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OFFICIAL REPORT
(HANSARD)

Thursday, February 4, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, February 4, 1999

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

Prayers.

THE HONOURABLE DALIA WOOD

TRIBUTES ON RETIREMENT

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators need not be told that national unity, in terms of the challenges presented by our vast, beautiful federation, is a daily act of will. The issue has always been with us. Perhaps a little historical perspective may reveal that many of the same questions have been asked by generations across the decades.

In 1891, our young federation appeared to be at a crucial crossroads, and in a letter to Edward Blake, Wilfrid Laurier confided his fears at the time. I quote briefly from that letter:

> We have come to a period in the history of this young country when premature dissolution seems to be at hand. How long can the present fabric last? Can it last at all?

That was Sir Wilfrid Laurier in 1891. Today, 108 years later, as we edge into the dawn of a new century, some people, sometimes, continue to ask similar questions.

Many of us in this chamber have spent long and significant careers fighting the never-ending campaign in defence of the greatest multicultural federation on the face of the earth. Senator Dalia Wood has spent important years defending minority rights in her native Montreal, and has understood the importance of exercising day-to-day vigilance in the fight against all those forces which have tried to debilitate and weaken the will to be Canadian; all those forces within our country which reject cooperation and compromise, which reject tolerance and human rights, which reject all those values which are, and have been, the glue binding Canadians of all regions and all provinces.

In a speech in this chamber expressing her opposition to the removal of section 93 of the Constitution Act of 1867, she expressed concern about the protection of minority rights in her province. Lord Acton once said:

> The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities.

Whether her work was in her community or in the political arena, Senator Wood's life was guided by that principle, and as such, Dalia Wood has understood that freedom is about much more than rights; that it is about responsibility and day-to-day action in the defence of one of the most fortunate countries in the world.

In her press release dated this past Monday, February 1, 1999, Senator Wood spoke of her pride in serving this institution for 20 years. She spoke of her pride in defending the interests of English-speaking Quebecers in the Senate chamber. She spoke of the many battles she had fought on their behalf, and the fact that many battles remained to be fought. She was referring, of course, to the daily struggle for peace, for freedom, for understanding, for compassion, and for respect for the rights of the individual.

Yes, Dalia Wood spent much of her life working for a word that too many of us overlook: a simple word, respect: respect born from true generosity, the generosity that must be shown within and from all of our communities, within and from all of our regions, within and from all of our provinces; respect from within and from the hearts and minds of all our citizens.

•(1410)

Unhappily, Senator Wood was forced to complete much of her work from a hospital bed, as a bad fall outside the Senate entrance led to a series of four difficult operations. She had spent much valuable time before this debilitating accident working as co-chair of the Joint Committee on Official Languages between 1984 and 1991. Senator Wood also served on the Internal Economy, Social Affairs, Health and Welfare, and Library committees. Now, although her spirit is willing, she has regretfully submitted her resignation from the Senate.

Before coming to this place, Senator Wood played a very active role in the politics of the day, having served as president of former prime minister Pierre Trudeau's home riding of Mount Royal and later as president of the Liberal Party of Canada in Quebec.

Pierre Trudeau spoke of his vision of Canada in 1968, and I quote from that speech:

> Canada will be a strong country when Canadians of all provinces feel at home in all parts of the country and when they tell that all Canada belongs to them. We wish nothing more, but we will accept nothing less. Masters in our own house we must be, but our house is the whole of Canada.

Today we say a sad good-bye to a passionate Montrealer, Quebecer, and Canadian, a lady who understood better than most the hard work in constructing the infrastructure for that vision. Senator Dalia Wood, who wished for nothing more than respect, tolerance and a level playing field, would accept nothing less.

We wish Dalia well and express the sincere hope that she will enjoy peace of mind and improved health in the weeks and months ahead.

Hon. Joyce Fairbairn: Honourable senators, I, too, rise to pay tribute today to Dalia Wood, a long-time friend and colleague who has participated in the work of this chamber with spirit and commitment since her appointment 20 years ago. Dalia chose to retire this week because of continuing ill health. She described it as the most difficult decision she has ever made, and I can believe that. She loved this place. It was the focus of her life, just slightly behind her family and her beloved husband, Norm, who, in addition to his pride in Dalia, was also the most enthusiastic Canadian patriot I believe I have ever met.

Dalia consistently tried to get beyond the severe pain and difficulty of movement that she endured as a result of an accident a few years ago, and the complications which followed it. Her inability to do so in such a way that would permit her to maintain her high level of participation, both in this chamber and the committees in which she was active, drew her to the conclusion that it was time to leave.

She takes with her a great spirit based on common sense, and she leaves with us a challenge to stick to our values and our principles and defend with passion the unity of our country and the equal opportunity for all our citizens wherever they live, wherever they came from, whether English- or French-speaking.

Dalia came here as a businesswoman from Montreal who was a fierce fighter for maintaining the rights of anglophones in Quebec. She remained a strong and outspoken Liberal, and during the 1970s, she served as the president of the federal Liberal Party in Quebec and president of the Liberal riding association of Mount Royal, whose member of Parliament was Prime Minister Pierre Trudeau.

Dalia was not a passive president and never hesitated to come to Ottawa to give Mr. Trudeau his marching orders for the riding or any other topical issue that was on her mind. In the aftermath, I often reflected on her visits. She did not change in her years in this place. All of us knew exactly what Dahlia thought, and she was consistent in delivering those messages in this house. She did not mince words.

As has been said, Dahlia served on a number of Senate committees: Internal Economy, Health, Welfare and Science, Transport and Communications, and the Library of Parliament, but her unwavering priority was directed to those involving official languages. She chaired the Standing Joint Committee on Official Languages and served on a Special Joint Committee on Official Languages in the early 1980s, and the Special Senate Committee on Bill C-72 on the Official Languages Act, which lasted from 1986 to 1988.

Her most recent task was on the special joint committee to amend the Constitution, with changes to the Quebec school system on the question of denominational rights. She wanted this house to use its six-month suspensive veto on constitutional amendments so the resolution could be discussed further before a final decision was made. Her issue was the protection of minority rights in Quebec, and she spoke out strongly on behalf of the thousands of citizens who had written to her about their concerns.

I end this tribute to my friend by quoting from her maiden speech in the Throne Speech debate, May, 1980, just before the provincial referendum which asked Quebecers to decide a convoluted question on sovereignty association. She said:

> Honourable senators, in less than two weeks I will be afforded the chance to decide whether I want to remain a Canadian. Up till now I have been a Canadian without having to make a choice. Today the opportunity is given to me to express my thanks to Canada for having granted citizenship to my parents and grandparents. I now find myself in a position similar to the one they were in; that is, to make a choice as to which country I want to live in for the rest of my days. My choice must be Canada....
>
> What I want is to remain both a Canadian and a Quebecer, and I must therefore vote "no" in the referendum.

Those words, honourable senators, remain a challenge to all of us. I hope that, in the years ahead, Dalia Wood will find new ways to raise her voice in continuing her battle for individual rights in a united Canada.

I thank her for her work here in the Senate, in the province of Quebec, and across the country, and I wish her many fine years ahead.

Hon. Lowell Murray: Honourable senators, on occasions such as this, the Honourable Leader of the Government frequently provides an interesting historical context for our consideration, and once again he has risen to the occasion with his reference to the now-famous letter written by Sir Wilfrid Laurier in 1891 to Edward Blake. In a moment of, I think, uncharacteristic pessimism, Sir Wilfrid feared for the future of the federation as he looked upon the fractiousness that seemed to be taking hold in various parts of the country.

The year 1891 was interesting. Sir John A. Macdonald died, and the torch then passed to the very first English-speaking Montrealer to serve as prime minister, Sir John Abbott. He was also the very first senator to serve as prime minister while sitting in this chamber.

In more recent times, the English-speaking community of Quebec has been represented by many distinguished advocates in this chamber. I do not wish to embarrass any of our present colleagues, but two from the fairly recent past who come to mind are former Senator Molson and the late Senator Goldenberg. There are others.

Senator Wood has been very much a part of that tradition. We arrived in the Senate just a few months apart in 1979, appointed, to be sure, by different prime ministers. We soon were joined in the very first joint Senate-House of Commons committee on official languages, where she distinguished herself and, later, became co-chairman from the Senate.

Senator Wood and I did not always see completely eye to eye. Regrettably, we did not see completely eye to eye on the Meech Lake accord. However, as Senator Graham and Senator Fairbairn have pointed out, she did not always see completely eye to eye with her friends and colleagues on the Liberal side, either. That was because she is a person of values and principles who has held to them stoutly and courageously throughout all her time here.

We did see very much eye to eye on the 1988 revision of the Official Languages Act, where her contribution in the debate during the committee deliberations was remarkably constructive, positive and well informed, in my opinion.

I simply did not wish to let this occasion slip by without expressing my own regret at her departure, my pleasure in having worked with her in various capacities over the years, and without expressing my respect and my admiration for her and for her work here. I wish her continued good health and a happy retirement.

[*Translation*]

Hon. Marie-P. Poulin: Honourable senators, I, as a Franco-Ontarian senator, wish to thank the Honourable Dalia Wood.

As an anglophone living in Quebec, Dalia represented the interests and the rights of minorities with passion and conviction. As a Franco-Ontarian, I, too, have the honour of representing a minority.

Honourable senators, all those who represent a minority in this country, whether from the east, the west, or the far north — or those who used to do so, including my two predecessors, Senator Desmarais and Senator Bélisle — have had, at times, very difficult choices to make.

I am convinced that Senator Dalia Wood also had to make such choices. She can leave this place holding her head high, knowing that she has made our group a better one by greatly contributing to its increased awareness of these issues. I wish Dalia a healthy and happy life.

[*English*]

Hon. Jerahmiel S. Grafstein: Honourable senators, sometimes we in Parliament believe ourselves to be the lynchpins of unity, that it is mostly due to our efforts that we keep this country together. Sometimes we forget, and this occasion gives me pause to think about the activities of other active citizens who are interested in the country as citizens, and who play a superbly active, exuberant role in keeping the country together.

When I think of citizens like that, one of the first persons who comes to mind is the late Norman Wood, the husband of Dalia Wood, who was noted by Senator Fairbairn in her comments. Norman was an exuberant activist whom I met in the 1960s, before I met Dalia. Once he found out that I was interested in matters of national unity, he would phone me regularly and urge me to take a more active role in issues. I remember receiving regular calls and notes from Norman about following the true and straight Liberal and federalist path.

It was subsequent to coming to the Senate that I got to know Dalia quite well. She and I served on the committee dealing with the amendment to the Quebec language bill. It was during that period that her fire and her exuberance was so evident. She believed strongly that the notwithstanding clause respecting section 23.1 was an unfair, unreasonable and inexplicable limitation on minority rights in Quebec. It was that proposition which animated much of our discussion in that committee.

I wish to pay tribute to Dalia. I know that the light was dimmed when Norman left her. I should like to wish her Godspeed and good health. She will be missed.

[*Translation*]

Hon. Thérèse Lavoie-Roux: Honourable senators, I would be remiss if I did not say a few words on the occasion of Senator Wood's departure. I did not know her for very long, but I got to know her best during the debate on the amendment to section 93 of the Constitution concerning Quebec's linguistic school boards.

She brought great intelligence and energy to bear in her fight to protect the rights of minorities in Quebec.

In response to her press release, I would like to tell her that I, too, am concerned about Quebec's minorities, as I am about minorities throughout the country. I will do what I can to carry on her work on behalf of Quebec's minorities.

Senator Wood, it has been a pleasure to have known you. I wish you good health. I would also like you to know that other senators will take up where you left off in addressing the difficult problem of minority rights.

I wish to thank you for your valuable contribution to our work in the Senate. I wish you a long and happy life. I have no doubt that you will find other ways in which to serve your fellow citizens.

[*English*]

Hon. Peter A. Stollery: Honourable senators, I should like to take a moment to say how sorry I am to learn that Senator Wood, for reasons of health, is leaving the Senate. I have known Senator Wood for more than 20 years. She worked very hard as a representative of her constituency in this chamber as well as in other areas of Parliament. I am sorry that she is leaving us. She is a fine woman and will be missed.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I was not aware that we would be paying tribute to Senator Wood, but I could not forgive myself if I missed this opportunity to say a few words on this public figure I have had the privilege of knowing for so long.

You may not know it but Dalia Wood has Italian blood that heated debates would bring to the surface, showing her strength of character.

Dalia Wood and I both sat as members of the Liberal Party, an affiliation I never relinquished either intellectually or emotionally. She was president of the Mount Royal Federal Liberal Riding Association in the 1970s and 1980s. Believe it or not, at the same time, she became president of the Quebec chapter of the Liberal Party of Canada, as well as secretary-general of the Liberal Party in Quebec.

I notice that my good friend, Senator Léonce Mercier, is smiling because that is when he and I met. He succeeded Dalia as secretary-general of the Liberal Party.

Dalia was never afraid to speak her mind. In her speech, my good friend Senator Fairbairn spoke of the great passion with which Dalia Wood defended the NO side in the 1980 referendum. You may recall that Dalia and I vigorously opposed the constitutional amendments put forward by Newfoundland and Quebec on the school board issue.

I continue to believe, as she does, that we made a mistake when we let ourselves be influenced by the province of Newfoundland, which deprived a minority of its rights, and then again when we allowed the constitutional amendments in Quebec on religious education.

Even the bishops were extremely naïve in exchanging a constitutional right for a government promise. That was the bottom line in the school debate in Quebec. Senator Hervieux-Payette shares my opinion on this, moreover.

Dahlia Wood is a woman of strong character. She could well write her memoirs, and I hope she will. You would learn a lot from them.

[*English*]

We would learn so much if Senator Wood were only to write her memoirs. As I told you, she was president of Prime Minister Trudeau's riding from 1971 to 1979, and then she became president of the party. She knows all the stories of that difficult period. I happen to share these secrets with her because I was president of the Quebec Liberal caucus. Every time the Quebec Liberal caucus was stuck, I was elected. I have to tell you that I was elected on a secret ballot. I never would have been elected in a public show of hands. I never understood why I was elected so often by secret ballot, but never could succeed in getting elected or getting a job, even a job on the Foreign Affairs Committee in the Senate, for which I am still waiting.

Senator Carstairs, I need some friends. I have lost my patience. I think it is a joke.

The press has not served Senator Wood well. What she did for the English-speaking minority in Quebec — and it was her right — is what all of you should do for you own minority. Senator Poulin has expressed that very well.

We need champions for various causes. What is the Senate all about? Senator Wood understood that and we shared that opinion. She told me, time and again, that senators should realize that they are here for something, not to be a rubber stamp for the House of Commons. I have no shame in saying that to them. When members of the House of Commons start talking, in my presence, about the Senate, they back off quickly because they know I will challenge them in their districts. I am ready to do it.

Senator Wood told us that the Senate has something to accomplish. We may not agree with her. Some of you may not know that she is an Italian of English-speaking education. However, when she decided she would stand up for the English-speaking minority in Quebec, no one could change her mind.

When I look at my friends Senator Johnstone and Senator Phillips, champions of the veterans, I am concerned because this has been a year of departure by senators who champion causes.

Senator Wood is a very fine, but tough, lady. You would not believe how tough she could be in a discussion. However, one can do nothing else but love her very much.

Honourable senators, I hope that we will all reflect today by saying that maybe we should all be champions of various causes. In my view, that is what the Senate is all about. If it is not, I do not know why we should painfully try to justify our existence. Yet I know that we should justify our existence. I know that we should exist, but I also know that we should champion causes. For example, Senator Whelan has championed agricultural issues. Who has been a greater champion for agriculture in this country than Senator Whelan? Prime Minister Trudeau was lucky to have Senator Whelan. Who has been a greater champion for the French-speaking minority in Ontario than Senator Jean-Robert Gauthier, who is here with us today?

My friend Senator Nolin just said that he is about to join the ranks of the independent senators. I am very pleased to hear that. He says we should break our chains of partisanship.

Honourable senators, I could go on and on about the reform of the Senate. Perhaps we should use Senator Wood's departure, and I am sure she would agree, to do something different than the Senate of the United States of America, which sits *in camera* to hear testimony from certain witnesses. Here we should do otherwise. We should some day have an *in camera* session on Canada just among ourselves. What can we do to preserve this great country of ours?

I spoke last night at the Eid festival held in Ottawa. Many people were there who I had not seen in some time, from Minister Art Eggleton to Minister Jim Peterson. The Muslim community of Canada is the biggest, fastest-growing electorate in Canada. They are a well-organized group of fine Canadians. I said exactly what I am saying here today. They want to retain their various cultures.

[*Translation*]

I, Marcel Prud'homme, want to remain true to myself. I would never describe myself as a "French Canadian and a Catholic."

[*English*]

However, that is what I am. Imagine last night, speaking to Canadian Muslims, most of them speaking English, plus their own languages. Where else in the world could this happen?

That is what Senator Wood kept saying to us. What do we do to make people understand? She is always herself and I am always myself, and we are friends. That means we are determined, and that is the definition of Canada. Be yourself, and then you can brag at the United Nations and tell the people of Kosovo what they should do. We must first respect each other as minorities at home.

•(1440)

Senator Wood has shown that she could stand against her own party. That was more difficult for her than for me; I was here alone, although I am no longer so. I do not know why they have split the independents' seats, by the way. I see senators who would love to join me on this side. I am talking about Senator Wilson.

Having covered all the ground, I should sit down and say: "Senator Wood, please come back and see us."

SENATORS' STATEMENTS

PRINCE EDWARD ISLAND

CONGRATULATIONS TO THREE INDUCTEES FOR 1999 INTO BUSINESS HALL OF FAME

Hon. Catherine S. Callbeck: Honourable senators, as we have all come to realize, small and medium-sized businesses are truly the fuel that drives the economic engines of Canada. Canadians from coast to coast are grateful to these small entrepreneurs for their weekly paycheques and for the opportunity to live and work in the greatest country in the world.

It was recently announced that three remarkable entrepreneurs would be honoured in my home province with their induction into the Prince Edward Island Business Hall of Fame. The late William "Billy" Rix, the late Robert T. Holman, and my friend Harry MacLauchlan, are the 1999 inductees into this very prestigious group.

I can truly say that Harry MacLauchlan is one of the greatest businessmen in our province today. Harry MacLauchlan developed his keen business sense very late in his life. As the owner-operator of a general store in Stanhope, P.E.I., many lessons were learned as he worked through that store as a fish buyer, wood supplier and a transporter of raw materials. Through the years, however, Harry's business empire grew through his involvement in several companies. Topping the list of these companies are Island Coastal Services, Island Petroleum Products, Island Cablevision, Commercial Properties Ltd. and H.W. MacLauchlan Ltd.

Harry MacLauchlan also devotes a great deal of his time to many volunteer and worthwhile causes. He is obviously a deserving recipient of this honour, as is the late R.T. Holman, who was certainly the leading businessman of his day. In fact, R.T. Holman stands with few peers as one of the outstanding businessmen in the province's history. He established R.T. Holman Ltd., which was the leading and largest department store in Prince Edward Island.

The success of the department store led to many other ventures for R.T. Holman, including hotel and tourist operations, shipping activities, and the export of lobsters, as well as publishing a Prince County newspaper. He was also active in the Summerside Electric Company, and a director of the Summerside Bank.

The third inductee, Bill Rix, was also an innovator, a true business pioneer. Together with the late Carl Burke, Mr. Rix started Charlottetown Metal Products, one of the first metal fabrication companies in Atlantic Canada to specialize in aluminum and stainless steel welding and fabrication. As someone who was not afraid to take risks, companies controlled by Mr. Rix undertook construction of modern fish plants in Cuba, and the design and equipping of similar plants in Europe, Africa and Australia.

Mr. Rix went on to establish breweries in both Prince Edward Island and Nova Scotia, and was involved as a director in several other organizations. These include the Prince Edward Island Development Agency, Industrial Enterprises Inc., the Export Development Corporation, and National Sea Products.

These three fine gentlemen will be inducted into the Business Hall of Fame during a gala awards dinner at the Prince Edward Island Hotel, in Charlottetown, on May 27. I know all honourable senators will join with me in congratulating the inductees and their families. The contributions of these fine men will benefit Islanders for generations to come.

INTERNATIONAL OLYMPIC COMMITTEE

ALLEGATIONS OF CORRUPTION AGAINST MEMBERS— SUPPORT FOR RICHARD POUND, DEPUTY CHAIRMAN

Hon. W. David Angus: Honourable senators, I rise respecting one aspect of the statement made yesterday by my friend and colleague Senator Atkins on the subject of the International Olympic Committee. I refer particularly to the senator's unfortunate suggestion that Mr. Dick Pound has, in some way, acted improperly and should consider resigning from the International Olympic Committee.

May I say, honourable senators, that although I have been associated with Mr. Pound for a great number of years in the same law firm, I speak today very much in my own right, and because I share Senator Atkin's belief in balance and fair play.

Mr. Pound is a most distinguished Canadian who has enjoyed an extraordinary career in a variety of fields, both in business and in public service. His accomplishments have been well recognized *inter alia* by his appointments to the Order of Canada, the Order of Quebec, and by numerous others honours bestowed upon him by virtually every country in the civilized world.

Less than a fortnight ago, he was named Chancellor of McGill University. Before that, he served for five years on McGill's board of governors.

Senator Atkins referred to fairness and a level playing field. However, I suggest his particular remarks about Mr. Pound were less than fair. Perhaps they were made in that spirit unwittingly.

To set the record straight, the complex and unique structure of the IOC was designed precisely to avoid a system of national representation. In other words, Mr. Pound is not a nominee of Canada; he serves on the IOC in his own right. The independence of the IOC allows them to make decisions in the interests of the Olympic movement, without being bound to reflect a national interest or position.

Transparency in deliberations and elections is as broad as it is long. It is more likely to lead to wrong decisions out of political or regional considerations than on the merits of a particular candidacy. For example, the U.S.S.R. bloc, in the old days, Latin American or African solidarity. Secret ballots were introduced precisely to avoid such outcomes. The Olympic world has not linked itself to a government or corporate model, and ill-considered imposition of such models will inevitably produce anomalous or inappropriate ruts.

Dick Pound has declared repeatedly in public that the corruption attempt made to him personally was not in the context of candidate cities' activities. He has made it clear that it was refused outright, and duly reported to the IOC president.

Senator Atkins made it sound as though innocence is no longer a defence. In Canada, as we know, it is a fundamental principle that one is always presumed innocent until proven guilty.

The president of the IOC, Mr. Samaranch, has stated that he does hold himself accountable for the Olympic corruption problems as well as for resolving them. The members of the IOC, including Mr. Pound, would appear to support him in that endeavour.

Honourable senators, it strikes me as a shame that a member of this chamber would suggest that a member of the IOC who happens to be a Canadian citizen and has served the Olympic movement with distinction as a volunteer for so many years — since 1983 and perhaps even before — and who has raised the influence of Canada at the highest levels of international sport, should resign over an issue which he cannot personally control.

In case Senator Atkins was not aware of it before making his statement, it should be noted that the IOC has, in recent days, imposed radical changes on the selection process for Olympic host cities. There will now be no visits by IOC members to candidate cities, no visits by candidate cities to IOC members, and a restricted selection college to make decisions or to choose finalists. In these circumstances, Canada will be playing on a level playing field, just as Senator Atkins requested.

Honourable senators, Dick Pound deserves fairer treatment and, at the very least, open minds from members of this chamber, especially considering the outstanding work he is doing presently to clean up the Olympic movement, the whole as described in the most recent issue of *Maclean's* magazine, dated February 8, which features Mr. Pound on its cover with the heading:

Saving the games — Canada's Richard Pound fights to clean up the Olympics. Why Juan Antonio Samaranch has to go.

FORESTRY

CRISIS IN INDUSTRY IN BRITISH COLUMBIA

Hon. Gerry St. Germain: Honourable senators, I rise today to speak of the continuing crisis in the Province of British Columbia forest industry, and the direct impact it is having on the lives of many British Columbians. Let me bring you up to date on the current situation, focusing mostly on northern British Columbia, whose residents have suffered and continue to suffer the most due to this ongoing crisis.

•(1450)

Three hundred thousand jobs depend directly on the forest industry in B.C., or about 15 per cent of the total employment in the province. The industry contributes about $19 billion annually to the economy of British Columbia, accounting for roughly 20 per cent of the total GDP of the province. The provincial government draws approximately $4 billion annually from the industry, which is over 22 per cent of all provincial revenues.

Thus, fellow senators, if there is a crisis in the British Columbia forest industry, there is a crisis in British Columbia, especially in rural and northern British Columbia.

The extent of the crisis is massive. In 1998, over a dozen mills closed permanently with another dozen more halting operations indefinitely, resulting in more than 15,000 lost jobs this past year alone. This year looks even worse than 1998. Twenty-eight mills — 25 in the interior and three coastal — may close, resulting in another 26,000 lost jobs in the forestry sector.

However, honourable senators, these facts and figures do not tell the complete story of how the crisis in the forestry sector has affected the people living in the northern part of our province. The spin-off effects of the mill closings and layoffs have resulted in a tidal wave effect that threatens to drown the remaining businesses in these communities.

Over the past months, I have been focusing on the impact of this crisis on one community; namely, Prince George. I have compiled a huge amount of information on how devastating the crisis has been in that area. In the past couple of months, four mills have announced closure or have closed, resulting in the loss of 2,320 jobs. The crisis in the Prince George forestry sector is also being felt in other sectors of the local economy. As a result, personal bankruptcies are up 66 per cent and business bankruptcies are up 33 per cent.

Why is this happening? There are three major reasons. The first is high stumpage rates. The second is high costs due to the severe Forest Practice Code in B.C. The third is the Canada-U.S. Softwood Lumber Agreement.

While the first two issues, stumpage rates and the Forest Practice Code, are serious impediments to the industry, both are the responsibility of the province. However, the Canada-U.S. Softwood Lumber Agreement is the responsibility of the federal government. While the U.S. has experienced tremendous growth in housing starts, the B.C. forestry sector has been shut out of the benefits of this growth. While governments want to blame the slowdown on the Asian flu, the fact is that the principal market of 70 per cent of the province's forest industry, which is located in the northern interior, is North America.

The government said this agreement would protect the industry against countervailing actions from the United States and stabilize the industry. The truth is that the government has done nothing to stop this harassment. We have to do something for British Columbia citizens, especially those in the north.

ROUTINE PROCEEDINGS

A BILL TO CHANGE THE NAME OF THE ELECTORAL DISTRICT OF STORMONT—DUNDAS

REPORT OF COMMITTEE

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

Thursday, February 4, 1999

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

EIGHTEENTH REPORT

Your committee, to which was referred Bill C-445, An Act to change the name of the electoral district of Stormont—Dundas, has, in obedience to the Order of Reference of Wednesday, December 9, 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 Rompkey, bill placed on Orders of the Day for third reading at the next sitting of the Senate.

A BILL TO CHANGE THE NAME OF THE ELECTORAL DISTRICT OF SACKVILLE—EASTERN SHORE

REPORT OF COMMITTEE

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

Thursday, February 4, 1999

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

NINETEENTH REPORT

Your committee, to which was referred Bill C-464, An Act to change the name of the electoral district of Sackville—Eastern Shore, has, in obedience to the Order of Reference of Wednesday, December 9, 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 Comeau, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

A BILL TO CHANGE THE NAME OF THE ELECTORAL DISTRICT OF ARGENTEUIL—PAPINEAU

REPORT OF COMMITTEE

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

Thursday, February 4, 1999

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

TWENTIETH REPORT

Your committee, to which was referred Bill C-465, An Act to change the name of the electoral district of Argenteuil—Papineau, has, in obedience to the Order of Reference of Wednesday, December 9, 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 Maheu, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[*Translation*]

ADJOURNMENT

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday next, February 9, 1999, at two o'clock in the afternoon.

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

Hon. Senators: Agreed.

Motion agreed to.

[*English*]

QUESTION PERIOD

NATIONAL DEFENCE

USE OF RELABELLED ANTHRAX VACCINE DURING RECENT PERSIAN GULF EXERCISE—STATEMENTS OF MINISTER ON TESTING—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, yesterday the Minister of National Defence gave two conflicting statements concerning the testing of the anthrax vaccine before it was given to Canadian troops. In the House of Commons yesterday, the minister said that the vaccine was fully tested by our medical people. Then, outside the chamber, the minister said that the testing was done by a company in the United States, but it was not the same company that did the manufacturing. The American firm Mitreteck has said that they only reviewed testing done by the company that manufactured the vaccine, the Michigan Biological Products Institute.

•(1500)

Can the Leader of the Government in the Senate tell this chamber whether or not the anthrax vaccine was tested by Health Canada, National Defence, or any other Canadian government agency, before it was given to Canadian troops? If not, was any testing done other than by the manufacturer? If the answer to both these questions is in the negative, can the minister tell us why the Minister of National Defence was not aware of this yesterday?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I understand that in response to a question in the House, the Minister of National Defence stated that Canadian authorities tested the vaccine. Outside of the House, he sought to clarify his statement by saying that, in fact, the testing had been conducted by two private firms.

Senator Kinsella: Honourable senators, the information being made available to Parliament indicates that, at the very least, shoddy procedures were in place to ensure that this vaccine was safe for Canadian troops. We are hearing, for example, that vials were relabelled. For instance, vials that had been labelled with the date of 1993 were changed to read 1998 which, if they were properly labelled 1993, would mean that the anthrax vaccine was unstable. We have also heard about problems in the lab with cleaning equipment, as well as there being mould in the samples of the vaccine, and vials not being properly sealed.

Can the Leader of the Government in the Senate please explain what measures are being taken to determine the risks our Canadian troops face as a result of receiving outdated and apparently contaminated anthrax vaccine?

Senator Graham: Honourable senators, I am not aware of any risks, and those responsible continue to insist that there are no risks.

The anthrax vaccine given to Canadian Forces personnel in the Gulf was the same as that used by U.S. forces in the region. I understand that at the request of the United States Department of Defence the manufacturer of the vaccine, Michigan Biological Products Institute, retested its stocks of the vaccine which had passed the expiry date of 1993. Presumably, Senator Kinsella, this is why you would find the difference in dates. They had passed their expiry date of 1993, but the tests which were conducted and which were monitored by an external organization found that the vaccine remained effective. As a consequence, the expiry date was extended.

To this point, no pattern of health problems connected to the use of the vaccine has emerged in either the United States or Canada.

CAPE BRETON DEVELOPMENT CORPORATION

ANNOUNCEMENT OF MINE CLOSINGS IN CAPE BRETON—CONSEQUENCES OF MEMO ON CLOSURE OF PHALEN MINE—REQUEST FOR COPY—GOVERNMENT POSITION

Hon. John Buchanan: Honourable senators, I wish to direct to the Leader of the Government in the Senate a few questions concerning Devco.

Yesterday, I mentioned in my questions on this matter that Premier MacLellan was unaware of some parts of the announcements. What he actually said was that he was not satisfied with the announcements made by the minister. When he was asked by one of the miners if was he aware or if he had been consulted about early layoffs, he replied that he had been told by the minister that there would be no layoffs for 24 months. I mention this in order to correct the record.

It was a memo from Devco which caused the miners to ask questions about early layoffs. The memo was circulated one day after the federal announcement. It stated that circumstances could develop which could lead to an immediate closure of Phalen colliery. This certainly was not what the minister announced, and it was something about which the premier was unaware.

Can the Leader of the Government in the Senate tell us if he was aware of such a memo from Devco? If he was aware of it, what are the consequences of an immediate closure of Phalen, as opposed to its closing in 24 months as was announced by Minister Goodale?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I thank the Honourable Senator Buchanan for clarifying the issue as to what was said by Premier MacLellan. As a matter of fact, if he had pursued that line of questioning, I would have asked Senator Buchanan to tell me where Premier MacLellan had indicated that he was not fully informed prior to the announcement.

Indeed, with respect to the layoffs, I think Premier MacLellan indicated that he was aware that there might be 18 to 20, or something in that order, prior to the expiration of the 16-, 18- or 20-month period.

I have been made aware of the memo. However, I have not seen the memo, which allegedly was circulated at the collieries last Friday. The circumstances which would lead to the immediate closure of Phalen would be something that is not uncommon in the very risky business of coal mining, in particular underground coal mining. I refer to a geological problem, a bump, an explosion, an accident, an incursion of water, or some other occurrence.

Senator Buchanan: Honourable senators, I agree with the minister. As he may recall, it was a rather boisterous press conference which was held last Friday in Cape Breton. There were three or four different reports as to what was said by some union members, some miners and some business people. The remark made by Premier MacLellan was that he was not satisfied with the announcements and that he was unaware of an immediate closure as stated in the memo.

Would the Leader of the Government in the Senate undertake to obtain a copy of that memo and table it in the Senate in order that we may see what Devco said. I ask this because there were reports that unless the miners continued a certain level of production, there could be an immediate closure of Phalen. Of course, that infuriated many of the miners who were at the press conference.

Senator Graham: Honourable senators, I would be happy to obtain a copy of the memo for my honourable friend. As to a possible reason for an immediate closure, I have mentioned everything from geological problems to explosions, to water seepages, incursions, or it could even be related to production.

My feeling has been that the miners are most anxious to ensure the highest levels of production possible at the Phalen mine. This would ensure that it continues operation over the period of time that it would take to get the large block of coal in what is known as 8 East out and on to the market.

However, if some other major problem occurred which would drastically lower production levels, then I am sure that a responsible management would have to take into consideration the consequences of any such action,

Senator Buchanan: Honourable senators, I certainly agree with what the Leader of the Government in the Senate has just said. There is no question that what he said may happen. It is most unfortunate that that kind of a memo would come out within hours after the federal minister was in Cape Breton to make his announcement regarding closure in 18 to 24 months, something which the premier also said.

•(1510)

In addition to that, I would make very clear — and I know you would agree with this — that production levels at Phalen will be as high as they can be, unless there is some kind of a disaster such as rock bursts and falls, because the miners at Phalen are probably the best you will find anywhere in North America, as are the miners at Prince, including, I may say, some relatives of the Leader of the Government in the Senate.

ANNOUNCEMENT OF MINE CLOSINGS IN CAPE BRETON— EFFECT OF STATEMENT OF MINISTER ON SEVERANCE PACKAGE FOR MINERS—GOVERNMENT POSITION

Hon. John Buchanan: I have another question on Devco, and it is in connection with yesterday's paper and an article headed, "Development bucks could go to miners — Goodale":

> The federal government may be willing to sweaten the support package being offered to hundreds of Devco miners, but it would be at the expense of efforts to diversify Cape Breton's economy...

That statement, of course, smacks of taking it in with one hand and putting it out with the other hand, using exactly the same money.

Was the Leader of the Government in the Senate aware of the statement made by Minister Goodale that there will be no new money for the miners themselves, that is, in their severance packages, pension packages, but that there could be a transfer of economic development money to the miners?

Hon. B. Alasdair Graham (Leader of the Government): The package is as I outlined it yesterday. I am not aware of any official discussions where the new economic development money of $68 million, or any part thereof, might be transferred to the human resources fund which would include early retirement, severance, and training.

Senator Buchanan: I will refer the Leader of the Government in the Senate to yesterday's the Halifax *Chronicle-Herald*, the first page. The minister is simply saying, and I will repeat, "...but it would be at the expense of efforts to diversify" the economy.

As you may know, Mayor David Muise of the Cape Breton Regional Municipality was the first one to make the suggestion that the $68 million be transferred to the miners' severance and pensions. His statement, as I recall it, was that it would take something in the range of about $300 million. In fact, it is here on the second page:

> Mayor David Muise of the Cape Breton Regional Municipality first made the suggestion to hand the $68 million to the miners.

I am saying that it would take at least $350 million for economic development in Cape Breton to survive after Devco.

Is the minister aware of the comments made by the very able mayor of the regional municipality who served in the Nova Scotia legislature?

Senator Graham: Honourable senators, let me go back to comments made by Senator Buchanan in his second question of the day. He referred to the quality of the miners as being the best in North America. I certainly would agree. As a matter of fact, the week before last I had three or four meetings with representatives of the United Mine Workers here in Ottawa. They met with the Prime Minister and with the Secretary of State for ACOA, Mr. Mifflin; they met with senior people in the offices of other ministers involved with the future development of either Devco or the overall economic development of Cape Breton.

The honourable senator mentioned Mayor Muise. At the request of Mayor Muise, I met with the Cape Breton Municipal Council for two hours on Thursday night. We had a very good exchange with His Worship the Mayor and with all of the councillors who were able to attend. At that time, the mayor and all of the councillors wanted to have a say in how that new $68 million fund would be spent on economic development initiatives. That was the thrust of their argument at the time. You would have to ask Mayor Muise how he went from where he was on Thursday night to where he found himself on Friday morning.

In addition to the economic development money, we have already discussed the $111 million and the pension funds. That includes $60 million towards the early retirement pension fund, $46 million for severance, and $5 million for training. The new $68 million in economic development funds would be added over four years to the average total over four years of $80 million that would be channelled through ECBC and ACOA, in addition to the $140 million over four years which would normally flow from Human Resources Development Canada through active employment measures. If you add those figures up, you will get pretty close to what we are talking about with respect to the required economic development funds for that particular part of the country.

Senator Buchanan: I am not saying everything in the Halifax *Chronicle-Herald* is gospel. You and I know that it is not. I will just repeat, so that we are both on the same playing field here:

> Mayor David Muise of the Cape Breton Regional Municipality first made the suggestion to hand over the $68 million to the miners.
>
> But Mr. Muise said Tuesday the region needs at least five times that amount in economic development, at least $350 million, if it is to survive after Devco closes.

I will just leave you with that. It was in yesterday's paper.

There is a lot of uncertainty about the severance package and the pension. I have heard three or four different comments about it, one from some miners to the effect that when they get their severance, they are not eligible for employment insurance. Is that correct or incorrect?

Senator Graham: That is a matter which would need to be worked out between the union and the management. It is part of the collective bargaining agreement that would have been signed in 1996, but I would be happy to inquire further.

ANNOUNCEMENT OF MINE CLOSINGS IN CAPE BRETON—
EFFECT ON FUTURE OF DONKIN MINE—GOVERNMENT POSITION

Hon. John Buchanan: I have one further supplementary, and it has to do with my favourite topic, Devco and the Donkin mine. We commenced the Donkin mine back in 1980 with the delineation of the coal seams in the Sydney coal fields off Donkin, and Allan J. MacEachen and the government of the day continued to work on that by financing the drilling of the two tunnels. It is most unfortunate, in my opinion and that of many others, that the Donkin mine was not completed through the early 1980s, because then we would not be in the situation that we are in today. We would have a long term plan for Devco, with a brand new mine, and Phalen could close without any difficulty. However, that is hindsight, and that will not happen as we had hoped.

What is the situation with the Donkin mine? The federal government and Devco have clearly stated that they will not do anything with Donkin. What is the latest with regard to Steve Farrell and his group taking over the Donkin seams and completing the mine?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, my understanding is that there have been ongoing discussions between Devco and Donkin Resources Limited with respect to the leases that could or could not be available.

Incidentally, I have added up the figures on my earlier suggestion that we are getting close to the economic development funds that the mayor suggested might be needed. If you take the $68 million of new funds and the $80 million which would be disbursed under normal conditions through ACOA and ECBC over a four-year period, and add $140 from Human Resources Development, it adds up to $288 million.

Senator Buchanan: You are getting there.

NOVA SCOTIA

DEBT INCURRED BY SHEARWATER DEVEPMENT CORPORATION—POSSIBLE SALE OF CERTAIN WATERFRONT LANDS HELD BY CORPORATION—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, that will require some calculations and, no doubt, some study.

May I take the minister through some more mathematics and study in dealing with Shearwater? We have been told that the mandate of the Shearwater Development Corporation will come to an end on February 8, that is, Monday of next week. The Leader of the Government in the Senate will be aware that approximately a year ago, when I asked questions about the development fund and the extent of the work that had gone on, the response of the government was that $2.6 million had been extended. Yesterday, we saw that figure rise to $2.8 million. We now know there is a $660,000 debt, taking the total to $3.5 million.

Has a deal been worked out with the province that will forestall the ending of the arrangements between the Government of Canada and the Shearwater Development Corporation next Monday?

Can the minister also tell us who authorized the continuing expenditure of funds at Shearwater if, as the government has already stated, the funds ran out a little over a year ago?

Who authorized and who guaranteed the $660,000 debt?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will try to respond to the last part of the question first. The Shearwater Development Corporation is a private corporation overseen by its own board of directors. It makes its own decisions and is responsible for its own financial obligations resulting from its operations.

With respect to the negotiations for the sale of Shearwater land that may be available, I understand that the Department of Public Works and Government Services, on behalf of the Department of National Defence, is negotiating with the Province of Nova Scotia to transfer surplus property at the site of Shearwater to the province.

Senator Forrestall: Could the minister indicate what lands are surplus?

Senator Graham: There is a considerable amount of land available. To be more specific, I would need a map. If the honourable senator and I can arrange a meeting in my office, I will be happy to show the honourable senator what excess lands are available.

Senator Forrestall: I am specifically concerned about lands on the water side of that Eastern Passage highway that dissects the base. As the minister knows, it is by far the best berthing spot for nuclear-powered vessels on the East Coast of Canada. I am curious to know whether that land is considered surplus and would be available for disposal?

Senator Graham: As the honourable senator would know, we have obligations under NATO with respect to the priority use of those particular lands and the waterfront for nuclear submarines. Those obligations will continue to be a priority.

Senator Forrestall: I gather that they are not up for sale.

Senator Graham: Not to my knowledge, honourable senators. I know that there will be ongoing discussions with the Department of National Defence, and the province.

With regard to our NATO commitments, that waterfront is primarily used for nuclear submarines when they are in that part of the world. Under no circumstances, unless there were a dramatic change with respect to our obligations and our participation under NATO, could that priority be changed. The Government of Canada is not entertaining the possibility of disposing of or selling that particular piece of land.

FORESTRY

CRISIS IN INDUSTRY IN BRITISH COLUMBIA—POSSIBLE PROGRESS ON LIMITING CANADA-UNITED STATES SOFTWOOD LUMBER AGREEMENT—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, I have a question regarding the state of the crisis in the forest industry in British Columbia. I have already tried to outline how the forestry sector, and those families reliant on the sector, have suffered in northern British Columbia as a result of the Canada-U.S. Softwood Lumber Agreement. Now even the Premier of British Columbia and the Minister of Forestry agree that the forestry sector cannot continue to operate under this agreement with any kind of success. To be fair, which I always try to be, they were the proponents of this agreement, and it is most unfortunate that the victims are not the government, not the politicians, but the people.

The Leader of the Government in the Senate has repeatedly said in this place that the Canada-U.S. Softwood Lumber Agreement was put in place to rid us of the historic protectionist actions taken by the Americans against us. Will the Leader of the Government in the Senate inform us where we are in attempting to rid ourselves of this horrific agreement that is virtually killing the province which is represented by six senators in this place and by 34 members in Parliament? Can the Leader of the Government update us on any progress that is being made to rid us of this Canada-U.S. Softwood Lumber Agreement?

Hon. B. Alasdair Graham (Leader of the Government): As my honourable friend would know, on December 16, the United States Court of International Trade upheld the U.S. reclassification of lumber with predrilled holes for wiring into a product category covered by the 1996 Canada-U.S. Softwood Lumber Agreement. Canada is obviously disappointed with that decision. I understand there was a court challenge. I also understand that the private Canadian company which initiated the court challenge will soon decide whether or not to appeal the decision.

I have had discussions with the Minister of International Trade and, indeed, I have expressed the concerns voiced on a number of occasions by the Honourable Senator St. Germain. I should say that Canada is challenging the U.S. classification of drilled studs at the World Customs Organization.

Senator St. Germain: Honourable senators, the Leader of the Government in the Senate must know that there is also a ruling expected this month on another suit launched against the U.S. by Canada under this same agreement, regarding a $600-million timber harvesting fee reduction. There is not only the question of the pre-drilled studs, but there is also the question of this reduction in harvesting fees. This is another irritating situation.

What really concerns me is that there is a bill dealing with split-run magazines in the other place, and I believe it is heading this way; it is in the process. The government is standing up and defiantly challenging the Americans on this issue, and I think this may complicate the scenario.

As the Leader of the Government in the Senate knows, I protested this move from the very beginning. Possibly, the fact that I was the Minister of Forestry in the previous administration helped me recognize that this agreement would be a killer. I have also had personal experience with quotas in the agricultural industry, and I know the problems that have arisen out of that.

Therefore, I ask the Leader of the Government in the Senate again: What progress is being made in the negotiations towards totally ridding ourselves of the agreement, rather than just appealing the ruling in regard to these pre-drilled studs?

Senator Graham: I am not aware that a definitive position has been taken by the Government of Canada to rid ourselves of the agreement. I do know that the Minister of Foreign Affairs, the Minister of International Trade and, indeed, on almost a daily basis, the Canadian Embassy in Washington are protesting these matters. The situation is also being monitored on a regular basis. Canada continues to pursue this very troublesome issue at the World Customs Organization, although the process, I have to acknowledge, is taking some time.

•(1530)

PRIVY COUNCIL OFFICE

PUBLIC DECLARATIONS MADE BY PRIME MINISTER ON ADVICE OF ETHICS COUNSELLOR REGARDING OWNERSHIP OF SHARES IN GOLF CLUB—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and it deals with a golf course. My question relates to statements made by the federal Ethics Counsellor to the effect that the Prime Minister will be required to make two public declarations about the status of his shares in a money losing golf course that he owns in Quebec.

Recent reports in the *National Post* suggest that the Prime Minister has been less than above-board when it comes to remaining true to the spirit of the conflict of interest and ethics agenda his government has attempted to advance.

As the reports in the newspaper reveal, in 1993 Mr. Chrétien sold his 25 per cent stake in the Grand-Mère golf course to a company led by a Toronto real estate developer, Jonas Prince. The deal, signed a week after the 1993 election, provided for Mr. Prince's company to make three payments to Mr. Chrétien's trust while he was in office, but the deal fell apart in early 1996.

This left the ownership of Mr. Chrétien's golf club shares, worth more than $200,000, in limbo for the past three years, as the Prime Minister's lawyer tried to arrange the sale of the shares to a new buyer or to have them returned to the Prime Minister's trust.

Could the Leader of the Government in the Senate please update us as to the status of these public declarations that the Ethics Counsellor has called upon the Prime Minister to make, and will he also advise when the Ethics Counsellor will be ordered to report to Parliament?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the Prime Minister has followed all of the necessary guidelines in this particular case. I am not aware that the Ethics Counsellor has asked the Prime Minister to respond in the manner in which my honourable friend has suggested. I know that the Prime Minister has consulted the Ethics Counsellor, and I understand that the Ethics Counsellor is perfectly satisfied with the manner in which the Prime Minister has conducted himself.

Senator Oliver: Could the Honourable Leader of the Government in the Senate indicate to whom Canada's Ethics Counsellor should report?

Senator Graham: It is obvious that my honourable friend knows the answer to his question — it is to the Prime Minister.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

NATIONAL DEFENCE—PURCHASE OF NEW MILITARY VEHICLE

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 133 on the Order Paper—by Senator Forrestall.

NATIONAL FINANCE—
VALUE OF PROJECTED FEDERAL BUDGET SURPLUS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 138 on the Order Paper—by Senator Forrestall.

NATIONAL DEFENCE—REPLACEMENT VEHICLE
FOR CANADIAN FORCES ILTIS VEHICLE FLEET

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 141 on the Order Paper—by Senator Forrestall.

ORDERS OF THE DAY

SPECIAL IMPORT MEASURES ACT CANADIAN INTERNATIONAL TRADE TRIBUNAL ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved the second reading of Bill C-35, to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act.

He said: Honourable senators, have you ever asked yourself why certain nations, for example, those of the OECD, Canada included, have been so economically successful in the modern post-war era? Why have other nations fallen behind and why have others surged ahead? Could it be that at the heart of these successful economies has been an acceptance of the practice of "due process" in trade, "rule of law" principles, and rules-based trade to govern trade and settle trade disputes? Certainly it was Canada's determination to establish independent trade dispute resolution mechanisms that so informed Canada's willingness to join the FTA and then the NAFTA. This pillar in our trade architecture is taken for granted and not fully understood. In trade, it is mechanisms of trade settlement disputes, the transparent elements of dispute resolution, that form the rationale for this bill, Bill C-35. Producers, importers and investors alike want fair, predictable rules and independent mechanisms to settle trade disputes. Canada depends on trade and, in turn, on fair trade rules.

Honourable senators, this bill proposes amendments to improve the operation of Canada's anti-dumping and countervailing duty law, known as the Special Import Measures Act, or SIMA. Amendments contained in this bill are intended to implement recommendations contained in a 1996 report from the other place on Canada's trade remedy system. The bill also includes various amendments of a technical and housekeeping nature.

Overall, these amendments will fine-tune trade law by improving the efficiency of the investigative process, increasing transparency and procedural fairness, and enhancing the system's ability to consider representations from various segments of Canadians business.

The Special Import Measures Act, SIMA, provides the legislative framework under which the government may impose anti-dumping and countervailing duties on imports of dumped or subsidized goods that are found to be causing injury to domestic producers. As in the criminal justice system and the civil justice system, there can be no effective application of the rule of law to our trading system without remedies for injuries. Where there is a law, there must be a remedy.

We must, as advocates of world trade rules, adhere to rules. Canadian investigations and measures respecting anti-dumping and countervailing duties must conform to international rules set out under the World Trade Organization or WTO.

Given the potential for anti-dumping and countervailing duties to impair the access of goods to individual country markets, the WTO sets out rather detailed obligations that must be adhered to before such duties can be imposed.

With respect to the Canadian system, the Minister of Finance is responsible for the legislation, and Revenue Canada and the Canadian International Trade Tribunal share responsibility for investigations under the law. Revenue Canada enforces anti-dumping and countervail duty orders at the border.

Before addressing the key elements of this bill, I should like to provide some background on SIMA and the other place's very comprehensive review of this law.

The enactment of the Special Import Measures Act in 1984 represented a consolidation and modernization of Canada's trade remedy laws. It also implemented rights and obligations found in the Tokyo Round agreements on anti-dumping and subsidies and countervail. Canada has been a strong advocate to protect domestic players from unfair dumping subsidies or countervail.

Since that time, SIMA has undergone some refinements as a result of the FTA, NAFTA, and further multilateral negotiations. However, until the recent review, this law had never been subject to a comprehensive domestic review to assess its overall effectiveness and fairness. Given this, in 1996 the Minister of Finance requested the Standing Committees on Finance and on Foreign Affairs and International Trade of the other place to jointly review SIMA to determine whether it continued to meet the needs of the Canadian business community.

Two subcommittees were struck to undertake this work. They held extensive public hearings and conducted deliberations on both policy and procedural elements of SIMA. This work was marked by a high degree of cooperation among members of the subcommittees, and a strong consensus was achieved on the main elements of the report.

In summing up the main objective of the review, the subcommittees noted:

> The main question we address is whether the current law adequately serves those firms that are being injured by dumped or subsidized imports, as well as those domestic interests that may be adversely affected by anti-dumping and countervail duty actions.

In short, honourable senators, they sought to establish whether the balance struck in 1984 between those interests continued to be appropriate in the economic situation of the 1990s. On this, the subcommittees came to the conclusion that the law continues to protect Canadian producers from injury, while limiting collateral damage to consumers, other Canadian manufacturers and importers.

With this general assessment, the subcommittees then went on to classify areas where SIMA could be fine-tuned in order to improve efficiency and make it more responsive to Canada's economic needs.

The government responded positively to the subcommittees' report, and it is the implementation of their recommendations that you have before you in Bill C- 35.

As this bill represents the first time that the government has had the opportunity to undertake a comprehensive review, it also contains, as I noted earlier, several amendments of a technical and housekeeping nature aimed at clarifying existing provisions in the law.

The key changes in this bill include: rationalizing the investigative functions of Revenue Canada and the Canadian International Trade Tribunal; enhancing procedural fairness and transparency by harmonizing the way in which Revenue Canada and the tribunal treat the disclosure of confidential information; establishing new penalty provisions to deter any unauthorized disclosure or misuse of confidential information provided in the context of SIMA investigations; allowing expert witnesses to play a much more effective role in tribunal inquiries; improving the provisions that allow for the Deputy Minister of National Revenue to accept an undertaking from exporters to raise prices as an alternative to the imposition of anti-dumping duties; requiring the tribunal to cumulate the injurious effects of dumping or subsidizing from more than one country; and clarifying the conditions under which the tribunal can consider issues of a broader public interest and the very nature of the recommendations the tribunal may make.

•(1540)

The housekeeping changes clarify existing provisions of SIMA and the Canadian International Trade Tribunal Act to better reflect current practices.

Honourable senators, the discussions that took place in the 1996 parliamentary review of SIMA reflected the changes that have taken place in the structure of the Canadian economy since the law was first established in 1984. The changes reflected in Bill C-35 will ensure that the Special Import Measures Act remains a strong trade instrument that truly protects Canadian producers injured by dumped or subsidized imports, while minimizing costs to other producers and consumers when the public interest calls for such action.

These amendments will also strengthen and rationalize Canada's trade remedy system so that it responds to new economic circumstances and evolving trade rules. Bill C-35 is not controversial but essential as we continue to modernize and make more effective and efficient trade rules.

Bill C-35 has broad support from Canadian industry. Rules-based trade is not only fair and efficient, it demonstrates to developing democracies and transitional economies that fair trade in the short and long run is the best trade.

The origin and the development of the common law, from Coke to Mansfield, to a large measure evolved around commercial rules of commerce. The rule of law that has been the icon in democratic development emerged out of commercial rules of law. This bill is another small but important paving block on the road to a fair world trading system. I therefore urge honourable senators to pass this measure with the Senate's usual careful and efficient dispatch.

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

CANADA CUSTOMS AND REVENUE AGENCY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Pépin, for 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.

Hon. Lowell Murray: Honourable senators, I oppose this bill in principle for many of the same reasons that led me last November to vote and speak against Bill C-29, the legislation that created the Parks Canada Agency.

Under this bill, Revenue Canada, now a department of government like any other, will be hived off as some kind of special operating agency. The relationship between this proposed new agency, with its chairman, its boards of directors, its chief executive officer and deputy CEO on the one hand, and the minister, the government and Parliament on the other, cannot but be different from what it is now.

The 44,000 employees of Revenue Canada are now to join the 20,000 employees of Parks Canada in some kind of never-never land, half in and half out of the government.

Our friend the Deputy Leader of the Government, who sponsored this bill in the Senate, pointed proudly to the business and professional associations that support the bill. Indeed, I took the trouble to read their testimony at the House of Commons committee. They were, and are, supportive. Most of them had been consulted in one or more of the elaborate consultation processes undertaken by the government in respect of this bill. Many of them had been involved in the design of the new agency. Most of them are optimistic that the provinces will sign on to the new agency and allow the new agency to collect their taxes.

Was it Oscar Wilde who spoke about the triumph of hope over experience? There is not much evidence that the provinces will sign on. The only thing the government seems to have to show for many months of stroking and palaver is that Nova Scotia is about to complete a deal with regard to the Workmen's Compensation Fund of that province. Nevertheless, the witnesses and spokesmen for the government remain supremely confident that the provinces will sign on. Their attitude recalls the line from the movie *Field of Dreams*: "If you build it, they will come."

The substantive arguments that are put forward in favour of this bill are two in number: First, the new agency will reduce overlap and duplication by bringing the provinces on board. Second, improvements in productivity and efficiency will be realized.

Even if the provinces are willing to come on board and have their taxes collected by Ottawa, there is no reason why Revenue Canada cannot do this as it is now constituted. Likewise, for improvements in productivity and efficiency, why can these not be realized within the present organization of Revenue Canada? Is it necessary to uproot Revenue Canada from the government and public service community in order to achieve these objectives? The answer is clearly "no," on the basis of the lack of evidence that has been presented by the government to date.

Let us get down to facts. They want to create this new agency so that Revenue Canada can get out from under the inconvenient restraints of the Treasury Board, the Financial Administration Act, the Public Service Commission, the Public Service Staff Relations Board, the Federal Real Property Act, the Public Works and Government Services Act, and goodness knows how many other institutional constraints that now apply to government departments. Revenue Canada will get out from under these constraints, as Parks Canada got out from under theirs in November, and as NAV CANADA, the air navigation agency, got out from under theirs prior to that.

What is it that we are doing here? The point I make was reinforced before the House of Commons committee by a witness whose name will be recognized by many colleagues, Mr. Art Silverman. Mr. Silverman, also a supporter of the bill, appeared on behalf of the Certified General Accountants Association of Canada. His name will be recognized because he is a former administrator of the House of Commons and a former deputy minister in the federal government.

•(1550)

I would quote a few sentences from what Mr. Silverman said in answer to a question put by a committee member. He said:

> The changes being brought about by Revenue Canada are basically changes that are saying: we can't work within this environment; the environment of the regular public service doesn't work for us, and therefore we have to seek another solution.

Mr. Silverman went on to state:

> And the question is why? What about all of those who don't have the opportunity to seek another solution? The employees who are going to be affected by the change are extremely nervous about it....
>
> So the question remains why? Why is this the solution? But apparently it is the only solution available at this time.

Mr. Silverman's answer is the same response that was given by ministers and public service spokesmen regarding this bill; and it is a cop-out. We must not accept that answer. If the constraints of Treasury Board, of the Financial Administration Act, of the Public Service Commission, of the Public Service Staff Relations Board, of the Federal Real Property Act and the other statutes that I mentioned, are unreasonable in the context of our parliamentary democracy, then let us address those constraints. Tell me, what will be the next department of government that seeks to set up a separate shop in order to get away from the constraints that Parliament, in its wisdom or otherwise, has imposed on public administration in this country? This is a cop-out, and we should not allow it.

There seems to be a lack of will or a lack of ability in the system to change those administrative requirements that may have become outmoded, or perhaps it is that the constraints to which I referred are simply inconvenient and that the criticism that is made of them cannot be justified in the context of our parliamentary democracy. In any case, let us have it out on the table. It should not be possible to have to resort to a hybrid operation at some distance from the government and Parliament. They should not be allowed to get away with it.

Honourable senators, I believe that ministerial authority, responsibility and accountability for Revenue Canada will be weakened. As with Parks Canada, the minister will be able to acknowledge and accept public responsibility for the agency when it is convenient for him to do so, and to keep his distance when it is not.

As an example of this, need I mention the authority of the agency to impose user fees? Now, they will tell you, and correctly so, that they will have to follow the same process to impose user fees as they do now. However, honourable senators, this arm's-length arrangement in terms of parliamentary appropriations to the agency will be such that, when the Minister of Finance or his colleagues want to shave some expenses — as they always do — the temptation will be very great to say to Revenue Canada: Go impose some more user fees on your clients.

We are all "clients" of Revenue Canada now — or perhaps even "stakeholders," the other current buzz word.

The temptation will be great to give them permission to charge user fees. The additional costs thus incurred and the additional taxes thus imposed under the guise of user fees will not show in the Finance Minister's books and, of course, need never be approved by Parliament.

As for Parliament, be assured that the liturgy is preserved. The corporate plan will be tabled. Annual reports will be tabled. There will be a mission statement — no doubt about it; a mission statement will be tabled. I will come to that in a moment. Yes, a parliamentary review will be conducted within five years of the creation of the agency, but the distance between the responsible minister and the agency will be wider, and Parliament's ability to hold them accountable all the weaker.

There was a time, honourable senators, when a scheme of this kind would not have survived examination by politically sensitive ministers and certainly not by a caucus conscious of the prerogatives of Parliament in our public administration. Now, however, Parliament, especially the House of Commons, is becoming a shell, a form without substance.

Before I sit down, I have a suggestion to make if we must accept the inevitability of the passage of this bill. I found on reading through it that the bill that passed second reading in the House of Commons and went to the committee had in it a stipulation that the headquarters of the agency must be located in the National Capital Region. The House of Commons committee in its wisdom amended that provision to read that the headquarters of the agency is to be located somewhere in Canada as determined by the Governor in Council.

Now, I say to my friend, the Leader of the Government in the Senate, here is your chance to do something for Cape Breton.

Hon. Senators: Hear, hear!

Senator Murray: Cape Breton has always needed permanent, year-round jobs, and there is nothing more permanent or year-round than the collection of taxes. I seriously suggest that moving the headquarters of an agency such as this would be a very constructive step. You would be putting jobs directly into Cape Breton to replace the jobs that you are taking out by your decision to shut down Devco.

There is ample precedent for this. Some years ago when we closed the air force base at Summerside, which was the mainstay of the Summerside economy, my present seatmate, Senator Phillips, rose to make just such a suggestion and, as a result, the Mulroney government located the GST centre in Summerside.

Hon. Senators: Hear, hear!

Senator Murray: I have always felt that, because of his initiative, the GST centre ought to be named the Orville Phillips GST Centre — Centre TPS Orville Phillips.

I am not sure that my friend would want to have his name associated so closely with the GST, but it was an initiative in which he played a leading part, and which has placed 700 good jobs in Summerside.

In this day of high-tech communications and all the rest of it, the location of such an agency headquarters is quite immaterial. I say to my friends opposite, if this bill must go through as it is and you will set up this agency, take advantage of the amendment that was made to this bill by the House of Commons committee and locate the headquarters of your agency in Cape Breton.

•(1600)

Hon. David Tkachuk: I have a question for the honourable senator. In the west, we used to think that all of the money flowed east. However, we did not think it would be flowing that far east, senator.

With regard to user fees, what services does Revenue Canada provide for which they would be charging a fee?

Senator Murray: Honourable senators, Revenue Canada is a collector of taxes, as you know, and also of customs duties, and so forth. You might have the great pleasure of paying a user fee to them when you cross a border, or when you file a return for any purpose. Revenue Canada also administers benefits for a number of government departments in respect of which they might be able to collect a user fee of some kind. I do not know exactly how this would work, but I think you need no assurance, as a person of experience, that the fertile imaginations of the advisers of the government will not be found wanting in terms of finding ways and means to impose user fees for their "services."

On motion of Senator Cools, debate adjourned.

INSURANCE COMPANIES ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Moore, for the second reading of Bill C-59, to amend the Insurance Companies Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before commenting on the bill itself, I wish to speak of certain events relating to it which took place on December 10, the day the Senate adjourned for the Christmas holidays. I do so for a number of reasons, not the least of which is to refute categorically a statement made by the chairman of the Senate Banking Committee to the effect that I was responsible for Bill C-59 not being passed in this place on that very day.

Until nine o'clock on the morning of December 10, no one on our side knew much about Bill C-59 except that it had been given first reading in the House of Commons on November 30. Without warning, my office, as well as that of a number of my colleagues, started receiving telephone calls from members of the government and their staff, and from executives of life insurance companies and their representatives, all urging swift passage of Bill C-59 before adjournment that day.

The fact that we had not even seen the bill, that no briefing notes had been forwarded, either by the government or the life insurance companies, was dismissed as irrelevant. The fact that the bill did not even appear on the end-of-the-year wish list of the leadership of the government in the Senate was not considered pertinent.

As a matter of fact, when the Speaker asked, following first reading, when the bill was to be read a second time, the Deputy Leader of the Government replied "two days hence." No senator, no member of the Banking Committee, including its chairman, asked for leave to proceed with second reading forthwith. The sense of urgency expressed outside the chamber by the government was totally ignored by its representatives within.

Overriding any basic consideration for our responsibilities as a Senate, we on this side were told repeatedly that all parties in the House of Commons had agreed to pass Bill C-59 in one sitting, and that the Senate should simply follow suit. When it was pointed out that had the Senate responded that way in the past, much-flawed and even contested legislation would have resulted, the reaction was, to say the least, mild irritation at being given a basic lesson on the role of the Senate.

In the afternoon, my office received a call from a *Globe and Mail* reporter asking for a reaction to his having been told by Senator Kirby that, despite the fact that all Conservative members on the Banking Committee favoured the bill, I was responsible for holding it up. Three of our committee members were in the chamber at the time, and each denied any knowledge of the bill, or even having seen a copy of it. They agreed that whenever the subject of demutualization was brought up in committee, Conservative members gave unanimous support to the concept, a support found as recently as in the committee's analysis of the MacKay task force report. However, that cannot be interpreted as giving approval to unseen proposed legislation intended to implement that concept.

I then asked Senator Tkachuk, as deputy chairman of the Banking Committee, to telephone the *Globe and Mail* reporter and set the record straight. For the record, I will read the pertinent part of the article which resulted and was printed the following day. The headline of the article by John Partridge is "Life insurer bill stalled in Senate." It reads:

> The bill was introduced into the House of Commons only Nov. 30, but, with the support of all four opposition parties there, was dealt with rapidly and sent up to the Senate yesterday morning.
>
> Liberal Senator Michael Kirby, chairman of the Senate banking committee, said all the Tory members of the committee had agreed to give unanimous consent to speed the legislation through. However, Senate opposition leader, John Lynch-Staunton, a Tory, had balked, Mr. Kirby said. "It's extremely unfortunate."
>
> Mr. Lynch-Staunton could not be reached.
>
> But Tory Senator David Tkachuk, the committee's vice-chairman, denied there had been "concurrence" among the committee members about "ramming...

— the bill —

> ...through in a day." He blamed the Liberals, saying they had "mismanaged" the demutualization bill and that if they had introduced it sooner, the Senate could have dealt with it in time.

This being said, in the end one cannot ignore the will of the elected house, as we have stated repeatedly on this side, particularly when we were in the majority following the 1993 election. Of the hundreds of government bills which have been on our Order Paper since then, we have deliberately and successfully held up only two, which, in the opinion of many, and not just in this chamber, were clearly unconstitutional. Many others have been subjected to delay, suggestions for improvements, even amendments, but none was, in the long run, turned down, again out of respect for the wishes of the elected representatives.

In his excellent presentation in support of Bill C-59, Senator Kroft noted that the bill had been passed expeditiously in the House of Commons with all-party support. Usually debates and committee hearings in the other place are helpful in gaining a better appreciation of proposed legislation, so it was with anticipation, in view of the unusual unanimity surrounding Bill C-59 there, that I consulted the Commons deliberations on it.

Senator Kroft was half right. Expeditiousness implies speed and efficiency. In its approach to Bill C-59, the House of Commons abandoned efficiency in favour of speed. The entire proceedings are found on page 11129 of the December 10, 1998 Commons debates. A page in that publication is made up of two columns, each of which is 21 and one-half centimetres, or eight and one-half inches in length, and nine centimetres or three and one-half inches in width. The entire space taken up by the deliberations on Bill C-59, including the heading, is eight and one-quarter centimetres, or three and one-quarter inches in length, or less than half a column. It can be summarized as follows: The Leader of the Government advises the Speaker that there is unanimous consent to adopt without debate a motion "that Bill C-59 ...be now concurred in at report stage, and be now read a second time and a third time and do pass."

The Speaker asked for unanimous consent. "Agreed," is the reply. He then asked whether the motion is adopted. "Agreed," repeat some honourable members — and that was it. There was no ministerial statement, no official opposition reply, no comments by any other opposition party, no committee hearings, no report, no Committee of the Whole, no witnesses. In fact, there was no debate except for one word, "agreed." repeated twice by "some honourable members." Honourable senators, how many honourable members the word "some" implies is, for those who give so much importance to Senate attendance, unfortunately not available.

I can think of no other government legislation, including emergency bills, at least since I have been here, which has been dealt with with such extraordinary haste.

•(1610)

One would naturally conclude that the reason Bill C-59 was passed this way is that it is simply routine and easy to understand, or that it was urgent that it be passed before some important deadline. However, such is not the case. Bill C-59 is a series of amendments to the Insurance Companies Act, amendments which, when read by themselves, are not that clear on their purpose and impact, as one needs the act it amends to get a clear understanding of what they are all about. No deadline is found anywhere in the bill. While the other place did not bother even looking at it, let alone seeking explanations so that we here could have the benefit of them to guide us in our deliberations, I trust that we will not be so delinquent in our duties.

As Senator Kroft pointed out yesterday, this bill affects about 2 million Canadians who, by accepting demutualization, will be offered some $10 billion in shares and cash. In addition, millions of policyholders outside Canada will also be entitled to vote to change the corporate structure of the life insurance company with which they have a policy and then benefit financially as a result of a change.

To those who maintain that the Senate should follow the example of the other place and dispose of Bill C-59 with the same indecent haste, let me just say this: While we have many differences of opinion here, we do agree on some fundamentals, one of which is that no proposed legislation leaves here without thorough analysis. Were the Senate to take any other course, there would have been some pretty questionable laws passed by Parliament, especially since 1993 when the Official Opposition in the Commons instead of acting as a government in waiting, which is its historical role in a parliamentary system, limited itself during its term to pursuing its policy of dismantling the federation, while the current one emphasizes regional discontent, both real and imagined.

Once again, we are being asked to do double duty because of negligence in the other place. That is to say, we are being asked to approve a bill without the benefit of the input of the Commons, as well as introduce sober second thought which is our fundamental role. Many in the Commons will be upset by our acting as parliamentarians in their stead. No doubt, the usual invectives intended to camouflage their dereliction will be hurled our way by the usual shrill voices.

As for Bill C-59, of course we support demutualization and trust that the proposed amendments give full protection to policyholders and full value should they approve to convert their carrier into a stock company. This can only be confirmed through committee hearings which must involve, among others, the Minister of Finance, the Superintendent of Financial Institutions, and senior executives of the four major life insurance companies affected by the proposed amendments. Representatives of policyholders should also be invited to appear.

This is another bill, by the way, where much of its implementation is governed by regulations, a growing practice that preoccupies and disturbs more than one colleague here. Perhaps there is justification in this case, if it can be shown that the process of demutualization, once accepted, is subject to non-controversial technical steps which are strictly of an administrative nature.

Let me quote one clause of the bill which certainly requires some explanation:

> (4) Subsection 237(3) of the Act is replaced by the following:
>
> (3) A regulation made under subsection (2) may provide that the Superintendent may, on such terms and conditions as the Superintendent considers appropriate, exempt a company from prescribed requirements of that regulation.

This may well refer to routine, even petty, matters, but how are we to know unless a question is asked of those who are favouring the bill? The committee might want to consider an amendment requiring that regulations be tabled in both Houses before they become effective. Certainly, the Superintendent of Financial Institutions, who is given great latitude under this bill, should be required to report annually on the actions he has taken pursuant to Bill C-59.

There is also a provision that senior management is not entitled to shares or stock options until one year after the shares have been listed on a Canadian stock exchange. I wonder why, for as far as I can recall, this restriction was not in any legislation allowing privatization of Crown corporations, such as CN. Why introduce it in this case? In any event, does this mean that directors who are policyholders will not be able to get any financial advantages from demutualization at the same time as other policyholders?

From the legislation we know that policyholders will be entitled to vote on the proposal, but will each share that is distributed have voting rights? Will all policyholders be treated similarly and fairly? The fairness aspect is left to the superintendent to determine. What criteria will be applied to determine the fairness of the demutualization proposal?

It is also important to know how demutualization in Canada will be received by the regulators in the United States, especially in the State of Michigan, which is the state that the insurance companies most likely to demutualize have used as their state of entry into the United States. An invitation to the appropriate Michigan authorities to appear before the Banking Committee would certainly be in order.

Finally, there are inevitable tax consequences, particularly for those receiving income-tested benefits who decide to sell their shares. Proceeds will be considered income, and unless an exemption is legislated, may result in a reduction of benefits.

Honourable senators, our task would have been made much easier had the other place engaged in a serious debate on Bill C-59 instead of rushing it through with the same word repeated twice in less than two minutes, if that. With all the criticism directed at senators, how ironic that it is the appointed body which once again is left to assess in depth important legislation, as the elected body no doubt in this case felt it more important to meet holiday travel plans than to spend time protecting the interests of 2 million Canadians. This the Senate will do, both here and in committee. Any squealing from the other place will only confirm that at least one house of Parliament respects the responsibilities entrusted to it under the Constitution.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I wish to say a few words on this matter. I believe that Bill C-59 will proceed today to committee. I hope, as does Senator Lynch-Staunton, that the bill will be given thorough investigation, study and debate in the Banking Committee, the kind of study and debate that both Houses of Parliament should provide to any piece of legislation.

I also want to make it clear on the record that any negotiations with respect to Bill C-59 which took place between the leadership on both sides were thoroughly honourable. There was no intention on the part of the other side to delay this matter in a way which was other than the most responsible form of delay.

In my view, the remarks that have been made in the media are extremely unfortunate. I hope they will not in any way endanger the relationship that I have with the deputy leader of the other side because we have had an honourable relationship. I hope it will continue to be so.

Hon. Donald H. Oliver: Honourable senators, I rise to speak to Bill C-59. This is a fairly straightforward piece of legislation. It seeks to amend the Insurance Companies Act in order to allow mutual insurance companies to become stockholding entities. The bill has only 10 clauses. They include amendments governing the application by mutuals to the Minister of Finance for permission to convert, requirements for a special meeting of policyholders to vote on any proposal to demutualize, and directions concerning the role and responsibilities of the Office of the Superintendent of Financial Institutions in ensuring the honesty and transparency of the conversion. The bill also restricts the number of shares that can be held by any one individual in a converted company. It prohibits officers, directors and employees from benefiting from demutualization.

At first blush, it appears that this bill is supported by pretty well every one. Even the NDP professed to be on side. Not surprisingly, the big insurance companies are in favour. The president of The Manufacturers Life Insurance Company goes so far as to say that he cannot find anyone who opposes demutualization. As a result of this apparent unanimity, we here in the Senate are expected to rubber-stamp this bill and let the insurance companies get on with their business.

•(1620)

Well, I do not want to rain on anyone's parade, but I do not much like the idea of rubber-stamping, and I like it even less when interest groups try to pressure us into doing it. They did it before Christmas with this bill, and they are doing it again now. To my mind, if this legislation is as solid and beneficial as its supporters would have everyone believe, then they should have no hesitation in allowing us to examine it properly.

I have a number of questions that I would like to ask, and I think they are questions that should be asked before we are called to a final vote. The insurance companies tell us that this bill is critical to their futures. They talk about the increasing pressures of globalization and their need for new and bigger sources of equity capital. To entice us, they predict that 10,000 to 12,000 new jobs will be created in the first 18 months following demutualization, and they claim tax revenues will increase by over $1 billion.

If this should fail to grab your attention, they point out that that demutualization will be the largest payout of money in Canadian history: $10 billion dollars being distributed to 2 million people, a windfall of approximately $5,000 for each person. Then comes the clincher, again from the president of Manulife, who says:

> I can't imagine that politicians would want to stand between the public and all the money that they are entitled to.

I certainly do not want to be accused of standing between Canadians and their money. I am sure none of us here would. However, I think we have a duty to carefully study this bill and to make some pertinent inquiries. It is our job to make sure it is the best that it can be, and that it does not unduly harm the interests of those who would be most affected by it. By "those" I mean the policyholders of the four companies that want to demutualize. After all, these people are, at least until demutualization takes place, the actual owners of these companies.

Over the weekend, I read the testimony of the Secretary of State for International Financial Institutions before the finance committee of the other place in December last. I must say I was somewhat surprised at his performance. What surprised me was the superficial nature of many of his comments. It was as if he was merely going through the motions. For instance, he was asked why the insurance companies are so hell-bent to get this bill through Parliament. In reply, he said that it was because they were, "anxious to get into the 21st century." They wanted to compete globally and do mergers. A little later, he said since it is such a good news story, why wait? Why indeed?

The secretary also claimed that the policyholders were in favour of the changeover, so the companies were under pressure to get moving on the issue. When his bluff was called and he was asked for some hard numbers, he had none to offer. All he could do was point to a few company-sponsored public information events. Finally he was asked what policyholders would get out of becoming stockholders, apart from a few shares. His answer was something like, well, maybe they will be more efficient so people can get cheaper insurance.

I do not wish to be unduly harsh on the secretary. Perhaps he was having a bad day or was just tired of talking about the bill. Nonetheless, his remarks did little to reassure me that this legislation has been thoroughly and properly debated.

Let me say right off that I am not opposed to demutualization. I repeat: I am not opposed to demutualization. Some of our mutual life insurance companies were stock companies before, so I certainly see no reason why they cannot be again. However, it has been suggested that the changeover will be problem-free. I cannot agree. I just cannot believe that there is no down side to this, no disadvantage, and that we should just pass the bill and be done with it.

Changeovers like these are expensive. The companies will need advice from investment bankers, lawyers, accountants, and actuaries. This will not come cheaply. These changeovers will also take time, time during which management's attention will not be focused on the interests of the policyholders.

There is also the possibility of costly litigation. Unhappy policyholders could sue over any number of issues, from who is eligible for money to how the money is going to be divided up or why some policies are worth more than others. There are the obvious risks that will be taken as insurance managers shift to becoming entrepreneurs. They will make mistakes, and those mistakes will cost money.

There is also the conflict of interest that will develop between the demands of shareholders who want a good return on their investment and those of the policyholders who want value and security. To my mind, this is potentially the most divisive issue to come out of demutualization, and if not that, then it will be the whole question of taxation.

For reasons known only to itself, the government has decided not to offer any special tax concessions to people receiving demutualization benefits from the insurance companies. For example, when someone who takes these benefits in the form of shares sells these shares, he or she will have to pay capital gains and add 75 per cent of the price they receive to their taxable income. In concrete terms, this means that a person who receives 5,000 worth of shares and who disposes of them when they have doubled in value will have to declare $7,500 of additional income for that year. As a result, two things could happen. First, they could be pushed into a higher tax bracket, and second, the additional revenue could activate the clawback provisions included in the GIS and OAS child tax credits and any other income-tested programs from which persons might benefit. Some of these, as you all know, reach as high as 50 per cent.

Those who decide to take cash instead of shares, or who opt for such things as policy enhancements, will face a similar situation. The government will treat their benefits as ordinary corporate dividends from a Canadian corporation and tax them accordingly. As in the case of share disposal, this could push them into a higher tax bracket, and it could activate all of the clawback mechanisms I just mentioned with the exception of the GIS.

In both cases, these people's tax and fiscal planning schemes will be affected. I would hazard that many will have to spend even more money to hire an accountant or to pay some tax preparation firm to ensure their income taxes are done properly.

If this were not enough, the government is also telling us that its officials do not know yet what effect demutualization will have on provincial income-tested programs, so those receiving benefits there could potentially be dinged for a second time.

Honourable senators, what we have here is a problem in the making. Many Canadians will use these windfalls unwisely, and they will do so because they have been poorly informed of the consequences. They will underestimate the tax implications, for instance or, worse, be unaware of them.

None of us, not the government, the industry, and certainly not myself, know the full tax implications of this bill. We do not know, for example, how many Canadians will be facing hefty tax rate increases because of the money or the benefits that they will receive. I have seen figures as high as 200,000 and as low as 100,000. If we take the median of these two figures, we could say that some 150,000 people will end up as unhappy campers because of the passage of this bill, or, to be more correct, because of ignorance of the implications of this bill, and this number could go even higher.

In *The Globe and Mail* last month, there was an article which perhaps some of you saw about public awareness of demutualization. The big insurance companies, the same ones pushing for this bill, had a research study done on the issue. The results showed that 45 per cent of the policyholders contacted had heard nothing about the demutualization process, almost half. Despite all this, they want us to push ahead anyway and adopt the bill.

The insurance companies tell us that they have been making efforts to inform their customers. They have set up internet web pages with information about the demutualization process, and they have encouraged policyholders to contact them if they have questions. However, the problem, I am told, is that the information being offered contains only good news about the proposal. This is hardly of much use to people who want to make an informed decision.

The companies have also held some public meetings, as I said a few moments ago, and I understand there has even been some advertising, but again you must wonder, given the poll results I just mentioned, just how effective these are. After all, how many seniors, or anyone else for that matter, surf the Internet looking for insurance company Web pages?

It would be interesting to know how many of the 2 million policyholders have actually been reached. I would be curious to see what kind of information they have received and if they have understood it properly. According to the bill before us, companies wishing to demutualize will have to send eligible policyholders enough information to allow them to make what is termed "a reasonable judgment" about the plan. However, we are not told what kinds of information. This, too, is an issue which should be explored further before this bill is voted on the final time. It is simply unacceptable that 2 million Canadians be allowed to walk blindly into this situation, ill-informed of the possible consequences.

Honourable senators, we hear a lot of talk about the importance of policyholders in this whole process. Policyholders will be the final arbiters of the plan to demutualize; policyholders will be the authors of their own destiny.

I must say that if not sophistical, I find such statements disingenuous at best. Demutualization is and always has been a management-driven issue. One need only talk to any insurance executive or consult any newspaper article on the subject to confirm this. Everyone talks about policyholder control in mutual companies, but logic alone tells us that this is little more than a happy fiction and that in reality management exercises the real control.

I mention this because I have so far seen no indication of voting requirements. What is to be the minimum number of policyholders necessary for a vote to be deemed legitimate? Who will decide on the number? Will it be management, or some sort of independent authority?

The Secretary of State for International Financial Institutions said before Christmas that when Prudential demutualized in the U.S., only 10 per cent of the policyholders were required to cast a ballot. That is hardly what I would call representative or legitimate. In Canada, it has been suggested that two-thirds of the

total votes cast would be an acceptable figure. That hardly seems much better. Would two-thirds of a few thousand votes out of 2 million be credible? Perhaps someone on the government side could enlighten us.

I wish to make one last point, and that concerns what — for lack of a better word — I would call the "fate" of the policyholders who will be asked to vote on demutualization. I realize this is somewhat beyond the scope of this bill, but I would ask your indulgence, as it completes the circle of what I have been saying here today.

When the Sun Life Insurance Company came into being, 100 per cent of its business was life insurance. Today, if you add together all of the different types of individual and group insurance the company sells, it only amounts to 13 per cent of the total. The other 87 per cent is made up of investment management, retirement savings, mutual funds and so on. Although I do not know for sure, I assume that the other companies are in a similar position.

Within the mutual insurance world, policyholders hold a privileged position. This privilege is based on the fact that it is their money, in the form of annual premiums, that provides the bulk of the insurance company's capital income. This, however, is about to change. Demutualization will open the door to an untold number of new part owners in the form of stockholders. When this happens, there will be a rapid readjustment of the status quo, and this adjustment will essentially come down to one simple proposition — that is, in the case of a direct conflict between policyholders and shareholders, whose rights will prevail?

Well, honourable senators, the answer to this is obvious to me, and I am sure it is to you. In the end, the numbers will tell the story. Personally, I do not have any problem with this, but I think that we in the Senate have an important role to fulfil. It is not just to rubber-stamp this bill. If we plan to do that, we might as well just go home. Our job, in part at least, is to look out, within the boundaries of the bill, for the interests of the affected policyholders. We must ensure, to the best of our ability, that these people are treated fairly and transparently. Therefore, we should take the time to examine this bill properly, despite what we hear about everyone supposedly being on side. We should not let ourselves be railroaded by heated rhetoric that this must absolutely be a done deal by a certain fixed date. Rome was not built in a day. The insurance companies will not go under if this bill is not passed tomorrow or the next day. It is hoped that the government will agree to this stance, so that we can proceed to give this bill the due consideration it merits.

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, first, I want to express my appreciation to the Deputy Leader of the Government for helping to set the record straight. She is absolutely correct in the outline of the approach that we agreed upon, which is that legislation that comes to this house will be given the careful examination it deserves. Indeed, that is the principle we have followed since we have occupied our current positions.

Prior to Christmas, honourable senators, we fully understood that this principle would apply. We knew there was pressure from a number of quarters to see this bill fast-tracked.

The address by the Leader of the Opposition in the Senate this afternoon underscored the disgraceful attention given in the other place to this serious piece of legislation, the consequences of which Senator Oliver has just outlined in a number of areas. As he has indicated, there may be many other areas.

Honourable senators, numerous people are involved at the official level in the various ministries in the preparation of a cabinet document, when a legislative proposal is brought forward by a minister to his or her colleagues in cabinet. It is usually presented by means of this cabinet document. The legislative time line should be a discrete section of the cabinet document, and it ought to include the anticipated time that it will take the bill to be examined in both Houses.

I have raised this issue in the past because I have been involved as a deputy minister in this town in the preparation of cabinet documents. It seems to me that is what has to happen. Once the legislative measure has been introduced by a minister on behalf of the government, clearly it is in the hands of the legislators. The exact time cannot be predicted, but government is there with majority support and has a significant influence on the parameters of the time line.

This bill, arriving the way it did and with the scant consideration it was given, demands, more than with other pieces of legislation, that this house give it very careful examination. We ought to be suspicious of any piece of legislation that has been fast-tracked, as it were, in the other place.

Emergency types of legislation, for example, would meet a test of exception. Those special pieces of legislation are often accompanied by negotiations that have gone on through the usual channels between the various parties in the two chambers. In emergency legislation, the pattern to be followed sometimes involves the appearance of the minister in Committee of the Whole. There is an understanding of how honourable senators will be able to give expeditious examination to legislation that needs to be fast-tracked because of the circumstances associated thereto.

•(1640)

This is an ordinary piece of legislation, not an extraordinary one. It is quite appropriate that, when it is introduced in this chamber, we examine it in the normal way.

I would hope that, in our consideration of this bill, we are sending, loudly and clearly, the message that honourable senators intend to do their duty and examine proposed legislation through the process that is tried and true.

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 Carstairs, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[*Translation*]

ACCESS TO INFORMATION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Shirley Maheu moved the second reading of Bill C-208, to amend the Access to Information Act.

She said: Honourable senators, I am pleased to introduce Bill C-208, to amend the Access to Information Act.

Honourable senators, in 1983, the Prime Minister of Canada proclaimed the new Access to Information Act. This legislation has served Canadians well, except in certain circumstances in which a number of officials have unwittingly undermined the objective of this law several times.

[*English*]

Honourable senators, Bill C-208 amends section 67 of the Access to Information Act through the criminalization of altering, destroying, mutilating, shredding, falsifying or concealing records or documents. This bill also criminalizes the ordering of any person to restrict the access to any document. This serves to clarify the law so as to avoid errors.

Performing any of the aforementioned acts carries with it penalties for an indictable offence of up to two years imprisonment and/or a fine not exceeding $10,000. Should a person be found guilty of a summary offence, they may be liable to a sentence of up to six months imprisonment and/or a fine of up to $2,000.

[*Translation*]

In his 1996-97 report, the Information Commissioner made specific recommendations on the need to provide sanctions.

[*English*]

These recommendations were a direct result of the reports from the Krever commission and the Somalia inquiry, where both proceedings were affected by document tampering.

[*Translation*]

In his report, Commissioner John Grace wrote as follows:

> These lamentable incidents of wilful actions taken by public officials for the purpose of suppressing information have been a wake-up call.

Moreover, those who commit this offence should be subject to greater sanctions than exposure of wrong-doing — Such a penalty is in line with that imposed in section 122 of the Criminal Code for breach of trust by a public officer. The stakes are too high for a slap on the wrist.

[*English*]

Honourable senators, this bill is in keeping with Mr. Grace's recommendations. His job as Information Commissioner gives him the mandate to make such recommendations for politicians to act upon.

Honourable senators, section 67 of the Access to Information Act states that no person shall obstruct the Information Commissioner or any person acting on his behalf or under the direction of the Information Commissioner in the performance of the duties and functions under the act.

The maximum fine is now set at $1,000. However, it is rarely applied. This bill broadens the scope of the offence committed, while bringing clarity and stiffer penalties for an infraction.

[*Translation*]

The House of Commons Standing Committee on Justice and Human Rights invited Ken Rubin to appear before it.

[*English*]

Mr. Rubin is a respected and well-known journalist. He is a Canadian who has taken it upon himself to serve as an advocate of public interests. His columns have appeared in almost every daily newspaper in the country.

[*Translation*]

Mr. Rubin explained his experiences and the research he has carried out in recent years.

[*English*]

He also spoke of the need to enforce the act in order to ensure compliance. After reading through the testimony Mr. Rubin gave before the committee, at first glance I found his findings to be surprising, indeed, almost shocking. As I had a chance to reflect more closely upon his statements to the committee, I had an opportunity to put them into perspective. He had found some instances where access to information was being undermined. I cannot comment on whether it was intentional or not, however, the facts were there.

I do not, under any circumstances, want to mislead Canadians. Most of our public servants are doing an exceptional job in adhering to the act. It is imperative to ensure all Canadians that, though this bill may seem to attack Canada's public servants, it does exactly the opposite.

We wish to set out clearer guidelines for the public service so as to avoid errors in the future. Canadian officials receive thousands of requests for information in any given year.

[*Translation*]

I would like to reassure Canadians that there are not many offences in this area. In 15 years there have been but a few each year, out of thousands of requests. With this bill, we are trying to move one more step ahead in order to provide access to information for all Canadians and to ensure that the reputation of public servants remains intact.

[*English*]

I agree that perhaps we, as a government, may need to strengthen section 67 of this act, not as a means of punishment, but more as a means of clarification and protection for all public servants.

Honourable senators, Bill C-208 is extremely important. It serves to ensure openness and transparency throughout the government. I look forward to hearing your comments in committee.

On motion of Senator DeWare, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

CONSIDERATION OF SEVENTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Privileges, Standing Rules and Orders (amendment to the Rules of the Senate) presented in the Senate on December 9, 1998.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu: Honourable senators, this report has been prepared since December 9. I wanted to present it to the house so that we can get on with our work. This is literally a one-motion report which will clarify the generic issue in our rules.

[*Translation*]

This report was presented to the Senate on December 9, 1998, just before our adjournment for the holidays. It represents a proposal by the special subcommittee struck by the Standing Senate Committee on Privileges, Standing Rules and Orders, which worked over the summer revising the French version of the rules. The subcommittee comprised Senator Joyal, Senator Grimard and myself.

The Privileges, Standing Rules and Orders Committee had already presented a report in 1985 proposing various changes to the rules to better reflect the masculine and feminine genders, but most of the changes concerned the English version of the rules. The French version is far more complex.

After long discussions, the special subcommittee agreed that we should add the following provision to the first rule of the Senate. The new rule would read as follows:

> 1.(3) In the French version, the masculine gender is used throughout, without any intent to discriminate but solely to make the text easier to read. The distinction in French should not be between "masculine" and "feminine" genders but between "marked" and "unmarked" genders; the so-called masculine gender is an unmarked gender and can therefore represent, by itself, elements of both genders. The feminine gender is marked and therefore cannot be used to refer to elements of both genders.

Honourable senators, I ask you to adopt this report.

On motion of Senator Kinsella, debate adjourned.

[*English*]

UNIVERSAL DECLARATION OF HUMAN RIGHTS

COMMEMORATION OF FIFTIETH ANNIVERSARY—INQUIRY

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 Carstairs*).

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I am pleased to rise today to participate in the inquiry initiated by the Honourable Senator Wilson and to join with her and others in marking the fiftieth anniversary of the United Nations Declaration of Human Rights which was ratified on December 10, 1948.

In 1948 when this document was drafted, the United Nations was dominated by rich, industrialized countries. The bulk of what has become known as the Third World had not yet joined. Indeed they were largely still colonies. India had only recently received its independence. Africa was still divided between France, the United Kingdom, Belgium and Portugal, all European powers. Elsewhere, the Middle East was under the colonial administration of Westminster and the Quai d'Orsay. Eastern Europe was under Soviet domination. Southeast Asia was controlled by American, Dutch and English interests. Germany and Japan were recently defeated powers attempting to recover from the horrors of losing the Second World War, and Central America was under the guidance of the United States.

Honourable senators, the human rights we adopted in 1948 were drafted by a society different from the one in which we now live. Although we have been shaped by this document, in many respects this document stands as a testament to how far we have come. In my view, we have done quite well with regard to the Declaration of Human Rights. Indeed, our own Canadian Charter of Rights and Freedoms canonizes most of the articles of the declaration.

I would like to take a moment to examine some of the specifics of the declaration and how it pertains to Canada. Articles 1 through 20 are entrenched in our Charter of Rights and Freedoms in varying forms, with the exception of Article 4 which states that no one shall be held in slavery or servitude.

Honourable senators, we may rejoice in the fact that Canada has not had the same history of slavery as others have had, including our neighbour to the south. However, our record is not altogether unblemished in this regard, especially in the example of our treatment of Japanese Canadians during World War II and for which we most humbly stand rebuked. Senator Poy raised in this chamber on February 2, 1999, the infamous Chinese head tax. Also, as someone who grew up in Halifax and watched it firsthand, I can tell you that our treatment of black Canadians has not always been exemplary.

Another section which is not enshrined in our Charter but which certainly is part of our common-law tradition is that of the right to marriage and the founding of a family, as found in Article 16 of the declaration. However, as Canadians, we certainly assert that both genders are equal in this process and must be consenting.

Articles 21 to 30 of the declaration encompass a selection of benefits for all citizens. These include the right to participate in the government of the country, the right to education and the right to work under just and favourable conditions. For the most part, Canada abides entirely by all of them.

I draw your attention to Article 25(1) which states:

> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Honourable senators, few other countries in the world can boast the same measure of equal access to health care that we can here in Canada. We realize how fortunate we are here when we visit a hospital abroad. Even in countries with such fine social conditions as France and Italy, we find that we must pay for our visit.

There are still areas in which we have work to do. Child hunger and child poverty exist in Canada at alarming rates. In her recent study, "A Glimpse of Hunger in Canada," Dr. Lynn McIntyre from Dalhousie University states:

> ...poverty is a reality in Canada, and growing poverty is a matter of national concern$the poverty rate for Canada's children has risen to one in five nationally....For children, the consequences of growing up in poverty too often mean ill-health, poor nutrition, unhealthy child development and poor school readiness....Hunger is a universal symbol of deprivation and is an unacceptable consequence of poverty in any responsible society.

There are others who lack the abilities to provide for their own security and who have been left behind. We must turn around and pick them up. In a rich society like ours, it should be our responsibility, not just something for us to think about. We must stop thinking, for example, that child hunger is bad. We all agree that it is bad. It is time for us to begin thinking that it is just downright wrong.

Honourable senators, the United Nations Declaration of Human Rights pointed us down a particular path, one that has enabled to us seize other rights that we were only just beginning to dream about in 1948, such as those found in the Declaration of the Rights of the Child, passed in 1959, and the Convention of the Rights of the Child, passed by the United Nations in 1989. Both pick up the torch that was handed down to them from the drafters of the Universal Declaration of Human Rights. The document we are debating today has provided to us a foundation from which we can build.

•(1700)

Honourable senators, human rights are not an elitist tool, nor are they an aristocratic object. If human rights are to have any value at all, they must be applied equally to everyone, be available to all, and embraced by everyone.

We have an admirable record on human rights in Canada. Although we should pause to reflect upon our accomplishments, we should not rest idly on our laurels. We have done well in the last 50 years. Together we can do even better in the years to come.

Hon. Shirley Maheu (The Hon. The Acting Speaker): If no other honourable senator wishes to speak, this order is considered debated.

ACCESS TO CENSUS INFORMATION

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Milne calling the attention of the Senate to the lack of access to the 1906 and all subsequent censuses caused by an Act of Parliament adopted in 1906 under the Government of Sir Wilfrid Laurier.—(*Honourable Senator Johnson*).

Hon. Joan Fraser: Honourable senators, I realize that this debate was adjourned in the name of Senator Johnson, but I would appreciate the opportunity to speak briefly on this topic, on the understanding, of course, that the debate would continue to be adjourned in her name.

I would thank Senator Milne for drawing this topic to our attention. We live in an information age when data of all kinds are increasingly important. Census data are among the most precious resources we have and the question of access to them merits, I believe, serious consideration by the Senate.

Senator Milne gave us an excellent summary of genealogists' reasons for believing that individual census returns should continue to be available to researchers after an appropriate lapse of time. Genealogists are not the only people who use this material. Many other researchers do as well. I should like to focus particularly on the historical aspect.

It is not always realized that Canada's census has a very long history indeed. The first census of New France was ordered by Louis XIV and conducted by Jean Talon in 1666. You may be interested to know that at that time the population of settlers in New France totalled 3,215. The following year, they did a census of livestock, but I am afraid I do not know how many cows and pigs they found.

Throughout the French regime, periodic censuses were taken. The British regime was less assiduous in collecting such data, but censuses did continue to be taken on an increasingly regular basis and the results have been a vital resource for historians.

Section 8 of the British North America Act specifically instructs the federal government to conduct a decennial census. Accordingly, the first post-Confederation census was taken in 1871 and the Dominion Bureau of Statistics, now Statistics Canada, was established early in this century. It has gained an enviable reputation around the world for the quality and rigor of its work.

We can all understand why the initial policy was adopted in 1906 to ban access to individual returns that would be completed from that time on. The policy met two goals: It ensured that private information would remain private, and that, in turn, helped to ensure that people would tell the truth on their census returns. Since a census is useful only if its results are accurate, this was and is important. Until now, researchers had no particular need to be concerned because they did have access to returns completed before 1906, after a period of 92 years had elapsed.

Now, however, it is 93 years since the blanket ban of 1906. If the policy is not changed, researchers will be forever excluded from examining this important material. It seems to me that we simply must find a way to reconcile once again the tension between the need for individuals to preserve their privacy and the need for researchers to have access to important data.

Canada is not the only country to have faced this dilemma. In Australia, a parliamentary committee has thoroughly examined the same question. It received 291 submissions and reported to the House of Representatives last year. I think we can learn something from its experience.

The Australian committee found the same tensions between competing interests that we face now in Canada. The Australian Bureau of Statistics, like Statistics Canada, was most concerned with ensuring that citizens would feel complete trust that their returns would remain completely private. Indeed, the Australian authorities, unlike Statistics Canada, actually destroy the individual returns.

However, other groups and institutions, including the Australian national archives, argued that it was possible to reconcile that important goal of privacy with the needs of serious researchers. I would like to quote some of these witnesses as reported by the committee.

A historian, Dr. Jennifer Harrison, said:

> The records will give us the people. History, I always say, is made up of three elements; it is made up of people and time and events, but the greatest of all these are the people. When we actually look at movements of people, it is the individual cases that give lie to the myths that have been created. It is only by looking at lots and lots of case studies and building up the actual individual experiences that we get the overall experiences.

A senior political scientist, Professor Donald DeBats, told the Australian committee:

> The census creates the people's history because the census is the only record of the people. It is the only record in which the people — all the people — speak.

A demographer told the committee how census analysis was making it possible to analyze historical issues relating to fertility decline. A geographer explained how the examination of individual census returns could contribute to studies of a wide range of questions, from the intergenerational transmission of poverty to the relationship between changes in marital status and fertility and mortality rates.

Dr. Harrison, the historian, also made the vital point that, in her words:

> ...whereas the 19th century is quite well documented, the 20th century particularly, despite technology, will be relatively unrecorded as far as people go.

Indeed, one might think that it is precisely because of technology that our century and the next one will be relatively unrecorded. In an age of cellular telephones and e-mail, we do not leave the same paper trail that our ancestors left, nor do we require public registration of some of the things that 19th century states required. Common-law marriages, for example, are now numerous and do not need to be registered, so we cannot necessarily replace census information with information gleaned from other sources.

The Australian committee considered all these points of view and concluded that it would be a significant contribution toward preserving Australia's history to give researchers access to individual records after a significant period of time. It recommended allowing access after 99 years. This would be comparable to the practice in the United Kingdom which allows access after 100 years.

It is my understanding that the Australian government has not yet acted and, in any case, Canada obviously should adopt a policy based on its own needs, not on those of another country. I believe that the value of our records, to historians alone, not to mention other fields of research, merit restoring the policy of allowing access to individual returns after a suitable period of time has elapsed.

In an era when people live far longer than they did in the 19th century, 92 years may well be too short a period of time. Many of us know people who are still going strong at the age of 92, and certainly there should be no question of personal information about their childhood suddenly being made public.

Perhaps a longer period; 100 years, or 125 years, would be suitable. It is important not only to preserve the privacy of Canadians but to preserve their trust in the census system. However, honourable senators, I cannot believe that we should seal these records forever. The parallel that to me seems irresistible is with the *Doomsday Book*. When William the Conqueror ordered the compilation of what he called a description of England in the 11th century, his object was not to help out future historians, he simply wanted to be sure he was getting all the tax revenue to which he was entitled. In 1086, his inquirers produced a uniquely thorough record, listing not only individual people but vital information about them, from the amount of land they owned right down to numbers of livestock and agriculture tools. The citizens were not happy, of course. Who wants to pay taxes? It was they who gave this inquiry the name *Doomsday Book*.

•(1710)

Historians have been feasting on the results ever since. The *Doomsday Book*, which is actually two books, are among the most precious historical resources ever compiled. They are consulted even more often today than at some periods in the past because they give an absolutely unparalleled look at how real people actually lived at that moment 900 years ago.

Honourable senators, our individual census records are better than the *Doomsday Book* because they continue through time, through more than three centuries now. Nothing else can compare with them.

The accounts of our history that are written by those who participated or observed that history as it unfolded will inevitably be shaded by writers' views of the truth, or even, dare I say, by writers' wishes to distort the truth. The census records do not lie.

I find it simply inconceivable that we should close our minds to this wonderful, irreplaceable record. One of the great lessons we have learned as a society is, surely, that to move forward with constructive purpose we must look to where we have been and how we got to where we are now. We have been able to consult our past. Surely, the generations to come deserve, in turn, the right to consult their past.

Hon. John B. Stewart: Honourable senators, I should like to ask a couple of questions of the Honourable Senator Fraser. Were there particular questions that brought forth information which was regarded as not suitable for publication even after 90 or so years?

Senator Fraser: Honourable senators, I am not quite sure. If one looks at the census forms, one can see that there are some questions about which one would hesitate to have the results made public. For example, there are very detailed questions about income on the long form. There are questions about the status of one's marriage. There are still people who would prefer that their children not know that their marriage is common law rather than traditional.

It seems to me that after a great deal of time has passed, these records, like cabinet and royal records, lose that sensitivity and become a historical resource.

Senator Stewart: Honourable senators, I suppose to some extent the answer to my question could be found by looking at the speeches that were made back in 1906 when the act was amended.

Are the questions relative to marital status and income as precise as they were in 1906? Perhaps there is a distinction between the short form and the long form in this regard.

Senator Fraser: I am sorry that I did not bring my copies of the forms with me. As I looked at the questions last night, however, I thought they were probably more detailed and precise now than they were in 1906. They go on at some length about income from rents, income from dividends, income from all kinds of things. I believe we ask more now than we did then. However, I believe the basic point probably remains the same.

Senator Stewart: Am I correct in thinking that while on the one hand the honourable senator thinks that some of this information should remain undisclosed for a long period of time, there is the feeling that after the expiry of that long period of time the reasons for the non-disclosure in the earlier years have lost their significance and, consequently, the information should be available? I think that is the honourable senator's position.

I understand, by the way, with the help of Senator Milne, that the questions on the 1911 census are identical to those on the 1901 census, which would seem to answer my earlier question.

Senator Fraser: I believe you have understood it perfectly, Senator Stewart.

I would add that notions of what is extremely private or sensitive vary, as we know, from time to time and from country to country. I was interested to learn, for example, that in Australia they do not even ask a date of birth. I am not sure why. I can only assume it is because it was thought that some people would lie about it.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I ask that the item remain adjourned in the name of Senator Johnson.

On motion of Senator Carstairs, for Senator Johnson, debate adjourned.

The Senate adjourned until Tuesday February 9, 1999, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, February 4, 1999

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 preclear 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	99/02/03	Transport and Communications					

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 dwelings)	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 + two 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 Tuktut Nogait 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-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02							
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce					
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			
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	98/06/18	27/98
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	99/02/04	none			
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	99/02/04	none			
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	99/02/04	none			

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 amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03 98/12/09	none one	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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