet Madam Degn again just a week later here in Canada when she led a return delegation of European parliamentarians to discuss and learn from our Canadian experience with NAFTA.

In conclusion, as this oldest European body devoted to the aims of democratic and social cohesion and the advancement of human rights approaches its fiftieth anniversary in 1999, the benefits to Canada of holding observer status are becoming apparent, particularly as more Canadian voices are being heard within this privileged forum of 40 countries.

It was encouraging to see how Canada is not only listened to with respect but actively invited by the Europeans to make interventions on subjects under discussion. It is a valuable forum for us to take a leading role in bridging what has recently been described as a widening gap between Europe and the U.S.A., as they both seem to be trending toward increasing self-interest and protectionism.

On motion of Senator Prud'homme, debate adjourned.

STATE OF FINANCIAL SYSTEM

MOTION TO AUTHORIZE BANKING, TRADE AND COMMERCE
COMMITTEE TO EXTEND DATE OF FINAL REPORT
ON STUDY AMENDED

Hon. Sharon Carstairs (Deputy Leader of the Government) for Senator Kirby, pursuant to notice of December 9, 1998, moved:

That, notwithstanding the order of reference adopted by the Senate on Wednesday, October 22, 1997, the Standing Senate Committee on Banking, Trade and Commerce be authorised to extend the date for the presentation of its final report on the state of the financial system in Canada from December 10, 1998 to December 10, 1999; and

That, notwithstanding usual practices, if the Senate is not sitting when the report is completed, the Committee be authorised to deposit it with the Clerk of the Senate, and that the said report shall thereupon be deemed to have been tabled in the Chamber.

Hon. Noël A. Kinsella, (Acting Deputy Leader of the Opposition): Honourable senators, could we have an explanation as to why this committee needs an extension of an entire year in which to present its final report?

Senator Carstairs: Honourable senators, I cannot give you that explanation, although I do know that the committee is engaged in an ongoing study. My concern is based on the explanation given to me by Senator Kirby. It is that if the committee does not get this extension date today then they will be in violation of an order of the Senate. Why they are asking for an extension of one full year, I do not know.

•(2000)

Senator Kinsella: It seems to me that if he cannot be bothered to be here to explain his motion to us, we are left with no alternative but to take the adjournment of the debate until we find out why. Perhaps we can come back to it before we adjourn today if the honourable senator can get some information.

Hon. John B. Stewart: Senator Tkachuk could explain it. He is the deputy chair.

Senator Kinsella: He is not here. The whole club is gone.

Senator Carstairs: Honourable senators, if it is agreeable with honourable senators, perhaps I could change the date in this motion to February 28. Then, when we return, someone from the Banking Committee could perhaps explain it. That would mean they were not in violation of the Senate. If we do not give them permission as of today, they will be in violation of their necessity to report. Therefore, it might be helpful if we could change the date from December 10, 1999 to February 28, 1999, and then they could come back and explain why they need a further extension, and we will leave it with them.

Senator Kinsella: That is a good suggestion.

Hon. Marcel Prud'homme: I second that.

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

Some Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, it is agreed on the understanding that when extensions or any special permissions are requested by the chairman, if the chairman cannot be here for whatever valid reason, then at least a member of the committee will be here to give an explanation and not put the burden on the deputy leader who obviously cannot give all the answers requested. I think it is unfair to her and somewhat cavalier towards the Senate.

They must have a reason as to why this motion was only made on December 9 when the report was due on December 10 and they are asking for a 12-month extension. I think someone should have been here to explain.

I agree to give them until the end of February but they had better provide a valid explanation if they want an extension until the end of next year.

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

Hon. Senators: Agreed.

Motion as amended agreed to.

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, that is the end of our business for the day. The Senate will adjourn during pleasure until 8:55 this evening.

The Senate adjourned during pleasure.

[Translation]

•(2100)

ROYAL ASSENT

The Honourable Charles Gonthier, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Right Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other acts (*Bill S-21, Chapter 34, 1998*)

An act to amend the National Defence Act and to make consequential amendments to other acts (*Bill C-25, Chapter 35, 1998*)

An act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses (*Bill C-53, Chapter 36, 1998*)

An act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts (*Bill C-3, Chapter 37, 1998*)

An act to amend the Tobacco Act (*Bill C-42, Chapter 38, 1998*)

An act to amend the National Parks Act (creation of Tuktut Nogait National Park) (*Bill C-38, Chapter 39, 1998*)

The Honourable Gilbert Parent, Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999 (*Bill C-60, Chapter 40, 1998*)

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

[English]

•(2110)

CHRISTMAS GREETINGS

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I rise to take this opportunity, on behalf of my colleagues on this side of the house, to salute the Table officers of this place and to extend our gratitude to them for their wise counsel and efficient guidance, procedurally and otherwise, that they rendered to us during 1998.

I should also like to mention the pages and the excellent program that His Honour oversees in bringing pages to this chamber, under the exchange program with the other House. My colleagues wish to extend every good wish to them and to their families. For those who travel home from university during the Christmas break, we hope that you do so with care, and we look forward to seeing you back here in 1999.

To the parliamentary reporters, who record with accuracy and care all the utterances that are made in this place, we extend to you and your families every good wish for the season of Christmas holidays and the New Year.

To the translators, who are mindful ever of the great Latin dictum that means that the translators must not be traitors, we thank you, and we apologize to you for the times when we speak rather rapidly here in the heat of debate and make your job of translating simultaneously that much more of a challenge.

I send hearty good wishes to our security staff who have looked after us this year. We leave this place after another year with all parts roughly associated with the places where the design of our person indicated they should be. We thank you.

As for the cleaning staff, I know my colleagues recognize that they do have a motto of, "You drop, we mop," and we appreciate the work they do because, quite frankly, although we are in a relatively ancient building by Canadian standards, it is a very clean and tidy and correct place. Much activity goes on during the wee hours of the night that is accomplished by our cleaning staff. On behalf of my colleagues in the opposition, we salute them and wish them every blessing of Christmas and every good wish for the New Year.

•(2120)

Hon. Senators: Hear, hear!

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, it is always a special moment at this time of year when we can wish all of you a very Merry Christmas, Joyeux Noël à tous.

We also wish to extend our thanks to the pages. May Santa Claus be very good to you, but may those exams go even better.

To the Table officers and to all of the staff, including the reporters, the translators, security personnel, messengers, and,

indeed, the cleaning staff, who certainly have to deal with these overflowing wastepaper baskets that I certainly have here to my left tonight, we extend our heartfelt thanks.

Particularly at this time of year, I would like to thank the Committees Branch, because our best work in this chamber is indeed done in committees. It is done with their able, careful and thoughtful work.

Honourable senators, we have welcomed many new senators into this chamber in the past year, so this is the first time we have the opportunity to wish them a very Merry Christmas. I hope that their experiences here will be joyful because, frankly, it is a joyful experience to have them here.

Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: Honourable senators, on behalf of Senator Roche and myself I wish to join in the good wishes expressed by Senators Kinsella and Carstairs.

We are tremendously well served. We do not pay enough attention to our staff, and I hope every senator will never forget to say "bonjour" to the staff.

[Translation]

My very best wishes for the holiday season go out to all Canadians. I am going to make just one exception to that wish. Senator Kinsella said —

[English]

I love the expression. I will use it right away so I will not forget it. He said, "We drop, they mop."

Speaking for myself, honourable senators, unfortunately, my good wishes that I extend to all Canadians do not extend to Diane Francis, who saw fit today, in a vitriolic article, to reduce to almost nil every effort that some of us are making as good federalists, by attacking one of the most prominent entrepreneurial families. I am talking about the Péladeau family.

For those of you who may not know, the subject on the hotlines all over Quebec is this article.

[Translation]

Such a disgusting act at this time of year.

[English]

While we here in the Senate are trying to build a stronger Canada, we are confront with this article that seeks to destroy those efforts. Anyone who reads that article cannot but start hating whatever the young Péladeau sons represent for us in Quebec. I regret that. It is causing irreparable damage.

Having said that, Canada is stronger than all these mocking writers, and I prefer, for the moment, to hold my tongue. We will come back to that later, for it is a debate which must be conducted in the Senate.

To our new senators, I must offer my thanks for taking good care of the independent senators.

To our Honourable Speaker, his wife, and his staff, I convey my best wishes for a very merry Christmas.

The Hon. the Speaker: Honourable senators, if I may for a moment, I should like to add my thanks to those expressed so eloquently by the Deputy Leader of the Opposition, the Deputy Leader of the Government and Senator Prud'homme. I want also like to convey my thanks to all of the staff who have worked so diligently for us throughout the year.

I want to say a particular thanks to all of you who sit on either side. Indeed, I want to pay special thanks to those who raise points of order. I find those very challenging and helpful in developing our history and our system of government.

[Translation]

My best wishes to one and all for a very merry Christmas, a happy New Year, and may the coming year find us with the same cordial and hard-working Senate we have enjoyed this year.

[English]

I am in the fortunate position of being able, I suppose, to make my thanks more tangible than the rest of you by inviting all of

you to come to my chambers and meet the judge. I also invite the pages and all of the staff who work with us here in the Senate to join us in the Speaker's chamber on this last occasion when we will be together for this year.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 2, 1999, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 2, 1999, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, December 10, 1998

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01							

S-23	An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier	98/12/10
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**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + one at 3rd	98/12/10		
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	98/03/26	none	98/03/31	98/03/31	04/98
C-22	An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04			—	97/12/08	97/12/08	35/97

C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07							
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98
C-38	An Act to amend the National Parks Act (creation of Tuk Tuk Nogat National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98

C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs				
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance				
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10 38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08						
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18 28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18 29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18 23/98
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs				
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03 32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10 36/98
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs				
C-59	An Act to amend the Insurance Companies Act	98/12/10						
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10 40/98

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17							
C-220	An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed	98/06/09	98/06/18	27/98
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/11	18/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont—Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs					
C-464	An Act to change the name of the electoral district of Sackville—Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs					
C-465	An Act to change the name of the electoral district of Argenteuil—Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs					

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01		
S-10	An Act to the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24		
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/06/04	one	98/06/09		
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs					
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10	Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02	
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples					

S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 report withdrawn 98/12/08	four	Bill withdrawn 98/12/08
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs			
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18					

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.)	98/06/17			Dropped from Order Paper pursuant to Rule 27(3) 98/11/17		
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/03	three	98/12/09

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